

BOARD OF COUNTY COMMISSIONERS

MAY 23, 2023

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

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

The Meeting was called to order at 9:00 am

The Invocation was given by **Chair Truex**, followed by the Pledge of Allegiance.

Changes to the Agenda

Change #1: UB-9, UB-10, UB-11, Added attachment – Updated Presentation.

Requested by: Community Development

Change #2: Reports Received & Filed, Added attachment – April 2023 Housing Division Report – Updated.

Requested by: Human Services

Change #3: R-2, Added attachment – Updated Agenda.

Requested by: Utilities

Change #4: UB-5, UB-6, UB-7, UB-8, Added attachment – Revised Study.

Requested by: Community Development

Deletion #1: Employee of the Month – April 2023 Breanna Benevenga Community Services.

Requested by: Community Services

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Christopher Constance

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

MOTION CARRIED 5:0.

Memorial Day 2023

Commissioner Deutsch accepted the Proclamation.

AshBritt Month

Holly Raschein, AshBritt Government Relations Director and Dilia Camacho, Business and Client Relations Manager accepted the Proclamation.

Summer Camp Month

Jill Boyd, Recreation Superintendent accepted the Proclamation.

Employee Recognition

~~(Deletion #1) Employee of the Month – April 2023~~

~~Breanna Benevenga, Community 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 the Four Points by Sheraton Punta Gorda; Craig Holt, General Manager and Kelly Williamson, Director of Sales.

Commissioner Deutsch commented on Memorial Day, events, Four Points by Sheraton Punta Gorda, community support, and accepted check from General Manager Craig Holt and Director of Sales Kelly Williamson.

Mr. Holt discussed community support and strength.

Government Social Media Golden Post Award - Nextdoor Neighborly Award

Presentation of the Government Social Media Golden Post Award – Nextdoor Neighborly Award for Ashely Turner.

County Administrator Flores highlighted Government Social Media Golden Post Award – Nextdoor Neighborly Award.

Brian Gleason, Communications Manager highlighted Ms. Turner's career, commitment, work ethic, Nextdoor app, and presented Award.

Chair Truex mentioned Hurricane Irma, messaging, and Ms. Turner's efforts.

PUBLIC INPUT - AGENDA ITEMS ONLY

Peggy Burton noted Recreation Equipment Rental Concession Services.

Sue Frantzen spoke to Recreation Equipment Rental Concession Services.

Jack Smith commented on Recreation Equipment Rental Concession Services.

John Postle discussed Recreation Equipment Rental Concession Services.

Kathy Gartman mentioned Recreation Equipment Rental Concession Services.

Mike Genne noted Recreation Equipment Rental Concession Services.

Ralph Mercier spoke to Recreation Equipment Rental Concession Services.

Bill White commented on Recreation Equipment Rental Concession Services.

Marietta Walton discussed Recreation Equipment Rental Concession Services.

Tom Hetzer mentioned Recreation Equipment Rental Concession Services.

Hans Picinich noted Recreation Equipment Rental Concession Services.

Dale Nees spoke to Recreation Equipment Rental Concession Services.

Veronica Nees commented on Recreation Equipment Rental Concession Services.

Josie Sabella discussed Recreation Equipment Rental Concession Services.

Cynthia Bashara mentioned Recreation Equipment Rental Concession Services.

Steve Ricci noted being in support of Recreation Equipment Rental Concession Services.

Cathy Wooley spoke to Recreation Equipment Rental Concession Services.

Pam Bondy commented on Recreation Equipment Rental Concession Services.

Rhonda Sherack discussed Recreation Equipment Rental Concession Services.

Carol Klein mentioned Recreation Equipment Rental Concession Services.

Joe Klein noted being in support of Recreation Equipment Rental Concession Services.

Shelly Jennings spoke to Recreation Equipment Rental Concession Services.

Karen Saxton commented on Recreation Equipment Rental Concession Services.

Dominic Trahan discussed Recreation Equipment Rental Concession Services.

Kelly Viti mentioned Recreation Equipment Rental Concession Services.

Burt Rood noted Recreation Equipment Rental Concession Services.

Sierra Cunningham spoke to Recreation Equipment Rental Concession Services.

Candace Beye commented on Recreation Equipment Rental Concession Services.

Chair Truex discussed conflict of interest, renovations, Magnolia on the Bay, and Lock 'N Key.

County Attorney Knowlton responded to conflict of interest, Florida Statute 112.3143, renovations, and Truex Construction.

COMMITTEE VACANCIES

The Environmentally Sensitive Lands Oversight Committee (ESLOC) is searching for two citizens of Charlotte County, one in the business of land development and one community representative. The land development term is effective immediately and expires December 31, 2025. The community representative term is effectively immediately and expires December 31, 2023. Please contact Morgan.Cook@charlottecountyfl.gov for an application.

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

The Board of Zoning Appeals Charlotte County is looking for one volunteer, who must reside in District 5, to be appointed to the Board of Zoning Appeals. Upon receiving the application and resume, it will be given to Commissioner Joe Tiseo for review. Please contact Morgan.Cook@charlottecounty.com or call 941-743-1300. The term will begin immediately after approval and will expire in November 2024.

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

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

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

The deadline for submitting an application is Friday, July 7, 2023. Please go online at www.ccmpto.com or contact the MPO for an application. The MPO mailing address is Charlotte County-Punta Gorda MPO, 18500 Murdock Circle, Port Charlotte, Florida 33948. Fax: 941-883-3534 Email: office@ccmpo.com. The MPO Board will elect the above positions at its Monday, July 17, 2023 meeting.

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

- **Boca Grande Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2025.
- **Edgewater North Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Englewood East Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024, and October 31, 2026.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024 and October 31, 2025.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2026.
- **Gulf Cove Street & Drainage Unit** is seeking one member to a fill vacant unexpired position with a term through October 31, 2024.
- **Gulf Cove Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Harbour Heights Street & Drainage Unit** is seeking three members to fill vacant unexpired positions with terms through, October 31, 2024, October 31, 2025, and October 31, 2026.
- **Harbour Heights Waterway Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024 and October 31, 2026.
- **Manchester Waterway Utility Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Mid-Charlotte Stormwater Utility Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Northwest Port Charlotte Waterway Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **Placida Area Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2026.
- **Rotonda Heights Street & Drainage Unit** is seeking two members to fill vacant unexpired positions with terms through October 31, 2024.
- **Rotonda Sands Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **South Burnt Store Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.

- **South Charlotte Stormwater Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2025.
- **South Gulf Cove Street & Drainage Unit** is seeking one member to fill a vacant unexpired position with a term through October 31, 2024.
- **Suncoast Waterway Unit** is seeking five members to fill vacant unexpired positions with terms through, October 31, 2024, October 31, 2025, and October 31, 2026.

REPORTS RECEIVED AND FILED

Monthly Housing Division Report - April 2023

(Change #2) Added attachment – April 2023 Housing Division Report – Updated.

CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-3 AND I-1, SECONDED BY COMMISSIONER DOHERTY

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:

April 25, 2023 BCC Regular and Land Use Meeting
May 4, 2023 BCC Pre-Agenda
May 9, 2023 BCC Regular Meeting

Budgeted Action: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment- South Gulf Cove Street & Drainage Advisory Board

Recommended Action: Approve the appointment of Crystal Evans to fill the unexpired term of Jules Feldman on the South Gulf Cove Street & Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2024.

Budgeted Action: No action needed.

2. Appointment- Harbour Heights Waterway Advisory Board

Recommended Action: Approve the appointment of David Stone to fill the unexpired term of Patrick Bautz as well as an additional new three-year term on the Harbour Heights Waterway Advisory Board. This appointment will be effective immediately and will expire on October 31, 2026.

Budgeted Action: No action needed.

D. County Administration

E. County Attorney

1. Retain Frohlich Gordon & Beason Giannetti Contracting Corp. v. CC

Recommended Action: Approve retainer of Frohlich, Gordon & Beason to represent the County in the matter of Giannetti Contracting Corp. vs. CC (Case No. 23-1635-CA) regarding the Olean Boulevard widening project, and ratify the County Attorney's execution of the retainer agreement. **AGR 2023-088**

Budgeted Action: No action needed.

2. Set an Executive Session re: Giannetti Contracting Corporation v. Charlotte County, Florida

Recommended Action: Set an Executive Session for Tuesday, June 13, 2023, at 12:00 p.m., in the County Administration Conference Room, at 18500 Murdock Circle, Port Charlotte, Florida, to discuss settlement negotiations or strategy related to litigation expenditures in this civil action captioned Giannetti Contracting Corporation v. Charlotte County, Florida.

Budgeted Action: No action needed.

F. Budget and Administrative Services

Fiscal Services

1. MSBU Assessment Rates and Mailing

Recommended Action: a) Approve and authorize the mailing of required first-class notification of proposed Municipal Services Benefit Unit (MSBU) assessment rates for FY23/24 for properties assessed for the first time in the Charlotte County Sanitation Unit, Manchester Waterway Benefit Unit, South Gulf Cove Waterway Unit, Greater Port Charlotte Street and Drainage Unit, South Punta Gorda Heights East Street and Drainage Unit, and Ackerman Sewer Expansion Project; and b) Set 6 public hearings for June 27, 2023 at 10:00 a.m., or soon thereafter as may be heard, in Room 119 at 18500 Murdock

Circle, Port Charlotte, Florida, to consider resolutions adopting the final assessment for the first time assessed properties for Charlotte County Sanitation Unit, Manchester Waterway Benefit Unit, South Gulf Cove Waterway Unit, Greater Port Charlotte Street and Drainage Unit, South Punta Gorda Heights East Street and Drainage Unit, and Ackerman Sewer Expansion Project; and c) Approve proposed rate increases for Charlotte County Sanitation MSBU, Boca Grande Street and Drainage Unit, Harbour Heights Waterway Unit, and Manchester Waterway Benefit Unit.

Budgeted Action: No action needed. Mailing costs are budgeted in the General Fund - BCC Control, and will be charged back to the appropriate MSBU.

Information Technology

Purchasing

2. 23-348, Award, 2023 Paving Program (Public Works)

Recommended Action: a) Approve award of Request for Bid #23-348, 2023 Paving Program, to Ajax Paving Industries of Florida, LLC, of North Venice, Florida, for the total amount of \$13,969,980.75. This is for the services of a Contractor to resurface Charlotte County roadways; and b) Approve deductive Change Order #1, to correct a typographical error on bid form quantity in the amount of -\$149,505, reducing the total contract amount to \$13,820,475.75; and c) Approve Resolution for budget adjustment BA23-038 in the amount of \$3,450,806 increasing the Capital Maintenance Paving Program to include a 5% contingency. **RES 2023-072**

Budgeted Action: Approve budget adjustment BA23-038 in the amount of \$3,450,806 to amend the Capital Maintenance Paving Programs. Funding is provided by Capital Gas Taxes in the Road Improvements Fund (\$3,110,973), Burnt Store Villages-Harborside Street and Drainage (\$29,117), and Pirate Harbor Street and Drainage (\$310,716) MSBU assessments. No action needed for Pioneer Trail, Little Farm Road, or Greater Port Charlotte areas. Sufficient funding is available in the Community Services Capital Maintenance Plan for Pioneer Trail with funding provided by Capital Projects ad valorem, for Little Farm Road with funding provided by ad valorem and for Greater Port Charlotte Street and Drainage MSBU assessments.

3. 23-360, Approve Ranking, Recreation Equipment Rental Concession Services (Community Services)

Recommended Action: a) Approve ranking of firms for Request for Proposal #23-360, Recreation Equipment Rental Concession Services: 1st Manasota Valet LLC; 2nd Mark Knofler's Enterprises LLC; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for a firm/individual to manage and operate Recreation Equipment Rental Concession Services.

Budgeted Action: No action needed. Budgeted in the General Fund.

Chair Truex mentioned Request for Proposals (RFP) process, parking cost, all-terrain vehicle (ATV), Florida Community Trust, integrity, and recusal. **Commissioner Constance** noted beach land, rights, designated areas, public use, parking, terms, evaluation, tabulation sheet, RFP, food concessions, fishing, equipment cost, and rent. **Commissioner Deutsch** spoke to public comment, community interaction, RFP, proposal, criteria, process, evaluations, complaints, experience, parking, and cost. **Commissioner Doherty** commented on RFP, process, categories, tabulation sheet, contract negotiations, integrity, and evaluation. **Commissioner Tiseo** discussed RFP, process, integrity, Agreement, history, rent, process, vendors, transparency, tabulation sheet, fishing equipment, food and beverage delivery, valet parking, proposals, committee, scoring, and categories.

Kim Corbett, Purchasing Senior Division Manager replied to RFP, criteria, scoring sheet, project approach, compensation and fee schedule, customer references, process, evaluations, experience, integrity, parking designations, and equipment rental.

Tommy Scott, Community Services Director responded to RFP process, complaints, tabulation sheet, rent, License Agreement, designated areas, parking, cost, bidders, reviews, service scopes, staff recommendations, transparency, and Sarasota County.

County Attorney Knowlton interjected on RFP process, firm outreach, complaints, police report, license, negotiations, beach land, rights, and designated areas.

County Administrator Flores mentioned complaints, consistency, RFP, vendors, services, scoring committee, process, integrity, and transparency.

COMMISSIONER DOHERTY MOVED TO REJECT 23-360, APPROVE RANKING, RECREATION EQUIPMENT RENTAL CONCESSION SERVICES AND BRING BACK, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:0., CHAIR TRUEX ABSTAINED (FORM 8B FILED)

4. 23-399, Award, Hurricane Ian Permanent Repairs - West County Group 4 (Public Works)

Recommended Action: Approve award of Request for Bid #23-399, Hurricane Ian Permanent Repairs – West County Group 4, to V & H Construction, Inc. of Fort Myers, Florida for the total project amount of \$353,525. This is for the services of a Contractor to furnish all the materials, equipment, labor, and operations necessary to complete the required repairs at five (5) locations in West County.

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

Real Estate Services

Risk Management

Transit

G. Community Development

H. Community Services

1. Charging and Fueling Infrastructure Discretionary Grant Application

Recommended Action: a) Approve a grant application with the U.S. Department of Transportation, Federal Highway Administration (FHA) in the amount of \$667,000.00 to purchase and install Level 2 EV charging stations at public libraries and parks within the jurisdictional boundaries of Charlotte County, Florida; and b) Authorize staff to submit the approved grant application on behalf of the Board Chair, in the Grants.gov portal.

Budgeted Action: No action needed. A budget amendment and a new Capital Improvement Project will be brought to the Board for approval, if awarded. Grant funding in the amount of \$533,600.00 representing 80% share of the project, will be provided by FHA. The required 20% match in the amount of \$133,400.00 is anticipated to be provided using funds from Community Services Capital Maintenance Plan.

I. Economic Development

1. Industrial Development Authority Interlocal Agreement

Recommended Action: Approve an Interlocal Agreement with Charlotte County Industrial Development Authority. **AGR 2023-089**

Budgeted Action: No action needed.

Commissioner Constance noted Agreement and gap.

Dave Gammon, Economic Development Director replied to Agreement, gap, and Clerk of Court audit.

COMMISSIONER CONSTANCE MOVED TO APPROVE INTERLOCAL AGREEMENT 2023-089 WITH CHARLOTTE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

J. Facilities Construction and Maintenance

K. Human Resources

L. Human Services

1. Insurance Claim Check Endorsement Request

Recommended Action: Adopt Resolution authorizing the County Administrator, or his designee to review requests and endorse Insurance Claim Checks where a State Housing Initiatives Partnership (SHIP) and/or County Mortgage is attached to the unit/property. **RES 2023-073**

Budgeted Action: No action needed.

M. Public Safety

N. Public Works

1. Set a Public Hearing to Consider an Ordinance Amending the Territory of the South Punta Gorda Heights East Street & Drainage MSBU

Recommended Action: Set a public hearing for June 27, 2023, at 10:00 a.m. or as soon thereafter as may be heard, to consider an ordinance to amend the territory of the South Punta Gorda Heights East Street and Drainage Municipal

Services Benefit Unit (MSBU) to take place in Room 119, Commission Chambers located at 18500 Murdock Circle, Port Charlotte, Florida 33948.

Budgeted Action: No action needed.

2. Set a Public Hearing to Consider an Ordinance Amending the Territory of the Manchester Waterway MSBU

Recommended Action: Set a public hearing for June 27, 2023 at 10:00 a.m. or as soon thereafter as may be heard, to consider an ordinance to amend the territory of the Manchester Waterway Municipal Services Benefit Unit (MSBU) to take place in Room 119, Commission Chambers located at 18500 Murdock Circle, Port Charlotte, Florida 33948.

Budgeted Action: No action needed.

3. Set a Public Hearing to Consider an Ordinance Amending the Purpose of the Don Pedro & Knight Islands Street & Drainage MSTU

Recommended Action: Set a public hearing for June 13, 2023, at 10:00 a.m. or as soon thereafter as may be heard, to consider an ordinance to amend the purpose of the Don Pedro & Knight Islands Street and Drainage Municipal Services Taxing Unit (MSTU) to take place in Room 119, Commission Chambers located at 18500 Murdock Circle, Port Charlotte, Florida 33948.

Budgeted Action: No action needed.

O. Tourism Development

P. Utilities

1. Ackerman Septic to Sewer Project Zones 1 and 2, Plumbing Contracts 3 and 4 FDEP Non-Point 319(h) Grant Application

Recommended Action: a) Authorize submittal of State of Florida Department of Environmental Protection (FDEP) non-point source pollution grant application project proposal to fund Plumbing Contracts 3 and 4 for the Ackerman Septic to Sewer Project; and b) Adopt Resolution authorizing the County Administrator, or his designee, to prepare and execute a grant agreement and any amendments thereto to FDEP for the Ackerman Sewer Expansion Project Zones 1 & 2, Plumbing Contracts 3 and 4. **RES 2023-074**

Budgeted Action: No action needed. A budget amendment will be brought to the Board for approval, if awarded. There is a required match of \$320,000. Grant funding in the amount of \$480,000 will be provided by the State of Florida Department of Environmental Protection (FDEP), and the local match share of \$320,000 will be provided using funds from project c361603 Charlotte Harbor Water Quality Init-Ackerman. These match funds are budgeted in FY23 and will be funded by the Ackerman Sewer MSBU assessments.

2. Ackerman Septic to Sewer Project Zones 1 and 2, Plumbing Contracts 5 and 6 FDEP Non-Point 319(h) Grant Application

Recommended Action: a) Authorize submittal of State of Florida Department of Environmental Protection (FDEP) non-point source pollution grant application project proposal to fund Plumbing Contracts 5 and 6 for the Ackerman septic to sewer project; and b) Adopt Resolution authorizing the County Administrator, or his designee, to prepare and execute

grant agreement documents related to the FDEP for the Ackerman Sewer Expansion Project Zones 1 & 2, Plumbing Contacts 5 and 6. **RES 2023-075**

Budgeted Action: No action needed. A budget amendment will be brought to the Board for approval, if awarded. There is a required match of \$359,040. Grant funding in the amount of \$538,560 will be provided by State of Florida Department of Environmental Protection (FDEP), and the local match share of \$359,040 will be provided from project c363103 Charlotte Harbor Water Quality Init-Ackerman. These match funds are budgeted in FY23 and will be funded by the Ackerman Sewer MSBU assessments.

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

1. West Coast Inland Navigation District June 9, 2023, Agenda

Community Services

Discussion and direction on the West Coast Inland Navigation District (WCIND) agenda for the upcoming meeting on June 9, 2023.

Justin McBride, West Coast Inland Navigation District (WCIND) Executive Director highlighted WCIND June 9, 2023, Agenda.

Commissioner Constance spoke to Resolution 2023-03 - Eligibility of Multi-County entities for Waterway development program funding.

2. Water Authority Agenda - June 7, 2023

Utilities

(Change #3) Added attachment – Updated Agenda.

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming June 7, 2023 meeting.

Dave Watson, Utilities Director highlighted Water Authority Agenda for June 7, 2023.

Chair Truex commented on concerns, questions, and Agenda. **Commissioner Constance** discussed Peace River Intake Area Re-dredging due to Hurricane Ian - Work Order to Westra Construction, Sarasota County Request for Pool Water to Accommodate Carlton Water Treatment Plant Improvements, Agenda, and concerns. **Commissioner Doherty** mentioned Peace River Intake Area Re-dredging due to Hurricane Ian - Work Order to Westra Construction.

County Attorney Knowlton responded to Agenda and concerns.

3. 2022 Affordable Housing Advisory Committee (AHAC) Annual Incentive Report

Human Services

Approve the AHAC Annual Incentive Report including specific recommendations for modifications to affordable housing incentive strategies.

Colleen Turner, Human Services Manager gave a brief overview of Eleven Incentive Strategies Reviewed, Affordable Housing Advisory Committee (AHAC) Recommendations, and AHAC Recommendations (continued).

Chair Truex noted time sensitivity and AHAC Recommendations (continued). **Commissioner Constance** spoke to AHAC Recommendations (continued) and AHAC Recommendations. **Commissioner Deutsch** commented on AHAC Committee, legislation, and AHAC Recommendations (continued). **Commissioner Tiseo** discussed AHAC Recommendations (continued).

County Attorney Knowlton interjected on process, surplus properties, ongoing review, and language.

Shaun Cullinan, Planning and Zoning Official replied to density, process, lot sizes, incentives, trips, and accessory dwelling units (ADUs).

COMMISSIONER CONSTANCE MOVED TO APPROVE THE AFFORDABLE HOUSING ADVISORY COMMITTEE ANNUAL INCENTIVE REPORT INCLUDING SPECIFIC RECOMMENDATIONS FOR MODIFICATIONS TO AFFORDABLE HOUSING INCENTIVE STRATEGIES WITH THE EXCEPTION OF DENSITY, PROCESS OF ONGOING REVIEW, AND PUBLIC LAND INVENTORY, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

RECESS: 11:34 am – 1:00 pm

1 P.M. PUBLIC INPUT - ANY SUBJECT

Richard Russell mentioned Recreation Equipment Rental Concession Services, Harpoon Harry's, access, survey, and Seneca Avenue.

Robert Shaye noted Placida Road and no parking signs.

Heather Radle spoke to Tropical Gulf Acres (TGA), camp sites, task force, code violations, Code Enforcement, safety, and health.

Jane Hayes spoke against PD-22-00014, Waterside Planned Development (PD), remarked on Belmont Road, proposed development plan, impacts, traffic, zoning, vehicles, Florida Department of Transportation (FDOT), mining, agriculture, and orange groves.

Mike Riley commented on Don Pedro Island, Placida Island Conservancy, Inc., land preservation, fire station, WCIND, partnership, community involvement, Palm Island Estates Association, Municipal Service Benefit Unit (MSBU), and Comprehensive Plan.

William Romig, Septic Sucks discussed septic systems, water pollution, and environmental conditions.

Jack Vanderheyden mentioned homeowners, insurance, Federal Emergency Management Agency (FEMA), assistance, deductibles, Building and Construction Services, permits, fees, recommendations, cost, and Social Media Manager Ashley Turner.

Catherine Somerville noted TGA, task force, Tuckers Point, campers, water contamination, violations, timeframe, Code Enforcement Officer, signed letters, Las Lomas Drive, vacant lots, and public safety.

Tim Ritchie spoke to National Pollutant Discharge Elimination System (NPDES) permit, Mosaic, surrounding counties, modification, South Fort Meade Plant, and outfalls.

Nancy Flinton commented on TGA, campers, violations, timeframe, Las Lomas Drive, and Senator Drive.

Jennifer White discussed TGA, Code Compliance Officer Moore, campers, violations, timeframe, process, and Punta Gorda Isles.

Taken Out of Order

AA. County Administrator Comments

County Administrator Flores mentioned National Public Works Week and National Emergency Medical Services (EMS) Week.

BB. County Attorney Comments - None

CC. Economic Development Director Comments - None

DD. County Commissioner Comments

Chair Truex noted Code Enforcement, timeframe, violations, hearings, process change, conservancy, property disposal, Placida, no parking signs, 321 Duxbury Avenue, restoration project, Rotonda Gulf Property Group, and reclaimed water. **Commissioner Constance** spoke to Code Enforcement meetings, public comment, trespassing, process, trailers, liability, fines, documentation, City of Punta Gorda, property liens, Special Magistrates, extensions, bandwidth, spreadsheet, task force, Fire Station 10, conservancy, Lee County, Joint Meetings, Hurricane Ian, Tringali Hockey Rink, Babcock water supply, Jones Edmunds, Tuckers Grade option, pipeline, greenspace policy, June Workshop, Core Commercial Advisors, Lost Lagoon, 321 Duxbury Avenue, and repair. **Commissioner Deutsch** commented on Code Enforcement, Special Magistrate, violations, extensions, Florida Statutes, Hurricane Ian, complications, Workshop, US Army Corps of Engineers (USACE), Sarasota County, River Road, surplus properties, process, squatters, property owners, First Responders, 911, response

time, and Memorial Day program. **Commissioner Doherty** discussed TGA, process, Florida Statutes, timeframe, violations, Jones Edmunds, pipeline, no parking signs, and Ordinance. **Commissioner Tiseo** mentioned Code Enforcement, Special Magistrate, evidence, Florida Statutes, code, framework, Workshop, Ms. Radle, Parkside, monitoring increase, timeframe, conservancy, property disposal, Placida, no parking signs, 321 Duxbury Avenue, canal, washout, repairs, MSBU, dredging, permits, and General Fund.

Mr. Cullinan replied to Florida Statute 162, Code Enforcement, process, violations, fines, timeframe, Special Magistrate, abatement, meetings, public comment, trespassing, Charlotte County Sheriff's Office (CCSO), City of Punta Gorda, property liens, TGA, extensions, and bandwidth.

Assistant County Administrator Claire Jubb responded to June Workshop, Code Enforcement, process, spreadsheet, Tringali Hockey Rink, open space policy, and Ordinance.

County Administrator Flores remarked on Tringali Hockey Rink, greenspace policy, June Workshop, Code Enforcement Officer, and monitoring increase.

County Attorney Knowlton noted Code Enforcement, Special Magistrate, Recreational Vehicle (RV), campers, timeframe, compliance, 321 Duxbury Avenue, and MSBU.

Ben Bailey, Community Development Director interjected on Code Enforcement, routes, monitoring increase, notices, and documentation.

John Elias, Public Works Director spoke to Placida, no parking signs, Ordinance, 321 Duxbury Avenue, restoration project, cost, reimbursement, methodology, MSBU, and assessment.

2 P.M. LAND USE AGENDA

PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY

Richard Russell commented on DRC-22-00226, Harpoon Harry's.

Tim Ritchie discussed DRC-22-00226, Harpoon Harry's and FP-22-05-12, The Flatwoods at Babcock Ranch.

Consent Agenda

COMMISSIONER DOHERTY MOVED TO APPROVE THE LAND USE CONSENT AGENDA WITH THE EXCEPTION OF UA-1, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

Minutes Clerk Johnston administered oath for testimony.

UA1. DRC-22-00226, Harpoon Harry's

Community Development

Southwest Engineering and Design is requesting PD Final Detail Site Plan approval for Harpoon Harry's & Shops at Bayshore. The project consists of a 33,354 SF restaurant, and 24,569 SF of retail buildings. This project site is 16.3 ± acres and is located at 22801 Bayshore Road, Port Charlotte, Florida in Section 26, Township 40, Range 22. Located in Commission District V. RES 2023-076

Quasi-Judicial

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

Mr. Cullinan gave a brief overview of DRC-22-00226, 2022 Google Earth Image, Location Map, Site Image, Zoning Designations, Future Land Use Map (FLUM) Designations, Master Site Plan, Master Utility Plan & Manhole Schedule, Landscape Plan, Exterior Site Elevation, and 3D View Key Plan.

Chair Truex mentioned traffic and implications. **Commissioner Constance** noted Bayshore Road, turn-in and standing lanes, curve, criteria, bond, traffic, Edgewater Drive, peak times, events, and water access. **Commissioner Tiseo** spoke to Community Redevelopment Agency (CRA), development, revitalization, and public safety.

Robert Fakhri, Transportation Engineer responded to traffic analysis and study, turn lanes, threshold, criteria, Bayshore Road, road widening, and peak hours.

Mr. Elias replied to traffic, events, and turn lanes.

Gary Bayne, Southwest Engineering and Design commented on traffic, signal, study, events, and impact fees.

Attorney Geri Waksler, Applicant Representative discussed PD, marina, permits, existing pier, traffic studies, peak hours, and trips.

Assistant County Attorney Thomas David remarked on site plan approval process.

Public Input

Richard Russell mentioned water, access, signal, funding, traffic, and peak hours.

Tim Ritchie noted revitalization, traffic, Sunseeker, signal, drivers, CCSO, first responders, response times, evacuation routes, flooding, and developers.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2023-076 GRANTING SOUTHWEST ENGINEERING AND DESIGN PD FINAL DETAIL SITE PLAN APPROVAL FOR HARPOON HARRY'S & SHOPS AT BAYSHORE, CONSISTING OF A 33,354 SQUARE FOOT RESTAURANT, AND 24,569 SQUARE FOOT OF RETAIL BUILDINGS, ON 16.3 ACRES MORE OR LESS, AND LOCATED AT 22801 BAYSHORE ROAD, PORT CHARLOTTE, FLORIDA, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

UA2. FP-22-05-12, The Flatwoods at Babcock Ranch

Community Development

Approve a Final Plat for a subdivision to be named, The Flatwoods at Babcock Ranch. There is no Developer's Agreement associated with this plat. The proposed subdivision is a residential development to consist of 246-lots and 23 tracts, and also being a replat of Tract E-36, Babcock Ranch Community Spine Road EE5 & GG5. The site contains 68.51± acres is generally located south of Cypress Parkway, north of the Lee County line, west of Muhly Grass Road, 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.

Quasi-Judicial

UA3. TDU-23-02, Lindner Mark L Trustee

Community Development

Approve Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for a transfer of 311 density units onto a Receiving Zone located at 26901 or 27001 Zemel Road; in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, and in Commission District II, containing +338.02 acres; in compliance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. TDU-23-02; Applicant: Lindner Mark L Trustee; providing an effective date. Located in Commission District II. **RES 2023-077**

Quasi-Judicial

Public Hearing

UB1. PP-22-12-25, Shell Oaks

Community Development

Approve a Preliminary Plat for a subdivision to be named, Shell Oaks, consisting of 110 single-family lots and 11 tracts. This site contains 40.24± acres and is generally located north of Bermont Road, south of Arrowhead Circle, west of Quail Drive, and east of Duncan Road, within the East County area. Located in Commission District II.

Quasi-Judicial

Jenny Shao, Project Planning and Zoning Coordinator provided credentials, gave a brief overview of PP-22-12-25, Location Map, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 2021 Google Earth Image, FLUM Designations, Zoning Designations, 1000' Buffer Map, Proposed Changes, and Proposed Changes (Aerial).

Attorney Derek Rooney, Applicant Representative accepted Ms. Shao as an expert and joined in Staff Report.

Public Input

Tim Ritchie spoke to development, moratorium, life and water quality, supply, developers, and infrastructure.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE A PRELIMINARY PLAT FOR A SUBDIVISION TO BE NAMED, SHELL OAKS, CONSISTING OF 110 SINGLE-FAMILY LOTS AND ELEVEN TRACTS. THIS SITE CONTAINS 40.24± ACRES AND IS GENERALLY LOCATED NORTH OF BERMONT ROAD, SOUTH OF ARROWHEAD CIRCLE, WEST OF QUAIL DRIVE, AND EAST OF DUNCAN ROAD, WITHIN THE EAST COUNTY AREA. LOCATED IN COMMISSION DISTRICT II, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

UB2. PP-22-12-26, Harbor East

Community Development

Approve a Preliminary Plat for a subdivision to be named, Harbor East, consisting of 82 single-family lots and six tracts. The site contains 31.06± acres and is generally located north of Tate Waterway, southwest of Interceptor Lagoon, and east of Aquarius Waterway, within the Port Charlotte area. Located in Commission District III.

Quasi-Judicial

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

Ms. Shao provided credentials, gave a brief overview of PP-22-12-26, Location Map, 2020 Aerial Location Map (Full Range), 2020 Aerial Location Map (Mid-Range), 2020 Aerial Location Map, 2021 Google Earth Image, FLUM Designations, Zoning Designations, 1000' Buffer Map, Proposed Changes, and Proposed Changes (Aerial).

Attorney Rob Berntsson, Applicant Representative joined in Staff Report, commented on platting, illegal clearing and riprap, mangroves, Brazilian peppers, no wake zones, Coast Guard, zoning, and requested approval.

Chair Truex discussed lots, Harbor West, illegal clearing and riprap, permits, and zoning. **Commissioner Constance** mentioned seawall, mangroves, 2021 Google Earth Image, platting, Harbor West, canal width, docking structures, restrictions, waterways, regulations, jurisdiction, speed and no wake zones, and manatee protection plan. **Commissioner Deutsch** noted 2021 Google Earth Image, development, Geographic Information System (GIS), 2020 Aerial Location (Mid-Range), canal width, Interceptor Lagoon, no wake zones, and manatee area. **Commissioner Doherty** spoke to General Development Corporation (GDC) and platting. **Commissioner Tiseo** commented on zoning, rights, units, building moratorium, Cape Coral, and no wake zones.

Mr. Cullinan replied to platting, subdivision vacation, zoning, Harbor West, washout, permits, armoring, density, building moratorium, concurrency, canal width, rights, dock structures, regulations, manatee protection plan, jurisdictional waters, USACE, and Florida Department of Environmental Protection (FDEP).

Mr. Elias responded to no wake zones.

Public Input

Tim Ritchie spoke against PP-22-12-26, Harbor East, discussed traffic, undeveloped land, wildlife, and building moratorium.

Claire Sleine spoke against PP-22-12-26, Harbor East, mentioned development, Lennar Homes, Interceptor Lagoon, water access, mangroves, docks, riprap, no wake zone, and building moratorium.

Patrick Gilchrist spoke against PP-22-12-26, Harbor East, noted Interceptor Lagoon, washout, width, riprap, illegal construction, and development.

Rebecca Davis spoke against PP-22-12-26, Harbor East, remarked on boating, Interceptor Lagoon, curve, width, safety, Lennar Homes, lifts, seawalls, and footage.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE A PRELIMINARY PLAT FOR A SUBDIVISION TO BE NAMED, HARBOR EAST, CONSISTING OF 82 SINGLE-FAMILY LOTS AND SIX TRACTS. THE SITE CONTAINS 31.06± ACRES AND IS GENERALLY LOCATED NORTH OF TATE WATERWAY, SOUTHWEST OF INTERCEPTOR LAGOON, AND EAST OF AQUARIUS WATERWAY, WITHIN THE PORT CHARLOTTE AREA. LOCATED IN COMMISSION DISTRICT III, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

UB3. PD-22-00014, Waterside PD

Community Development

Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Planned Development (PD) and adopting a General PD Concept Plan in order to allow for an existing grove to be restored to a preserve with native vegetation; for property generally located north of Bermont Road (CR 74), south of Washington Loop Road, east of Duncan Road (US 17) and west of CR 31, in the East County area, containing 740± acres; Commission District I; Petition No. PD-22-00014; Applicants: Bermont Road Partnership and TMV Inc.; providing an effective date. Located Commission District I. **ORD 2023-020**

Quasi-Judicial

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

Jie Shao, Principal Planner gave a brief overview of Proposed Changes, 1000' Notification Area Map, Location Map, Area Image, Framework, FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, Waterside Restoration: Overall PD Site Plan, Plan, Reclamation Plan, Planning and Zoning (P&Z) Board Recommend & Applicant Proposed PD Condition I, Revised PD Condition b.i., Revised PD Condition f.i., and New PD Conditions j & k.

Chair Truex commented on plant, well, restoration project, PD, current activity, noise, mitigation, agricultural, reclamation, and final detail site plan. **Commissioner Constance** discussed Proposed Zoning Designations, FDEP, excavation, Southwest Florida Water Management District (SWFWMD), debris, yards total, FEMA contracts, mitigation, traffic, shell, mining, public safety, scrub jays, final detail site plan, and permit. **Commissioner Deutsch** mentioned noise,

excavation, mining, mulch, Hurricane Ian, housing, improvements, requirements, Mosaic, mitigation, reclamation, landscaping, and conditions. **Commissioner Doherty** noted timeline, Future Phase 2 / PD Phase 1 Restoration, Overall PD Site Plan, Waterside Restoration Plan, excavation, restoration, final PD, mitigation, process, and conditions. **Commissioner Tiseo** spoke to Staff Report, proposed units, concurrency, utilities, FEMA contracts, debris, agricultural uses, mining operation, material, future development, mitigation, negative impacts, phasing, and rights.

Attorney Geri Waksler, Applicant Representative gave a brief overview of Phase 1 Existing Conditions/Aerial, Future Phase 2 / PD Phase 1 Restoration, Bermont Creek A Rural Community, Sec 3-5-478 – Standard Earthmoving and Construction Permits, Information Required in Application, Future Land Use (FLU) Table a-5.1: Rural Community Mixed Use Alternative Percentage of Mix of Uses, Conceptual Landscape and Reclamation Plan, Sec 39-30 – Agriculture (AG), Rural Community Mixed Use (RCMU)/General Range of Use, remarked on excavation, depth, shell, sand, road base, debris, soil testing, restoration, native plants, zoning, uses, yard waste disposal, phases, traffic, compost process, future development, berms, permit, FDEP, SWFWMD, Comprehensive Plan, mitigation, scrub jays, requirement, orange grove, greening, Transfer of Density Units (TDU), final detail site plan, accepted Ms. Shao as an expert, joined in Staff Report, and requested approval.

Laura Rossi, Protean Design Group, Inc. provided credentials, commented on Existing Turn Lanes, roads, improvements, access, and FDOT.

Dave Brown, RESPEC Company, LLC provided credentials, discussed Restoration Area – Soil Testing: Approach and Methodology, Citrus Grove, and Projects.

Mr. Bayne provided credentials, mentioned FDEP, process, permit, annual monitoring reports, setbacks, Hurricane Ian, mulching operation, debris, infrastructure, restoration project, shell, sand, excavation, SWFWMD, commercial mining, zoning, landscaping, cost, nursery, sod, berms, hydraulic barrier, FEMA contracts, and mitigation.

Mr. Cullinan responded to mining, agricultural pond, sound study, negative impacts, and final detail site plan.

Assistant County Attorney David read conditions L and M into the record.

Public Input

Jane Hayse spoke against PD-22-00014, Waterside PD, noted rezoning, excavation, request, orange grove, strip mining, land use, FDEP, mining permit, RCMU, FLUM, Staff Report, operational hours, trips, excavation depth and amount, revenue, water flow, and vegetative debris.

Desire Rebost spoke against PD-22-00014, Waterside PD, remarked on noise, dust, mining, landfill, debris, excavation, FDEP, violation, Code Enforcement, land clearing, CCSO, report, permit, and property fire.

Fred Hayse spoke against PD-22-00014, Waterside PD, commented on retention pond, orange grove, berm, canal, and potential flooding.

Tim Ritchie spoke against PD-22-00014, Waterside PD, discussed berm, insecticides, pesticides, compost, agricultural land, uses, noise, air pollution, conservation, and tourism.

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO POSTPONE ITEM FOR 30 DAYS

MOTION FAILED DUE TO LACK OF SECOND

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-020 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE (AG) TO PLANNED DEVELOPMENT (PD) AND ADOPTING A GENERAL PD CONCEPT PLAN IN ORDER TO ALLOW FOR AN EXISTING GROVE TO BE RESTORED TO A PRESERVE WITH NATIVE VEGETATION; FOR PROPERTY GENERALLY LOCATED NORTH OF BERMONT ROAD (CR 74), SOUTH OF WASHINGTON LOOP ROAD, EAST OF DUNCAN ROAD (US 17) AND WEST OF SR 31, IN THE EAST COUNTY AREA, CONTAINING 740 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT I; PETITION PD-22-00014; APPLICANTS, BERMONT ROAD PARTNERSHIP AND TMV INC.; PROVIDING AN EFFECTIVE DATE, ALONG WITH ADDITIONAL CONDITIONS L AND M THAT WERE READ INTO RECORD, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB4. PAS-22-00011, Appleton FLUM and Zoning Inconsistency

Community Development

Approve an Ordinance, pursuant to Section 163.3187, Florida Statutes, adopting 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), and to add an annotation to the 2030 Future Land Use Map limiting commercial intensity of the subject property to allow 1) permitted uses and conditional uses under Section 3-9-40, Commercial Neighborhood, as may be amended, 2) special exceptions under Section 3-9-40, Commercial Neighborhood, as may be amended, subject to an application made to the Board of Zoning Appeals, and 3) a maximum Floor Area Ratio (FAR) of 0.6; for property located at 14333 Appleton Boulevard, in the South Gulf Cove area, containing 2.985± acres; Commission District III; Petition No. PAS-22-00011; Applicant: American Prime, LLC; providing an effective date. Located in Commission District III. **ORD 2023-021**

Legislative

Ms. Shao gave a brief overview of Proposed Change, 1000' Notification Area Map, Location Map, Area Image (Mid-Range), Area Image, Framework, Existing FLUM Designations, 1988 FLUM Designations, 1997-2010 FLUM Designations, Proposed FLUM Designations, Zoning Designations, and Applicant Proposed Annotation to the 2030 Future Land Use Map.

Attorney Rob Berntsson, Applicant Representative mentioned Comprehensive Plan, GDC, density, zoning, South Gulf Cove, TDU, P&Z Board Meeting, uses, neighbor concerns, annotation, special exceptions, traffic, requested approval, joined in Staff Report, and accepted Ms. Shao as an expert.

Chair Truex noted zoning, inconsistencies, and property sales. **Commissioner Constance** spoke to special exception, Board of Zoning Appeals (BZA), uses, zoning, FLUM, inconsistencies, and property sales. **Commissioner Deutsch** commented on zoning. **Commissioner Tiseo** discussed uses, Staff Report, and BZA.

Assistant County Attorney David mentioned Ordinance, uses, special exceptions, BZA, Comprehensive Plan, and zoning.

Mr. Cullinan interjected on application, zoning, FLUM Designation, inconsistencies, and GDC.

Public Input

Tom Neilson noted zoning, change, and FLUM.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-021 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO CHANGE THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (COM), AND TO ADD AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP LIMITING COMMERCIAL INTENSITY OF THE SUBJECT PROPERTY TO ALLOW: (1) PERMITTED USES AND CONDITIONAL USES UNDER SECTION 3-9-40, COMMERCIAL NEIGHBORHOOD, AS MAY BE AMENDED; (2) SPECIAL EXCEPTIONS UNDER SECTION 3-9-40, COMMERCIAL NEIGHBORHOOD, AS MAY BE AMENDED, SUBJECT TO AN APPLICATION MADE TO THE BOARD OF ZONING APPEALS; AND (3) A MAXIMUM FLOOR AREA RATIO (FAR) OF 0.6; FOR PROPERTY LOCATED AT 14333 APPLETON BOULEVARD, IN THE SOUTH GULF COVE AREA, CONTAINING 2.985 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT III; PETITION PAS-22-00011; APPLICANT, AMERICAN PRIME: LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

UB5. PAL-22-00005, Bishop Excavation

Community Development

(Change #4) Added attachment – Revised Study.

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE) with an annotation requiring a conservation easement in a form acceptable to the County Attorney's Office and the Board of County Commissioners prior to issuance of a commercial excavation permit; for property located at 43521 Neal Road, in the Punta Gorda area and within the East County area, containing 159.90± acres; Commission District I; Petition No. PAL-22-00005; Applicants: Kye and Deborah Bishop; providing an effective date. Located in Commission District I. **ORD 2023-022**

Legislative

Mr. Cullinan gave a brief overview of Proposed Changes, 1000' Buffer Map, Location Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, Map #24: Mineral Resources Exclusion (MRE) Prohibited Locations, Map #4: Watershed Overlay District, Map #6: Prime Aquifer Recharge Areas, Bishop Excavation Overall Excavation Plan, Harborview Excavation Overall Excavation Plan, Bishop Excavation Post Reclamation Plan, Harborview Excavation Post Reclamation Plan, Bishop Excavation 500 Foot Features, Harborview Excavation 500 Foot Features, Bishop Excavation ½ Mile Features, Harborview Excavation ½ Mile Features, Map #22: Critical Wildlife Corridors, Bishop Excavation Wildlife Corridor, Harborview Excavation Wildlife Corridor, and Mineral Resources Exclusion Area.

Commissioner Constance spoke to Map #4: Watershed Overlay District, Map #22: Critical Wildlife Corridors, Mineral Resource Exclusion Area, Charlotte County Mine, MSBU, and Neal Road. **Commissioner Doherty** commented on next steps, excavation permit, noise and traffic mitigation, concerns, impacts, and farming activity. **Commissioner Tiseo**

discussed Staff Report, property values, Rural and Family Lands Protection Program, Mineral Resource Exclusion Area, PD, condition, and road maintenance.

Attorney Derek Rooney, Applicant Representative mentioned mining, history, zoning categories, permitting, watershed overlays, P&Z, transmittal hearing, truck traffic, Neal Road, FDOT, material cost, 2050 Comprehensive Plan, MSBU, hurricane damage, citrus decline, watermelon operation, National Resource Conservation Service (NRCS), Farabee Road, Staff Report, next steps, East Charlotte Street and Drainage Unit, conservation easement, condition D, property values, agricultural intent, landscaping, gave a brief overview of Supplemental Data, State Route 31 – Left Turn Lane Exhibit, Haul Road Alternate Routes, Active-Inactive Mines Locations – Aerial Map, and Mines.

Mr. Bayne replied to Waterside, Southwest Aggregate, and Charlotte County Mines, Mineral Resource Exclusion Area, and traffic.

Ms. Rossi highlighted Traffic Impact Memo (Neal Road and Bermont Road / CR-74).

Assistant County Attorney David interjected on financial analysis.

Mr. Elias remarked on bond, infrastructure, Neal Road, Farabee Road, paving, MSBU, and dust.

Public Input for Petition Number PAL-22-00005, Bishop Excavation, Petition Number Z-22-48-18, Bishop Excavation, Petition Number PAL-22-00006, Harborview Excavation, and Petition Number Z-22-22-19, Harborview Excavation

Jeffrey Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, noted Florida orange production, MSBU Advisory Committee, zoning changes, health concerns, impacts, bee populations, economy, greening disease, hurricanes, groves, pest management, Conservation Reserve Act, and wildlife.

Calvin Sill remarked on proposed mine, Neal Road, bond, trucks, Graham Road, road, and maintenance.

Garrett Kizer spoke in favor of PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, commented on material, building industry, cost, inflation, access, affordable housing, environmental concerns, pits, operators, and delays.

Stacy Hermina spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, discussed materials, cost, mines, and proximity.

Susan Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, mentioned active and inactive mines, expansion, agricultural land, adverse effects, chemicals, zoning, non-compliance, and public and environmental safety.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-022 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, AMENDING THE COUNTY'S COMPREHENSIVE PLAN BY AMENDING CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM

AGRICULTURE (AG) TO MINERAL RESOURCE EXTRACTION (MRE) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP REQUIRING A CONSERVATION EASEMENT IN A FORM ACCEPTABLE TO THE COUNTY ATTORNEY'S OFFICE AND THE BOARD OF COUNTY COMMISSIONERS PRIOR TO ISSUANCE OF A COMMERCIAL EXCAVATION PERMIT; FOR PROPERTY LOCATED AT 43521 NEAL ROAD, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA; CONTAINING 159.50 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT I; PETITION PAL-22-00005; APPLICANTS, KYE AND DEBORAH BISHOP; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB6. Z-22-48-18, Bishop Excavation

Community Development

(Change #4) Added attachment – Revised Study.

Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM); for property located at 43521 Neal Road, in the Punta Gorda area and within the East County area, containing 159.90± acres; Commission District I; Petition No. Z-22-48-18; Applicants: Kye and Deborah Bishop; providing an effective date. Located in Commission District I. **ORD 2023-023**

Quasi-Judicial

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

Mr. Cullinan gave a brief overview of Proposed Changes, 1000' Buffer Map, Location Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, Map #24: MRE Prohibited Locations, Map #4: Watershed Overlay District, Map #6: Prime Aquifer Recharge Areas, Bishop Excavation Overall Excavation Plan, Harborview Excavation Overall Excavation Plan, Bishop Excavation Post Reclamation Plan, Harborview Excavation Post Reclamation Plan, Bishop Excavation 500 Foot Features, Harborview Excavation 500 Foot Features, Bishop Excavation ½ Mile Features, Harborview Excavation ½ Mile Features, Map #22: Critical Wildlife Corridors, Bishop Excavation Wildlife Corridor, Harborview Excavation Wildlife Corridor, and Mineral Resources Exclusion Area.

Commissioner Constance spoke to Map #4: Watershed Overlay District, Map #22: Critical Wildlife Corridors, Mineral Resource Exclusion Area, Charlotte County Mine, MSBU, and Neal Road. **Commissioner Doherty** commented on next steps, excavation permit, noise and traffic mitigation, concerns, impacts, and farming activity. **Commissioner Tiseo** discussed Staff Report, property values, Rural and Family Lands Protection Program, Mineral Resource Exclusion Area, PD, condition, and road maintenance.

Attorney Derek Rooney, Applicant Representative mentioned mining, history, zoning categories, permitting, watershed overlays, P&Z, transmittal hearing, truck traffic, Neal Road, FDOT, material cost, 2050 Comprehensive Plan, MSBU, hurricane damage, citrus decline, watermelon operation, NRCS, Farabee Road, Staff Report, next steps, East Charlotte Street and Drainage Unit, conservation easement, condition D, property values, agricultural intent, landscaping, gave a brief overview of Supplemental Data, State Route 31 – Left Turn Lane Exhibit, Haul Road Alternate Routes, Active-Inactive Mines Locations – Aerial Map, and Mines.

Mr. Bayne replied to Waterside mine, Southwest Aggregate mine, Charlotte County Mine, Mineral Resource Exclusion Area, and traffic.

Ms. Rossi highlighted Traffic Impact Memo (Neal Road and Bermont Road / CR-74).

Assistant County Attorney David interjected on financial analysis.

Mr. Elias remarked on bond, infrastructure, Neal Road, Farabee Road, paving, MSBU, and dust.

Public Input for Petition Number PAL-22-00005, Bishop Excavation, Petition Number Z-22-48-18, Bishop Excavation, Petition Number PAL-22-00006, Harborview Excavation, and Petition Number Z-22-22-19, Harborview Excavation

Jeffrey Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, noted Florida orange production, MSBU Advisory Committee, zoning changes, health concerns, impacts, bee populations, economy, greening disease, hurricanes, groves, pest management, Conservation Reserve Act, and wildlife.

Calvin Sill remarked on proposed mine, Neal Road, bond, trucks, Graham Road, road, and maintenance.

Garrett Kizer spoke in favor of PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, commented on material, building industry, cost, inflation, access, affordable housing, environmental concerns, pits, operators, and delays.

Stacy Hermina spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, discussed materials, cost, mines, and proximity.

Susan Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, mentioned active and inactive mines, expansion, agricultural land, adverse effects, chemicals, zoning, non-compliance, and public and environmental safety.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-023 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE (AG) TO EXCAVATION AND MINING (EM) FOR PROPERTY LOCATED AT 43521 NEAL ROAD, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA, CONTAINING 159.90 ACRES MORE OR LESS, COMMISSION DISTRICT I, CHARLOTTE COUNTY FLORIDA; PETITION Z-22-48-18; APPLICANTS, KYE AND DEBORAH BISHOP; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB7. PAL-22-00006, Harborview Excavation

Community Development

(Change #4) Added attachment – Revised Study.

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large-Scale Plan Amendment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE) with an annotation requiring a conservation easement in a form acceptable to the County Attorney's Office and the Board of County Commissioners prior to issuance of a commercial excavation permit; for property located at 43761 and 44511 Neal Road, in the Punta Gorda area and within the East County area, containing 478.32± acres; Commission District I; Petition No. PAL-22-00006; Applicant: Harborview Properties Neal Road, LLC; providing an effective date. Located in Commission District I. **ORD 2023-024**

Legislative

Mr. Cullinan gave a brief overview of Proposed Changes, 1000' Buffer Map, Location Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, Map #24: MRE Prohibited Locations, Map #4: Watershed Overlay District, Map #6: Prime Aquifer Recharge Areas, Bishop Excavation Overall Excavation Plan, Harborview Excavation Overall Excavation Plan, Bishop Excavation Post Reclamation Plan, Harborview Excavation Post Reclamation Plan, Bishop Excavation 500 Foot Features, Harborview Excavation 500 Foot Features, Bishop Excavation ½ Mile Features, Harborview Excavation ½ Mile Features, Map #22: Critical Wildlife Corridors, Bishop Excavation Wildlife Corridor, Harborview Excavation Wildlife Corridor, and Mineral Resources Exclusion Area.

Commissioner Constance spoke to Map #4: Watershed Overlay District, Map #22: Critical Wildlife Corridors, Mineral Resource Exclusion Area, Charlotte County Mine, MSBU, and Neal Road. **Commissioner Doherty** commented on next steps, excavation permit, noise and traffic mitigation, concerns, impacts, and farming activity. **Commissioner Tiseo** discussed Staff Report, property values, Rural and Family Lands Protection Program, Mineral Resource Exclusion Area, PD, condition, and road maintenance.

Attorney Derek Rooney, Applicant Representative mentioned mining, history, zoning categories, permitting, watershed overlays, P&Z, transmittal hearing, truck traffic, Neal Road, FDOT, material cost, 2050 Comprehensive Plan, MSBU, hurricane damage, citrus decline, watermelon operation, NRCS, Farabee Road, Staff Report, next steps, East Charlotte Street and Drainage Unit, conservation easement, condition D, property values, agricultural intent, landscaping, gave a brief overview of Supplemental Data, State Route 31 – Left Turn Lane Exhibit, Haul Road Alternate Routes, Active-Inactive Mines Locations – Aerial Map, and Mines.

Mr. Bayne replied to Waterside mine, Southwest Aggregate mine, Charlotte County Mine, Mineral Resource Exclusion Area, and traffic.

Ms. Rossi highlighted Traffic Impact Memo (Neal Road and Bermont Road / CR-74).

Assistant County Attorney David interjected on financial analysis.

Mr. Elias remarked on bond, infrastructure, Neal Road, Farabee Road, paving, MSBU, and dust.

Public Input for Petition Number PAL-22-00005, Bishop Excavation, Petition Number Z-22-48-18, Bishop Excavation, Petition Number PAL-22-00006, Harborview Excavation, and Petition Number Z-22-22-19, Harborview Excavation

Jeffrey Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, noted Florida orange production, MSBU Advisory Committee, zoning

changes, health concerns, impacts, bee populations, economy, greening disease, hurricanes, groves, pest management, Conservation Reserve Act, and wildlife.

Calvin Sill remarked on proposed mine, Neal Road, bond, trucks, Graham Road, road, and maintenance.

Garrett Kizer spoke in favor of PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, commented on material, building industry, cost, inflation, access, affordable housing, environmental concerns, pits, operators, and delays.

Stacy Hermina spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, discussed materials, cost, mines, and proximity.

Susan Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, mentioned active and inactive mines, expansion, agricultural land, adverse effects, chemicals, zoning, non-compliance, and public and environmental safety.

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

MOTION CARRIED 5:0.

COMMISSIONER TISEO MOVED TO APPROVE ORDINANCE 2023-024 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184 FLORIDA STATUTES, AMENDING THE COUNTY'S COMPREHENSIVE PLAN BY AMENDING CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM AGRICULTURE (AG) TO MINERAL RESOURCE EXTRACTION (MRE) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP REQUIRING A CONSERVATION EASEMENT IN A FORM ACCEPTABLE TO THE COUNTY ATTORNEY'S OFFICE AND THE BOARD OF COUNTY COMMISSIONERS PRIOR TO ISSUANCE OF A COMMERCIAL EXCAVATION PERMIT; FOR PROPERTY LOCATED AT 43761 AND 4451 1 NEAL ROAD, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA; CONTAINING 478.32 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT I; PETITION PAL-22-00006; APPLICANT, HARBORVIEW PROPERTIES NEAL ROAD, LLC; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB8. Z-22-22-19, Harborview Excavation

Community Development

(Change #4) Added attachment – Revised Study.

Approve an Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM); for property located at 43761 and 44511 Neal Road, in the Punta Gorda area and within the East County area, containing 478.32± acres; Commission District I; Petition No. Z-22-22-19; Applicant: Harborview Properties Neal Road, LLC; providing an effective date. Located in Commission I. **ORD 2023-025**

Quasi-Judicial

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

Mr. Cullinan gave a brief overview of Proposed Changes, 1000' Buffer Map, Location Map, Area Image, Framework, Existing FLUM Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, Map #24: MRE Prohibited Locations, Map #4: Watershed Overlay District, Map #6: Prime Aquifer Recharge Areas, Bishop Excavation Overall Excavation Plan, Harborview Excavation Overall Excavation Plan, Bishop Excavation Post Reclamation Plan, Harborview Excavation Post Reclamation Plan, Bishop Excavation 500 Foot Features, Harborview Excavation 500 Foot Features, Bishop Excavation ½ Mile Features, Harborview Excavation ½ Mile Features, Map #22: Critical Wildlife Corridors, Bishop Excavation Wildlife Corridor, Harborview Excavation Wildlife Corridor, and Mineral Resources Exclusion Area.

Commissioner Constance spoke to Map #4: Watershed Overlay District, Map #22: Critical Wildlife Corridors, Mineral Resource Exclusion Area, Charlotte County Mine, MSBU, and Neal Road. **Commissioner Doherty** commented on next steps, excavation permit, noise and traffic mitigation, concerns, impacts, and farming activity. **Commissioner Tiseo** discussed Staff Report, property values, Rural and Family Lands Protection Program, Mineral Resource Exclusion Area, PD, condition, and road maintenance.

Attorney Derek Rooney, Applicant Representative mentioned mining, history, zoning categories, permitting, watershed overlays, P&Z, transmittal hearing, truck traffic, Neal Road, FDOT, material cost, 2050 Comprehensive Plan, MSBU, hurricane damage, citrus decline, watermelon operation, NRCS, Farabee Road, Staff Report, next steps, East Charlotte Street and Drainage Unit, conservation easement, condition D, property values, agricultural intent, landscaping, gave a brief overview of Supplemental Data, State Route 31 – Left Turn Lane Exhibit, Haul Road Alternate Routes, Active-Inactive Mines Locations – Aerial Map, and Mines.

Mr. Bayne replied to Waterside mine, Southwest Aggregate mine, Charlotte County Mine, Mineral Resource Exclusion Area, and traffic.

Ms. Rossi highlighted Traffic Impact Memo (Neal Road and Bermont Road / CR-74).

Assistant County Attorney David interjected on financial analysis.

Mr. Elias remarked on bond, infrastructure, Neal Road, Farabee Road, paving, MSBU, and dust.

Public Input for Petition Number PAL-22-00005, Bishop Excavation, Petition Number Z-22-48-18, Bishop Excavation, Petition Number PAL-22-00006, Harborview Excavation, and Petition Number Z-22-22-19, Harborview Excavation

Jeffrey Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, noted Florida orange production, MSBU Advisory Committee, zoning changes, health concerns, impacts, bee populations, economy, greening disease, hurricanes, groves, pest management, Conservation Reserve Act, and wildlife.

Calvin Sill remarked on proposed mine, Neal Road, bond, trucks, Graham Road, road, and maintenance.

Garrett Kizer spoke in favor of PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, commented on material, building industry, cost, inflation, access, affordable housing, environmental concerns, pits, operators, and delays.

Stacy Hermina spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, discussed materials, cost, mines, and proximity.

Susan Hill spoke against PAL-22-00005, Bishop Excavation, Z-22-48-18, Bishop Excavation, PAL-22-00006, Harborview Excavation, Z-22-22-19, Harborview Excavation, mentioned active and inactive mines, expansion, agricultural land, adverse effects, chemicals, zoning, non-compliance, and public and environmental safety.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE ORDINANCE 2023-025 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE (AG) TO EXCAVATION AND MINING (EM) FOR PROPERTY LOCATED AT 43761 AND 44511 NEAL ROAD, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA, CONTAINING 478.32 ACRES MORE OR LESS, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION Z-22-22-19; APPLICANT, HARBORVIEW PROPERTIES NEAL ROAD, LLC; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB9. 22LAD-00000-00004, Revisions to the Babcock Ranch Community DRI MDO

Community Development

(Change #1) Added attachment – Updated Presentation.

Approve a Resolution pursuant to Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's Land Development Regulations, amending and recodifying the Master Development Order (MDO) for the Babcock Ranch Community Master Development of Regional Impact (DRI), Resolution Number 2021-108, to: 1) revise "Whereas Clauses" to reflect the current status; 2) amend "Findings of Fact and Conclusions of Law" to rename and clarify the category of ancillary facilities and to add language to clarify the maximum development rights of each development category threshold per use of a Land Use Equivalency Matrix; 3) revise the Affordable Housing section, Conditions 3.A.(1) through (4), and Conditions 3.A.(6) through (9), to replace affordable housing with workforce housing; 4) update the Stormwater Management and Flood Plains section by revising Condition 4.B.(1), to acknowledge platted easements or tracts, Condition 4.B.(14) to reflect current permit approvals, Condition 4.B.(15) to describe State assumption of Section 404 permitting by the Florida Department of Environmental Protection (FDEP), and Condition 4.B.(16) to recognize that condition is completed; 5) revise the Transportation section and Exhibits "F", "J" and "K"; and add Exhibit "G": Babcock Ranch DRI Cumulative Incremental Transportation Conditions to reflect the cumulative Babcock Ranch Traffic conditions; 6) revise the Vegetation, Wildlife, and Wetlands section, Condition 6.B.(5) to include FDEP State 404 Permit and reflect other updated State permits; 7) update the Wastewater Management and Water Supply section by revising Condition 7.A.(9) to include educational facilities located within the greenways; 8) revise the Education section, Condition 9.A., to reflect compliance with Babcock Ranch School Site Dedication Agreement; 9) update the Police and Fire section by amending Condition 10.B.(6) to reflect completed projects; 10) revise the Hurricane Preparedness section by amending Condition 13.A. to remove reference to American Red Cross publication #4496; 11) update the Hospitals and Healthcare section to delete Condition 15.C., which includes a requirement to provide a certificate of need, as State Statutes have been amended to eliminate such a requirement; 12) update Buildout and Expiration Dates of this Development Order (DO); 13) revise this DO for internal and statutory consistency and to reflect updates to Florida Statutes, as applicable; 14) update Exhibit "B": Master Concept Plan (Map H) to be consistent with approved entitlements and to include new Increment 3 area, overall greenway and conservation easements amended to be consistent with FDEP and South Florida Water

Management District (SFWMD) permitted plans, and roadway configurations that have been updated to reflect built conditions; 15) update Exhibit "D": Updated Summary of Land Dedications and Facilities Construction by amending Note #5 to allow the co-location of the helicopter landing site and the mosquito control pre-fab building, reflecting the completion of the EMS vehicle, and removing the school requirements as those are set forth in the School Site Dedication Agreement; and 16) add new Exhibit "H": MDO Land Use Equivalency Matrix (LUEM); for property located east of S.R. 31, south of C.R. 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 13,630± acres, in the East County area; Commission District I, Petition No. 22LAD-00000-00004; Applicant: Babcock Property Holdings, LLC; providing an effective date. Located in Commission District I. **RES 2023-078**

Quasi-Judicial

Chair Truex polled the Board for Ex Parte Disclosures. **Commissioner 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 Proposed Amendments, Location Map, 1000' Notification Area Map, Area Image, Framework, FLUM Designations, Zoning Designations, Major Changes, Revising Development Rights, Exhibit E, Exhibit E – Table 1 Increment 2 Parameters, Amending the Stormwater Management/Water Quality/Flood Plains Section, Revising the Transportation Section, Revising the Vegetation/Wildlife/Wetlands Sections, Updating Buildout and Expiration Dates, Updating Exhibit "B" in the Master Development Order (MDO) to be Consistent, Exhibit B, Updating Exhibit "D", Exhibit H MDO Land Use Equivalency Matrix, Exhibit B-2, Exhibit B-4, Exhibit F, Exhibit H-1, Exhibit H-2, Exhibit I, Increment 2: Map H, Master Drainage Plan, Master Internal Circulation Plan, Primary Greenways & Trails, and Primary Utility Corridor Plan.

Chair Truex noted Palladium Group, subsidies, affordable and workforce housing, study, language, and changes. **Commissioner Constance** spoke to Major Changes, Revising Development Rights, Exhibit E, Updating Buildout and Expiration Dates, affordable and workforce housing, changes, study, and language. **Commissioner Deutsch** remarked on affordable and workforce housing, definitions, and subsidies. **Commissioner Doherty** commented on affordable housing section, study, MDO, and increments. **Commissioner Tiseo** discussed Major Changes, MDO, affordable and workforce housing, language, section three, Palladium Group, subsidies, increments, non-residential use, study, and Bold Goals.

Mr. Cullinan mentioned Resolution, impact fees, language, and affordable and workforce housing.

Assistant County Attorney David noted language, changes, and affordable and workforce housing.

Attorney Rob Berntsson, Applicant Representative spoke to applications, changes, MDO, increments, traffic, consistency, language, proportionate share, State Road (SR) 31, affordable and workforce housing, study, funds, Florida Statute, subsidies, community needs, and missing middle.

County Attorney Knowlton interjected on disclosures, affordable and workforce housing, section 3, and changes.

Carrie Walsh, Human Services Director commented on affordable and workforce housing, definition, terms, location, subsidies, and study.

Public Input for Petition Number 22LAD-00000-00004, Revisions to the Babcock Ranch Community DRI MDO, Petition Number 22LAD-00000-00005, Revisions to the Babcock Ranch Community DRI Increment 1 IDO, and Petition Number 22LAD-00000-00006, Revisions to the Babcock Ranch Community DRI Increment 2 IDO

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2023-078 AN AMENDMENT AND RECODIFICATION OF THE MASTER DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA FOR THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT, AND LEAVE SECTION THREE UNEDITED IN CURRENT MASTER DEVELOPMENT ORDER, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

UB10. 22LAD-00000-00005, Revisions to the Babcock Ranch Community DRI Increment 1 IDO

Community Development

(Change #1) Added attachment – Updated Presentation.

Approve a Resolution pursuant to Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's Land Development Regulations, amending and recodifying the Increment 1 Development Order (IDO), Resolution Number 2020-070, for the Babcock Ranch Community Development of Regional Impact (DRI) to: 1) revise development rights by increasing residential dwelling units from 5,000 to 5,056 units; removing 600 hotel rooms; decreasing retail from 870,000 to 470,000 square feet; increasing office from 350,000 to 370,000 square feet; adding 200,000 square feet of industrial; increasing units of assisted living facilities from 100 to 218 units; and updating supporting community facilities to include clubhouses and similar neighborhood amenities 2) remove the reference to the maximum density requirement, as it is already established in the Master Development Order (MDO); 3) amend the Stormwater Management, Water Quality, and Flood Plains section by deleting Conditions 3.A.(3) and 3.A.(4) in order to maintain consistency across increments, and updating Condition 3.A.(6) to add the South Florida Water Management District (SFWMD) permit number; 4) amend the Transportation section, Condition 4., to remove specific site-related improvements, Exhibits "J" and "K" and instead refer to Exhibit "G" of the MDO for the Cumulative Incremental Transportation Conditions; 5) update the Vegetation, Wildlife and Wetlands section by revising and renumbering Conditions 5.A.(1) through 5.A.(8) to recognize Florida Department of Environmental Protection (FDEP) assumption of federal wetland permitting and update permit numbers; 6) revise the Wastewater Management and Water Supply section by updating Condition 6.A.(6) to be consistent with SFWMD approved permits; 7) revise the Education section, Condition 7.A.(2), to reflect compliance with Babcock Ranch School Site Dedication Agreement; 8) update the Police and Fire section, Condition 8.A.(1), to reflect completed projects; 9) revise the Open Space and Parks section by deleting the mini parks requirement established in Condition 10.A.(8) to be consistent with Exhibit "D" in the MDO; 10) update the Mining Operations section by deleting Condition 12.A.(1) to reflect that mining operations have ceased; 11) reflect the extension of the expiration date and buildout date of this Increment Development Order (IDO) per Governor's Executive Orders; 12) remove Exhibit "C": Babcock Ranch Community Increment 1 Equivalency Matrix; 13) update Exhibit "B-2" to reflect updated entitlements, change in park area, greenway areas changed from active to passive, and roadway configuration changes to reflect the built environment, and Exhibits "B-4", "F", "H1", "H2", and "I" to be consistent with permitted Conservation Easements and Greenway configurations and designations, and updates roadway alignments; 14) update Exhibit "D": Updated Summary of Land Dedications and Facilities Construction to be consistent with the MDO; 15) amend Exhibit "E": Babcock Ranch Community Increment 1 Parameters to be consistent with the revised development parameters; and 16) update this IDO for other changes for internal and statutory consistency; for property located east of S.R. 31, south of C.R. 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 5,095.35± acres, in the East County area; Commission District 1; Petition No. 22LAD-00000-00005; Applicant: Babcock Property Holdings, LLC; providing an effective date. Located in Commission District I. **RES 2023-079**

Quasi-Judicial

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

Ms. Shao provided credentials, gave a brief overview of Proposed Amendments, Location Map, 1000' Notification Area Map, Area Image, Framework, FLUM Designations, Zoning Designations, Major Changes, Revising Development Rights, Exhibit E, Exhibit E – Table 1 Increment 2 Parameters, Amending the Stormwater Management/Water Quality/Flood Plains Section, Revising the Transportation Section, Revising the Vegetation/Wildlife/Wetlands Sections, Updating Buildout and Expiration Dates, Updating Exhibit "B" in the MDO to be Consistent, Exhibit B, Updating Exhibit "D", Exhibit H MDO Land Use Equivalency Matrix, Exhibit B-2, Exhibit B-4, Exhibit F, Exhibit H-1, Exhibit H-2, Exhibit I, Increment 2: Map H, Master Drainage Plan, Master Internal Circulation Plan, Primary Greenways & Trails, and Primary Utility Corridor Plan.

Chair Truex noted Palladium Group, subsidies, affordable and workforce housing, study, language, and changes. **Commissioner Constance** spoke to Major Changes, Revising Development Rights, Exhibit E, Updating Buildout and Expiration Dates, affordable and workforce housing, changes, study, and language. **Commissioner Deutsch** remarked on affordable and workforce housing, definitions, and subsidies. **Commissioner Doherty** commented on affordable housing section, study, MDO, and increments. **Commissioner Tiseo** discussed Major Changes, MDO, affordable and workforce housing, language, section three, Palladium Group, subsidies, increments, non-residential use, study, and Bold Goals.

Mr. Cullinan mentioned Resolution, impact fees, language, and affordable and workforce housing.

Assistant County Attorney David noted language, changes, and affordable and workforce housing.

Attorney Rob Berntsson, Applicant Representative spoke to applications, changes, MDO, increments, traffic, consistency, language, proportionate share, SR 31, affordable and workforce housing, study, funds, Florida Statute, subsidies, community needs, and missing middle.

County Attorney Knowlton interjected on disclosures, affordable and workforce housing, section 3, and changes.

Ms. Walsh commented on affordable and workforce housing, definition, terms, location, subsidies, and study.

Public Input for Petition Number 22LAD-00000-00004, Revisions to the Babcock Ranch Community DRI MDO, Petition Number 22LAD-00000-00005, Revisions to the Babcock Ranch Community DRI Increment 1 IDO, and Petition Number 22LAD-00000-00006, Revisions to the Babcock Ranch Community DRI Increment 2 IDO

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2023-079 AN AMENDMENT AND RECODIFICATION OF AN INCREMENTAL DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONER OF CHARLOTTE COUNTY, FLORIDA FOR INCREMENT 1 OF THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

UB11. 22LAD-00000-00006, Revisions to the Babcock Ranch Community DRI Increment 2 IDO

Community Development

(Change #1) Added attachment – Updated Presentation.

Approve A Resolution pursuant to Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's Land Development Regulations, amending and recodifying the Increment 2 Development Order (IDO), Resolution Number 2021-109, for the Babcock Ranch Community Development of Regional Impact (DRI) to: 1) remove two Whereas clauses; 2) revise development rights by increasing residential dwelling units from 6,457 to 9,252 units (single-family from 4,434 to 5,817 units and multi-family from 2,023 to 3,435 units); adding 600 hotel rooms; increasing retail from 297,250 to 730,000 square feet; decreasing office from 727,750 to 650,000 square feet; removing 200,000 square feet of industrial and 75,000 square feet of ancillary community uses, and increasing units of assisted living facilities from 100 to 200 units; 3) amend the Stormwater Management, Water Quality, and Flood Plains section by revising Condition 3.A.(4) to reflect the current permit information; 4) amend the Transportation section, Condition 4, to remove specific site-related improvements, Exhibit "J", Exhibit "K" and instead refer to Exhibit "G" of the Master Development Order (MDO) for the Cumulative Incremental Transportation Conditions; 5) update the Vegetation, Wildlife and Wetlands section by revising Conditions 5.A.(1), A.(2), and A.(3) to reflect new permits and update permit numbers; 6) revise the Education section, Condition 7.A.(2), to reflect compliance with Babcock Ranch School Site Dedication Agreement; 7) reflect the extension of the expiration date and buildout date of this Increment Development Order (IDO); 8) remove Exhibit "C": Babcock Ranch Community Increment 2 Equivalency Matrix; 9) update Exhibit "B" to reflect updated entitlements, decrease observation greenway areas and concurrently increase active greenway areas, and reduce areas for Mixed Use/Residential/Commercial, Exhibit "F" to update the base map to reflect new roadway configurations, Exhibits "G" and "H" to update the base map to reflect new roadway configurations, and to revise observation and active greenway areas to be consistent with Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD) permitted plans, and Exhibit "I" to be consistent with permitted Conservation Easements and Greenway configurations and designations, and updates to roadway alignments; 10) update Exhibit "D": Updated Summary of Land Dedications and Facilities Construction to be consistent with the MDO; 11) amend Exhibit "E": Babcock Ranch Community Increment 2 Parameters to be consistent with revised development parameters; and 12) update this IDO for other changes for internal and statutory consistency; for property generally located east of State Road 31, south of County Road 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 4,021± acres, in the East County area; Commission District I, Petition No. 22LAD-00000-00006; Applicant: Babcock Property Holdings, LLC; providing an effective date. Located in Commission District I. **RES 2023-080**

Quasi-Judicial

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

Ms. Shao provided credentials, gave a brief overview of Proposed Amendments, Location Map, 1000' Notification Area Map, Area Image, Framework, FLUM Designations, Zoning Designations, Major Changes, Revising Development Rights, Exhibit E, Exhibit E – Table 1 Increment 2 Parameters, Amending the Stormwater Management/Water Quality/Flood Plains Section, Revising the Transportation Section, Revising the Vegetation/Wildlife/Wetlands Sections, Updating Buildout and Expiration Dates, Updating Exhibit "B" in the MDO to be Consistent, Exhibit B, Updating Exhibit "D", Exhibit H MDO Land Use Equivalency Matrix, Exhibit B-2, Exhibit B-4, Exhibit F, Exhibit H-1, Exhibit H-2, Exhibit I, Increment 2: Map H, Master Drainage Plan, Master Internal Circulation Plan, Primary Greenways & Trails, and Primary Utility Corridor Plan.

Chair Truex noted Palladium Group, subsidies, affordable and workforce housing, study, language, and changes. **Commissioner Constance** spoke to Major Changes, Revising Development Rights, Exhibit E, Updating Buildout and Expiration Dates, affordable and workforce housing, changes, study, and language. **Commissioner Deutsch** remarked on affordable and workforce housing, definitions, and subsidies. **Commissioner Doherty** commented on affordable housing section, study, MDO, and increments. **Commissioner Tiseo** discussed Major Changes, MDO, affordable and workforce housing, language, section three, Palladium Group, subsidies, increments, non-residential use, study, and Bold Goals.

Mr. Cullinan mentioned Resolution, impact fees, language, and affordable and workforce housing.

Assistant County Attorney David noted language, changes, and affordable and workforce housing.

Attorney Rob Berntsson, Applicant Representative spoke to applications, changes, MDO, increments, traffic, consistency, language, proportionate share, SR 31, affordable and workforce housing, study, funds, Florida Statute, subsidies, community needs, and missing middle.

County Attorney Knowlton interjected on disclosures, affordable and workforce housing, section 3, and changes.

Ms. Walsh commented on affordable and workforce housing, definition, terms, location, subsidies, and study.

Public Input for Petition Number 22LAD-00000-00004, Revisions to the Babcock Ranch Community DRI MDO, Petition Number 22LAD-00000-00005, Revisions to the Babcock Ranch Community DRI Increment 1 IDO, and Petition Number 22LAD-00000-00006, Revisions to the Babcock Ranch Community DRI Increment 2 IDO

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2023-080 AN INCREMENTAL DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA FOR INCREMENT 2 OF THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

UB12. DRI-22-04-17, Creating the Babcock Ranch Community Increment 3 Development Order (IDO)

Community Development

Approve a Resolution pursuant to Section 380.06, Florida Statutes (F.S.) and Section 3-9-10.1, Development of Regional Impact (DRI) Development Order (DO) Amendment Process and Procedure under Chapter 3-9, Zoning, the County's Land Development Regulations, for an incremental development order for the Babcock Ranch Community, called Babcock Ranch Community Increment 3 Development Order (DO); for property generally located east of State Road 31, south of County Road 74 (Bermont Road), west of the Glades County line, and north of the Lee County line, containing 4,535± acres, in the East County area; Commission District I, Petition No. DRI-22-04-17 Applicant: Babcock Property Holdings, LLC, providing an effective date. Located in Commission District I. **RES 2023-081**

Quasi-Judicial

Mr. Cullinan gave a brief overview of Proposal, 1000' Notification Area Map, Location Map, Area Image, Framework, FLUM Designations, Zoning Designations, Proposed Development Rights, Increment 3 North – Map H, Increment 3 South – Map H, Exhibit H MDO Land Use Equivalency Matrix, Proposed Requirements: Stormwater Management/Water Quality/Flood Plains Section, Master Drainage Plan, Transportation Section, Exhibit G, SR 31 Improvement Status, Master Internal Circulation Plan, Vegetation/Wildlife/Wetlands Section, Wastewater Management and Water Supply Section, Primary Utility Corridor Plan, and Exhibit D.

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

Attorney Rob Berntsson, Applicant Representative discussed Increment 3 and requested approval.

Public Input

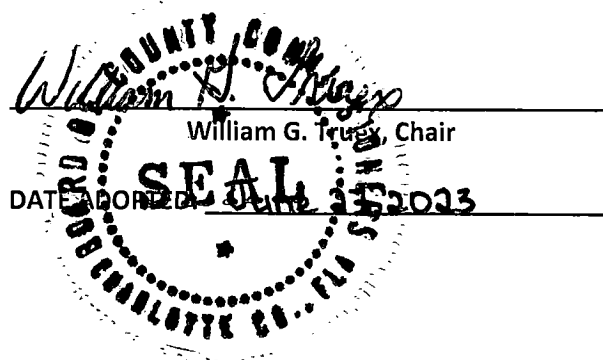
COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE RESOLUTION 2023-081 AN INCREMENTAL DEVELOPMENT ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA FOR INCREMENT 3 OF THE BABCOCK RANCH COMMUNITY (CHARLOTTE COUNTY), A MASTER DEVELOPMENT OF REGIONAL IMPACT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

ADJOURNED: 8:10 pm



ATTEST:

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

By

Roger D. Eaton
Deputy Clerk