

**BOARD OF COUNTY COMMISSIONERS & PUNTA GORDA CITY COUNCIL JOINT
MEETING**

DECEMBER 12, 2008

A joint meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Duffy, Commissioner Loftus, Commissioner Cummings, Commissioner Skidmore, and Commissioner Starr. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Deputy Clerk Manley, Mayor Friedman, Vice Mayor Goldberg, Council Member McCormick, Council Member Albers, Council Member Wallace, City Manager Kunik, and City Attorney Levin. The following members were absent: None.

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

Mayor Friedman welcomed **Commissioners Robert Skidmore and Robert Starr**, introduced the new Punta Gorda City Council Member Don McCormick, explained the meeting protocol; and advised that the joint meetings of the Punta Gorda City Council and Charlotte County Board of County Commissioners are held quarterly and alternately chaired.

I. Airport Update (requested by the City)

Council Member Goldberg explained that the Enterprise Charlotte Airport Park (ECAP) and the Charlotte County Airport are considerable assets to the community from commercial, economical, and visitation standpoints; that there have been many areas of development in ECAP and with the growth of the airport and commercial air service it gives an opportunity to discuss the future of the entire area and what the governmental bodies can do to ensure its success and protect the adjoining neighborhoods.

Director of Charlotte County Airport Gary Quill provided a brief report on aircraft services operated by Virgin America and Legion Airlines; gave a slide presentation that pointed out noise contours projected for 2005 from the 1985 master plan, the ECAP area, airport property boundary, and current-condition noise contours; explained the airport has pretty good land use compatibility, with a few exceptions, but as land is proposed for

residential development for perhaps 2 1/2 miles, or up to 5 miles out, particularly on the approaches, the Airport Authority would request avigation easements be required by the City or County; indicated that by Florida State law airport approaches are protected; that there is a certain degree of land use compatibility required; that avigation easements cannot be imposed; and that the Airport Authority's leverage would be at the point developers come for subdivision or rezoning approval.

Mr. Quill commented on infrastructure needs, such as air control traffic tower, repaving of runways and taxiways, an instrument landing system, and funding sources. Mr. Quill reviewed a slide of the new Piper Road, which would run from U.S. 17 to Jones Loop Road; commented on prospective business operations; advised that the Authority worked in the ECAP area with Economic Development and that there are a couple prospects presently being worked with that are tied to the investment and importance of Piper Road; and reported that Publix purchased an 87 acre site and would be constructing a road on the north side of their property, which is due to be finished in May 2009. Mr. Quill stated there needs to be some regulatory modifications in landscaping; pointed out the quicker reviews can be done for private investment, the better; opined that the Charlotte County Airport will pay dividends, some of which are already being seen; and indicated that the Airport Authority looks forward to working with the City and County as it grows.

Richard Nelson agreed with Mr. Quill there is a flight procedure solution that can instantaneously fix the noise and potential safety problems; pointed out the takeoff and approach end of the northeast runway that is used by jet aircraft is particularly narrow from a protection standpoint; that there needs to be better zoning going to the northeast on this runway; and agreed with Mr. Quill that the comprehensive plan he previously referred to does not address this issue. Mr. Nelson opined there has been a lack of coordination in the past between the government bodies; recommended formation of a special joint committee with representatives from the City, County, Airport Authority, airlines that serve the airport, the FAA, a civic organization, and the Chamber of Commerce. Mr. Nelson stated that he opposed avigation easements; indicated they affect property values; and provided alternative suggestions.

Jerry O'Halloran stated we have one of the best protected airports in the country but we would like to protect it further; spoke in favor of avigation easements; indicated as more airlines come in there will be a problem with attempts to restrict nighttime flights; and opined steps need to be taken to include avigation easements in pre-construction stages.

Bruce Laishley agreed with Mr. O'Halloran that the Charlotte County Airport is special and successful; and indicated he believes strongly in the avigation agreement that was entered into.

Larry Hoffmeister spoke in support of a 5 mile radius avigation easement on behalf of the pilots who fly in and out of the Charlotte County Airport.

Mayor Friedman welcomed Airport Authority Commissioners Don Lee, Gary Stasko, and Jim Herston.

Council Member Wallace stated he sees merit in a joint airport advisory committee. Council Member McCormick inquired if the 5 mile radius from the airport encompasses all of the city of Punta Gorda. Council Member Albers stated he is not certain why we would look at a 5 mile radius; indicated he understands the avigation easements; but thought it would be more of a cone leaving the runways in both directions rather than just a 5 mile radius; opined staff should review that and come back with recommendations. **Commissioner Skidmore** explained he is familiar with the progress Charlotte County has done at the airport; opined that residential encroachment would kill an airport; and agreed appropriate measures should be taken to prevent that.

Commissioner Skidmore expressed concern if there was risk to the County in doing an avigation easement; pointed out that Charlotte County is currently in the process of scheduling a joint meeting of the Charlotte County Board of County Commissioners (BOCC) and Airport Authority; and that they may want to try that first to see if it solves the need to create another committee. Council Member Wallace stated it appears there are some issues; that perhaps a joint advisory committee would be able to look into those issues; and that he is in favor of creating the committee. Mayor Friedman advised that Council Member Goldberg is the airport liaison for the City Council and that Airport Authority

Commissioner Lee is the liaison for the Airport Authority; and inquired if there is a similar relationship with the County and Airport Authority to facilitate these concerns. **Commissioner Loftus** recommended **Commissioner Skidmore** serve on the committee on behalf of the County.

Mayor Friedman asked for thoughts from Commissioners and Council Members of having a joint airport advisory committee. **Commissioner Duffy** suggested allowing the County to have its first meeting so there would be a better idea of what a committee could accomplish and talk about a County representative. Mayor Friedman acknowledged that the County Commission would pursue this as recommended, select the respective liaisons, and advise the City accordingly.

Council Member Wallace recommended this issue be placed on the next agenda. **Commissioner Cummings** inquired if it was reasonable to assume that when this group gets together they would pursue or investigate both sides of the issue that were raised this morning, such as the aviation easements and the flight patterns, so there would be a well -rounded exploration of perspectives that were raised. Mayor Friedman said he anticipates the advisory committee would explore both sides of any issue. Mayor Friedman acknowledged that the County Commission would discuss this at a future meeting and if both sides agree to go forward with a committee they would do so.

II. ECAP Incentive Discussion (requested by the County)

Mayor Friedman commented on the opinion from City Attorney David Levin contained in the packet; and indicated it casts a shadow of what is being proposed as a economic development step.

Mr. Baltz explained that this item was brought up under Comments at a recent BOCC meeting and he received strong response from the Board to add it to today's meeting; that he has read the letter from Attorney Levin regarding the notion of a reimbursement using connection fees; and reviewed the economic incentive put together by the County. Mr. Baltz stated the County is trying to facilitate economic development through some type incentive; that the discussion was if the City would be willing to participate in some manner with that type incentive; that if the answer the City researched is no in the manner the County suggested on connection

fees perhaps it would be worthwhile for the City to discuss any other type incentive it might be willing to participate with the County on.

Commissioner Loftus opined that with the downturn of the economy some type assistance needs to be provided; stated that the County is looking at offering this incentive for any business that wants to move here; and that the County would like joint participation with the City by some means of incentive.

Council Member Wallace explained that utility is not available but agreed that the City is open to working with the County and looking at other alternatives. Mayor Friedman expressed having a problem with utility customer rate base subsidizing development but agreed he is open to looking at other alternatives.

Commissioner Cummings indicated it does not matter to the Commission where funding comes from if the City is willing to participate; commented on difficulties the County had of where funds could come from; stated he is hearing there is no objection by the City to the concept, only of it coming from the utility; and indicated it is fine if the City is willing to participate through other funding.

Mayor Friedman recommended Mr. Baltz and Mr. Kunik get together on a rational of where funding could come from and an explanation to the City citizens of why this would be done. **Commissioner Cummings** explained the rational is the City annexing this area after its development. Council Member Goldberg pointed out the development of Piper Road contributes to the area development and agreed the attempt to get commercial development is important. **Commissioner Duffy** stated that Economic Development has worked hard; that the County must have more conversation of what it can do to assist in economic incentives; and that hopefully the City can be included in those discussions.

Council Member Albers said currently he would be more inclined to support this with property within the City. Mr. Baltz explained the program is only for property within ECAP, which is outside the City; commented on the way the program works, criteria that must be met, and what the County has done to date; and stated that perhaps the City could consider mirroring the County's program in whatever monetary manner it can.

Commissioner Skidmore said the affects of economic development are far reaching beyond just the airport and that the direct benefit would affect the City also. Mayor Friedman stated there would be additional discussion by the City, but that the only discussion thus far was on the proposal initially put forth by the County.

Douglas Tucker stated he is a resident and advocate of economic development for Charlotte county; opined that joint meetings have been fruitful and shows that the City and County want to partner; congratulated the BOCC in showing ECAP it wants to show incentives; agreed that economic development in ECAP is very important; and that everything possible must be done by everyone to give people a reason to believe Charlotte County is the place to bring their economic development.

Bruce Laishley spoke in favor of everyone working together to support ECAP economic development; and commented on what has been done in the area thus far.

III. Council-Commissioner Pairings (requested by the City)

Mayor Friedman explained that for some time there has been a quarterly pairing of City Council Members and Commissioners, the rational being for us to know each other better over time; that he just saw this item the first time recently; and proposed that the current pairings stay in place through he first quarter of 2009 and do new pairings at the beginning of April 2009. (Consensus by the Board and City Council).

IV. Aqui Esta Road Improvements Update (requested by the City)

Interim Public Works Director Dan Quick reported that the Construction Engineering Inspections (CEI) contract is currently being negotiated on the third floor; that he expects the negotiations to be successful; and that the contract will be brought before the BOCC at their next meeting. Mr. Quick stated that construction has actually begun; that Embarq has begun relocating aerial telephone lines between Bal harbor and Magdalena, which must be done first. Mayor Friedman stated he looks forward to the first street being torn up to show proof of the beginning of construction.

Council Member Goldberg requested clarification that once the contract is finalized that RS&H would also provide public relations communication services to the residents of the surrounding area. Mr. Quick replied affirmatively. Council Member Goldberg asked when notice of major activities is anticipated. Mr. Quick stated that after the pre-construction meeting and the CEI contract is signed a program would be put together; and indicated that construction is anticipated to begin late January or early February 2009.

Mayor Friedman stated the City Council has asked City Manager Howard Kunik to advise them as soon as he is aware of the start of construction; that some unrest among citizens is anticipated; and that they would like to get information out to the citizens as early as possible. Mr. Quick explained everything would be tied together with good communication.

V. Intermodal Project Update (requested by the City)

Council Member Wallace stated that we have all discussed economic stimulus; that the City and County are familiar with this project; and that he had requested an update of where we are with opportunity for State and Federal dollars.

Jeff Weiler gave a slide presentation based upon the packet material furnished; stated this is an important facility and a perfect project with a perfect location near the railroad, I-75, and the airport; advised numerous funding sources have been applied for; and commented on information requested when applying for grants. Mr. Weiler reported on Strategic Intermodal System (SIS) funding availabilities, other work being done in the area, and economic, environmental, and transportation benefits of the project; indicated a public-private partnership needs to be established; and requested the City and County direct their staff to meet with them to establish a real public-private partnership.

Mr. Kunik explained that in order for a private project such as this to get low cost financing or approval from some of the agencies if it means getting a loan or issuing bonds or whatever, the City, the County, or both, must be a pledge or backup; and indicated when Mr. Weiler speaks of a partner we are getting down to that specific type of need in an application; that it would

have to be a joint-type project. Mr. Kunik reported we already have a line extension agreement regarding the sewer; that over time with the hookups Mr. Weiler discussed, the investment would be paid back; that we are talking about more than utilities; that when looking at the funding gap you saw what is required; and to go for some of the sources it would require the County and/or City to be permanently attached to the project. Mr. Weiler agreed that is the point we are at.

Metropolitan Planning Organization (MPO) Director Mark Gumula advised \$5 M is available in the intermodal grant program for this area; pointed out that a good portion of Piper Road is being financed by intermodal funds; and commented on additional funding availabilities. Mr. Gumula stated that FDOT has looked at this facility but there has been no determination yet if it meets the qualifications to receive grant funding; indicated that some things happening at the airport may increase the chances of meeting the qualifications; and stated there are some bugs to be worked out, but we believe the project has merit.

Commissioner Cummings inquired if Charlotte County was still in the situation that 75% of the State prioritized gas taxes go to SIS. Mr. Gumula replied affirmatively; and indicated that a portion of U.S. 17 and I-75 are the only SIS facilities in Charlotte County. **Commissioner Cummings** inquired if Charlotte County was still in the situation of having received no funding in the 5 year CIP. Mr. Gumula reported there was funding in the 5 year work program for U.S. 17 as a resurfacing project, no money in Charlotte County for I-75 except in the Intelligent Transportation System (ITS), which is fiber optic installation for message boards. **Commissioner Cummings** explained this goes to the core of the issue that gas tax dollars are being hemorrhaged out of Charlotte County to other areas of the State.

Commissioner Cummings inquired if this project would help increase the odds of getting Piper Road and the airport qualified as SIS facility. Mr. Gumula explained the initial criteria not met when first attempting to get the airport and Piper Road as a merging SIS facility was passenger service; and that issue now being built up would help get us qualified. Mr. Gumula commented on the efforts to show Piper Road as a facility tying I-75 to U.S. 17; indicated it appears this facility would help our case; but that Florida Department of Transportation (FDOT) does not yet

know if the project qualifies under the program. **Commissioner Cummings** stated we need to change the way gas tax is leaving the County; opined that this would be a good legislative agenda for the MPO, Commission, and City of Punta Gorda; that a substantial part of the partnership would have to tie into the successor; and that a substantial effort could be made in this if there was some reasonable assurance on getting more of the gas tax back. Mr. Gumula commented on partnership with FDOT on other projects. **Commissioner Cummings** stated it would be appropriate to tie this facility, Piper Road and the airport into one package.

Mr. Weiler reviewed a check list slide of criteria to become a SIS facility for an airport; and indicated if Charlotte County is going to do an intermodal facility it needs to be in this location.

Commissioner Skidmore asked if it would be prudent to direct Mr. Baltz and Mr. Kunik work with Mr. Weiler to define the partnership; and stated he sees a need for the project and a benefit to Charlotte County and its residents. Mayor Friedman asked if anyone on the dais has a problem asking that Mr. Baltz and Mr. Kunik work with Mr. Weiler and company on a proposal of what would be expected and required to form a partnership. **Commissioner Loftus** agreed with **Commissioner Skidmore** and stated he is in favor. Council Member McCormick agreed Mr. Baltz, Mr. Kunik and Mr. Weiler should meet; and indicated he has some information from the Southwest Florida Regional Planning Council that would be of value to all involved and would present it to Mr. Baltz and Mr. Kunik for review. **Commissioner Duffy** agreed the partnership and what the roles would be should be defined; and indicated it sounds like a financial matter. No one spoke in opposition.

Mr. Baltz asked Mr. Gumula if this has the potential in some way to harm our ability to get funding for Piper Road. Mr. Gumula stated we want to be certain we work closely with FDOT and be assured it would not be in competition for the same funds; but thinks both should go hand-in-hand. Mr. Baltz said in his experience our County government has never acted as a guarantor to a private developer who is seeking to develop a private development; that this would be a departure for us and rather extraordinary; that it is a funding issue; that if the BOCC wants staff to look assertively at doing this it will be done; and

pointed out that typically with developers we expect them to come up with their own financing for their projects.

Mayor Friedman explained that by asking you to jointly pursue this we are not necessarily focusing solely in effect being a bond underwriter or partner, though that may evolve; that there may be grants or other SIS funding; but that in his mind the City Council and Commission are asking staffs to explore alternatives, including bonds, and get back to us with alternatives and suggestions. **Commissioner Duffy** pointed out it is important to remember if this would legally be allowed; but indicated there could be possibly some other creative ways of other partnerships. Mayor Friedman clarified that all possibilities should be reviewed; and indicated that collectively we agree it is important to all of us, that it is a high priority item, and that we should take the next step to explore how we can get this effected.

VI. Need for Signalization at Intersection of Taylor Road and Cooper Street (requested by the City and County)

Mayor Friedman advised this item has taken on a renewed sense of urgency. Mr. Quick explained that Public Works would pursue looking at putting in a traffic signal or a four way stop at the intersection of Taylor Road and Cooper Street and follow up with a report. Mayor Friedman inquired if options would be available at the next joint meeting. Mr. Quick replied affirmatively. **Commissioner Duffy** questioned that the paperwork indicated a study was done and that no improvements are needed. Mr. Quick stated there was some discussion but the first paragraph of the paperwork indicates it would be looked at; and advised it would be formalized with follow ups to the City and County. Council Member Wallace stated he would like to review the studies that were done.

Mayor Friedman reported there have been similar situations in the past where a study shows nothing needs to be done and the City has done the work anyway. Council Member Goldberg opined this is a dangerous intersection and something definitely needs to be done.

Commissioner and Council Member Comments:

Mayor Friedman stated unless he hears otherwise joint meetings between the City Council and Board of County Commissioners will continue to be held the second Friday of the last month each quarter; that the meetings would be March 13, 2009, June 12, 2009, September 11, 2009, and December 11, 2009; extended happy holiday wishes; and indicated he looks forward to the City, County and Airport Authority working together. Mr. Baltz commented on items that involved the City and County working jointly; and stated he continues to enjoy the working relationship with the City.

Commissioner Loftus stated we have seen some good things happen in the last couple weeks for economic development, such as the airport bringing in the second airline; indicated that the Presidents of Edison College and Florida Gulf Coast University (FGCU) announced the joint efforts to establish some State college buildings on Edison campus, which would offer degrees for things that are needed in the workforce in the community; pointed out that FGCU cannot establish a separate university campus at this time because no State funding is available; commented on the City and County supporting this joint effort through Legislation whenever possible; and said it is a welcome sight in Charlotte County to have both higher education facilities working together.

Council Member Goldberg stated he enjoys working with everyone; and complimented the spectacular event put on by the Charlotte County Symphony last weekend at the new Event Center. **Commissioner Duffy** thanked the City for its continued friendship and relationship in working together for Charlotte County; advised that the Event Center grand opening is January 10, 2009, which is open to the public; that activities begin on the outside lawn; and that there would be a cocktail party later in the evening.

Council Member Albers stated a couple meetings ago there was discussion on the attributes of day docks in Punta Gorda; that the idea was thought well of but there was no funding available; that the cost of docks at the Event Center are very expensive to build; that we have now found availability at Laishley Park, which could provide the same number of docks for about a third of

the cost; and that it is just a short walk from Laishley Park to the Event Center. Council Member Albers reported that recently we learned that the Marine Advisory Committee received some return funds from the Federal Emergency Management Agency (FEMA) and we applied for a grant for \$266,000 to try and build that dock; that they will be recommending to the County approval of \$100,000 for us; and we ask that you look favorably upon that; that there is another \$200,000 that has not been allocated; and that he requests the County think about giving some additional funding to make those docks a reality.

Commissioner Starr advised this was his first joint meeting as a Commissioner with the City of Punta Gorda; that he is impressed with the spirit of cooperation and sharing of ideas; that in these difficult economic times this spirit needs to be enhanced; and that he hopes to help do that; and extended best wishes for a Merry Christmas and a Happy New Year. Council Member McCormick thanked Mayor Friedman for being the reason he was able to extend the spectacular concert Sunday night; and wished all a Merry Christmas. **Commissioner Cummings** wished all a Merry Christmas.

ADJOURNED: 11:00 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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