

BOARD OF COUNTY COMMISSIONERS

November 15, 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 Carleton. 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: Requested by: Commission Office - A-4 - **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign an agreement between the Florida Department of Transportation and Charlotte County allowing for the County to fund \$17,600 for decorative black painting of new traffic signal installations at the US 41/Harbor Boulevard intersection. **BUDGETED ACTION:** No action needed. Budget is available in the Transportation Trust fund.

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

MOTION CARRIED 5:0.

A. PLANNING AND ZONING PUBLIC HEARING

(1) **RECOMMENDED ACTION:** Open the first public hearing to discuss revisions to Section 3-9-51, Enterprise Charlotte Airport Park (ECAP), Charlotte County Code of Laws and Ordinances, and set the second public hearing for December 13, 2011, at 10:00 AM or as soon thereafter as it may be heard. **BUDGETED ACTION:** None

Lucienne Pears presented the proposed revisions, discussed landscape and parking requirements, and responded to Board inquiries. **Commissioner Duffy** commended Ms. Pears and suggested using ECAP Standards elsewhere in the County. **Commissioner Skidmore** thanked Ms. Pears for her efforts and requested assurance that Growth Management was agreeable to the interpretations and applicability.

Gary Quill of Charlotte County Airport Authority commended staff and spoke in support.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO SET THE ORDINANCE REGARDING THE CHARLOTTE COUNTY ECAP CODE FOR DATE CERTAIN DECEMBER 13, 2011, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(2) RECOMMENDED ACTION: Approve an ordinance adopting Petition PA-11-05-10-LS, amending FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM); for property located north of Harborview Road, south of Westchester Boulevard, northeast of Tamiami Trail (U.S.41) and west of Kings Highway, in the Port Charlotte area, containing 13.07± acres; Applicant: Seahorse Marina, Inc.; Commission District I. BUDGETED ACTION: None

Roxann Read indicated she would be presenting Agenda Items A-2 and A-3 as a unified presentation, presented Petitions PA-11-05-10-LS and Z-11-05-11, paralleled visual slides, recommended approval, and responded to inquiries.

(Chairman Starr noted the second Petition is Quasi-Judicial, polled the Board for ex parte disclosures, and there was none. Deputy Clerk Carleton administered the oath to prospective witnesses.)

Geri Waksler spoke on behalf of the applicant and requested approval.

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

MOTION CARRIED 5:0.

Assistant County Attorney Rooney and Dan Quick responded to additional inquiries. Ms. Waksler commented further. **Commissioner Skidmore** gave historical detail related to the sewers. Board discussion ensued.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2011-039, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(3) RECOMMENDED ACTION: Approve an ordinance adopting Petition #Z-11-05-11, amending the Charlotte County Zoning Atlas from Mobile Home Park (MHP) to Commercial General (CG); for property located north of Harborview Road, south of Westchester Boulevard, northeast of Tamiami Trail (U.S.41) and west of Kings Highway, in the Port Charlotte area; containing 13.07± acres; Applicant: Seahorse Marina, Inc.; Commission District I. BUDGETED ACTION: None

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

MOTION CARRIED 5:0.

COMMISSIONER DUFFY MOVED TO APPROVE ORDINANCE 2011-040, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

(4) **RECOMMENDED ACTION:** Approve and authorize the Chairman to sign an agreement between the Florida Department of Transportation and Charlotte County allowing for the County to fund \$17,600 for decorative black painting of new traffic signal installations at the US 41/Harbor Boulevard intersection. **BUDGETED ACTION:** No action needed. Budget is available in the Transportation Trust Fund.

Dan Quick presented the item, requested Board action to move forward with the painting of the mast arms, and responded to inquiries. Jim Fendrick addressed further inquiries. **Commissioner Constance** requested assurance that the Community Redevelopment Agency (CRA) would pay for ongoing maintenance costs. **Commissioner Deutsch** discussed warranty details related to the painting.

COMMISSIONER DEUTSCH MOVED TO APPROVE AGREEMENT 2011-050, SECONDED BY COMMISSIONER DUFFY

Commissioner Skidmore expressed concern with gas tax monies not being spent on road improvements. **Commissioner Duffy** mentioned discussions at a Team Port Charlotte meeting, pointed out Florida Department of Transportation (FDOT) is paying for the light poles and mast arms, and spoke in support of the expenditure. **Chairman Starr** opined the money could be better spent somewhere else. Mr. Quick advised the mast arms belong to FDOT and the County has to abide by their requirements. **Commissioner Deutsch** spoke in support of the item and commented on the aging process of the paint job. Board discussion ensued. Mr. Quick gave detail related to Collier County. **Commissioner Duffy** commented on the appearance of Toledo Blade Boulevard.

Nick Kulka spoke on behalf of Team Port Charlotte in support of the item, mentioned Canton Township, Michigan, and extended thanks to Lowes.

Commissioner Skidmore gave related detail. Mr. Fendrick indicated the first investment priority for the Parkside District is Harbor Boulevard, mentioned the privilege to bring the project to the Board, and recommended approval. Board discussion ensued.

MOTION FAILED 2:3.

B. CITIZEN INPUT - ANY SUBJECT

John Samadi expressed concerns relative to structural problems at his Cape Haze condominium and explained steps taken to resolve issues. **Chairman Starr** thanked him for coming. **Commissioner Skidmore** indicated he would personally meet with him.

AA. County Administrator: None

BB. County Attorney:

Attorney Knowlton provided an update on the repeal of the Special Act, mentioned the item had not been included with Committee assignments, and encouraged the Board to make phone calls. **Commissioner Constance** noted communications with Representative Roberson and suggested directing Kelly Shoemaker to coordinate efforts with Representative Roberson's office. **Chairman Starr** indicated he would call Speaker Dean Cannon.

CC. Commissioner Comments:

Commissioner Constance proposed a motion to have the stakeholders solicit funds for the mast arms, sign an inter-local agreement, and noted the CRA TIF Funding would cover maintenance of the light poles. Board discussion ensued. **Commissioner Skidmore** suggested holding a workshop for Parkside and commented further. **(Board Consensus for Commissioner Constance to solicit funds for the mast arms)** **Commissioner Deutsch** suggested committing \$10,000 with Team Port Charlotte donating \$1,000. **Commissioner Duffy** agreed. **(No Consensus was received)** **Commissioner Constance** commented on Lorah Steiner's efforts related to a visiting movie producer, mentioned Ms. Steiner's arts background, indicated a film was slated for production on Boca Grande, and encouraged the Commission to get involved. **Commissioner Skidmore** noted the filing deadline for the Animal Control Bill, offered to testify in Tallahassee on behalf of Charlotte County, commented on the upcoming Association of Counties Legislative Policy Conference, mentioned CCNA legislation filed by Senator Bennett, suggested holding a workshop, and gave related detail. **Commissioner Constance** indicated Jerry Jones would be on the December 13, 2011 Agenda. **Commissioner Duffy** discussed Parkside Funding, expressed concerns, and voiced frustration relative to Commission behavior during Meetings. **Commissioner Deutsch** responded to related comments, discussed a Motion passed by the Community Healthy Living Initiative Committee and various associated committees related to a request for the Commission to have a public hearing regarding a smoking ban at beaches and parks, mentioned the receipt of a memorandum, and requested scheduling a public hearing to voice opinions and concerns related to smoking on beaches and parks. **(Board Consensus)** **Commissioner Skidmore** gave detail on a related State Legislative Priority. Attorney Knowlton advised legalities related to an Ordinance to ban smoking for specific purposes. **Chairman Starr** expressed concerns. Board discussion ensued. Attorney Knowlton clarified direction for a regular Novus item for public input on smoking. **Commissioner Constance** suggested the item be held in January, 2012.

ADJOURNED: 10:47 AM

Chairman

ATTEST:

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

By: _____
Deputy Clerk

sfc