

**JOINT MEETING**

**BOARD OF COUNTY COMMISSIONERS  
PUNTA GORDA CITY COUNCIL**

**SEPTEMBER 9, 2005**

A joint meeting was held at the Murdock Administration Complex, Room 119, Port Charlotte, Florida. The following Board Members were present: Chairman Sara J. Devos and Commissioners Thomas G. Moore, Adam Cummings, and Matthew D. DeBoer. The following Council Members were present: Mayor Stephen M. Fabian, Jr. and Dr. David Phelen, Thomas D. Poole, Marilyn P. Smith-Mooney, and Vice-Mayor Larry Friedman. Also in attendance were City Manager Howard Kunik, City Attorney David M. Levin, City Clerk Sue Foster, County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Finance Director Ann Navan, Chief Deputy, Board Services Tommy Q. White, and Deputy Clerk Gail Manley. The meeting was called to order at **9:02 A.M. (Commissioner D'Aprile was not present for the meeting.)**

**Chairman Devos** advised that Mayor Fabian would Chair the meeting, but the County Commission had some official business to handle beforehand. **Mayor Fabian** introduced Council Members and stated in keeping with rules and procedures previously established all Council Members and Commissioners would have an opportunity to speak on any issue, after which citizen's input would be allowed for up to three minutes on each agenda item. **Chairman Devos** reported the Board was requested to set an Executive Session for September 13, 2005 at 12:00 noon or soon thereafter in the Administration Conference Room to discuss the pending lawsuit of Mission Unity v. Charlotte County. **COMMISSIONER CUMMINGS MOVED TO SET AN EXECUTIVE SESSION FOR SEPTEMBER 13, 2005 at 12:00 NOON OR SOON THEREAFTER IN THE ADMINISTRATION CONFERENCE ROOM TO DISCUSS THE PENDING LAWSUIT OF MISSION UNITY V. CHARLOTTE COUNTY, SECONDED BY COMMISSIONER MOORE AND DECLARED UNANIMOUS. (4:0)** **Chairman Devos** requested that Agenda Items I. (Update on the Auditorium), II. (Update on the Courthouse), and IX. (Update on City Marketplace, Laishley Park & Harbor Inn Resort property development), be done at the same time. **Mayor Fabian** agreed. The Pledge of Allegiance followed with a moment of silence for the Hurricane Katrina victims in New Orleans and the Gulfport.

- I. Update on Auditorium
- II. Update on Courthouse

**Mayor Fabian** indicated his impression from the previous joint meeting was renovation on the outside of the Courthouse was moving rapidly, but now understands no Request For Proposals (RFPs) have been put out. Andrew Baker, County Facilities Director, explained exterior landscape cleanup work will commence shortly at the Courthouse site and an RFP is expected to be sent out next week for architectural and design services that would encompass interior and exterior work, grounds work, and civil engineering. Mr. Baker said proposals for design work are estimated to be received in four to six months; a firm will be chosen by committee; a bid will then be sent for construction services; and renovation will flow forward from there, with an expected timeframe of sixteen months to two years. Mr. Baker advised the budget stated at the last meeting is approximately \$5.3 Million and includes \$600,000 that has already been spent. **Mayor Fabian** indicated based upon a discussion he and **Chairman Devos** had the \$250,000 parking funds would be held because other things are going on that might affect the use of the Courthouse. **Chairman Devos** said **Mayor Fabian** advised her of the offer; there has been nothing official discussed by the Commission, but before acting on anything the uses of the Courthouse need to be known. **Chairman Devos** said there might be some security issues with parking if there is success getting the Court of Appeals, and the discussion is best tabled until the uses are known. **Commissioner DeBoer** agreed the parking requirements should not be restricted because there has been no establishment of the end use; and advised two requests are being worked on for presentation to Representative Kreegel on funding for the upcoming Legislative Session for the Courthouse. **Chairman Devos** stated the Auditorium update information was contained in the packet of material and only required reading. **Council Member Poole** stated it was his understanding Rowe would look at the entire scope of repairs and requested clarification of how estimates were made on the Courthouse when the scope of work had not yet fully been determined. Mr. Baker stated Rowe was hired to design the roof repair and do a design for exterior renovation, but when it was decided to renovate the entire building it was pulled back into one design; that the numbers given for the Courthouse renovation are reasonably comprehensive obtained from one of the major contractors under a broad design as to what it would take to do the interior and exterior of the

building, and are fairly detailed. **Council Member Poole** said it was suggested that the tent be loaned out for the next year or so as a disaster relief commitment for the New Orleans area; he did not wish to comment about the matter, only mentioned it because of the suggestion. **Council Member Smith-Mooney** clarified her previous comment that it was important for the City of Punta Gorda to have input through its City Council and staff in the overall design concept of what would be constructed on the Auditorium site; and if there was something the City believed would make the building better, but not affordable, that possibly the City could assist in the generation of funds in order to have an outstanding building for the County at completion. **Council Member Phelen** said cleanup of the Courthouse site would present a more positive impression to the community.

IX. Update on City Marketplace, Laishley Park & Harbor Inn Resort property development

Howard Kunik, City Manager, advised efforts were being made to complete negotiations with the Construction Manager of Matthews-Taylor for Laishley Park and anticipate presenting the contract to the Council in October for approval, at which time value engineering can begin. Mr. Kunik said the design is 80% complete; expects submission for a submerged land lease to the Governor's Cabinet for the late November or first of December Agenda with hope of having a permit issued by the Governor's Cabinet so construction can begin, and construction should take approximately a year after the permit is issued. **Chairman Devos** inquired what exactly is being constructed. Mr. Kunik advised construction includes a dock for both permanent and transient boating, a Harbor Master and Harbor facility marina building, and some integrated, upland park facilities. Mr. Kunik said the owner of the Harbor Inn has no definitive hotel contract but has been in to discuss repairs to the marina and upland areas, and hopefully soon will be in for permits. Mr. Kunik advised the City would not spend funds on this project because it is a private venture but as part of the project a river walk would be extended, so an effort is being made to keep in contact with the Laishley Park Construction Manager of Matthews-Taylor. Mr. Kunik said the Marketplace project has been re-designed and a meeting with Council Members will occur this week. Mr. Kunik explained this is a mixed use project to include commercial, retail and residential; keeps with the new land development regulations; and has a more pedestrian-friendly-type environment with walkway

areas, landscaping and a central area for meeting in the middle of the development where events can take place. Mr. Kunik explained the City has begun preliminary traffic studies and design for the West Retta Esplanade extension but there will be no construction until completion of some final plans for Marketplace. **Mayor Fabian** indicated his meeting with the developer was encouraging; before spending a lot of money in the final design to be brought before the Council, the developer wants to be certain he has the City going in the right direction; and the developer's estimate on the cost of the total project is about \$100 Million. **Vice Chairman Friedman** stated the developer estimated a timeframe of fourteen months from the beginning. **Council Member Smith-Mooney** stated she also spoke to the contractor and he had no objection to her mentioning why things had not occurred sooner; there is a lawsuit presently going to the mediation process where the parent corporation of Beall's Outlet seeks some \$8 Million compensation for not rebuilding the facility that previously existed. **Mayor Fabian** said he believed the mediation was scheduled for October. **Council Member Poole** asked if the area around the old Mall could also be cleaned up when the Courthouse was done. Mr. Kunik said the property owner had previously been notified of the need for cleanup and will notify him again.

### III. Appointments to Punta Gorda CRA

**Vice-Mayor Larry Friedman** stated it was agreed at a previous meeting that the Mayor, Chairman of the Commission, County Administrator, and City Manager would meet and provide a proposal for discussion. **Mayor Fabian** suggested the City leave it up to the Commissioners but requested that the person appointed be a resident of the City. **Chairman Devos** said the Commission could nominate an individual and send that nomination to the City, or collect the resumes and send them to the City for selection. **Vice-Mayor Friedman** agreed the Commission should select a representative and present a recommendation to the City Council for approval; and recommends reduction of the term to two years. **Council Member Smith-Mooney** explained the only way the CRA receives funds is through Tax Increment Funds (TIF); much of that comes from County ad valorem funds and normally would be received into the County revenue stream if not for the fact the County agreed to allow its portion to stay in the Punta Gorda CRA area for its 30-year life. **Council Member Smith-Mooney** stated the City of Punta Gorda benefits from the County and City

share of funds going into the CRA and because of that the County has the right and obligation to assure the seats are filled with representatives who express opinions on behalf of the County as a whole that might be different than others on the CRA from the City Council; and supports the County privilege to nominate and the City Council to confirm the nomination. **Council Member Poole** inquired if a call for nominations was issued or if one just popped up with a recommendation. **Commissioner DeBoer** stated the County Commission was not notified a vacancy existed and did not call for nominations. **Mayor Fabian** stated he saw a letter from the City Clerk to the County Commission advising of the vacancy. **Commissioner DeBoer** stated no such letter was brought to the County Commission. **Mayor Fabian** said he would check into it because he recalled seeing the letter. **Council Member Poole** said the County Commission might have been notified, but doesn't believe the public was notified of the opening; agreed the County should select the representative but requested one of the two nominees from the County be from the CRA District because there should be input by persons who are directly affected. **Chairman Devos** stated neither she nor the County Administrator are aware of anything official being received, but is aware of three applications having been received by the Commission, and confirmed the agreement is that the County will receive the resumes, select a representative and submit that name to the City Council. **Chairman Devos** and **Mayor Fabian** stated they were unaware of the four-year term limit until recently. **Council Member Smith-Mooney** recommended a four-year term because the CRA meets only one time per month and it is difficult to have continuity when on a Committee for two years meeting only once a month. **Vice-Mayor Friedman** said if the County selects a candidate who is then confirmed by the City Council the County should then determine the term and there should be an Interlocal Agreement to formalize the process. **Council Member Smith-Mooney** agreed. **Commissioner Cummings** stated he is not opposed to formalizing the understanding in a written form or to either a two or four-year length in term with unlimited terms; is hesitant to say the representative should only be from within the City, but would not want to exclude City residents; and suggests it be kept the way it was before and put in writing. **Council Member Phelen** recommended a two-year term with unlimited terms. **Vice-Mayor Member Friedman** said he encourages as part of the formal agreement or the screening process that it be clear to the candidates that they represent the County, with a mechanism for formalized and periodic reports

to the Commission. **Commissioner BeBoer** stated he is not opposed to the County not being part of the process of selecting representatives to the CRA and giving that control to the City and suggested the procedures be put in writing. **Mayor Fabian** said he would talk to the City Clerk to be certain notification is given. **Council Member Phelen** asked for clarification that the County would put together a process it is comfortable with and provide a name or names as they choose. **Chairman Devos** said the County would do a formalized agreement.

#### IV. Sidewalks (Cooper/Airport Road)

**Mayor Fabian** expressed concern with the volume of students walking and riding bicycles on the roadway between Taylor Road and Airport Road, and stated sidewalk installation is critical there. Thomas E. O'Kane, Director of Public Works for Charlotte County, agreed and advised the section of Cooper Street from Airport Road to Taylor Road is included in the 2002 sales tax program and scheduled for design and bid during 2006. Mr. O'Kane stated Council Members and Board Members requested when we go for design an estimate also be obtained for the section from Airport Road back to U.S. #41 because there is an interest in connecting to U.S. #41 and ultimately to Aqui Esta; that section is not included in the sales tax program, but a price can be obtained at the same time and determined if it can be worked into the overall budget. **Mayor Fabian** said the critical link is from Taylor Road to Airport Road where the housing is. Mr. O'Kane said that section is included in the sales tax program; construction is underway at Airport Road and Taylor Road; and all sidewalks will be linked at that point, signalized with a pedestrian phase in the signal. **Commissioner DeBoer** pointed out care should be given if adding to the Capital Improvement Program because staff has told the Board there is a hole in the five-year Capital Improvement Program and does not want to give false hopes of sidewalks.

#### V. Road Sharing

**Mayor Fabian** stated there are unresolved issues with several roads shared by the County and City. Rick Keene, Director of Public Works for the City of Punta Gorda, stated four of the

streets that border the City and County remain that require resolution and an Interlocal Agreement:

- 1) Aqui Esta - The attorneys are working on the Interlocal Agreement for the 6-foot City portion and 8-foot County portion sidewalk issue.
- 2) Colony Court - This is a small road off Aqui Esta; the City and County discussed developing an Interlocal Agreement to give the County authority to assess City residents along that street when the road is repaved; an agreement has already been worked out on Colony Court South off Rio Villa Drive and will be mirrored for Colony Court North.
- 3) Henry Street - The project between Cooper Street and Education Avenue is under design as part of the drainage program for the entire area of Carmalita (the school area and Education Avenue), and when designed there will be consideration of an Interlocal Agreement for the narrow, substandard, road to be brought up to standards; that the City and County would split the project, get it to standards, and the road turned over to the City because there is mostly City property bordering that road.
- 4) Shreve Street - The project is to study the entire corridor between Pompano and Retta Esplanade, reviewing bicycle and pedestrian paths, the intersection of Pompano, and upgrade of Shreve Street.

Because of past confusion, **Council Member Smith-Mooney** requested clarification of whether the City or County has ownership and responsibility for Pompano where it intersects with U.S. #41. Mr. Keene stated current discussion is ownership and responsibility would remain in County jurisdiction based upon where the City/County boundary lines are now. Mr. Keene said the entire intersection feeds partial City properties but also leads into County neighborhood and could be reviewed for future discussion. **Mayor Fabian** inquired of the engineering status for Aqui Esta. Mr. O'Kane said 30% design plans was received in July; the 60% design plans is expected next month and will be

provided to the State to begin purchase of right-of-way. **Mayor Fabian** asked for clarification that the 60% design plans is the key factor. Mr. O'Kane said if people donate right-of-way it can happen at any time, but the State cannot do any extra activities such as condemnation without the 60% plans. **Commissioner DeBoer** suggested for mirror policies adopted by the City and County there be a policy developed with an Interlocal Agreement that enacts the mechanical function so when certain conditions arise the matters are taken care of without need for debate of each occurrence. **Council Member Poole** stated the staff could possibly work it out themselves and **Mayor Fabian** agreed. **Chairman Devos** inquired how funds are generated for roads that are in need of repair and resurfacing. Mr. O'Kane said most of the roads on the border being discussed fall within the Punta Gorda Non-Urban; Charlotte Park is the primary area where Colony, Magnolia, and many of the others are on the border; a small amount of money is received each year as an assessment and used for paving. Mr. O'Kane stated the Punta Gorda Non-Urban is a rather large area that extends to some of the subdivisions on U.S. #17; these roads have not been a high priority for paving because it is not feasible to reconstruct roadways and have them torn up to install water and sewer; and it is uncertain when that will occur. **Chairman Devos** asked how those properties are assessed. Mr. O'Kane stated those in the County are assessed by the Punta Gorda Non-Urban MSBU and an assessment is received from properties that are in the City on Colony Drive South because the properties abut a roadway that the County just constructed. **Chairman Devos** asked if the water and sewer was paid in the same manner. Mr. O'Kane said the City approached the property owners about having sewer and water installed and received a negative response; there is inadequate fire protection in the area with 2" lines that have been there many years; at some point soon it will be necessary to install adequate water service; and then is the appropriate time to reconstruct and pave the roadways. **Mayor Fabian** inquired if Colony Court South was still a dirt road. Mr. O'Kane stated it is paved but the road on the North side is in poor shape. **Commissioner Cummings** recalled that the Comprehensive Plan and Ordinances implementing the Plan state if a utility line is run past a house in Charlotte County the homeowner must hook up within 365 days and pay for the hookup. **Commissioner Cummings** stated private utilities in the County used the mandatory rule to recover the cost; one of the core elements in the inability to extend City services beyond City limits is the ability to recover those costs; and the tools need

to be in place for the City to conserve its service area. **Commissioner Cummings** indicated the County solution to the sewer expansion problem is perhaps the solution to the annexation issues; that a great deal of time was spent talking with the citizens being affected to get an understanding of what they thought was reasonable to pay for the utilities, which was less than actual cost; a review was done of the utility system and the benefits of bringing those customers online and how it affected the rates for all of the customers; people were willing to pay about \$5,000 at the time to hook up to sewers and the cost was about \$6,000; other rate payers subsidized the other \$1,000, but in the course of bringing those customers in and subsidizing it cut up the debt service more ways and produced a net reduction in the utility cost to the existing customers that were subsidizing the new ones; and twelve mini-expansions have been done since then with hardly any notice taken. **Commissioner Cummings** said he spoke of the issue with members of the Charlotte Park Homeowners Association on various occasions with a grudging mixed reaction; it would require some level of subsidizing to make it work; there is a lot to be gained and that would be the most straightforward way to deal with both the utility and the road issue; everyone has to give something; and hopefully there is a way to get the annexation issues and boundaries straightened out which is a core problem. **Mayor Fabian** stated there would be another look at the annexation in the Strategic Plan recently approved.

VI. Shreve/Pompano Intersection

**Mayor Fabian** pointed out this matter was discussed previously.

VII. Water Issues

**Commissioner Cummings** stated an effort is being made for a three-party agreement between the City, County and Peace River Manasota Regional Water Supply Authority; there are concerns to the level of commitment of the parties involved; and it is hoped the City will want to see both the connection between the Peace River Plant and the utility connection that creates a looped system occur. **Commissioner Cummings** explained for seven or eight years he has advocated getting the connections put in place with the vision of being certain there were more resources available to Punta Gorda; and was very surprised when the decision was finally made to do it, but for the resources to go from Punta

Gorda and be sold elsewhere; but what direction the water flows is a decision to be made by the City. **Commissioner Cummings** said if the City chooses to sell water to the Water Authority it would be very important in solving the gap plan, and thinks 2 MGD for an interim could be very helpful to the region as a whole. **Commissioner Cummings** suggested care be given in structuring a contract to be certain the City can get the resources back when it is needed. **Commissioner Cummings** stated he supports the 2 MGD that may be considered but has reservations about the long-term projects that the Water Alliance is talking about where three or four projects are withdrawing from surface waters going into Charlotte Harbor; and that close attention should be given to how much water is pulled out of the Harbor over the long-term. **Commissioner Cummings** stated he hopes the City will join getting the interconnects in place; that both need to be done concurrently because of the dynamics at the Authority level; and if one happens before the other, both will not be gotten. **Council Member Poole** stated as a former pipeline engineer he perceives vast problems if the County taps into the City distribution line; that the best system would be a plant-to-plant interconnect with the County and City tying into the Peace River and that be the junction point. **Council Member Poole** said if water is drawn out of a distribution line all kinds of pressure problems develop, plus if it had to be reversed and water sent to the City it would have to go through the whole system before coming back to the plant; and suggested care be given not to do unwise planning. **Mayor Fabian** commented he received a call from a man who said he intended to create a 360-acre lake near State Road #31, and when asked where the water would come from he said Shell Creek; the man was in Chicago and scheduled to meet with the City Manager and Utility Director this week. **Mayor Fabian** said he was told a sandpit is being cleared and a lake created, and the man was very positive about creating this 360-acre lake. **Commissioner Cummings** said that effort might be affected if the property is in the water protection district overlay area for Shell Creek. **Council Member Phelen** indicated he is aware the City and County staffs have had ongoing discussions about the water issues but nothing formal has been presented to the Council. Howard Kunik, City Manager, said there was discussion among Utility staff and Administrator to Administrator; the City will present to the City Council in October a report on the water utility expansion options, funding options, and interconnect options. Mr. Kunik stated the report would give the City Council all the options,

funding ramifications, strengths and weaknesses, and give the City Council some policies and direction. Mr. Kunik explained staff is working with Wilson-Miller Engineers on the presentation based upon a request of about a month ago by Council and is part of the effort to purchase an off-line reservoir. Mr. Kunik advised the report will include options of reverse osmosis versus surface water treatment; the goal is to present it to the City Council in October, and upon the Council determining its direction continue working with the County staff and County Commissioners on the water issues. **Mayor Fabian** agreed it is an issue to be handled with care. **Commissioner Cummings** stated distribution line to distribution line is more complicated and a storage tank may be required to deal with those issues; but there is no water treatment plan to connect to on the County side; there is only the Peace River Plant and right now the line being discussed for distribution to distribution is an emergency interconnect and not big enough to transmit a substantial capacity; and the interconnect where options develop for whether or not to transmit capacity is the plant-to-plant connection. **Commissioner Cummings** said one of the reasons for a distribution line is that presently the pipe lines go out like spokes of a wheel from the Peace River Plant; if a problem occurs at that plant everything is down; and as we continue becoming more reliant on that one center spoke of the wheel it becomes a higher risk level, and a greater need for an emergency interconnect. **Commissioner Cummings** said hopefully plant-to-plant connections could be created as Charlotte County develops other water resources in South County. **Council Member Poole** pointed out if water is being pumped on an emergency basis it is treated water so the Peace River Plant itself is relatively irrelevant; a system that requires extra piping, pumps, and water tanks is not an emergency system; and the easiest way to maintain pressure, etc., is plant-to-plant; and those plants are nothing more than a switchboard which changes the water from the incoming pipe to where it has to go to the outgoing pipe. **Commissioner Moore** said he is impressed with the efforts on the loop-lines/multiple passes and believes it is the security for the systems; this is not a power-grab or water-grab, but an effort to work together in an interconnect; the Water Authority would be thrilled to buy 2 MGD from the City if it chooses to do so, and the contract should state when and how that is stopped; that no one but the City should have control of its system, but he believes it would give the City backups that are important for years to come. **Council Member Phelen** inquired

if the County would know what the desired relationship is by the time the comprehensive report is given to the Council in October. **Commissioner Cummings** said the desired relationship is the County would like to see the agreements put in place for the commitment to build both pipelines simultaneously; that the construction does not have to occur simultaneously, but the County would like the agreement to be for both to be done simultaneously. **Commissioner Cummings** stated his inclination is that the pipelines between Peace River and the Authority be as big as is cost feasible to build because the City doesn't have to sell anything it doesn't want to sell. **Council Member Phelen** inquired if that information has been communicated from the Board of County Commissioners (BOCs) at this point; does that represent the Board of County Commissioners (BOCs) position; and has that been formally communicated to Punta Gorda. Bruce D. Loucks, County Administrator, stated he met with the City Manager, Howard Kunik, his staff, and the Water Authority staff about a month ago to discuss the status of the interconnection; a draft Interlocal Agreement between those agencies has been completed, is being reviewed at staff level, and will then be reviewed by Council and Administration. Mr. Loucks said the County has already begun the engineering and feasibility work as to size of pipe and where it should go; and the political solution is in the form of an Interlocal Agreement. **Commissioner Cummings** inquired who has what position; that the emergency interconnect between the City and Charlotte County is a pretty long established County position; approved in the Sales Tax Referendum; a position the County several years ago approved to apply for grants; that there have been several things the County did establishing it as the County's position. **Commissioner Cummings** said the plant connection is a proposal that has arisen from the Water Authority and the Water Authority staff and there has been some conflict between the two projects; basically Authority staff has attempted to discourage the emergency interconnect. Roger Baltz, Assistant County Administrator, reiterated that this must be a collaboration between the City and the County to make an interconnect happen; it would require the approval of the City of Punta Gorda; and contractually for the Water Authority to have an interconnect that comes through Charlotte County it would need the approval of the Board of County Commissioners. Mr. Baltz reported there are other City and County working partnership issues such as the Reasonable Assurances Plan for the Shell Creek and Burnt Store Road. Mr. Baltz pointed out there was information in the packet furnished

the Board and Council Members today regarding substantial water demand projections throughout Charlotte County based upon permits that were processed; and that \$3 Million was approved as part of the sales tax referendum for the emergency interconnect. **Vice Mayor Friedman** stated primary allegiance and concern must be with the County before worrying about other counties; that the original discussion was for an emergency interconnect which made sense as a protection mechanism for the City or County, but more recently there has been discussion of concurrently doing an emergency interconnect and a plant-to-plant interconnect with the region. **Vice Mayor Friedman** expressed concern that millions of dollars would be spent unnecessarily by doing both if the larger connection would also take care of emergency needs once in place. Howard Kunik, City Manager, stated funding is a very large factor in this matter; in order to get SWFWMD funding it must be a regional impact, and funding between the City of Punta Gorda and Charlotte County for an emergency interconnect may not qualify for a regional impact; but funding between the City of Punta Gorda and the Peace River Water Authority would be in compliance with up to 50% funding. Mr. Kunik said this issue and all other options would be in the October presentation report to the Council. **Vice Mayor Friedman** stated his concern was predicated that both would be done concurrently and still questions that if funding were obtained through any manner why both would be done when a plant-to-plant is much larger and could accomplish the objectives that the emergency interconnect would do, but would wait for the October meeting for an answer. **Mayor Fabian** stated he relies on the consultants and staff that know the situation to include pros and cons of whether or not to have both in their report. **Council Member Poole** clarified he was not speaking about a water war and leaves the financing to others; but from a technical standpoint feeding into a distribution line or taking out of the distribution is not a good idea, particularly when you can throw switches from the plant and it go into the distribution line that needs it. **Mayor Fabian** said he hopes the experts will advise how to get the water out efficiently. **Commissioner DeBoer** stated it is his belief that once this water is sold to the Water Authority the Authority will decide where it goes, by their politics, not by need, and suggested Charlotte County would not see any of that water. **Commissioner DeBoer** stated in the early 1980's Charlotte County did not have its own utility, but had a Utility Regulatory Department; in studies done the concept was there would be three utilities in Charlotte County someday; Charlotte

County and the City of Punta Gorda should together create a regional utility server South of the River; and make every effort to keep the resources in Charlotte County.

VIII. Bread of Life Mission

**Council Member Poole** stated during the course of a meeting several days ago at the First Macedonia Baptist Church the subject of the Bread of Life Mission came up; there is concern in the Trabue Woods neighborhood about the consequences of having the Bread of Life Mission functioning as it does in close proximity, and of the transients who pass through and how they may affect the security of the area. **Council Member Poole** said one of the pastors on the east side of town wants his church to work with families that are staying at the Bread of Life Mission to help rehabilitate and get them back on the road to self-sufficiency. **Council Member Poole** advised steps must be taken to tighten security, enforce the standards and codes that exist, and make an effort to work with the Bread of Life Mission residents to get them out of the situation they are in; and perhaps joint task forces, police force, and others directly involved could help the area get increased attention to cut down the petty theft, drug traffic and other things going on there. **Chairman Devos** agreed and expressed concern that human beings are being allowed to live under those conditions, but pet owners would be arrested for having pets in those conditions; stated there is not a cooperative spirit, but one of defiance; and a serious problem exists. **Chairman Devos** stated she was told secondhand, but from a reliable source, there is involvement by the Mission to go out-of-county and pick people up, then take them from the Mission and drop them off in the Murdock area. **Council Member Poole** said there has been tolerance out of compassion, but not substantial efforts of improvement; it is affecting a neighborhood that has asked for relief; there is an obligation to enforce the rules; an alternative must be provided which is difficult and expensive; but the situation cannot be ignored. **Council Member Poole** suggested a task force to provide plans and ideas, but with some timelines. Thomas L. Wright, Assistant County Attorney, reported in February the County staff and Attorney staff met with representatives of the Bread of Life Mission, their Board and sponsors in an effort to resolve some of the problem existing in that area; an agreement was made for a six-month plan to improve the area, including cleanup of debris and improving the kitchen facilities, developing a system

to collect usage data and develop a vision, mission and value statement; six months has come and gone, complaints are still being received, there is still debris and high grass, and things committed to have not been followed through with. Attorney Wright said he does not know what steps to take other than refer the matter to the Code Enforcement for citation; and that is the direction it will go unless other direction is given. **Council Member Phelen** shared a conversation he had with a young woman who came from Fort Myers and had very unfortunate experiences at the Bread of Life Mission; it is one of many stories to come from there; and the matter must be decisively acted upon. **Commissioner Cummings** stated he understands the other side of the issue and has strong feelings about the laws protecting against discrimination and insuring everyone has the opportunity for a good home; the operation is in need of financial oversight, oversight of the facilities, regular health inspections and full disclosure for an extended period of time before any funds are put into it; the codes need to be enforced; and an alternative provided. **Commissioner Cummings** suggested the Coalition for the Homeless be a participant in the solution, and some of the funds from the sales tax and things like that be used to develop an alternative; the Code Enforcement system does not give strong tools and those that deliberately defy are difficult to deal with; and an effort needs to be made to enforce the law and codes. **Council Member Poole** expressed concern about predators at the Mission because there are no records or knowledge of who is there. **Council Member Poole** stated he would like to see the City and County form a task force to look into the problem, volunteers to participate, Code Enforcement, police, community, solutions and how to go about it; and attack the problem on a broad basis. **Council Member Poole** stated it would cost some money because alternatives would have to be provided, but it is the right and humane thing to do; and offered to be on the task force. **Chairman Devos** stated she would be part of the task force and would like to take a very hard line with that operation. **Mayor Fabian** stated there must compliance to the construction and health codes and a stop to the busing in from other counties and states. Walter Marion stated he is a staff member of the Bread of Life Mission and agrees with much of what has been said; the Mission has many needs and can only do so much with the funds available; he would be happy to go to the Bread of Life Mission with anyone; and the Bread of Life Mission could use any funds that become available. Lewis Anderson said he is a staff member of the Bread of Life

Mission; he and Mr. Marion are also members of the First Macedonia Baptist Church; heard Attorney Wright's comments that nothing was done in six months and requested the Council give he and Mr. Marion a list of codes that need to be enforced and allow them 90 days, or 120 days if possible, to meet with the overseer of the Bread of Life Mission, so the people who are there daily have an opportunity tell the overseer how critical things are. Mr. Anderson said there are 10-15 children at the Mission and he is making an effort to get them into the after-school program, but it costs \$15.00 each child; he is also making an effort to get jobs for the residents; it is not a dying effort on the part of the volunteers at the Mission; and requested until the first of the year to diligently work with the overseer. **Mayor Fabian** stated as long as he has known of the Bread of Life Mission and its problems there has been a constant request to give another 90 days, but nothing changes; it is his understanding no child is turned away from the Cooper Street after-school program; and if Mr. Anderson had a number of children and cannot afford the \$15.00 to call him. Mr. Anderson said he understands about the previous 90-day requests, but it his first step into the water; **Mayor Fabian** said he would hold Mr. Anderson to his promises. **Council Member Smith-Mooney** said she appreciates what the speakers said and their sincere efforts to contribute at the facility, and over a period of time has watched a series of groups make the same sincere attempts; there has been a total reluctance for the finances of the operation to be open for review and not under the control of one sole person; Bread of Life Mission is a not-for-profit organization according to the State of Florida Corporate Records, but people have found it impossible to find out where some of the money goes. **Council Member Smith-Mooney** indicated there is not a lack of compassion but there is concern that contributions would not benefit those in need, and until there is some willingness on the part of the principal to open the records and let the public know what is going on with the funds and make an effort to comply with health regulations that normally govern such a facility there will be little cooperation in funding. **Council Member Phelen** stated governmental tolerance of operations as Bread of Life Mission is perceived sends a very strong message that it is an okay operation, when the evidence suggests it is not an okay operation, and he does not think the governmental bodies want to be in a position of sending messages misinterpreted by the public. **Council Member Poole** stated there appears to be a consensus, and against all his instincts about volunteering,

suggested that **Chairman Devos** and he get together and lay out rules and groundwork, have the option to utilize County and City resources to be certain what applies and get the Code Enforcement Regulations up to date, get the police involved so the residents can be screened to be certain there are no predators, and allow the task force 30 or 60 days to work with the Bread of Life Mission people to establish an agenda in an effort to make changes; but would like to take advantage of assets available to determine what realistically can be done. **Commissioner DeBoer** recommended that Mr. Marion or Mr. Lewis be on the Task Force and explained the Charlotte County Commission has not ignored the existence of the problem; that in this country there is a constitution and Bill of Rights and this organization has the same rights, as do the people on that property. **Commissioner DeBoer** stated enforcement of the standard codes to the extent possible has been done within the authority of the Commission, but people's rights cannot be trampled over because you are not in agreement with the conditions that exist; and government must be careful. **Commissioner DeBoer** pointed out long ago the Commission discussed creating a legitimate organization for the purpose of taking care of and taking in people who are homeless so it can be regulated; that did not exist during the many times this has been discussed and does not exist now; and suggested when searching for a model to try and find a business category where it can be regulated and have periodic inspections by health care workers or whomever. **Council Member Poole** said he understands everyone has rights, but there is now concern and involvement within the community. **Commissioner Cummings** stated he likes the idea of a Task Force and involvement by the neighborhood and effected parties; the credibility of the Mission is non-existent because of lack of leadership, and he would feel better if a representative is from the local Punta Gorda Ministerial Association rather than Bread of Life Mission; and is interested in seeing alternatives, but cannot imagine what would be different this time. **Mayor Fabian** inquired if the Homeless Coalition should be asked if they would like a representative on the Task Force. **Council Member Phelen** said it is important the Task Force clearly enunciate its purpose by making recommendation to either the Board of County Commissioners or the City Council. **Council Member Poole** said his intention is to spend the first 30 -60 days finding out what the situation is, how most issues can be remedied with checklists, guidelines, rules, etc., and when some consensus is determined it will be presented to the Board and Council to determine if it

is worthwhile to pursue. **Council Member Phelen** said he did not have such a long process in mind, and **Council Member Poole** indicated the problem must be known before beginning. **Council Member Phelen** inquired if it is the intent to make a recommendation. **Council Member Poole** responded affirmatively. **Council Member Phelen** indicated the recommendation should be enunciated soon. Bill Driver said when a search is done in the local newspapers on the name Bread of Life Mission, there is page after page, and goes back a very long time, not just the past few weeks or months; the Assistant County Attorney gave a report of a meeting six months ago with the Bread of Life Mission representatives at which time there was an agreement to make things right but nothing was accomplished at the end of time. Mr. Driver said he applauds the efforts of a Task Force being formed, but the Bread of Life Mission does not function well within society; the Homeless Coalition could make it work the right way; and Ordinances that are available need to be enforced. Jan Beardslee stated she is a newly - named member of the Board of Directors of the Bread of Life Mission; that if there is a problem in the neighborhood everyone blames the Mission residents; many people believe everything they read in the paper which is often misleading and not accurate. Ms. Beardslee said the problems with drug use in the area on both sides of Cooper Street are real and in the neighborhood but it is not fair to blame the Mission residents without evidence. Ms. Beardslee reported the Mission has a zero tolerance for drugs and no alcohol may be brought to or consumed on Mission premises; every resident of the Mission has a background check and she knows who is at the Mission now, where they came from and whether or not they have any issues that may potentially threaten the residents of the Mission. Ms. Beardslee said this is a neighborhood issue that needs to be addressed, not just inside the Mission, or the Task Force will miss their efforts and not achieve the results intended; disagreed the issue is not lack of funding; that if there was enough money people would not be sleeping in tents. Ms. Beardslee stated the Bread of Life Mission has financials and an income statement; she keeps the books and has a receipt for every expense that has been incurred for the Mission; anyone can review the financial with her and will find the costs to run the Mission are significant and the funds coming in barely enough to meet the day-to-day needs; and the Bread of Life Mission Board stands ready to work with the Task Force. **Council Member Smith-Mooney** inquired how long Ms. Beardslee has been on the Board (response was 30-days). **Council**

**Member Smith-Mooney** stated she is unable to be part of the task force but would like to meet with Ms. Beardslee to share her past experiences because she believes Ms. Beardslee and other recent members of the Board want to remedy the problems that exist, and deserve that opportunity. Tammy Cash stated the Bread of Life Mission matter came back to the Board because of the Trabue Woods project low-income housing; that low-income housing is very profitable and someone will make a lot of money on that. **Council Member Poole** advised Trabue Woods economic development corporation has nothing to do with this matter; that Trabue Woods is a geographical area which describes a certain portion of the City and the low-income housing has nothing to do with the discussion of the Bread of Life Mission. Ms. Cash said the Mission has been there 37 years and must have some credibility. **Mayor Fabian** stated the promise for cleanup has gone unheeded for years.

X. Councilmember/Commissioner Comments

**Council Member Poole** stated volunteers for the task force are needed. **Commissioner Moore** said during the hurricane tragedies he was proud of what Charlotte County did, but after watching the difficulties New Orleans had he truly appreciated how fortunate Charlotte County was to have the staff and leadership it had. **Mayor Fabian** requested the rest of the Gulf Coast not be forgotten; Long Beach is devastated and perhaps something can be done for the City employees. **Chairman Devos** said the tragedies of Hurricane Katrina made her appreciate the local and state leadership and staffs; that a lot of planning was done to be certain Charlotte County had a disaster plan and this County was extremely prepared both from the County and State leadership; and the citizens of Charlotte County should have comfort in that knowledge. **Mayor Fabian** stated Wayne Sallade', Director of the Charlotte County Office of Emergency Management, always said it is not if, but when, and many along the Gulf Coast did not take it to heart. **Commissioner Cummings** agreed State leadership made certain the resources were available, but the local crew coordinated it. **Chairman Devos** said one of the greatest tragedies of Hurricane Katrina was the lack of local leadership, and the team leadership during and after Hurricane Charley, both City and County, was excellent.

**MEETING ADJOURNED: 11:40 A.M.**

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September 9, 2005

Signature on file in Commission Minutes  
Stephen M. Fabian, Jr.  
Mayor

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

gm