

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 26, 2024

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

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

The Meeting was called to order at 9:00 am

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

Elect Chairman and Vice Chairman

County Attorney

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

County Attorney Knowlton opened the floor for nominations.

COMMISSIONER DOHERTY NOMINATED COMMISSIONER TISEO AS CHAIRMAN, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

COMMISSIONER TRUEX NOMINATED COMMISSIONER DOHERTY AS VICE CHAIRMAN, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Commissioner Doherty presented Award to Commissioner Truex.

Changes to the Agenda

Addition #1: R-5, Port Charlotte Beach Park.

Requested by: Commission Office

Change #1: R-4, Added attachment – Presentation.

Requested by: Public Works

Change #2: F-12, Updated wording: c) Authorize the Chairman to sign the contract after completion of negotiations. ~~This is for the engineering services to provide professional services for obtaining a new Babcock Ranch Water Use Permit.~~ This is to provide professional services for a feasibility study for future system improvements in support of the current WUP application to the South Florida Water Management District, SFWMD.

Requested by: Commission Office

Change #3: C-8, Added attachments – Charlotte County Request to PRMRWSA for Babcock Ranch Water Supply Support and Draft- PRMRWSA Letter-December 4, 2024.

Requested by: County Administration

Change #4: R-3, Added attachment – Peace River Manasota Regional Water Supply Authority Board of Directors Meeting agenda- Final.

Requested by: Utilities

Change #5: C-2, Added attachment – P. Smallwood Application and Profile Sheet.

Requested by: Commission Office

Change #6: C-3, Added attachment – R. Hancik Application.

Requested by: Commission Office

Change #7: UB-3, Added attachments – 1 - Board Memo, 2 - PowerPoint, Updated, 3 – Revisions to Section 3-9-50, 4 – Elevation Graphic, Ordinance.

Requested by: Community Development

Change #8: R-2, Updated wording: a) Discussion, direction and approval of 2025 State Legislative Agenda; and b) Discussion and direction on letters of support for Charlotte County Schools and West Coast Inland Navigation District. Added attachments – 2025 State Legislative Agenda – draft 11.26.24 – updated formatting, Letter of Support – CCPS Advance Manufacturing Program, Letter of Support – WCIND Derelict Vessels.

Requested by: County Administration

Change #9: R-5, Added attachment – Presentation.

Requested by: Community Services

COMMISSIONER TRUEX MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Proclamations - Commissioner Christopher Constance

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

MOTION CARRIED 5:0.

Community Garden Month

Katie Meier accepted the Proclamation.

Small Business Saturday

Proclamation to be mailed to Small Business Saturday Coalition.

Farm-City Week

DeSoto-Charlotte County Farm Bureau Director Lindsay Harrington and District Field Supervisor Andy Neuhofer accepted the Proclamation, discussed agricultural impacts, Florida Gulf Coast University, and Center for Agribusiness.

Employee Recognition

Award Presentations

PUBLIC INPUT - AGENDA ITEMS ONLY

Jeff Lustig spoke in support of Sheriff Helicopter Rebuild.

Phil Flood mentioned Manasota Key and Don Pedro Knight Island Recovery Project.

Kim Amontree, Charlotte County School Board spoke in support of 2025 State Legislative Agenda.

Tim Ritchie commented on Water Authority Agenda - December 4, 2024 and 2025 State Legislative Agenda.

Adele Zajac and Joe Zajac declined speak on Port Charlotte Beach Park.

Scott Prosuch noted Port Charlotte Beach Park.

Frank Kudra spoke to Port Charlotte Beach Park.

John M. Matysik remarked on Port Charlotte Beach Park.

Michael Thompson discussed Port Charlotte Beach Park.

Michael Brimer mentioned Port Charlotte Beach Park.

James Payne commented on Port Charlotte Beach Park.

Julie David noted Port Charlotte Beach Park.

Lynnette James spoke to Port Charlotte Beach Park.

Teri Johnston remarked on Port Charlotte Beach Park.

Joe Johnston discussed Port Charlotte Beach Park.

Deb Nemesi mentioned Port Charlotte Beach Park.

Roger S. Hamilton commented on Port Charlotte Beach Park.

Tony Pandolfo noted Port Charlotte Beach Park.

Karen Gore spoke to Port Charlotte Beach Park.

Suzanne Walsh remarked on Port Charlotte Beach Park.

Mark Pelersi discussed Port Charlotte Beach Park.

Betty Kedzioer mentioned Port Charlotte Beach Park.

Dave Thompson commented on Port Charlotte Beach Park.

Don Saboe spoke against Port Charlotte Beach Park.

Ann Sansone noted Port Charlotte Beach Park.

Peter Menninger spoke to Port Charlotte Beach Park.

Chuck Witzké remarked on Port Charlotte Beach Park.

Erik Howard discussed Port Charlotte Beach Park.

Damian Ochab, South Manasota Sandpiper Key Association President spoke against TLDR-24-02, Revisions to Manasota and Sandpiper Key Zoning District Overlay and mentioned Manasota Key and Don Pedro Knight Island Recovery Project.

COMMITTEE VACANCIES

The committee vacancy list below is for informational purposes only. It is not part of the County Commission agenda upon which action is to be taken, and therefore not a topic on which public input is allowed at the beginning of this meeting.

Barrier Island Fire Service Municipal Service Benefit Unit (MSBU) Advisory Board is seeking a volunteer to fill a vacant position with term ending October 31, 2025. Applicants must be residents of Charlotte County and reside within the Unit. Submit applications to Public Safety Department, 26571 Airport Road, Punta Gorda, Florida 33982; call 941-833-5610 or email Todd.Dunn@CharlotteCountyFL.gov.

The Agricultural & Natural Resources Advisory Committee is searching for (4) four volunteers who must be residents or owners of real property in Charlotte County to include representatives of:

- Range, Timber and Wildlife/Sod, Hay, Aquacultural, or Honey Production
- Vegetable Production
- Livestock Production
- Citrus Production
- Agricultural Economics
- Environmental Conservation
- Agricultural Engineering/Water Management
- Agricultural Realty
- Rural Land Use and Environmental Law

Please contact Morgan Cook at Morgan.Cook@charlottecountyfl.gov for more information.

The Affordable Housing Advisory Committee (AHAC) is searching for one volunteer who lives in Charlotte County who is actively engaged in any of the following:

- Citizen actively engaged in the residential home building industry in connection with affordable housing.
- Citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- Citizen representative of those areas of labor actively engaged in home building in connection with affordable housing.
- Citizen actively engaged as an advocate for low-income persons in connection with affordable housing.
- Citizen actively engaged as a for-profit provider of affordable housing.

- Citizen actively engaged as a not-for-profit provider of affordable housing.
 - Citizen actively engaged as a real estate professional in connection with affordable housing.
 - Citizen actively serving on the local planning agency pursuant to s.163.3174.
 - Citizen residing within the jurisdiction of the local governing body making the appointments.
 - Citizen who represents employers within the jurisdiction.
 - Citizen who represents essential services personnel, as defined in the local housing assistance plan.
- Please contact Morgan.Cook@charlottecountyfl.gov for more information.

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 one member to fill a position with a term through October 31, 2026, and one member to a fill position with a term through October 31, 2027.
- **Buena Vista Waterway Unit** is seeking one person to fill a position with a term through October 31, 2027.
- **Edgewater North Waterway Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking two members to fill position with a term through October 31, 2027.
- **Greater Port Charlotte Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.
- **Grove City Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025, one member to fill a position with a term through October 31, 2027.
- **Gulf Cove Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025, and seeking one member to fill a position with a term through October 31, 2027.
- **Gulf Cove Waterway Unit** is seeking one member to fill a position with a term through October 31, 2027.
- **Harbour Heights Waterway Unit** is seeking one member to fill a position with a term through October 31, 2027.
- **Manasota Key Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.
- **Manchester Waterway Utility Unit** is seeking one member to fill a position with a term through October 31, 2027.
- **Northwest Port Charlotte Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025, and one member to fill a position with a term through October 31, 2027.
- **Northwest Port Charlotte Waterway Unit** is seeking one member to fill a position with term through October 31, 2027.
- **Pirate Harbor Waterway Unit** is seeking one member to fill a position with a term through October 31, 2027.
- **Rotonda Heights Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2027.
- **Rotonda Sands Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025, and one member to fill a position with a term through October 31, 2027.

- **Rotonda West Street & Drainage Unit** is one member to fill a position with a term through October 31, 2027.
- **South Burnt Store Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **Suncoast Waterway Unit** is one member to fill a position with a term through October 31, 2025.
- **West Charlotte Stormwater** is seeking one member to fill a position with a term through October 31, 2027.

Metropolitan Planning Organization (MPO) - Bicycle/Pedestrian Advisory Committee (BPAC) is seeking one South County Representative (applicant must live in Charlotte County) and one West County Representative (must live West of the Myakka River). 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: one experienced representative of the local private for-profit transportation industry. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged.

MPO - Citizens' Advisory Committee (CAC) is seeking one Charlotte County resident to serve as a West County Representative (applicant must live West of the Myakka River). The CAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

The deadline for submitting an application is Friday, December 6, 2024. Please go online at www.ccpgmmpo.gov or contact the MPO for an application. The MPO mailing address is Charlotte County-Punta Gorda MPO, 1050 Loveland Blvd. Box C, Port Charlotte, Florida 33980; Email: office@ccpgmmpo.gov. The MPO Board will elect the above positions at its Monday, December 16, 2024 meeting.

REPORTS RECEIVED AND FILED

Quarterly Housing Division Report - July, August, September 2024

Human Services

July, August and September 2024 Housing Division Report.

CONSENT AGENDA

COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-1 AND F-12, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Comptroller Division

1. Finance

Recommended Action: Approve the Clerk's Finance Memorandum.

Budgeted Action: No action needed.

B. Minutes Division

1. Minutes

Recommended Action: Approve the following Minutes:

November 7, 2024 BCC Pre Agenda
November 12, 2024 BCC Regular Meeting

Budgeted Action: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment - Greater Port Charlotte Street & Drainage Advisory Board

Recommended Action: Approve the appointment of Wesley England to fill the unexpired term of Lorraine Moneypenny on the Greater Port Charlotte Street & Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2026.

Budgeted Action: No action needed.

2. Appointment - Board of Zoning Appeals

(Change #5) Added attachment – P. Smallwood Application and Profile Sheet.

Recommended Action: Approve the appointment of Phillip R. Smallwood as District 2 representative to fill the unexpired term to the Board of Zoning Appeals. Term is effective immediately and will expire on November 30, 2026.

Budgeted Action: No action needed.

3. Appointment - Beaches and Shores Advisory Committee

(Change #6) Added attachment – R. Hancik Application.

Recommended Action: Approve the appointment of Robert D. Hancik as District 2 representative to fill the unexpired term to the Beaches and Shores Advisory Committee. Term is effective immediately and will expire on November 30, 2026.

Budgeted Action: No action needed.

4. Reappointment - Planning and Zoning Board

Recommended Action: Approve the reappointment of Michael Gravesen as the District 5 representative to the Planning and Zoning Board. The term begins immediately and expires in November 2028.

Budgeted Action: No action needed.

5. Reappointment - Parks and Recreation Advisory Board

Recommended Action: Approve the reappointment of Erick Toth as the District 5 representative to the Parks & Recreation Advisory Board. The term begins immediately and expires in November 2028.

Budgeted Action: No action needed.

6. Reappointment - Buena Vista Waterway Advisory Board

Recommended Action: Approve the reappointment of Donna Elliot to the Buena Vista Waterway Advisory Board. This appointment will be effective immediately and will expire on October 31, 2027.

Budgeted Action: No action needed.

7. Reappointment - Board of Zoning Appeals

Recommended Action: Approve the reappointment of Andrew Filieo as the District 5 representative to the Board of Zoning Appeals. The term begins immediately and expires November 2028.

Budgeted Action: No action needed.

8. Babcock Ranch Water Supply Use Permit - Letter of Support

(Change #3) Added attachments – Charlotte County Request to PRMRWSA for Babcock Ranch Water Supply Support and Draft- PRMRWSA Letter-December 4, 2024.

Recommended Action: a) Approve letter to the Peace River Manasota Regional Water Supply Authority requesting a letter of support for the Babcock Ranch Water Supply Use Permit application; and b) Authorize chairman to sign the letter.

Budgeted Action: No action needed.

D. County Administration

E. County Attorney

F. Budget and Administrative Services

Fiscal Services

1. Sheriff Helicopter Rebuild

Recommended Action: a) Approve the Charlotte County Sheriff Office's request to transfer \$2,500,000 of the \$6,620,694.35 General Fund excess fee to the Sheriff's FY25 budget to rebuild their Huey aircraft; and b) Approve Resolution and Budget Amendment BA25-144 in the amount of \$2,500,000. **RES 2024-213**

Budgeted Action: Approve Budget Amendment BA25-144 in the amount of \$2,500,000 to the Public Safety Fund - Sheriff's budget and authorize change to the FY25 budget. Funding for this expenditure will come from the General Fund excess fees revenue.

Commissioner Constance commented on budget, air operations, collaboration, technology, air surveillance, drones, vertiports, options, savings, efficiency, and National Association of Counties (NACo). **Commissioner Deutsch** noted helicopter.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE CHARLOTTE COUNTY SHERIFF OFFICE'S REQUEST TO TRANSFER \$2,500,000 OF THE \$6,620,694.35 GENERAL FUND EXCESS FEE TO THE SHERIFF'S FY25 BUDGET TO REBUILD THEIR HUEY

AIRCRAFT; AND APPROVE RESOLUTION 2024-213 AND BUDGET AMENDMENT BA25-144 IN THE AMOUNT OF \$2,500,000, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Information Technology

Purchasing

2. 25-039, Award, Control and Video Surveillance System Upgrade for Jail and Sheriff Access (Facilities)

Recommended Action: Approve award of Request for Sole Source File # 25-039, Control and Video Surveillance System Upgrade for Jail and Sheriff Access to Montgomery Technology Systems, LLC of Greenville, Alabama at the total cost of \$321,900.

Budgeted Action: No action needed. Budgeted in the Public Safety Fund - Facilities Management budget as approved in the FY25 budget process. Funding for this item comes from ad valorem.

3. 24-563, Award, Community Services Park Re-Master Plan (Community Services)

Recommended Action: Approve award of Request for Letters of Interest File #24-563, Work Order #327 (Contract 15-421), Community Services Park Re-Master Plan with DMK Associates of Venice, Florida for the not-to-exceed amount of \$199,985.

Budgeted Action: No action needed. Budgeted in the Community Services Capital Maintenance Plan as approved in the FY25 budget process. Funding is supplied from Capital Projects, ad valorem.

4. 24-610, Award, Contractor/Builder - Annual Contract (Facilities)

Recommended Action: a) Approve award of Request for Bid #24-610, Contractor/Builder - Annual Contract, to ERS Construction of Punta Gorda, Florida, at the hourly rate bid. The term of contract is January 1, 2025 through and including December 31, 2025; and b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions by mutual consent.

Budgeted Action: No action needed. Services provided and charged out to various departments. Funding for this expenditure comes from various funding sources.

5. 25-019, Award, 115-Volt Effluent Pumps - Annual Contract

Recommended Action: a) Approve award of Bid #25-019, 115-Volt Effluent Pumps - Annual Contract to the lowest responsive, responsible bidder, Alpha General Services Inc., of Sebring Florida at \$175.00 per a unit price submitted for a period of January 1, 2025 through and including December 31, 2025; and b) Authorize County Administrator, or his designee, to approve renewal options for up to two (2) additional one (1) year periods at the same prices, terms and conditions, by mutual consent. The purpose of this bid is secure a firm price for the purchase and delivery of effluent pumps for Charlotte County Utilities on an "as required basis."

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY2025 budget process. Funding for this expenditure comes from rate revenues.

6. 24-444, Approve Change Order, Desoto Ditch Bank Hurricane Repairs and Re-stabilization (Public Works)

Recommended Action: a) Approve Change Order in the amount of \$599,950 for Request for Bid #24-444, Desoto Ditch Bank Hurricane Repairs and Re-stabilization for an updated total amount of \$1,265,106.35. This project is for the repairs and re-stabilization of the Desoto ditch bank; and b) Approve additional 92 days of contract time for an updated contract time of 212 days.

Budgeted Action: No action needed. Grant funding in the amount of \$499,962.50 and the required match in the amount of \$149,962.50 are included in the FY24 budget for Public Works. Grant funding will be provided by the USDA - NRCS (United States Department of Agriculture, Natural Resources Conservation Service). Matching funds in the amount of \$149,962.50 will be provided from the Hurricane fund 1901.

7. 24-603, Award, Biscayne Bridges 014049 and 014050 Rehabilitations (Public Works)

Recommended Action: Approve award of Request for Bid #24-603, Biscayne Bridges 014049 and 014050 Rehabilitations, to Villa-Fuerte Construction, LLC of Arcadia, Florida, for the total amount of \$814,431.93. This is to complete the required bridge rehabilitations on the Biscayne Drive over Juniper Waterway (014049) and Biscayne Drive over Apollo Waterway (014050) bridges.

Budgeted Action: No action needed. Budgeted in the Public Works Bridge Capital Maintenance Plan as approved in the FY25 budget process. Funding is supplied from Capital Projects Fund, ad valorem.

8. 25-023, Award, Street Signposts - Annual Contract (Public Works)

Recommended Action: a) Approve award of Request for Bid #25-023, Street Signposts - Annual Contract to Vulcan Inc. of Foley, Alabama at the unit prices bid with a term of contract from January 1, 2025, through and including December 31, 2025; and b) Authorize the County Administrator, or his designee, to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent.

Budgeted Action: No action needed. Budgeted in Public Works Engineering as approved in the FY25 budget process. Funding for this expenditure comes from General Fund.

9. 24-613, Award, Infrastructure Services-Annual Contract (Information Technology)

Recommended Action: a) Approve award of Request for Bids #24-613, Infrastructure Services - Annual Contract, at the unit prices, to Intelligent Infrastructure Solutions, LLC, of Fort Myers, Florida for the term January 1, 2025, up to and including December 31, 2025, with option to renew for two additional one-year terms at the same prices, terms, and conditions; and b) Authorize the County Administrator to approve annual renewals at the same prices, terms, and conditions. This is for installation, repair, and maintenance of the County's infrastructure.

Budgeted Action: No action needed. Funds are available in the General Fund IT Maintenance budget as adopted during the FY25 budget process.

10. 25-005, Award, Shell/Rock Material - Annual Contract (Public Works)

Recommended Action: a) Approve the split "per line item" award for Request for Bid #25-005, Shell/Rock Material - Annual Contract to two (2) firms: Nickale Corporation of Naples, Florida, and Grippo Pavement Maintenance Inc. of Lehigh Acres, Florida at the unit prices attached, with a contract term from January 1, 2025, through and including December 31, 2025; and b) Authorize the County Administrator, or his designee, to approve renewal options for up to two (2) additional one-year terms at the same prices, terms, and conditions, by mutual consent.

Budgeted Action: No action needed. Budgeted in Public Works Road Maintenance and MSBU/TU as approved in the FY25 budget process. Items will be placed into inventory and charged out to appropriate MSBU/TU or Road & Bridge when used with funding from assessments or gas tax.

11. 24-634, Award, Service and Maintenance of Chillers - Annual Contract (Facilities)

Recommended Action: a) Approve award of Request for Bid #24-634, Service and Maintenance of Chillers - Annual Contract to Air Mechanical and Service Corporation of Englewood, Florida at the unit prices bid. Term of contract is to be from January 1, 2025, through and including December 31, 2025; and b) Authorize the County Administration to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent.

Budgeted Action: No action needed. Services provided and charged out to various departments. Funding for this expenditure comes from various sources as service is provided.

12. 24-459, Approve Ranking, Babcock Ranch Water Supply Facilities (Utilities)

(Change #2) Updated wording: c) Authorize the Chairman to sign the contract after completion of negotiations. ~~This is for the engineering services to provide professional services for obtaining a new Babcock Ranch Water Use Permit.~~ This is to provide professional services for a feasibility study for future system improvements in support of the current WUP application to the South Florida Water Management District, SFWMD.

Recommended Action: a) Approve for Request for Proposal #24-459, Babcock Ranch Water Supply Facilities: 1st Kimley-Horn, of Sarasota, Florida; 2nd Johnson Engineering of Port Charlotte, Florida; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for the engineering services to provide professional services for obtaining a new Babcock Ranch Water Use Permit.

Budgeted Action: No action needed. Budgeted in Capital Improvements Project "Babcock Ranch Water Supply" as approved in the FY25 budget process. Funding will be supplied by the Utility Water Connection Fee Fund.

Chair Tiseo spoke to contract, Water Use Permit, and cost. Commissioner Constance discussed Board review. Commissioner Doherty mentioned Water Use Permit, contract, Request for Proposal (RFP), Request for Additional Information (RAI), permitting process, preliminary engineering, data, and budget. Commissioner Truex commented on data, feasibility study, and Kimley-Horn.

COMMISSIONER DOHERTY MOVED APPROVAL OF RANKING, REQUEST FOR PROPOSAL 24-459, BABCOCK RANCH WATER SUPPLY FACILITIES: 1ST KIMLEY-HORN, OF SARASOTA, FLORIDA; 2ND JOHNSON ENGINEERING OF PORT CHARLOTTE, FLORIDA; DEFER ACTION ON APPROVING START OF NEGOTIATIONS; AND AUTHORIZING THE CHAIRMAN TO SIGN THE CONTRACT AFTER COMPLETION OF NEGOTIATIONS. THIS IS FOR THE ENGINEERING SERVICES TO PROVIDE PROFESSIONAL SERVICES FOR OBTAINING A NEW BABCOCK RANCH WATER USE PERMIT, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

13. 23-272, Amendment 3, Construction Manager at Risk - Hurricane Ian Recovery - Mid County (Facilities)

Recommended Action: Approve Amendment #3 to Contract #23-272, Construction Manager at Risk - Hurricane Ian Recovery - Mid County, with Wharton-Smith, Inc. for the GMP for the Sports Park Pavilion Replacement in the amount of \$1,043,140.

Budgeted Action: No budget action needed. A Q4 budget adjustment will be brought to the Board for approval. Funding for the expenditure is expected from the State Appropriation SB2500, which will be recorded in the hurricane fund. The required local match has not been determined.

Real Estate Services

Risk Management

Transit

G. Community Development

H. Community Services

I. Economic Development

J. Facilities Management

K. Human Resources

L. Human Services

M. Public Safety

N. Public Works

O. Tourism Development

1. Florida Sports Foundation US Sports Congress Meetings Grant

Recommended Action: a) Approve the acceptance of the Florida Sports Foundation Grant in the amount of \$15,000; and b) Authorize the County Administrator, or his/her designee, to approve and execute the Grant Agreement. **GRT 2024-057**

Budgeted Action: No action needed. Budgeted in the Tourism Promo General account during the FY24 budget process. Grant funding in the amount of \$15,000 will be paid by the Florida Sports Foundation. Matching funding in the amount of \$15,000 will be paid by the Tourism Development Tax Fund.

P. Utilities

Q. Other Agencies

REGULAR AGENDA

R. Regular Agenda

1. Sales Tax Update

County Administration

Update on the Sales Tax Projects.

County Administrator Flores gave a brief overview of 2014 Sales Tax – Completed, 2014 Sales Tax – active projects, 2020 Sales Tax projects – Tier 1, 2020 Sales Tax Projects – Tier 2, History, 2026 Sales Tax Timeline, replied to South County Annex (2020), and Charlotte County Sheriff Office - District 2.

Gordon Burger, Budget and Administrative Services Director gave a brief overview of Sales Tax Revenue.

Travis Perdue, Facilities Management Director gave a brief overview of Sheriff's Administration Center/911 (2020), Supervisors of Elections (2014), Placida Boat Ramp Expansion (2014), Family Services Center – Phase II (2020), Sheriff's District 4 and Training (2020), Fire Stations 3, 6, and 17 (2020), GC Herring Park (2020), William R. Gaines Jr. Veterans Memorial Park Phase II (2020), Port Charlotte Beach Complex (2020), Port Charlotte Beach Pool (2020), and South County Annex (2020).

Joanne Vernon, County Engineer gave a brief overview of Edgewater Expansion Design, Marathon Boulevard Sidewalk, Sunset Boulevard Sidewalk, Fruitland Boulevard/Avenue of the Americas Sidewalk, Quesada Boulevard Sidewalk, Rampart Boulevard Sidewalk, Caring Way and Brinson Avenue Sidewalk, Atwater Street Sidewalk, Cleveland Avenue Sidewalk, and Airport Road Sidewalk.

Dave Watson, Utilities Director gave a brief overview of Water Quality Infrastructure Sales Tax (2020) Budget \$7,000,000, Sales Tax (2020): Ackerman Septic to Sewer Project, Lake View/Midway Septic to Sewer Project, Cape Haze Septic to Sewer Project, West County Improvements, Water Quality – Vacuum Station – Tier 2 (2020) Budget \$3,000,000, and Midway North Septic to Sewer Project.

Chair Tiseo noted revenue streams, 2020 Sales Tax Projects – Tier 1, Port Charlotte Beach Complex (2020), spatial planning and programming, priorities, infrastructure, transportation, South County Annex (2020), parking, Quesada Boulevard Sidewalk, Cape Haze Septic to Sewer Project, and water quality testing. **Commissioner Constance** spoke to Hurricane Ian, recovery, Sales Tax Revenue, projections, reconstruction, 2014 Sales Tax Projects, Port Charlotte Beach Complex, 2020 Sales Tax Projects – Tier 1, foot traffic, South County Annex (2020), City of Punta Gorda, partnership, 2026 Sales Tax Projects, parking, Charlotte Harbor Event Center, cooperative effort, Airport Road Sidewalk, cost, Taylor Road, Florida Department of Transportation (FDOT), public safety, and 2026 Sales Tax Timeline. **Commissioner Doherty** discussed South County Annex (2020), parking, options, programming, site locations, revenues, Airport Road Sidewalk, and FDOT. **Commissioner Truex** mentioned Hurricanes Ian and Milton, recovery, materials, labor, Port Charlotte Beach Complex, drainage system, South County Annex (2020), cost, site locations, parking, and Cleveland Avenue Sidewalk.

2. 2025 State Legislative Agenda

County Administration

(Change #8) Updated wording: a) Discussion, direction and approval of 2025 State Legislative Agenda; and b) Discussion and direction on letters of support for Charlotte County Schools and West Coast Inland Navigation District. Added attachments – 2025 State Legislative Agenda – draft 11.26.24 – updated formatting, Letter of Support – CCPS Advance Manufacturing Program, Letter of Support – WCIND Derelict Vessels.

Discussion, direction and approval of 2025 State Legislative Agenda.

Eve Sweeting, Legislative Manager highlighted 2025 State Legislative Agenda.

Chair Tiseo commented on language, Affordable Housing Advisory Committee, Glitch Bill, Senate Bill 328, income-based rental fees, Charlotte County Airport Authority Resolution, and support statement. **Commissioner Constance** spoke to Live Local Act, language, Florida Association of Counties (FAC) 2024 Legislative Conference, efforts, misinformation, Charlotte County Airport Authority Resolution, and mission statement. **Commissioner Deutsch** noted Charlotte County Airport Authority, support statement, finances, and Allegiant Airlines. **Commissioner Doherty** discussed language,

affordable housing, and Charlotte County Airport Authority. **Commissioner Truex** mentioned language, affordable housing, Charlotte County Airport Authority, support statement, Joint Agreement, 911 fees, and Charlotte County Sheriff's Office (CCSO).

COMMISSIONER CONSTANCE MOVED TO APPROVE THE AMENDED 2025 STATE LEGISLATIVE AGENDA, ALONG WITH THE LETTER OF SUPPORT FOR THE CHARLOTTE COUNTY PUBLIC SCHOOL SYSTEM ADVANCE MANUFACTURING PROGRAM, THE LETTER OF SUPPORT FOR THE WEST COAST INLAND NAVIGATIONAL DISTRICT (WCIND) DERELICT VESSELS, AND UPDATING THE PHOTOGRAPHS AND TITLES ON THE COVER PAGE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

3. Water Authority Agenda - December 4, 2024

Utilities

(Change #4) Added attachment – Peace River Manasota Regional Water Supply Authority Board of Directors Meeting agenda- Final.

Discussion and direction on the Peace River Manasota Regional Water Supply Authority (Authority) Board agenda for the upcoming December 4, 2024 Meeting.

Mr. Watson highlighted Water Authority Agenda – December 4, 2024.

4. Manasota Key and Don Pedro Knight Island Recovery Project

Public Works

(Change #1) Added attachment – Presentation.

a) Presentation; and b) Discussion and direction on which option: storm recovery project or full permitted template beach project.

John Elias, Public Works Director highlighted Manasota Key and Don Pedro Knight Island Recovery Project and introduced Michael Poff, Coastal Engineering Consultants President.

Mr. Poff gave a brief overview of Storm Erosion Summary: Manasota Key, Original Erosion Control Project (ECP) limits, Storm Erosion Summary ECP Updrift Beach Fill (UBF), North Beach Fill (NBF), South Beach Fill (SBF), Stump Pass Park Beach Breach – Milton Pass: Before/After, Beach Recovery Option 1, Beach Recovery Option 2, Beach Recovery Option 2 – continued, Manasota Key Recovery Options, (SPBSP) and Palm Island Recovery Options, Knight-Don Pedro Island (SBF) Recovery Options, Erosion by Event and Existing/Potential Funding: Manasota Key Storm Erosion, Erosion Control Project (UBF/NBF/SBF) Storm Erosion, Schedule and Funding, Schedule and Funding – continued, and Options.

Chair Tiseo commented on Palm Island, Beach Recovery Option 2, and funding sources. **Commissioner Constance** spoke to storm erosion, barrow pits, Pinellas County, Army Corps of Engineers, permits, and funding. **Commissioner Doherty** noted Beach Recovery Option 2, funding, timeframe, and deadlines. **Commissioner Truex** discussed Stump Pass Park Beach Breach – Milton Pass, navigation, passage point, maintenance, and effects.

Mr. Burger responded to construction, reimbursement cycles and assessments.

(Consensus: To move forward with Beach Recovery Option 2)

Taken Out of Order

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

1. Ordinance to Reduce the Speed Limit from 45 and 40 Miles Per Hour to 35 Miles Per Hour on All Major Roads in South Gulf Cove

Public Works

Conduct a public hearing to consider approving an ordinance to reduce the speed limit from 45 and 40 miles per hour to 35 miles per hour on all the six major roads in South Gulf Cove.

Mr. Elias gave a brief overview of South Gulf Cove Existing Speed Limits, South Gulf Cove Proposed Speed 35 Miles Per Hour (mph), replied to golf cart, electric vehicles, signage, and signalized intersection design.

Chair Tiseo mentioned golf carts and qualifications. Commissioner Deutsch commented on public request, quantity, speed limit and reduction, traffic, signalization, accidents, and emails. Commissioner Doherty spoke to Manual on Uniform Traffic Control Devices (MUTCD), 85th Percentile, speed reduction, enforcement, CCSO, and cost. Commissioner Truex noted development, speed reduction, emails, enforcement, and violators.

Robert Fakhri, Transportation Engineer replied to speed count, accidents, communications, collector roads, and 85th Percentile.

Public Input

John Osanitsch spoke against Ordinance to Reduce the Speed Limit from 45 and 40 Miles Per Hour to 35 Miles Per Hour on All Major Roads in South Gulf Cove, remarked on construction traffic, transit and tributary roads, accidents, Gasparilla Road, public safety, and 85th Percentile.

Michael Oberacker spoke against Ordinance to Reduce the Speed Limit from 45 and 40 Miles Per Hour to 35 Miles Per Hour on All Major Roads in South Gulf Cove, discussed growth, public safety, enforcement, hazards, Fed Ex trucks, roadway improvements, Placida Road, golf carts, multi-use pathways, and signage.

Jeff Lustig mentioned golf carts, electronic vehicles, alternatives, insurance costs, and parking requirements.

Jim McDonough commented on street legal golf carts, cost, 85th Percentile, speed limit reduction, residents, economic impact statement, South Gulf Cove Street and Drainage Unit, Ordinance language, traffic studies, and sidewalks.

Christina Rich spoke against Ordinance to Reduce the Speed Limit from 45 and 40 Miles Per Hour to 35 Miles Per Hour on All Major Roads in South Gulf Cove and remarked on accidents.

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO DENY AN ORDINANCE TO REDUCE THE SPEED LIMIT FROM 45 AND 40 MILES PER HOUR TO 35 MILES PER HOUR ON ALL THE SIX MAJOR ROADS IN SOUTH GULF COVE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

2. Fourth Quarter Budget Adjustments

Budget & Admin Services

Conduct a public hearing approving the Resolution to adopt budget adjustments that amend the FY23/24 budget. These adjustments which impact various funds are needed to align the FY23/24 budget with required changes and actual activity.
RES 2024-214

Rick Arthur, Fiscal Services Director highlighted Fourth Quarter Budget Adjustments.

Public Input

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

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE RESOLUTION 2024-214 APPROVING BUDGET ADJUSTMENTS AND AMENDMENTS TO THE FISCAL YEAR 2023-2024 CHARLOTTE COUNTY ADOPTED BUDGET, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

RECESS: 12:36 pm – 1 pm

1 P.M. PUBLIC INPUT - ANY SUBJECT

Jack Vanderheyden noted Port Charlotte Beach Complex, fire stations, elections, Cultural Center, Mid-County Regional Library, and sand.

Jeff Lustig spoke to scrub jay lawsuit, litigation costs, regulation, mitigation fees, and tax payer dollars.

Ed Unitas, Biscayne Landing discussed Charlotte County Fairgrounds, and noise pollution.

Lorraine Johannessen mentioned TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, height requirements, Federal Emergency Management Agency (FEMA) standards, recommendation, new development, and parking variances.

Carolyn Tolley, Charlotte Harbor Dragons commented on rental fees, competitions, Port Charlotte Beach Park, Sarasota County, park conditions, derelict vessels, debris removal, and Riviera Marina.

David Erdmann, Biscayne Landing Homeowner Association (HOA) Board Member noted Charlotte County Fairgrounds, noise level and operating time regulations, County Attorney's Office, Section 3-9-75(g)(b), Section 3-9-100(a)(1), buffers, concert events, community impacts, and potential solutions.

Debbie Kyriax, Biscayne Landings spoke to Charlotte County Fairgrounds, noise levels, Field of Dreamz Country Classic Music Festival, Big Boy Toyz Expo President Brian Turner, kick drum bass, reverberation machine, equipment usage, Constitution of the State of Florida, Florida Statutes Chapter 877 Section 03, Chapter 616, and Chapter 316 Section 3045.

Deborah Whiting remarked on mentioned TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, height requirements, development, high density, and Hurricane Milton.

Damian Ochab, South Manasota Sandpiper Key Association President discussed Manasota Key and Don Pedro Knight Island Recovery Project, beach Renourishment, rocks, and responsibility.

Tim Ritchie, March Against Mosaic Founder and President mentioned City of Punta Gorda Mayor Debi Lutz, water quality, phosphate mining prohibition, Mosaic Fertilizer, and Water Quality Manager Brandon Moody.

A citizen commented on Port Charlotte Beach Park.

(Addition #1) 5. Port Charlotte Beach Park

Commission Office

(Change #9) Added attachment – Presentation.

Discussion on Port Charlotte Beach Park.

Tommy Scott, Community Services Director gave a brief overview of Port Charlotte Beach Post Hurricane Helene and Milton photographs and timeline, responded to misinformation, reimbursement process, public safety, Building Code, temporary restrooms, regulations, Florida Department of Emergency Management (FDEM), and debris removal contractors.

Chair Tiseo mentioned Hurricane Ian, devastating event, FEMA assistance, flood insurance, challenges, normalcy, structural and catastrophic damages, timing, construction zones, responsibility, health safety and welfare, derelict vessel removal, and expectations. **Commissioner Constance** commented on public safety, boat launches, catastrophic damage, procurement and reimbursement processes, derelict vessels, FEMA, sport courts, playground, cost, fencing, and liability. **Commissioner Deutsch** noted misinformation, derelict vessel removal contract, timeframe, public safety, amenities, liability, condition report, usage, challenges, boat launches, temporary bathrooms, and regulations. **Commissioner Doherty** spoke to timeline, health safety and welfare, liability, tax payer dollars, and lawsuits. **Commissioner Truex** discussed transparency, West County, repair and recover, priorities, structures, Hurricane Ian, park redevelopment, options, public safety, traffic, timeline, and tax payer savings.

County Attorney Knowlton interjected on park amenities and lawsuits.

(Consensus: To move forward with the plan and timeline proposed)

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

2 P.M. LAND USE AGENDA

PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY - None

Consent Agenda

COMMISSIONER CONSTANCE MOVED TO APPROVE THE LAND USE CONSENT AGENDA, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

UA1. FP-23-07-08, Babcock Ranch Community Shoppes at Yellow Pine

Community Development

Approve a Final Plat for a subdivision to be named, Babcock Ranch Community Shoppes at Yellow Pine. There is no Developer's Agreement or infrastructure associated with this plat. The proposed subdivision is a commercial development to consist of one lot. This site contains 16.08± acres and is generally located north of Cypress Parkway, east of SR 31, west of Curry Preserve Drive, and south of Lake Babcock Drive, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, within the East County area. Located in Commission District I.

Quasi-Judicial

UA2. CSZ-24-05, Ainger Landing, Inc.

Community Development

Approve Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone for four parcels located at 7022, 7100, 7120, and 7140 Riverside Drive, and one parcel (P15-1-1) generally located northwest of Seminole Gulf Railroad and north of Riverside Drive, in the Punta Gorda Area, and within the East County area, containing 25.59± acres; for calculation and severance of 119 density units, pursuant to Section 3-9-150(d)(1)(I) (Transfer of Density Units) of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-24-05; Applicant: Ainger Landing, Inc.; providing an effective date. Located in Commission District I. **RES 2024-215**

Quasi-Judicial

UA3. CSZ-24-06, Apiary Partners LLC

Community Development

Approve Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone for three parcels located at 12901, 12951, and 13001 Gasparilla Road, in the West County Area containing 162.23± acres; for calculation and severance of 358 density units, pursuant to Section 3-9-150(d)(1)(I) (Transfer of Density Units) of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-24-06; Applicant: Apiary Partners LLC; providing an effective date. Located in Commission District III. **RES 2024-216**

Quasi-Judicial

Public Hearing

Minutes Clerk Welsh administered oath for testimony.

UB1. PV-24-03, Lots 2 through 17 of Harbour Heights Section 11

Community Development

Approve Resolution of Plat Vacation to vacate portion of Harbour Heights Section 11, Replat of Part Two, consisting of lots 2 through 17, block 187B, as recorded in Plat Book 6, Pages 13A through 13D, of the Public Records of Charlotte County, Florida. The total area to be vacated is 82,698.9± square feet or 1.90± acres and is located at 27163 San Carlos Drive. Located in Commission District I. **RES 2024-217**

Legislative

Shaun Cullinan, Planning and Zoning Official gave a brief overview of PV-24-03: Location Map, 2024 Aerial Location Map (Full Range), 2024 Aerial Location Map (Mid-Range), Aerial Location Map, 2024 Eagle View Image, Future Land Use Map (FLUM) Designations, Zoning Designations, 1,000' Mailed Notice Area Map, Proposed Changes, Property Ownership, and Proposed Changes (Aerial).

John Keith, Applicant joined in Staff Report 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 2024-217 OF PLAT VACATION TO VACATE PORTION OF HARBOUR HEIGHTS SECTION 11, REPLAT OF PART TWO, CONSISTING OF LOTS 2 THROUGH 17, BLOCK 187B, AS RECORDED IN PLAT BOOK 6, PAGES 13A THROUGH 13D, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. THE TOTAL AREA TO BE VACATED IS 82,698.9± SQUARE FEET OR 1.90± ACRES AND IS LOCATED AT 27163 SAN CARLOS DRIVE. LOCATED IN COMMISSION DISTRICT I, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

UB2. Z-24-13, Centennial Park

Community Development

Approve an Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) (109.767± acres) and Residential Multi-family 10 (RMF-10)(9.58± acres) to Parks and Recreation (PKR), for properties located at 1120 and 1185 Centennial Boulevard, in the Port Charlotte area, within the Murdock Village Community Redevelopment Area (CRA), containing 119.347± acres; Petition No. Z-24-13; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Division Manager; providing an effective date. Located in Commission District IV. **ORD 2024-037**

Quasi-Judicial

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

Mr. Cullinan gave a brief overview of Proposed Change, Z-24-13: 1,000' Mailed Notice Map, Location Map, Area Image, Framework, FLUM Designations, Existing Zoning Designations, and Proposed Zoning Designations.

Public Input

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

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE ORDINANCE 2024-037 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 125.66, FLORIDA STATUTES, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL SINGLE-FAMILY 3.5 (RSF-3.5) (109.767± ACRES) AND RESIDENTIAL MULTI-FAMILY 10 (RMF-10) (9.58± ACRES) TO PARKS AND RECREATION (PKR), FOR PROPERTIES LOCATED TO 1120 AND 1185 CENTENNIAL BOULEVARD, IN THE PORT CHARLOTTE AREA, WITHIN THE MURDOCK VILLAGE COMMUNITY DEVELOPMENT AREA (CRA), CONTAINING 119.347± ACRES; COMMISSION DISTRICT IV; PETITON NO. Z-24-13;

APPLICANT: BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

UB3. TLDR-24-02, Revisions to Manasota and Sandpiper Key Zoning District Overlay

Community Development

(Change #7) Added attachments – 1 - Board Memo, 2 - PowerPoint, Updated, 3 – Revisions to Section 3-9-50, 4 – Elevation Graphic, Ordinance.

Approve an Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9, by amending Section 3-9-50, Manasota Key Zoning District Overlay to 1) amend (a) Definitions by removing the definition of “building setback calculation,” “height,” “highest constructed element,” “maximum building height,” “maximum building height calculation,” “minimum finished floor elevation,” “NGVD,” “setback,” and “structure height,” which have been established in Section 3-9-2; 2) amend the maximum height to 38 feet under the MES, MSF-1, MSF-3.5, MSF-5 zoning designations, and amend the code where needed to reflect the proposed height; 3) amend the maximum height to 45 feet under the MCG and MCT zoning, and amend code where needed to reflect proposed height; 4) reduce the side yard setback for interior lots from 10 feet to 7.5 feet, and 10% of the lot width or five feet, whichever is greater for all non-conforming lots; 5) reduce the width of the side yards abutting any water for legally non-conforming lots to 10% of the lot width or five feet, whichever is greater; 6) reduce the width of Peripheral Landscape Strip from 10 feet to five feet; 7) amend the MPD requirements; 8) remove (7) Maximum building height under (i) Development standards; 9) update (12) Nonconforming lots under (i) Development standards to remove the variance requirement; 10) remove the administrative waiver requirement; 11) amend (14) Disaster recovery to ensure legal non-conforming structure and/or use can be rebuilt under (i) Development standards; 12) create new subsection (18) the requirement for non-conforming structures to be rebuilt under (i) Development standards; and 13) amend other subsections for consistency; Application number: TLDR-24-02; Applicant: Charlotte County Board of County Commissioners; providing an effective date. Located in Commission District III. **ORD 2024-038**

Legislative

Mr. Cullinan highlighted TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, responded to Proposed New Language, overall height, elevation, requirements, FEMA’s 50% Rule and flood maps, Florida Department of Environmental Protection (FDEP), Residential: AE and X Zones elevation is measured to the Finished Floor, Coastal Construction Control Line (CCCL), density changes and calculations, restrictions, commercial footprint, parking, site conditions, Waverly Restaurant, nonconforming lots, setback variances, rebuilding, and resiliency.

Jie Shao, Principal Planner gave a brief overview of Revisions to Section 3-9-50: Manasota and Sandpiper Key Zoning District Overlay, Impacts by Hurricanes, Lot Size Issue, Additional Revisions Made After Planning and Zoning (P&Z), Major Detailed Changes, and Proposed New Language.

Shawn McNulty, Building Official gave a brief overview of Residential: AE and X Zones elevation is measured to the Finished Floor and Commercial: AE and X Zones elevation is measured to the Finished Floor.

Chair Tiseo mentioned Major Detailed Changes, administrative waiver, Board of Zoning Appeals (BZA), landscape strip, Residential: AE and X Zones elevation is measured to the Finished Floor, flood insurance discount, elevation requirement, savings, FEMA 50% Rule, slab on grade homes, elevation, devastation, Overlay and Florida Building Codes, weather events, storm surge, resiliency, compliance, sea level rise, climate change, requirements, freeboard, property owner concerns, minimums, setbacks, nonconforming and vacant lots, rebuilding, recovery, restrictions, and sidewalk. **Commissioner Constance** commented on Additional Revisions Made After P&Z, Hurricanes Ian and Nicolé, structural damage, Senate Bill 250, rebuilding, nonconforming setbacks, reconstructing, redevelopment, Major Detailed Changes, CCCL, construction

loans, elevation, financial impacts, restrictions, FEMA regulations, and flood maps. **Commissioner Deutsch** noted protection, elevation, water intrusion, density, rebuild, and public safety. **Commissioner Doherty** spoke to Overlay Code, resilient freeboard, Hurricane Ian, Comprehensive Plan changes, Coastal High Hazard Areas (CHHA), National Oceanic and Atmospheric Administration (NOAA) maps, Florida Building Code, Manasota Key, FEMA flood maps, protection, misinformation, density, and traffic impacts. **Commissioner Truex** discussed Florida Building Code, finished floor elevation, freeboard, setback adjustments, standards, FEMA 50% Rule, compliance, Manasota Key, challenges, United States Department of Housing and Urban Development (HUD) requirements, storm surge, resiliency, changes, protections, Overlay Code, and revisions.

Deputy County Attorney Thomas David read into the record Senate Bill 250, remarked on statutory obligation, construction moratorium, extension, restrictions, Hurricanes Ian and Nicole, and geographic boundary.

Ben Bailey, Community Development Director responded to damage assessments, high water marks, standards, resiliency, floodplain and storm surge maps, Code requirements, minimums, Florida Building Code, reassurance, CCCL, regulations, Gulf Boulevard, base flood elevation, freeboard, Senate Bill 250, NOAA, slab on grade homes, repair costs, FEMA 50% Rule, and analysis.

Public Input

John Kosta spoke against TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, mentioned integrity, rebuilding, statutory and regulatory standards, damaged properties, height restrictions, liability, language, setback requirements, elevation, transparency, overdevelopment, traffic, and zoning.

Charlie Martineau spoke against TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, commented on side effects, proposed changes, setback requirements, height restrictions, and density.

Scott Reynolds noted Code changes, rebuilding, FEMA requirements, height restrictions, provisions, and disaster recovery.

Judy Miller spoke to height requirements, Manasota Key, Overlay Code, setbacks, and nonconforming lots.

Tim Ritchie discussed setbacks, nonconforming lots, City of Punta Gorda, density, traffic, building height, Manasota Key, preservation, conservation, development, and hospitals.

Tina Bernd-Cohen mentioned Overlay Code, island development regulations, low density, provisions, permissible uses, setbacks, building, height, standards, Residential: AE and X Zones elevation is measured to the Finished Floor, FDEP, and Staff Report.

Robert Bray commented on Overlay Code, hardship variance, Hurricane Ian, restrictions, elevation, and storm surge.

Damian Ochab, South Manasota Sandpiper Key Association President noted Residential: AE and X Zones elevation is measured to the Finished Floor, elevation requirements, FEMA recommendations, storm surge, Manasota Planned Development (MPD), standards, barrier island, restrictions, community involvement, and setbacks.

Lorraine Johannessen spoke to setbacks, Manasota Key Municipal Service Taxing Unit (MSTU), Overlay Code, MPD, transparency, and Residential: AE and X Zones elevation is measured to the Finished Floor.

Suzanne Graham, Charlotte-DeSoto Building Industry Association (CDBIA) Government Affairs Committee President spoke in support of TLDR-24-02, Revisions to Manasota and Sandpiper Key Zoning District Overlay.

Andrew Hanks noted devastation and recovery.

Deborah Whiting remarked on devastation, building height, and Code changes.

Wanda Garver discussed Commercial: AE and X Zones elevation is measure to the Finished Floor, parking, and density.

Cindy Marsh-Tichy, Punta Gorda Port Charlotte North Port Board of Realtors President spoke in support of TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay.

John Cummings spoke in support of TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay.

Jennifer Venegoni mentioned rebuild, restore, repair, and redevelopment.

Victoria Bray spoke in support of TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, commented on Overlay Codes, and elevation.

Bonnie Littrell noted rebuild, height requirements, Overlay Code, and original footprint.

Donna Barrett spoke in support of TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, spoke to FEMA recommendations, and Florida Building Code.

Pete Hagemann, Beach Comber of Manasota Key remarked on rebuilding, Overlay Code, and MPD.

Attorney Rob Berntsson, Big W Law Firm spoke in support of TLDR-24-02 Revisions to Manasota and Sandpiper Key Zoning District Overlay, discussed FEMA and Florida Building Code regulations, height, X Zone, requirements, density, height limits, MPD, nonconforming lots, resiliency, requirements, parking, P&Z Meeting, and limitations.

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

MOTION CARRIED 5:0.

COMMISSIONER TRUEX MOVED TO APPROVE ORDINANCE 2024-038 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 3-9-50, MANASOTA AND SANDPIPER KEY ZONING DISTRICT OVERLAY; AMENDING SECTION 3-9-50(A), DEFINITIONS; AMENDING SECTION 3-9-50(F)(6), INTENT OF THE MPD DISTRICT; AMENDING SECTION 3-9-50(G), DISTRICT DEVELOPMENT STANDARDS; AMENDING SECTIONS 3-9-50(G)(1) OPEN SPACE AND RURAL DISTRICT STANDARD AND (G)(2) RESIDENTIAL DISTRICT STANDARDS, ADDRESSING MAXIMUM HEIGHT; AMENDING SECTION 3-9-50(G)(2), SIDE YARD SETBACKS; AMENDING SECTION 3-9-50(G)(2)A.2., SIDE YARD SETBACKS ABUTTING WATER FOR LEGALLY NON-CONFORMING LOTS; AMENDING SECTION 3-9-50(G)(2)B., MULTIFAMILY, ADDRESSING HEIGHTS, BUILDING AND STRUCTURE AND PERIPHERAL LANDSCAPE STRIP; AMENDING 3-9-50(G)(2)C., COMMERCIAL DISTRICT STANDARDS, ADDRESSING HEIGHTS, BUILDING AND STRUCTURE AND PERIPHERAL LANDSCAPE STRIP; AMENDING SECTION 3-9-50(G)(2)C.1., MANASOTA COMMERCIAL GENERAL (MCG) AND SECTION 3-9-50(G)(2)C.2., MANASOTA COMMERCIAL TOURIST (MCT); AMENDING SECTION 3-9-50, SPECIAL PURPOSE DISTRICT, (3) MANASOTA PLANED DEVELOPMENT ZONING AND LAND USES (MPD); AMENDING SECTION 3-9-50(I) DEVELOPMENT STANDARDS; AMENDING SECTION 3-9-50(I)(7), MAXIMUM BUILDING HEIGHT AND MAXIMUM STORIES; AMENDING SECTION 3-9-50(I)(8), PERIPHERAL LANDSCAPE STRIP; AMENDING SECTION 3-9-50(I)(9), YARD SETBACKS; AMENDING SECTION 3-9-50(I)(10) ACCESSARY STRUCTURES; AMENDING SECTION 3-9-50(I)(11), NONCONFORMING LOTS; AMENDING SECTION 3-9-50(I)(13) DISASTER RECOVERY; AMENDING SECTION 3-9-50(I)(17), NON-CONFORMING STRUCTURES; AMENDING SECTION 3-9-50(J) ARCHITECTURAL DESIGN STANDARDS; PETITION TLDR-24-02; COMMISSION DISTRICT III; APPLICANT: BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

AA. County Administrator Comments - None

BB. County Attorney Comments

County Attorney Knowlton mentioned Charlotte County Codes Section 2-4-10: Operation of golf carts on public roads and 3-5-266: intent and purpose, Habitat Conservation Plan (HCP) lawsuits, and options.

Chair Tiseo commented on blended rate and attorney fees.

CC. Economic Development Director Comments

Kay Tracy, Economic Development Director noted Hurricane Outreach Program, business impacts, reported damages, and Business Recruitment Manager position.


Chair Tiseo spoke to Ms. Tracy performance and staffing.

DD. County Commissioner Comments

Chair Tiseo remarked on Charlotte County Fairgrounds, preexisting condition, noise complaints, and exemptions. Commissioner Deutsch discussed Charlotte County Fair Executive Director Kamal Mashie, regulations, enforcement, and natural sound barriers. Commissioner Truex mentioned Deputy County Administrator Emily Lewis.

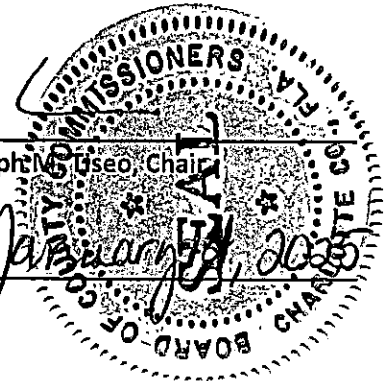
County Attorney Knowlton interjected on Mr. Mashie, code provisions, and noise regulations.

ADJOURNED: 4:26 pm



 Joseph M. Tiseo, Chair

DATE ADOPTED: 4/26/2025



ATTEST:

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

By: 

Deputy Clerk