

**BOARD OF COUNTY COMMISSIONERS**

**July 6, 2010**

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

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Duffy, Commissioner Loftus, Commissioner Skidmore, County Administrator Baltz, Assistant County Attorney Rooney, and Deputy Clerk Lansing. The following members were absent: None

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

**CHANGES TO THE AGENDA:**

**ADDITION #1:** A-7 Discussion and direction of the WCIND millage.  
Requested by: Commission Office

**COMMISSIONER SKIDMORE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DUFFY**

**MOTION CARRIED 5:0.**

**A. Continued Public Hearing from 6/15/10**

(1) **RECOMMENDED ACTION:** Approve transmittal of Petition #PA-10-04-13-LS to the Department of Community Affairs (DCA) for an Objections, Recommendations, and Comments (ORC) Report. The amendment request is to revise the text of Policy 2.2.28, Objective 2.7, and Policies 2.7.1 to 2.7.15 of the Future Land Use Element of the 1997-2010 Comprehensive Plan regarding the Rural Community Mixed Use Future Land Use Map designation. Applicant: Charlotte County Board of County Commissioners; Commission District I & II. This is a Legislative hearing.  
**BUDGETED ACTION:** None

Jie Shao provided detail related to the proposed transmittal, explained why an amendment is required, discussed the revised language in detail, and responded to Board inquiries.

Dan DeLisi spoke in support of the item, mentioned low impact design, and urged the Board to adopt the amendments.

Debra Highsmith spoke against the item, explained why, and suggested the Board adopt a new Comprehensive Plan first.

Attorney Waksler explained the item in great detail, discussed the language, said they are seeking a text amendment, gave related timeline and deadlines, and asked for approval of the text amendment.

Louie Pancic spoke against the item and explained why.

Attorney Michael P. Haymans opined the proposed changes he received from staff are heading in the right direction, realized he was not in the correct forum, and explained he would speak at the right time.

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

**MOTION CARRIED 5:0.**

Otto Varner of Bermont Properties LLD requested an extension to allow time to review the changes.

James Williams explained his opposition.

Lawrence Martin agreed the item should be delayed until the Comprehensive Plan is completed.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER LOFTUS MOVED TO APPROVE THE TRANSMITTAL OF PETITION #PA-10-04-13-LS, SECONDED BY COMMISSIONER DUFFY**

Commissioner Cummings and Commissioner Starr expressed their opposition. Inga Williams explained this item addresses the 1997 plan. Ms. Shao gave the applicant time frame impact. Attorney Rooney explained further.

**MOTION CARRIED 3:2. CHAIRMAN STARR, COMMISSIONER CUMMINGS OPPOSING.**

(2) RECOMMENDED ACTION: Approve transmittal of Petition #PA-10-01-09-LS to the Department of Community Affairs (DCA) for an

Objections, Recommendations, and Comments (ORC) Report, amending the Charlotte County Comprehensive Plan from Agriculture to Rural Community Mixed Use, for property located north of the Lee County Line, south of Zemel Road, east of Tamiami Trail (US 41) and west of I-75, in the South County area, containing 1554± acres; Applicant: Harper Property Holdings, LLC and NcNew Property Holdings, LLC; Commission District II. This is a Legislative hearing. BUDGETED ACTION: None

Jie Shao gave a slide presentation which paralleled the packet material and detailed the item, responded to Board inquiries, and requested approval.

Ms. Waksler noted the intent of the petition, explained what it will allow, gave proposals per each location within the site, and requested approval.

Ms. Highsmith spoke in favor of the item.

Mr. DeLisi spoke on behalf of the applicant, confirmed this would meet the intent of the 1997 plan, and urged the Board to approve the transmittal.

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

**MOTION CARRIED 5:0.**

**COMMISSIONER LOFTUS MOVED TO APPROVE TRANSMITTAL OF PETITION #PA-10-01-09-LS, SECONDED BY COMMISSIONER DUFFY**

There were additional Board comments.

**MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.**

(3) RECOMMENDED ACTION: Approve transmittal of Petition #PA-10-02-10-LS to the Department of Community Affairs (DCA) for an Objections, Recommendations, and Comments (ORC) Report, amending the Charlotte County Comprehensive Plan from Agriculture to Rural Community Mixed Use, for property located north of Bermont Road (C.R. 74), south of Washington Loop Road, east of Duncan Road (U.S. 17) and west of S.R. 31, in the East County area, containing 740± acres; Applicant: Bermont Road Partnership; Commission District I. This is a Legislative hearing. BUDGETED ACTION: None

Ms. Shao described the item and its history in detail and stated staff's recommendation is for approval of this transmittal.

Attorney Waksler requested approval of the transmittal. **Commissioner Cummings** asked for clarification related to the water supply. Attorney Waksler explained the onsite central collection system.

Mr. Martin expressed concerns with the petition.

Ms. Highsmith asked a technical question related to excavation.

**COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE**

Attorney Waksler responded to Ms. Highsmith's inquiry and provided clarification related to endangered species. Staff responded to Board inquiries.

**MOTION CARRIED 5:0.**

**Commissioner Cummings** expressed concern with the item. **Commissioner Loftus** confirmed there are 110,000 vacant platted lots in Charlotte County.

**COMMISSIONER LOFTUS MOVED TO APPROVE TRANSMITTAL OF PETITION #PA-10-02-10-LS, SECONDED BY COMMISSIONER DUFFY**

There was Board discussion.

**MOTION FAILED 2:3. CHAIRMAN STARR, COMMISSIONER CUMMINGS, COMMISSIONER SKIDMORE, OPPOSING.**

(4) **RECOMMENDED ACTION:** Approve an ordinance adopting Petition #PA-09-09-13-LS, amending the Charlotte County Comprehensive Plan from Low Density Residential to RV Park, for property located north of the Myakka River, east and south of Riverwood Development of Regional Impact, and west of State Road 776, containing 20.53± acres; Applicant: G2 ProVentures LLC; Commission District IV. This is a Legislative hearing. **BUDGETED ACTION:** None

(5) **RECOMMENDED ACTION:** Approve ordinances adopting Petition #PA-09-09-15-LS, replacing the 1997-2010 Charlotte County Comprehensive Plan with the Smart Charlotte 2050 Comprehensive Plan; Applicant: Charlotte County Board of County Commissioners;

County-wide. Separate votes will be required for each Element.  
BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Approve an ordinance adopting Petition #PA-09-09-14-LS, amending the Charlotte County Comprehensive Plan from Limited Development to Village Residential, for property located north of the Lee County line, south of Zemel Road, east of Burnt Store Road (SR765), and west of Tamiami Trail (US 41), in the Burnt Store area, containing 101.44± acres; Applicant: Hawks Landing of Punta Gorda, LLC; Commission District II. This is a Legislative hearing. BUDGETED ACTION: None

Attorney Rooney noted the legalities related to Comprehensive Plan amendments, mentioned this is the first adoption hearing, explained only two are allowed per year, and recommended we hold the next three items until we adopt the Comprehensive Plan. **Commissioner Cummings** clarified the difference between this item and the last items which were for transmittal only. **Commissioner Duffy** agreed with the recommendation. Ms. Williams and Mr. Ruggieri provided additional clarification. Attorney Rooney commented that the changes have not yet been incorporated into the Comprehensive Plan.

**COMMISSIONER LOFTUS MOVED TO POSTPONE APPROVAL OF COMPREHENSIVE PLAN CHANGES FOR TWO WEEKS UNTIL THE JULY 20, 2010 HEARING AT 9:00 AM IN ORDER TO RECEIVE PUBLIC INPUT, SECONDED BY COMMISSIONER DUFFY**

(Commissioner Duffy seconded the motion with the stipulation that Mr. Ruggieri verbally review the changes prior to the public hearing.)

**Chairman Starr** expressed confusion, noted many citizens are having problems with the Comprehensive Plan, said he does not understand the State of Florida, and suggested they push back and send the Comprehensive Plan back to DCA. **Commissioner Skidmore** agreed and opined they get rid of DCA. **Commissioner Duffy** agreed but expressed concern with the repercussions. Mr. Ruggieri explained DCA non-compliance penalties. **Commissioner Skidmore** urged concerned parties to call DCA at 877-352-3222 and ask for Secretary Thomas G. Pelham. Attorney Rooney mentioned DCA challenges as related to the Comprehensive Plan. **Commissioner Cummings** asked questions related to ethics since his brother owns property within the amendment area. **Commissioner Starr** asked about policy changes related to water and gave his view on the decisions made in Tallahassee. Board

discussion continued. Attorney Rooney advised the motion does not require a Public Hearing and discussed the legalities.

**MOTION CARRIED 3:2. CHAIRMAN STARR, COMMISSIONER SKIDMORE OPPOSING.**

**RECESS: 10:52 AM - 11:10 AM**

**Public Hearing - 2050 Comprehensive Plan**

Attorney Haymans spoke against the item and proposed changes to be considered for the plan.

Ian Vincent spoke in support of the plan.

Ms. Highsmith submitted speaker remarks for the July 20, 2010 Comprehensive Plan Public Hearing and discussed the proposed plan further.

Mr. Varner discussed East Charlotte Drainage District history.

David Bogle discussed his property and voiced his concerns.

Attorney Robert Berntsson spoke in favor of the changes, commented on base density calculation, TDUs, wetlands, and opined joint access language should be put into an ordinance.

Michele Pinel spoke in favor of the changes and thanked staff for their work.

John McQueen discussed the Wildlife Corridor Linkages Strategy and requested the map be removed until the policies are clear in 2012.

Peter K. Madsen spoke in opposition to the Comprehensive Land Use Plan and expressed concerns with DCA and special interest groups.

Ron Inge thanked the Board for transmittal approval.

Mr. Martin expressed his hopes for the new Comprehensive Plan.

Ted Stout talked about property owner rights and thanked the Board for the opportunity to review the changes over the next two weeks.

Attorney Waksler discussed the history of the Comprehensive Plan and gave potential DCA challenges.

Andy Dodd agreed with Attorney Waksler's suggestions and requested a language addition.

Bucky McQueen spoke in favor of the changes and thanked staff for working on the holiday.

**Commissioner Duffy** thanked citizens for their compliments to staff. **Commissioner Loftus** urged our citizens to research Amendment 4 issues. Mr. Ruggieri responded to Board inquiries.

**COMMISSIONER LOFTUS MOVED TO CONTINUE THIS PUBLIC HEARING ON JULY 20, 2010, SECONDED BY COMMISSIONER SKIDMORE**

**MOTION CARRIED 5:0.**

**(7) RECOMMENDED ACTION: Discussion and direction of the WCIND millage.**

**Commissioner Skidmore** explained he is the Board's representative to the West Coast Inland Navigation District (WCIND), discussed the item in detail, and looked for Board direction related to their millage rate. (**BOARD CONSENSUS to keep the WCIND millage rate the same.**)

**ADJOURNED: 12:05 PM**

**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**

**j1**