

BOARD OF COUNTY COMMISSIONERS

February 16, 2010

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Skidmore, Commissioner Duffy, County Administrator Baltz, Assistant County Attorney Browne, Chief Deputy Board Services White, Minutes Supervisor Manley. The following members were absent: None

The meeting was called to order at **9:00 AM** followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: A-4 - Requested by: Commission Office - **RECOMMENDED ACTION:** Authorize staff to amend the definition of "Local Office" for any services requested via the Request for Proposal (RFP) process. The definition used in the Affidavit submitted in response to an RFP would be amended to expand the definition of a "Local Office" to encompass Charlotte County, Sarasota County and DeSoto County. **BUDGETED ACTION:** None.

Addition #2: A-5 - Requested by: Commission Office - **RECOMMENDED ACTION:** Request a consensus of the Board of County Commissioners concerning the height of the Sunrise Waterway Bridge on Edgewater Drive. The design phase is at the point where a decision on the optimal height of the bridge is required. Citizens have requested that the bridge be raised to allow larger boats access to the Sunrise Waterway system. Consulting engineers and the Public Works Department have determined the optimal height of the bridge to be 10.5 feet, which will raise the bridge 2 feet from its current elevation. Establishing this change in elevation for the bridge would necessitate the acquisition of two properties adjacent to the bridge approaches. **BUDGETED ACTION:** None.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

A. PLANNING AND ZONING PUBLIC HEARING

(1) **RECOMMENDED ACTION:** (Legislative) Approve an ordinance adopting Petition #PA-09-10-16, amending the Charlotte County Comprehensive Plan from Agriculture to Commercial Corridor, for property located at 5000 Dalewood Street, in the Punta Gorda area, containing 1.94± acres; Applicant: Trademark Metals Recycling, LLC; Commission District I. This is a Legislative hearing. **BUDGETED ACTION:** None.

Ordinance 2010-007

(2) **RECOMMENDED ACTION:** (Quasi-Judicial) Approve an ordinance adopting Petition #Z-09-10-17, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Commercial Intensive (CI), for property located at 5000 Dalewood Street, in the Punta Gorda area, containing 1.94± acres; Applicant: Trademark Metals Recycling, LLC.; Commission District I. This is a Quasi-Judicial hearing. **BUDGETED ACTION:** None.

Ordinance 2010-008

Chairman Starr explained the first two items are tied together, the second item A-2 is quasi-judicial, and polled the Board for ex parte of which there was none. Minutes Supervisor Manley administered the oath to all prospective witnesses.

Ms. Harrison explained the agent was not present and recommended moving it to the second item. **Commissioner Cummings** explained it was not necessary for the applicant to be present at this time as the applicant wants to move forward and staff recommends the action. **(Board Consensus to go forward with presentation of agenda items 1 and 2).**

Jie Shao presented agenda items 1 and 2 with visual slides based on packet material furnished and advised staff recommends approval.

Attorney Haymans was given oath by Minutes Supervisor Manley and requested approval.

David Watson expressed concern that the owner of the property is a scrap-metal business.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

Attorney Haymans pointed out areas owned by Trademark and commented on the intended use.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-007, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-008, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

(3) **RECOMMENDED ACTION:** (Quasi-Judicial) Approve an ordinance adopting Petition #Z-09-10-19, amending the Charlotte County Zoning Atlas from Residential Single-family 2.5 (RSF-2.5) to Office, Medical, and Institutional (OMI), for property located north of McCall Road (S.R. 776), south of Haste Lane, east of Manor Road, and west of Ainger Creek, in the Englewood area, containing 3.04± acres; Applicant: Charlotte County Board of County Commissioners; Commission District III. This is a Quasi-Judicial hearing. **BUDGETED ACTION:** None.

Ordinance 2010-009

Jie Shao presented the item based on slides and packet material.

Chairman Starr polled the Board for ex parte and there was none. Minutes Supervisor Manley administered the oath to all prospective witnesses.

James Christman advised he had been sworn, is one of the owners in the transaction, has no further input, and requested approval.

Commissioner Skidmore asked if the concern of proper notice of public hearing and the affected residents in the surrounding area that was raised when this item came before the Board eight months ago had been addressed. Ms. Shao stated notification was sent.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

COMMISSIONER LOFTUS MOVED TO APPROVE ORDINANCE 2010-009, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

A-4 - Requested by: Commission Office - **RECOMMENDED ACTION:** Authorize staff to amend the definition of "Local Office" for any services requested via the Request for Proposal (RFP) process. The definition used in the Affidavit submitted in response to an RFP would be amended to expand the definition of a "Local Office" to encompass Charlotte County, Sarasota County and DeSoto County. **BUDGETED ACTION:** None.

Mr. Baltz explained the purpose of the item, stated it involves definition of Local Office, that it was denied by the Board previously, and asked staff to gain additional stakeholder information.

Kim Corbett gave explanation of meetings that had been held, commented that the industry supports the item, that the request came from Sarasota County, explained that the item amends the definition of "Local Office" to include Sarasota and DeSoto Counties, and commented on the point system.

Commissioner Skidmore inquired about the stakeholder meetings. Mr. Baltz responded there has been no stakeholder meeting since the last meeting. **Commissioner Skidmore** inquired if there is a reason not to have this done by public hearing. **Chairman Starr** responded that if it was the Board's wish, there could be public input, and that the straw poll was overwhelmingly approved. **Commissioner Loftus** stated he would like to hear from the citizens in attendance.

Suzanne Graham commented on meetings that have been held, expressed concern that if this is not approved, the local contractors may not be able to bid in Sarasota County, and opined that there should be a document that mirrors each other.

Gary Bayne of SW Engineering commented on small engineering companies being able to compete with the larger companies in Sarasota, spoke in opposition to expanding, but is okay with a tiered system.

Chris Beers stated Johnson Engineering is neutral on Local Preference and spoke in support of a tiered system of points prepared by Mr. Bayne.

Dave Hammer of SW Engineering spoke in opposition of the change and would like things to stay the same.

Commissioner Skidmore commented on the leveling of the playing field and opined that businesses that stay in Charlotte County should be rewarded. **Commissioner Loftus** spoke in support of moving forward with a tiered system. **Commissioner Duffy** commented on extending the bid system to Sarasota and DeSoto Counties and stated she was not familiar with Punta Gorda's tiered system. Kim Corbett stated that she is familiar with Punta Gorda's scoring system for the RFP process, but that the scoring system was developed with consultant input and was derived by stakeholders in December of 2008. **Commissioner Duffy** stated she would be in favor but added that there needs to be more communication with Sarasota.

Commissioner Loftus opined that he would like the item to be on the agenda at the next meeting after looking at Punta Gorda's tiered system and Mr. Bayne's proposal. **Commissioner Skidmore** stated he agreed with **Commissioner Loftus'** comments but that he prefers keeping things the same. **Commissioner Duffy** opined that Charlotte County needs to make the change with Sarasota but would like to look at Punta Gorda's system. **Commissioner Cummings** spoke in favor of making the change.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM A-4, SECONDED BY COMMISSIONER DUFFY.

Commissioner Loftus requested holding off for two weeks until the next meeting in order to review Mr. Bayne's proposal and spoke in favor of working regionally in order for contractors not to lose business in Sarasota.

Chairman Starr expressed concern that Sarasota may think we are not cooperating and feared losing the bid part of the contract.

Commissioner Loftus opined that it is necessary to look at Mr. Baynes' tiered system as due diligence.

Commissioner Skidmore opined that small business is being hammered if the item is approved today, expressed concern with some small businesses having to shut down their local operations, and suggested putting the item on a future agenda because there was no advertisement for today's meeting. **Commissioner Cummings** stated there has already been discussion on the issue with stakeholder groups and commented on why he is ready to vote today.

Commissioner Duffy clarified with Attorney Browne regarding items voted down being brought back at the next meeting to be reconsidered. Attorney Browne responded that it is not accurate. **Commissioner Loftus** stated that when it was voted down, it was requested to be brought back, but stated he wanted the item brought back on the 26th.

Commissioner Duffy asked if **Commissioner Cummings** would amend his motion to allow for additional input. **Commissioner Cummings** said he would not amend.

MOTION FAILED 2:3.

COMMISSIONER DUFFY MOVED TO DIRECT STAFF TO COME BACK TO THE BOARD ON MARCH 9, 2010 WITH ADDITIONAL INPUT FROM THE STAKEHOLDERS AND IMPROVEMENTS TO THE CURRENT LOCAL PREFERENCE ORDINANCE INCLUDING DIALOGUE WITH SARASOTA COUNTY, SECONDED BY COMMISSIONER LOFTUS.

MOTION FAILED 2:3.

There was additional Board discussion.

A-5 - Requested by: Commission Office - RECOMMENDED ACTION: Request a consensus of the Board of County Commissioners concerning the height of the Sunrise Waterway Bridge on Edgewater Drive. The design phase is at the point where a decision on the optimal height of the bridge is required. Citizens have requested that the bridge be raised to allow larger boats access to the Sunrise Waterway system. Consulting engineers and the Public Works Department have determined the optimal height of the bridge to be 10.5 feet, which will raise the bridge 2 feet from its current elevation. Establishing this

change in elevation for the bridge would necessitate the acquisition of two properties adjacent to the bridge approaches.
BUDGETED ACTION: None.

Commissioner Duffy explained the request received from Sunshine Waterway residents, commented on the plan, and cost of the project.

Commissioner Cummings gave some clarification information related to cost, savings, and stated he does not have an issue providing the additional funding, but does have an issue if it is necessary to go to eminent domain if not done voluntarily by the property owners.

Paul Payette opined there is a good chance for voluntary acquisition and suggested doing a letter of interest to the homeowners.

Bob Halfhill gave a visual presentation and advised David Hammer, Gary Bayne, and Dan Quick were available for questions.

Commissioner Loftus expressed concern related to cost. **Chairman Starr** inquired as to how many residents were polled.

Howard Shaw, citizen representative, gave details of communications of properties in the MSBU area.

Chairman Starr asked if the people who would lose their homes were visited. Mr. Shaw responded. **Chairman Starr** expressed concern in taking people's homes and then ending up with vacant lots for two feet and inquired as to cost of pilings. Mr. Bayne responded.

Commissioner Loftus commented on having spoken to the consultants related to the raising of the bridge and the additional cost. **Commissioner Skidmore** commented on not taking anyone's property, benefits to the surrounding area, inquired if the Board would support the item as a Municipal Services Benefit Unit (MSBU)-type project. **Commissioner Duffy** said she would like Real Estate Services staff to talk to the owners first.

Mr. Halfhill commented on the savings of the project. Mr. Bayne commented on the availability of additional funding. **Commissioner Skidmore** commented on using the project as a test to the Placida Road project, keeping the costs as true as

possible, and putting additional funds toward a county-wide project. **Commissioner Loftus** commented on putting additional savings toward extending Edgewater up to Collingswood, and that he is in support of the MSBU idea but consensus is needed from the homeowners. **Commissioner Skidmore** commented on the MSBU setup. Mr. Halfhill commented on the model assessment. **Commissioner Duffy** mentioned the time needed for the project and the possibility of loaning the money and getting it back from the MSBU. **Commissioner Skidmore** suggested using the landfill as a bank for the project. **Commissioner Cummings** commented on financing possibilities of the project, mentioned he is willing to offer direction to staff to look into possibility of voluntary acquisition, and spoke in support of funding the MSBU.

Mr. Bayne commented on preliminary analysis extending Edgewater to Collingswood and on the impact to the timeframe. **Chairman Starr** spoke in support of raising the bridge one foot and putting the savings toward putting people to work. **Commissioner Loftus** encouraged exploring opportunities to raise the bridge and to find willing sellers.

Mr. Payette commented on completing appraisals, speaking with homeowners, and opined that assessed values are low and the numbers will be higher. **Commissioner Skidmore** opined the need to give staff direction to talk with the homeowners.

(Board Consensus for Real Estate Services to speak with the two property owners regarding voluntary acquisition, if favorable, Real Estate Services will do an appraisal, and get back to the Board.) Mr. Payette advised they would not move forward if both homeowners are not interested.

Mr. Quick fielded questions from **Commissioner Cummings** regarding phasing the project, identifying funding for Flamingo, looking for federal funding, and commented on the intersection being put in as part of the stimulus consideration, but not the entire project.

Mr. Baltz asked Mr. Halfhill to summarize the action plan. Mr. Halfhill commented the plan is to stay at one foot pending real estate action and discussed involuntary vs. voluntary aspects. Mr. Baltz inquired as to cost concerns. Mr. Bayne commented on concerns with eminent domain process. Mr. Baltz clarified eminent domain would not be an option based on the present discussion and inquired as to the timeframe for the decision.

Mr. Halfhill responded with a two or three week window. **Commissioner Loftus** expressed concern that cost details must come back to the Board before making a decision. Mr. Payette commented on bringing two contracts to the Board at the same time. **Commissioner Loftus** clarified there is no commitment of purchase by the Board. **Commissioner Cummings** clarified what Mr. Payette's plan was and the timeframe.

Mr. Hammer followed up on **Commissioner Cummings'** comments related to property owners saying yes vs. actually having a contract.

B. CITIZEN INPUT - ANY SUBJECT

Suzanne Graham spoke in support of Local Preference and expressed concerns.

Mr. Bayne commented on the tiered system and spoke in favor of Sarasota County reciprocating with that type of system as well.

Chris Beers, of Johnson Engineering, commented on the Local Preference.

Howard Shaw commented on the MSBU.

AA. County Administrator:

Mr. Baltz clarified that Agenda Item A-4 was not approved by the Board. **Chairman Starr** replied affirmatively.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Skidmore commented on an RFP program for debt collection, stated it is a good source of non-tax revenue due to the county, and asked Mr. Baltz to review the program.

Commissioner Cummings commented on charging a sub-assessment for a portion of the MSBU and on the Local Preference stating that **Commissioner Duffy** is the swing vote.

COMMISSIONER DUFFY MOVED TO APPROVE LOCAL PREFERENCE ORDINANCE WITH THE INSTRUCTIONS TO STAFF TO WORK WITH SARASOTA COUNTY AND

ASK THEM TO CONSIDER THE TIERED POINT SYSTEM. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

Commissioner Cummings stated he is only willing to approve what was presented and did not want to invest any more staff time.

COMMISSIONER DUFFY MOVED TO APPROVE AGENDA ITEM A-4 - LOCAL PREFERENCE ORDINANCE, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 3:2. COMMISSIONER LOFTUS, COMMISSIONER SKIDMORE OPPOSING.

ADJOURNED: 11:10 AM

Signature on file in Commission Minutes
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes
Deputy Clerk

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