

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

**MARCH 13, 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, Commissioner Starr, Mayor Friedman, Vice Mayor Goldberg, Council Member McCormick, and Council Member Albers. Also in attendance were County Administrator Baltz, County Attorney Knowlton, Deputy Clerk Manley, City Manager Kunik, and City Attorney Levin. The following members were absent: Council Member Wallace. The meeting was called to order at **9:00 AM** followed by the Pledge of Allegiance.

Introductions: Chairman Duffy acknowledged attendees.

I. General Discussion of Home Rule/Potential Tax Legislation to be considered by the State Legislature

City Manager Howard Kunik stated the packet material shows a myriad of possible legislation ranging from budget legislation to growth management legislation that will impact the City and County; that everything from "Tax Caps" to "Revenue Caps" to "Expenditure Caps", "Save Our Homes Recapture" are all up in one form or another in various committees; that some of this may not impact us as we put our FY 2010 budget together; that we are not certain any of this would be adopted for our 2010 budget but if it is it would certainly affect us; that if it is not it may be done in a future time or put on a constitutional ballot; and indicated the general discussion today is do we on the local level want to just watch it or make a statement at this time. Mr. Kunik advised that the City is following it staff-wise but moving on with the FY 2010 budget based on what legislation is there right now. Mr. Kunik explained another item under legislative matters is that hopefully we will soon be getting some Stimulus

funds; that the Florida Department of Transportation (FDOT) is requiring that contractors be Local Agency Program (LAP) certified; that based on initial review there is only one Charlotte County contractor in the State's data base that meets LAP qualifications, which does not bode well for competition for our local contractors; and indicated this is another item we may or may not want to portray to our legislators.

**Commissioner Cummings** inquired if the last item is being driven by the Feds boxing in FDOT. Assistant City Manager Kathleen Dailey explained that the Feds allow states to set their own requirements; that if there is a transportation project on a national or state highway system and the project budget is over \$250,000 FDOT requires that the contractor be pre-qualified in order to bid; that the FDOT pre-qualification certification is about \$20,000 per year and because of the FDOT requirement unless companies pay that money every year they are not qualified to bid on these local projects even though they meet other qualifications of being bonded and being able to do the project; and pointed out this is not just stimulus projects, but any local projects that have LAP funding

**Commissioner Cummings** indicated he was a little perplexed because he is hearing Ms. Dailey express that the Feds allow states to set their own standards and yet the impression he has been given for a long time is that the Federal Government has a rather long list of requirements that they demand of the states; that once you start using federal funds as opposed to local and/or state funds they have an entire host of different standards; and indicated he is willing to go after FDOT to make the system faster but wants to be certain he is asking for something that is achievable and within their control. Ms. Dailey stated that the Feds have indicated the state may pre-qualify bidders; that given the strict standard criteria of these projects even though other contractors may be bonded and prove they can do the projects, it eliminates all but one local contractor for these transportation-type projects.

Mayor Friedman advised that at the last Metropolitan Planning Organization (MPO) meeting Secretary Cann from Florida FDOT was emphatic that as a result of the stimulus money the federal constraints coming out of Washington would be that all federal

rules that pertain to LAP projects would prevail; that vendor qualifications and the like would be dictated by the federal rules out of Washington; that from the discussion he and other MPO members concluded that in Mr. Cann's mind this was not up for local or state change; that FDOT was bound to impose all of the federal requirements and that every state would be in a similar situation; and opined if that is the case we can make an attempt, but he suspects the probability of success would be minimal if this has been imposed nationally by the Feds as part of the stimulus package. **Commissioner Loftus** agreed that was the message Secretary Cann brought forward.

**Commissioner Starr** opined that the County and City should be more proactive on all of this legislation and things that could significantly impact us by contacting our representatives and everyone who might vote on this; that if we do not provide input we will get whatever they want to give us; that at some point we, as elected representatives, must start pushing back; that we need to give them reasons this would be either detrimental or beneficial; that if we are not proactive in giving the legislature guidance as to the ramifications then we are remiss in our duties; and recommended that the City and County provide a paper on these issues to the legislators advising exactly what the ramifications would be for us if these pass. **Chairman Duffy** asked how he proposed this be done. **Commissioner Starr** said he would address each of these issues with the authors of the bill and send a copy to all the other legislators.

Mayor Friedman agreed with **Commissioner Starr** as to the intent but expressed concern with the timing because they are already meeting; indicated if we are to make an impact we need to do something quickly; and opined the best opportunity is a joint letter from the County and City to all of our local delegation letting them represent us and convince their colleagues that these items either are or are not in our best collective interest. Mayor Friedman suggested City and County staffs quickly get together, review each item to determine consensus, draft a joint letter, and present it to the Council and Commission for review and approval at their respective meetings next week.

**Commissioner Starr** agreed with Mayor Friedman and suggested including the Governor with any letter sent so if the bills pass over our objections or support we can appeal to the

Governor that this is not in the best interest of the counties; and opined if 67 counties and the municipalities in this state did this these things would probably not pass as easily as they do sometimes.

**Commissioner Skidmore** inquired if the Florida Association of Counties (FAC) and League of Cities (LOC) had taken a position on any of these bills; and indicated this may be another venue to look at. Council Member McCormick advised that the League of Cities has taken a position on all of these, mostly in opposition. Attorney Knowlton commented on conversations she had with the County Attorney Group from the Florida Association of County Attorneys (FACA) and stated that there are a number of items being watched and fought by FACA, especially those that have anything to do with pre-emption.

**Commissioner Loftus** agreed with **Commissioner Skidmore** that we should look into the FAC and LOC joining with us. **Chairman Duffy** indicated she is not certain she is opposed to Senate Bill 304 as she has not read the whole bill; indicated that part of the problem with "Save our Homes" is that although property values are decreasing property owners are still paying a 3% increase each year; and opined from the prospective of our citizens it may be a good thing, even though it would result in less revenue. **Commissioner Skidmore** said there are good pieces of this legislation; and agreed many of these were not intended to help local bureaucracy grow; that they need to be aware of unintended consequences; that he believes they are trying to act in the best interest of our citizens but we do not want our hands tied locally; and indicated it would be his goal is to relieve the tax burden on every level of the citizens. **Chairman Duffy** explained her point is that we do not want to say we are opposed to all the bills proposed if we have not looked at them carefully.

Council Member McCormick stated that the items we have talked about need to be separated; that we started talking about the LAP impact, which has a monetary cost of \$20,000 to a company; inquired if there is a way to urge the waiving of those fees and

if there are contractors that qualify but just cannot afford the \$20,000; pointed out that is a separate issue from our approach to the legislative package; and that there should not be one letter written to fix both problems. Council Member McCormick indicated that as to the legislative issues he has no problem opposing anything that is pre-emptive; that he wants the legislators to understand they are tying his hands and reducing his position of being a straw man; that we should keep emphasizing to the legislature that these piece meal approaches to fixing tax and equity in the State of Florida is a disservice to all the taxpayers; and that he would like a very strong letter sent to the legislature asking that they stop trying to micro-manage local governments.

Mr. Baltz reminded the Commissioners that several weeks ago we put together a State legislative agenda; that the issue of tax reform was addressed as one of our statements of concern; and that our Budget Office has reviewed and is familiar with these items. Mr. Baltz explained that the Florida Association of Counties has specific people monitoring all of the legislative issues; that there is a long list of issues pending and we have not touched on all of them; but that all of this activity is being monitored administratively. Mr. Baltz said he just wanted to remind the Commissioners that the Board approved a legislative agenda and the information is out to all of our representative; that if it is the desire today staff is ready to follow up with much more specific targeted statements on any issue by putting together a "white paper" or informational paper and move forward right away.

**Commissioner Starr** agreed it is fine to have the Florida Association of Counties or lobbyists lobbying for us in Tallahassee; but opined we must be active in lobbying our officials so they understand the unintended consequences of unfunded mandates and controlling our revenue stream, which would have more impact than the Florida Association of Counties or lobbyists. **Commissioner Loftus** opined that it can be left up to Mr. Baltz and Mr. Kunik to come back with a "white paper." **Chairman Duffy** agreed.

**Commissioner Cummings** said whoever put this list together knew what they were doing because they are uniformly bad ideas; indicated we need to be certain our legislators understand these

are bad ideas and why; and that they will continue making matters worse if they do not back off. **Commissioner Cummings** stated if they want to continue blaming their budget woes on us they must give us room to deal with it; that we need to move expeditiously because damage is already being done; and that staff needs to get the "white paper" done and have our representatives contact the legislators.

Mayor Friedman advised that most of these items are contained within the Governor's four initiatives; indicated that all of us have identified over the years the serious problems and negative impacts that evolved as a result of Save Our Homes in terms of increase in the gap between homestead and non-homestead properties; and opined that in a down market waiving the 3% increase currently mandated by Save Our Homes would exacerbate the situation that we have protested for years.

Mayor Friedman said the League of Cities and Counties are a necessary, but insufficient, condition; that we have a local group of legislators that we talk with every year before they go to Tallahassee and then we do not see them for the rest of the year until they come back and tell us what they have done during the course of the year; that we need to avail ourselves of these representatives and not leave it to others; and that as their constituents and speaking for the masses within the County and City we need to tell them we are in favor of certain things.

Council Member McCormick commented on an idea Mayor Friedman had of creating a tax reform incrementally by somehow protecting the people that are currently protected by Save Our Home but get rid of the basic inequity in our tax. Council Member McCormick indicated the legislators want to hear what the citizens, counties and municipalities want to say but at no time do they get up and report what they intend to propose; and agreed we need a meeting with our legislators in order to know what they propose before it is done because they are also participants in this list of problems. **Chairman Duffy** advised we had a legislative luncheon in February 2009 and presented the legislative agendas to the legislators; that not all these items were addressed specifically; that we did present the message to stop micro-management and bureaucracy; and that they know the problems we are dealing with.

**Commissioner Starr** opined that there has been no two-way conversation with our legislators; that we must get better at being our own lobbyists; that when things affect our county we need to let our legislators know immediately and it must be ongoing; and that if all 67 counties take that lead and contact their local delegation on these issues they would then pay attention.

Mayor Friedman commented on generic/specific direction given to the legislative delegation during a meeting and related concerns made to the Governor's representative on City and County budget shortfalls and the impact of maintaining the current millage rate on the next and future fiscal years.

**Chairman Duffy** pointed out that these proposals could change; and indicated she hears that the Commissioners would like Mr. Baltz and Mr. Kunik to look into these further and get back to us; and that the Council and Commission could vote separately, get back with each other, and move forward with a joint effort.

**Commissioner Cummings** agreed that we should make our voices heard as things are evolving; indicated it is easy to see these proposals are contrary to what we said at the beginning at the year; and that we should send a message that we are having our administrators put something together. **Commissioner Starr** agreed; and indicated most of the discussion alluded to rather than bring more information back to review that by the next Commission Meeting and City Council Meeting that there be a "white paper" on each of these issues that the Council and Commission can approve to be sent to the legislators.

**Chairman Duffy** agreed; and indicated she conveyed her concern of beaurocracy in economic development permitting to the Governor's Special Assistant; that she was told they are considering consolidating some departments; and that the Governor is aware of the desire statewide to have an easier permitting process and being more business friendly. **Commissioner Loftus** opined that should be emphasized when we go forward with the letter so they have an understanding in this session to make that happen. Council Member McCormick stated that two issues of concern are writing the letter to the legislators and having LAP fees waived so local contractors can bid without laying out the fees. **Commissioner Loftus** agreed if it is something on the state

level; and pointed out we need to keep our local contractors (**Consensus**). Council Member Albers clarified that we are looking for a little more than just waiving the fee; that we should be able to use qualified people. Council Member McCormick agreed. **Commissioner Skidmore** said he is not certain there is sufficient time for letters; and recommended the City Council Members, Commissioners, Mr. Baltz, Ms. Shoemaker, Ms. Dailey, and Mr. Kunik phone the legislators as well. **Commissioner Skidmore** opined that long term this is bureaucratic rules and the extortion should be stopped.

Public comment. - None

## II. Overlay District Update

City of Punta Gorda Urban Design Manager David Hilston advised that for several years there has been community interest in developing gateways into the City; commented on areas of interest, aesthetics, landscaping and architectural concerns and difficulties involved; indicated these items can be addressed through the creation of an overlay district between the City and County included within the County's Land Development Regulations; that staff has teamed up with Team Punta Gorda to do focus studies, stakeholder meetings, etc. with affected property owners; and that in the coming months staff will coordinate with representatives of Team Punta Gorda to develop schedules and timelines for action items; and that relative to receiving input on the initiative staff is producing a comparison of City codes versus County codes so that each of the stakeholders will have factual data with which to make adequate decisions.

**Commissioner Cummings** indicated he would like to see that more uniform approach throughout the area; but expressed concern with the County just adopting the standards of the City for uniformity sake and the people affected by it not having chosen the elected official that set those standards in the City; and opined that we should be moving in the direction of annexation, not this overlay proposal.

Mayor Friedman said conceptually there are no problems with what **Commissioner Cummings** says but the solution is not annexation because U.S. 41, U.S. 17, and Taylor Road go too far; opined that we should collectively be doing what is fair for the masses;

that the County is not bound to adopt the City ordinances; that perhaps it should be discussed with County staff to determine if the City ordinances are viable; that by not doing so you are penalizing County residents who happen to be within the City; and that the concept is meant to put everyone at least south of the river on an equal footing competitively.

Council Member McCormick pointed out there will be buy-in from the stakeholders; and opined if the stakeholders want it they will inform their County Commissioners so it can go forward in a diplomatic fashion. **Commissioner Loftus** agreed if a majority of the stakeholders buy into the change and overlay the BOCC should move forward with it. **Commissioner Cummings** asked who the stakeholders were. **Commissioner Loftus** indicated the stakeholders are the property owners in the overlay district that would be affected by the change. Mayor Friedman pointed out there would be public hearings; that the potentially impacted people would be heard; and that the Commission would only be fulfilling their normal responsibility. Council Member Goldberg opined that often it is more than aesthetics, or a look, or feel for continuity of the community; that sometimes it is what is perceived as competitive or anti-competitive ordinances where a business on one side of the road has a certain size sign or flag, etc. and a competing business on the other side of the road may have conflicts to sizes or what is allowed for advertising of their business; and opined we need to create a fair playing field.

**Commissioner Cummings** commented on state law where any municipality has the right to charge up to 25% additional utility fees for a customer that is outside their City limits without justification and could move up to 50% additional cost with justification for non-City resident utility; indicated the City does a better job with infrastructure than the County, and certainly so within the Punta Gorda Street and Drainage area and that there is a very competitive edge there; indicated if talking about the differences and competitive fairness, the right way to do this is through annexation; and opined that Charlotte Park should have been annexed into the City years ago.

Council Member Goldberg explained that the overwhelming attitude by the Charlotte Park neighborhood is that they do not want to be annexed into the City; and indicated that some areas will be as

they are unless the City does an involuntary annexation. Commissioner Cummings said it comes down to cost versus benefit; opined they could be encouraged; but that you would have to offer something for that. Mayor Friedman agreed; and indicated there are younger demographics coming in; and that they may be more receptive as time goes by. **Commissioner Cummings** opined it is cheaper to be in the City and that now is the best time for annexation while the market is down. Council Member Albers advised the City is actively working on annexation; indicated there are sensitive areas such as Charlotte Park; but that there are public safety issues that if we could come to some conclusion may help those areas annex as we continue moving forward; and that perhaps we should start thinking about transferring parts of the services over, which may motivate them and get rid of the little cut-out areas we have. Mr. Hilston said staff would proceed with stakeholder meetings and report back with the findings.

Ray Rose commented on differences in signage north of Aqui Esta versus south of Aqui Esta; indicated that most of the areas being discussed are largely undeveloped today; and that now is the time to come up with requirements to have a nice looking area that sets an example for Charlotte County.

### III. Taylor Road at Cooper Street Intersection Traffic Study

Dan Quick advised that for the past several years there has been a growing concern by City and County residents for installation of some type of traffic device at the intersection of Taylor Road and Cooper Street; that the Public Works Department concluded a signal warrant study and four-way stop study at that intersection; that for both studies the primary criteria of whether or not the facilities are warranted was traffic volume and accidents; that the warrant of traffic volume for a signal light is not met; that the traffic accident rate for a signal light is very marginally met; and that the cost of a signal light would be \$300,000 - \$400,000. Mr. Quick explained we do meet the traffic volume criteria for the four-way stop; that the traffic rate of five accidents per year is marginally met for a four-way stop; and if directed by the BOCC, his recommendation would be a four-way stop at the intersection of Cooper Street and Taylor Road.

**Commissioner Loftus** stated that the County does not have money to put in a traffic signal and unless the City has funding for a traffic signal recommends proceeding with staff recommendation of a four-way stop. **Council Member Goldberg** concurred with Mr. Quick's studies and recommendations and stated he encourages the four-way stop. **Commissioner Starr** inquired what the cost was of a four-way stop. Mr. Quick advised several hundred dollars. **Commissioner Starr** stated he would support that. **Commissioners Skidmore** and **Cummings** and Council Member McCormick agreed. **Chairman Duffy** agreed; but stated if that does not solve the problem we would talk about a traffic signal later. Mayor Friedman said in the past when we went with four-way stop signs instead of a traffic signal there were not fewer accidents, but the accidents were lower grade; and encouraged installing four-way stop signs as quickly as possible (**Consensus to install the four-way stop signs as quickly as possible.**) **Commissioner Skidmore** said he supports the four-way stop signs, but would like to see a traffic light at that location.

Board and Council Comments:

Council Member Goldberg agreed with the Commissioners and Council Members to support a highly increased level of communications of both the legislators and the Governor on issues and matters that directly affect our ability to function effectively and efficiently. Mayor Friedman indicated so much is accomplished by the joint sessions and thanked the Council Members and Commissioners for continuing them. **Commissioner Loftus** agreed this was an excellent meeting. Council Member Albers stated he was glad *Aqui Esta* was not on the agenda today for discussion. **Chairman Duffy** commented on the success of the buddy system implemented and asked if everyone was happy with it and knew who they were paired with. Mayor Friedman advised that the City Clerk and Administration work together on that and would inform the parties. **Chairman Duffy** indicated she was missing page two of item 1 regarding tax impacts from her agenda; and noted if others were missing the pages they could pick them up from the website. Mr. Kunik advised what was contained on page two of item 1.

Book 67, Page 320  
March 13, 2009

Commissioner Cummings advised that Charlotte County Utilities (CCU) is having their annual water tasting competition down the hallway. Mr. Baltz advised tables and chairs were also set up outside.

ADJOURNED: 10:25 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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