

BOARD OF COUNTY COMMISSIONERS

January 18, 2011

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

Members present were: Chairman Starr, Commissioner Constance, Commissioner Deutsch, Commissioner Duffy, Commissioner Skidmore, County Administrator Sandrock, 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.

A. PLANNING AND ZONING PUBLIC HEARING

(1) **RECOMMENDED ACTION:** Hold the first of two public hearings to discuss the Murdock Village Planned Development (PD) rezoning petition in accordance with 125.66 F.S., and set the second public hearing for adoption of an ordinance approving this PD rezoning petition for February 15, 2011, at 9:00 AM, or as soon thereafter as may be heard. **BUDGETED ACTION:** None

Jeff Ruggieri advised staff recommendation is to pull A-1 (Murdock Village Planned Development Rezoning) from the Agenda and table it indefinitely.

COMMISSIONER SKIDMORE MOVED TO TABLE THE MURDOCK VILLAGE PLANNED DEVELOPMENT (PD) REZONING PETITION PUBLIC HEARINGS INDEFINITELY, SECONDED BY COMMISSIONER CONSTANCE

Commissioner Skidmore clarified that the County is aggressively moving forward to resolve the Murdock Village issue, but noted additional time is needed to review this item. (**Commissioner Constance** asked for the question to be called)

MOTION CARRIED 5:0.

(2) **RECOMMENDED ACTION:** Approve an ordinance adopting Petition #Z-10-09-31, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD, and providing for a major modification of an existing PD to revise the site plan and conditions of approval. The subject property is located at 25515 Old Landfill Road, in the Port Charlotte area, containing 3.379± acres; Applicant: Waste Management, Inc. of Florida; Commission District I. **BUDGETED ACTION:** None

(Deputy Clerk Lansing administered the oath to prospective quasi-judicial witnesses.)

Jie Shao presented the proposed amendment which paralleled the packet material and visual slides, gave detailed background history, and advised staff recommendation is for approval with conditions A thru Q.

Allen Parsons advised his client, Eddie McManus was in route. **Commissioner Deutsch** asked if there would be any negative aspects related to open air. **Commissioner Skidmore** responded.

(Chairman Starr polled the Board for ex parte disclosures and there were none.) (Deputy Clerk Lansing administered the oath to Mr. McManus.)

Mr. Parsons described the proposal, gave background detail, and noted all recommendations were for approval.

COMMISSIONER DUFFY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

COMMISSIONER DUFFY MOVED TO ENACT ORDINANCE 2011-001 AND ADOPT PETITION #Z-10-09-31, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PD, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

(3) **RECOMMENDED ACTION:** Approve a resolution vacating all that portion of Jackson Road (aka Jaycox Road) lying adjacent to and contiguous with Lots 930, 931, and 932, Plan No. 1 of a part of Ward 2 El Jobean, for petition number SV-10-08-01. **BUDGETED ACTION:** None

Steve Ellis presented the proposed resolution and its intent in great detail, paralleled visual slides and packet materials, gave background history, advised approval was recommended with one (1) condition and proceeded to read that condition into the record. There was lengthy Board discussion. Mr. Ellis and Attorney Rooney responded to Board inquiries.

Warren Ross provided brief background information related to the proposed street vacation and its purpose, noted detail related to permits, access rights, and benefits, responded to Board inquiries, and requested approval.

Robert Gamble provided a handout of his concerns to the Board, expressed opposition to the street vacation, pointed out access issues, and recommended another option to be considered.

COMMISSIONER DUFFY MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

There was Board discussion and inquiries. Attorney Rooney commented further on the legalities involved. **Commissioner Deutsch** expressed his concern related to land-locking. Mr. Ross clarified his position, mentioned Riverwood has a new Board, and asked for Commission approval. Mr. Ellis and Attorney Rooney responded to additional Board inquiries.

COMMISSIONER DEUTSCH MOVED TO TABLE THE ITEM TO ALLOW THOSE INVOLVED TO MEET WITH THE NEW RIVERWOOD BOARD AND POSSIBLY REACH A MUTUAL AGREEMENT, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

B. CITIZEN INPUT - ANY SUBJECT

Mr. Gamble commented further and opined that Riverwood is in opposition to them building.

AA. County Administrator: None

BB. County Attorney:

Attorney Rooney advised the notice requirements related to tabling a proposed street vacation. **Chairman Starr** confirmed the item will be re-advertised prior to it being brought back to the Board for consideration.

CC. Commissioner Comments:

Commissioner Skidmore mentioned Tampa Bay Rays tickets are now on sale and commended Utilities staff for their professionalism. **Commissioner Constance** mentioned attending several events over the weekend, commended the Eagle Scouts, expressed the importance of supporting the Arts, mentioned citizen involvement, and discussed septic tank issues. **Commissioner Duffy** mentioned sewer systems being build in the Keys and announced she is holding a Town Hall meeting at the Cultural Center tomorrow night.

ADJOURNED: 10:07 A.M.

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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