

**BOARD OF COUNTY COMMISSIONERS & AIRPORT AUTHORITY - JOINT
MEETING**

FEBRUARY 18, 2009

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, and Minutes Supervisor Nice. The following Authority Members were present: Chairman Seay, Member Lee, Member Stasko, Member Coppola, and Member Herston. Also in attendance for the Authority were Executive Director Quill and Attorney Garrard. The following members were absent: None. The meeting was called to order at 2:00 PM.

Chairman Seay introduced Authority Members and Executive Director Quill. **Chairman Duffy** introduced Board Members, County Administrator Baltz, County Attorney Knowlton, and City of Punta Gorda Council Member Goldberg. Chairman Seay pointed out Council Member Goldberg has been serving as liaison with the Airport Authority. **Chairman Duffy** turned the meeting over to Chairman Seay.

I. Airport Overview Presentation

Chairman Seay gave a slide presentation highlighting the origin of the Authority commencing with the land acquisition by Charlotte County in the early 1940's; the property was leased to the U.S. Army during World War II with a subsequent deed with Army improvements back to the County as surplus property; based on Florida legislation, the property was transferred from Charlotte County to the Charlotte County Development Authority (CCDA) in 1963 as a dependent special district; in 1969 the CCDA was changed to an independent special district by Special Act; in 1993, the State legislature removed the taxing ability and, therefore, no tax revenues have been received from Charlotte County; legislative changes changed the name to Charlotte County Airport Authority (CCAA) in 1998; and the CCAA is a self-supporting and self-governing independent special district. Chairman Seay reported the enabling legislation established the CCAA for the purpose of performing such acts as shall be

necessary for the management, operation, maintenance, planning, and development of the Charlotte County Airport and provided background experience of CCAA Members. Chairman Seay explained the CCAA is self sufficient and funded by revenues from fuel sales, leases, grants from the Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) that are grants primarily funded by users of the aviation system, airline ticket sales, and aviation fuel taxes. Chairman Seay reported the CCAA is subject to a 20-year Master Plan that is updated every five years; has considered trends regarding operations growth, currently about 80,000 per year, and the number of aircraft at about 250; Capital Improvement Plan projects include runway extensions, pavement and lighting rehabilitation, and additional hangars including the T-Hangar Project of 119 units completed in 2005 for a total project cost of \$5,000,000 and the acquisition of 134 acres adjacent to I-75 that will front on the new Piper Road path to support airport operations. Chairman Seay pointed out the Airport property that is surrounded by the Enterprise Charlotte Airport Park and New Piper Road zoning overlay district; advised residential encroachment onto Airport properties can cause airports to close; enumerated the numerous commercial tenants contributing the County economy; CCAA is still planning on the Publix project; sites are available with utilities and drainage; and pointed out the Southwest Land Development to the southeast of the Airport. Chairman Seay explained economic development is CCAA's number one priority; showed slides of Hurricane Charley damage to Airport structures; construction of a new Airport facility including the Bailey Terminal, UPS and Federal Express facilities, Fire Station No. 7, new corporate hangars; reviewed population growth projections of Charlotte County for over 200,000 people by 2030 compared to Collier, Sarasota, and Lee Counties; advised during Skybus service, the Airport made money and gained recognition, a market, and an opportunity to visit on a regular basis; and Direct Air and Allegiant Air are currently serving the Airport and they will benefit the local economy by increasing jobs, more people moving and visiting the County. Chairman Seay quoted John Wright, Punta Gorda Chamber of Commerce, that when Skybus served the Airport, the traffic using the Chamber website increased 45% and according to data from the Best Western Hotel, crews of the based aircraft are spending over \$120,000 per month for lodging, meals, etc. Chairman Seay showed some of the destinations to the northeast, southeast, and north central states; reiterated tourism is a big

part of the County's economy; reviewed projects accomplished and a new air traffic control tower and instrument landing system for greater safety; the CCAA is a powerful tool in the economic recovery of the community; and concluded the slide presentation.

Chairman Duffy questioned if the two airlines serving the Airport serve other communities in Florida. Chairman Seay responded affirmatively. Mr. Quill reported Allegiant has about 80 flights a week at the Orlando/Sanford Airport located on the northeast side of Orlando, flights in the Ft. Lauderdale, and about 40 flights in St. Petersburg and expressed uncertainty about Direct Air destinations in Florida other than Punta Gorda. **Commissioner Starr** requested guidance from Airport Authority Members on joint goals and how to accomplish them and complimented the Authority's recovery efforts since Hurricane Charley. Chairman Seay commented on the importance of aviation easements and requested more details. Member Lee stated aviation easements/agreements will protect the Airport from closure since the easements make the public and potential buyers. **Commissioner Starr** requested the County's role in securing aviation agreements. Member Lee suggested establishing a public awareness program that aviation agreements are in effect and the Airport has control over the airspace to prevent noise and other complaints. Mr. Quill advised St. Petersburg Airport, Pinellas County, has conditioned approval on aviation agreements, it protects the Airport from incompatible uses and prevents nuisance lawsuits. Mr. Quill stated a member of the tenants' association is here to speak when the meeting is opened for citizen input. **Commissioner Skidmore** requested verification on the County's procedures for the need of an ordinance. County Attorney Knowlton explained the Board would need to enact an ordinance; recalled discussion at a joint meeting with the City of Punta Gorda when Mr. Laishley indicated he had voluntarily entered into an aviation agreement; expressed concern about legal ramifications when the residents or business owners do not voluntarily enter into these agreements. Mr. Quill reiterated jurisdictions have conditioned approval of new residential development on aviation agreements that would run with the property. **Chairman Duffy** requested the distance around the Airport that would be involved. Mr. Quill stated other jurisdictions have imposed the distance on a case-by-case basis depending on location to the airport and recommended five miles. **Commissioner Loftus** requested assurance that the Board

would be protected under the 1995 Bert Harris Act concerning the taking of property. Mr. Quill advised it has been done in other jurisdictions. Assistant County Attorney Browne stated pursuant to Florida Statute 333.12, the County is authorized to acquire rights and property in connection with operations of an airport by purchase, grants or eminent domain under Chapter 73; this would be a partial taking and some compensation may be necessary for those who do not enter into a voluntary agreement. Chairman Seay pointed out that would be applicable to existing developed properties whereas new development approval could be conditioned upon entry into such an agreement. **Commissioner Loftus** requested assurance of the Board's protection. Member Coppola suggested the Board rezone properties around the Airport to compatible uses e.g. commercial general or high intensity general. **Commissioner Starr** questioned the amount of residential density within the five-mile radius of the Airport. Mr. Quill stated there is still some open, vacant land around the Airport. Member Coppola requested the County give or lease back rights to the Authority on certain land-locked land near the Airport. Chairman Seay commented on the potential of making aviation agreements a joint project with the County. Chairman Seay expressed concern about development regulations pertaining to sprinklers near parking lots. Member Herston noted the Authority recently appointed Nicole Dozier as a site plans czar and suggested notification be given to her pertaining to development at the Airport. **Chairman Duffy** agreed. **Commissioner Cummings** estimated the five-mile radius would encompass about 25,000 people. Mr. Quill advised it would only be applicable to new development. **Commissioner Cummings** advised development outside of the Urban Service Area must be shown as a need; recalled the ECAP overlay district prohibits residential development; and a lot of the areas would be small parcels with limited value. Mr. Quill stated aviation easements would put developers and realtors on notice of existing flight paths while providing an additional level of legal protection for the Authority. **Commissioner Cummings** requested the parcels being considered within the five-mile radius that might be subdivided, which parcels would be along flight paths before making a commitment. **Chairman Duffy** stated the five-mile radius may be too large and three miles may be better; requested assurance of protections under the Bert Harris Act; and questioned how much residential land is available within the radius. **Commissioner Skidmore** agreed that residential encroachment can close an

Airport based on his experience with the Authority. **Chairman Duffy** opined the Authority works with airlines to reduce flight path impacts. Member Lee suggested the Board appoint a liaison, as the City of Punta Gorda has done, to work with Mr. Quill and the Authority to resolve issues outside of joint meetings. **Commissioner Starr** questioned if the yellow and red boundaries on the slide represent the five-mile radius for aviation easements. Mr. Quill advised the five-mile radius would extend outside of the area on the picture. Mr. Quill reiterated aviation easements would be applicable only to new development and advised the Authority several years ago adopted the National Business Aircraft Association (NBAA) Best Neighbor Approach with some residents regarding flight patterns. **Chairman Duffy** suggested an item be placed on the next BCC meeting agenda to appoint a liaison. Chairman Seay commented on the need to streamline development regulations as to parking lots and sprinkler systems since this creates wasteful spending and use of water and suggested requirements be modified based on experience. Mr. Quill reported planning and maintenance have become very expensive. **Chairman Duffy** indicated staff is working on a green ordinance and land development regulations are being revised and commented on working with the Authority. Chairman Seay pointed out the Authority's Master Plan incorporates land use, growth elements, changes the Authority intends to implement and requested the Authority be included in the County's Comprehensive Plan process. Mr. Quill suggested aviation agreements be incorporated in the Comprehensive Planning process. **Chairman Duffy** commented in support of joint efforts. Chairman Seay commented on the importance of the Airport as a gateway to the County and tourism and requested the County keep the Piper Road project as a top priority even though the Metropolitan Planning Organization selected several smaller projects instead of using all of the funds on one project. Member Coppola stated the Airport, Southwest Land Developers, Publix, and the new fire station would all benefit from the Piper Road project. **Commissioner Loftus** stated this Board and prior Boards have recognized the importance of the Airport and development of the adjacent commercial area but the Board needs to consider more cost effective projects in this economy. **Commissioner Starr** stated the major determining factor at the MPO meeting was the cost of the Piper Road project and the County would have to come up with \$10M over the \$14M stimulus funding. **Commissioner Skidmore** pointed out he

made the motion at the MPO meeting to move the Piper Road project down on the priority list because the County does not have the additional funding. Chairman Seay stated airlines are one of the best things that can happen to the County since over 116,000 visitors came and spent money at hotels, restaurants, shopping, and tourist sites last year and requested reallocation of some of the tourist bed tax revenues to promote the airlines, Airport, and enhance opportunities to attract more people to the County. **Commissioner Loftus** related a conversation he had with Tourism Director Bovell on working with the Authority and airlines as an economic engine and mentioned the possibility of a third airline coming to the Airport. **Commissioner Skidmore** questioned if the County is levying the maximum bed tax and, if it is, whether any of the revenues may be reallocated. Attorney Knowlton offered to research the issue and advise. Tourism Director Becky Bovell advised the County is currently levying the maximum bed tax based on the State's formula on population and other elements. **Commissioner Skidmore** concluded the revenues would need to be reallocated. Ms. Bovell stated joint efforts for marketing and advertising are on-going with the Authority and airlines. **Commissioner Skidmore** commented on having an Authority Member serve on the Tourist Development Council (TDC). Ms. Bovell explained TDC was established pursuant to Florida Statutes and suggested an Authority Member attend TDC meetings. **Commissioner Skidmore** offered to attend Authority meetings. **Commissioner Cummings** stated his position on landscaping is that the same requirements be the same for the public and private sectors and suggested Authority Members consider what they want in ECAP and the community. Chairman Seay agreed the rules should apply to everyone but consideration must be given to trees that attract birds that can cause adverse impacts on the Airport and aircraft as well as sprinkler systems in a parking lot. Mr. Quill requested a meeting with **Commissioner Cummings** on landscaping requirements and pointed out the bulk of expenses is related to small plants versus palm trees. **Commissioner Starr** stated the tree ordinance needs to be changed and utilize information from nurseries and the Native Tree Society because the costs are very high to plant, replant, and maintain. **Commissioner Cummings** commented in support of using Florida native plants for xeriscapes to reduce water usage and maintenance costs. Member Coppola commented on safety hazards of trees and birds around the Airport and suggested a rock sculpture be commissioned to do a statute. **Commissioner Skidmore**

commented on discussions with Growth Management Director Ruggieri and Mr. Baltz on eliminating landscape requirements around public safety facilities. Chairman Seay reported the Airport has been adversely impacted by having to re-permit items, opined the timelines are lengthy, the process is convoluted, and it is not always in the best interest of projects that would provide more economic opportunities. Member Stasko opined permitting has become an industry in the State of Florida and a lot of other states, Florida has lost a lot of industry to adjacent states including Alabama since time is money in any industry, stated permits need to be expedited at the State and local jurisdictional levels and referenced permit timelines for Southwest Florida Water Management District permits, and offered to create a committee or task force to streamline the process and assist new businesses through permitting process on an expedited basis. **Commissioner Loftus** indicated the Building Oversight Committee and Administration are working to streamline the permitting process on local, State, and Federal levels in order for the County to be open for business. **Chairman Duffy** advised Mr. Ruggieri has reviewed and revised the Development Review Committee (DRC) process regarding no add-ons at the end of the process, commented in favor of being shovel ready, being open for business, and acknowledged the need for rules and regulations. Member Herston suggested ECAP become a shovel ready area. **Chairman Duffy** and **Commissioner Skidmore** agreed. Member Stasko noted funding is not available to do the entire Piper Road project but expressed the belief that the project would have a more long-term beneficial impact for the County than doing several smaller projects. **Commissioner Skidmore** advised stimulus funds must be taken and project started within 120 days and completed in three years and the Piper Road project does not fit within these parameters.

Chairman Duffy opened the floor to citizen input. Larry Hofmeister, Airport Tenants' Association, stated the five-mile radius is not an arbitrary decision; it matches the Standard Airport Control Zone standards; and it makes sense that both areas work in conjunction with each other. Richard Nelson, a Punta Gorda resident, opposed avigation easements on property rights of residents and suggested proper zoning within the flight paths and make sure procedures used by pilots are safe and noise abating manner. Attorney Garrard opined this has been a very productive meeting; explained avigation easements are done all

over the Country and offered to provide documentation to County Attorney Knowlton; he spoke with Russ Buck, Boca Raton Airport, about avigation easements, acquisitions of land around the airport, and educational efforts employed; commented on their efforts to renovate homes for noise abatement that is very costly e.g \$40,000 to \$50,000 per house; realized residential development has been excluded from the ECAP area; and requested avigation easement legal ramifications be reviewed.

II. Authority/Commissioner Comments - Discussion

Chairman Duffy requested final comments. County Administrator Baltz stated the Board has discretion to change how bed tax revenues are allocated and to revise landscaping requirements; Florida friendly landscaping is allowed and encouraged within ECAP since the landscaping must stay alive after planting and that requires irrigation and/or watering. Mr. Ruggieri confirmed. Mr. Baltz recalled buffers were reduced from 30 to 15 feet and the Board has discretion to change the buffer requirements. Mr. Ruggieri agreed and stated a list of plant species and trees are available as part of Florida friendly landscaping. **Chairman Duffy** requested confirmation that irrigation is not necessary but watering is necessary. Mr. Ruggieri stated the Code requires irrigation but the design criteria on developments and parking lots have been reduced. **Commissioner Skidmore** opined the burden is on the applicant to create an alternative compatible plan. **Commissioner Starr** suggested the ordinance require planting during a certain time period e.g. during the rainy season that would also lessen the impact on the water supply. **Chairman Duffy** suggested planting of Florida friendly plants, irrigation be installed on top of the ground and then covered with pine needles with watering for 120 days after which water lines would be removed. Chairman Seay recalled a tenant at the Airport complied with landscaping planting requirements and the plants died, opined this does not make good fiscal sense, and differences in Code interpretations create problems. **Commissioner Cummings** stated it is more difficult to require planting after issuance of a Certificate of Occupancy. Mr. Ruggieri requested input regarding Code misinterpretations. Member Coppola stated this should be a business friendly community. Mr. Ruggieri presented the revision of the LDRs timeline by stating revisions to landscaping provisions would be brought to the Board in the

April/May time frame for discussion. Mr. Baltz agreed the permitting process should be expedited, stated the Building Oversight Committee meets monthly, and **Chairman Duffy** serves on a committee that recently adopted changes relative to the DRC process. Mr. Baltz recalled discussion regarding County owned property, reported staff will be bringing use options for the property to the Board soon, the Board has established an economic incentive of \$250,000 for developers, noted the Airport is within the City of Punta Gorda's utility system and the City is an important party. Mr. Baltz reiterated the Board has discretion on the use of bed tax revenues and they will be addressed during the budget process. Attorney Knowlton requested clarification on shovel ready. **Commissioner Skidmore** suggested expediting permitting in those areas. Mr. Ruggieri noted utilities are an issue and work needs to be done in conjunction with rezoning, ECAP is in a good position, and requested additional clarification. **Commissioner Skidmore** suggested Member Herston submit his ideas. Member Herston stated he has many ideas to make the Airport area better. **Commissioner Loftus** urged City be urged to participate. **Commissioner Starr** thanked Authority Members for participating and opined both Boards as a joint effort will do good things. **Commissioner Loftus** agreed and commented on the need for more good jobs in the community. **Commissioner Skidmore** shared concerns about landscaping and commented on the need to work together to regenerate and enhance aviation travel and economic development including the rails-to-trucks program. **Commissioner Skidmore** requested Member Herston provide his ideas prior to the next joint Board and City Council meeting scheduled for March 13, 2009. **Chairman Duffy** commented on discussions with Senator Martinez who is working hard for the citizens of Charlotte County. Chairman Seay thanked the Board for the joint meeting since a lot of good dialogue has been held on finding ways to address growth, provide more jobs and good economic development in hard times, and bring more people to the community. Member Coppola thanked Board Members for listening and helping; opined Airport growth will increase the number of visitors and people who want to move and live in Charlotte County; recognized Executive Director Quill's efforts and the cooperation of Authority Members. Member Stasko expressed appreciation for the opportunity to meet with Board Members to decide how to make Charlotte County a better place for all, recognized Council Member Goldberg's efforts for attendance at Authority meetings, and citizens input and time. Member Lee

thanked everyone for the very good meeting and cooperation and suggested meetings be held on a regular basis in order to resolve mutual problems. Member Herston stated the current composition of the Board is the best he has seen in the last 25-years and requested the Board keep the Authority in mind regarding easy access to the Airport. Mr. Quill thanked James Evetts for assistance in permitting requirement issues; reiterated his request for a meeting with **Commissioner Cummings** on landscaping at ECAP; and urged consideration of the Piper Road project as a high priority. **Chairman Duffy** reviewed six items to be done as a result of discussions. Member Herston requested the same landscaping regulations be applied to ECAP and other parts of the County. **Chairman Duffy** stated she looks forward to working with Authority Members regarding economic development and agreed meetings should be held on a regular basis.

ADJOURNED: 4:15 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

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