

JOINT MEETING

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

DECEMBER 9, 2005

A joint meeting was held at the Murdock Administration Complex, Room 119, Port Charlotte, Florida. The following Board Members were present: Chairman Thomas G. Moore and Commissioners Adam Cummings, Thomas D. D'Aprile and Matthew D. DeBoer. The following Council Members were present: Mayor Stephen M. Fabian, Jr. and Dr. David Phelen, Thomas D. Poole 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, and Deputy Clerk Gail Manley. The meeting was called to order at **9:02 A.M. (Commissioner Sara J. Devos and Council member Marilyn P. Smith-Mooney were not present for the meeting.)** followed by the Pledge of Allegiance.

I. Aqui Esta Interlocal/FDOT Funding

Thomas E. O'Kane, Director of Public Works for Charlotte County, introduced Mike Rippe of the Florida Department of Transportation (FDOT) to discuss funding. Mike Rippe, Florida Department of Transportation Director of Transportation Development for District I, indicated Johnny Limbaugh, Manager of the Southwest area office located in Fort Myers, was with him also. Mr. Rippe advised funding for Aqui Esta was removed from the work program because of the significant escalation in costs for everything used in building roads and the lack of skilled labor. Mr. Rippe explained in the development of a five-year work program there is a common four-years, and as one year drops off a new fifth year is added, similar to the CIP process for most cities and counties. Mr. Rippe said when doing that it is necessary to first balance the existing four years, and with cost increases it necessitated moving projects out of each year, and advised balancing is not just for Charlotte County, but for twelve counties within District I. Mr. Rippe said the State will review the resurfacing program and Strategic Intermodal System (SIS) to determine if adjustments can be made in the timeframes.

Mr. Rippe stated the highest priority is to get the projects back in; the projects were initially in the work program because they were given a high priority from the Metropolitan Planning Organization (MPO) in the past. Mr. Rippe said traditionally the State would not attempt to go back into a project but *Aqui Esta* was an unusual work program and the State will work with staff to explore options to bring some of the phases back in because the right-of-way and construction on both of the projects were moved out. **Commissioner Cummings** indicated it appears from preliminary research that *FDOT* has removed almost all of the funding for the next five years from the regular MPO priorities; in reviewing the preliminary indicators of revenue losses and gains through the *SIS* funding, it appears Charlotte County is the only county that almost 100% of the funding from its priorities was taken for the next five years; and it appears all other counties are gaining money, but Charlotte County had its five-year program removed and re-directed toward new growth, rather than meeting the existing needs of the people who paid the taxes. **Commissioner Cummings** stated it was his understanding specific Federal funding was allocated to *Aqui Esta*. Mr. Rippe explained how the program works and stated the Federal dollars are not strictly allocated for *Aqui Esta*; the funds go to the District and the MPO priorities are funded with available revenue. **Commissioner Cummings** expressed concern that the County and City have spent money based upon a Joint Participation Agreement (JPA) entered into with the State where the County and City fund the money and the State pays it back, and the State has now changed its mind. Mr. Rippe acknowledged the JPA; stated staff is managing the design work but there has not been a formal agreement entered into for the remainder of the phases; the State understands *Aqui Esta* is the number one priority for Charlotte County and will work with staff to look at some non-traditional things such as resurfacing and *SIS* to determine if there can be a shift of funds; and the State will take all measures possible to reinstate *Aqui Esta* in the program. **Mayor Fabian** indicated the numbers received reflect new *SIS* funding for Manasota/Sarasota County of \$266 Million and a loss of \$24.4 Million, and inquired if those numbers were wrong. Mr. Rippe stated he was not aware of where \$266 Million of new *SIS* went to that area. **Mayor Fabian** stated based upon the numbers received by the City Council and County Commission, *FDOT* is taking away 95% of the funding for Charlotte County, but only 20% of the funding in Lee County and 10% in Manasota/Sarasota Counties.

Mayor Fabian said FDOT staff promised if this project was done and an Interlocal Agreement obtained, the project would be moved forward by three years; to take all the funding away from Charlotte County is inexcusable; and FDOT needs to provide a better plan for Charlotte County. Mr. Rippe indicated there would be an attempt to do that but unless there are additional revenue sources projects must be deferred and moved. **Mayor Fabian** stated he understands costs have risen but has a problem with 95% funding being taken from Charlotte County and nothing even close to that taken from the other counties. Mr. Rippe pointed out he was just made aware of the numbers shortly before the meeting and would have to get back with the Council members and County Commission after review. **Council Member Phelen** stated he has the same concerns previously voiced and requested the City Council and County Commission be furnished copies of the matrix analysis used in making the decisions. Mr. Rippe stated he would furnish written copies of the matrix requested. **Council Member Poole** explained there is \$9 Million available for the Burnt Store project, primarily to take care of future development in the area; Aqui Esta is an existing problem and a safety problem because of the hurricane evacuation and flooding of Aqui Esta; and inquired if it was possible to shift those funds. Mr. Rippe advised Aqui Esta is not eligible for TRIP dollars because it is not identified on the regional roadway network, so those dollars could not be utilized on the a Aqui Esta project. Mr. Rippe stated a priority list was devised by Charlotte, Manatee, and Sarasota Counties and given to FDOT; that is the list followed and why Burnt Store and Winchester projects, in addition to some in Sarasota and Manatee Counties, received funding. **Council Member Poole** expressed concern that an existing problem does not receive priority over a potential problem. Mr. Rippe stated he spoke with County staff and understands there are options that Mr. O'Kane will review later. **Mayor Fabian** advised the funds for Burnt Store came from TRIP funds, are regional, and separate funding that comes from the State. Mr. Rippe reported Senate Bill 360 was non-gas tax revenue and a good portion of that funding was received from documentary stamps. **Chairman Moore** indicated he understands when costs go up and a project cannot be finished because of additional expense, but that is quite different than what occurred here with money having been taken away. Mr. Rippe said FDOT would meet with the City and County again on the matter. **Commissioner D'Aprile** inquired what the chances are of

retrieving some, or all, of the money, knowing the situation and being aware of the fact that this is an important safety issue for Charlotte County, and that it was established many years in the past. Mr. Rippe indicated that because FDOT is considering looking at the possibility of moving resurfacing projects and SIS funding, there is a good chance of getting at least the right-of-way back in within a short timeframe. Mr. Rippe state there are funding cycles every year and opportunities in those years to deal with getting back on the original schedule. **Commissioner DeBoer** pointed out if this was due to the extraordinary escalation of construction costs and shortage of labor there would be proportionate reductions or the moving of all projects back, but what is seen here is disproportionate, which means the priorities have shifted; and inquired at what level those priorities were shifted, so he knew who to talk to. Mr. Rippe said he is the person who made the decision to remove the Charlotte County projects. **Commissioner DeBoer** stated he would speak with Mr. Rippe directly. **Mayor Fabian** requested confirmation that the U.S. 41 resurfacing project from the Peace River Bridge, south would not be delayed. Mr. Rippe said that project had already been let for bid and the project will begin after the first of the year. Mr. Rippe indicated mast arms have been ordered for the signals; FDOT found that mast arms held up much better in the storms than the strain poles did, and in the coastal areas when doing resurfacing jobs, mast arms are being installed. Mr. O'Kane said he hopes Aqui Esta funding gets back on track but is not optimistic, and reviewed alternative plans for this corridor that were furnished to the Board and Council Members in their meeting packets. **Council Member Phelen** inquired as to a timetable when FDOT would re-think their position. Mr. Rippe stated FDOT would work with the staffs and hopefully be back in January 2006 with an update on what could be moved to reinstate some of the funding, and would invite the Board of County Commissioners and City Council Members. Mr. Rippe said he is certain not all the funding would be reinstated but hoped some of the right-of-way funding could be re-established and the scope of work possibly reduced. **Council Member Phelen** inquired if Mr. O'Kane had a recommendation at this time or if he suggested waiting for more accurate data in January. Mr. O'Kane suggested waiting until **Commissioner DeBoer** met with the State representatives. Mr. O'Kane indicated he is not requesting a decision today but wanted the options brought forward in the event funding is not reinstated to the project. Mr. O'Kane said

there are serious problems in the corridor that should be dealt with and it might be necessary to have a design done that breaks the option into doable projects. **Council Member Phelen** suggested waiting until additional data is received from FDOT before making other decisions. **Council Member Poole** stated the project should not be put off for any foreseeable period of time; the primary difficulty is the bridge and the drainage on each side that floods during heavy rains, and preparation should be made to take care of that problem so access and egress into the bird land section and upper section of Punta Gorda Isles (PGI) would be open. **Council Member Poole** suggested not waiting any longer than necessary; two lanes would be sufficient, and if the State does not assist, it is up to the City and County to do it; if assistance is given later to expand the road width, that would be nice, but the bridge, drainage and some kind of pedestrian access are the most urgent things to be done when designing for the short-term; and the question becomes how to split it between the two entities. **Vice-Mayor Friedman** recommended waiting for the State update in January, but concurrently prepare a priority list of alternatives to review predicated upon the January updates, and proceed as expeditiously as possible. **Vice-Mayor Friedman** suggested Mr. O'Kane prioritize with a projected timeframe; that possibly some projects could be done concurrently because some are in the County and others in the City; and as a function of the respective dollars, perhaps the bridge and the Bal Harbor intersection could be done over the next couple of years and postpone some of the other pieces. Mr. Rippe stated it is important to impress upon the Governor and Legislature the need for more transportation funds. Mr. Rippe explained the Legislature had additional surplus monies to use and transportation would be a good place for it to be allocated. Ed Zapke, South Charlotte County Coalition, explained it would be difficult for the County to plan future projects because availability of funds will not be assured, and the issue is lack of State credibility. Brian Duffy, 1536 Aqui Esta Drive, said sidewalks are needed immediately because more condominiums have been built, and there are more pedestrians and children walking up Aqui Esta to and from bus stops.

II. Bridge Lighting

Mr. O'Kane advised lighting on the US 41 and I-75 bridges were destroyed during hurricane Charley, and FDOT has a general restoration of lighting program throughout the County and the City with a contractor selected. Mr. O'Kane explained FDOT agreed to allow the two jurisdictions to put ornamental lighting on the bridges rather than replace the standard highway lighting. Mr. O'Kane advised at this point there is an estimated difference of \$200,000 and a JPA between the State and County in the process of being prepared. Mr. O'Kane indicated a low-pressure sodium, turtle-friendly, beacon fixture was installed at Manasota Key to deal with an entirely different problem; the State evaluated the fixture based upon its criteria of lighting thoroughfares, and approved this type light and mounting height; and passed out brochures for review. Mr. O'Kane said Public Works would come back to the Board for consideration of a JPA with the State to obligate \$200,000 for replacing the bridge lights with ornamental lights. **Council Member Poole** inquired if it was normal procedure to issue a variance on safety criteria. Mr. O'Kane said the lights being put back will at least meet what was on the bridge before; the intensity of the new lights are slightly less than what is now the standard of the State; that new standard is applied generally to new construction, but it is not unusual on a bridge for the State to issue a variance on the lighting. Mr. Rippe pointed out what is being done is just a slight variance over what the standards are and not unsafe, and there will be a good lighting pattern throughout, much as it was before. **Mayor Fabian** indicated one of the issues that came up in the Federal Emergency Management Agency (FEMA) planning session after hurricane Charley was the enhancement of the bridge as an entryway into the City from both directions; this is a step in that direction; the cost has come in at a reasonable level; and he suggests it move forward. **Council Member Poole** inquired what was the next progression of steps to accomplish this. Mr. O'Kane said the next steps are to have the JPA sent to the County from FDOT, reviewed by the County Attorney, and presented to the Board of County Commissioners for consideration, and it would be nice if the cost was split between the City and County. **Commissioner Cummings** explained it is important for this to happen and something the public wants and expects; that Mr. Zapke pointed out earlier it is harder to

do JPAs when there is no certainty the funds will be paid back when the time comes; he wants to see this move forward, but hopes FDOT keeps its word this time. **Commissioner D'Aprile** indicated the general consensus of the Board of County Commissioners was in favor of going ahead with the project. **Commissioner DeBoer** stated he believed the Board had already voted to go ahead with the County portion. **Mayor Fabian** said the City Council discussed the matter previously but there had been no vote. **Council Member Phelen** agreed no voting was done because the City was waiting for cost estimates and supports the project and having it placed on the Punta Gorda City Council agenda soon. Harvey Goldberg, Team Punta Gorda, stated there was enormous public support for enhancing the bridge and bridge lighting at the FEMA meetings post-Charley and at charrettes conducted by Team Punta Gorda. Mr. Goldberg pointed out the bridge is a mutual gateway to Punta Gorda and Charlotte Harbor; the lighting would enhance both sides of the river; and Team Punta Gorda is firmly behind the project. John Benande of Punta Gorda agreed with Mr. Goldberg; stated bridge lighting is just one of the building blocks in revitalizing Punta Gorda and the beautification efforts; and this project should move forward quickly.

III. Burnt Store Road

Mr. O'Kane indicated an alignment study for the corridor will soon be concluded; those who travel the area understand there is a large portion of abutting lands that are environmentally sensitive; Florida Power and Light (FPL) has some transmission lines that run along a portion of Burnt Store Road; there are existing developments close to the roadway on the north end of the corridor; and an effort is being made to optimize the alignment in order to keep the four-lane widening cost as low as possible. Mr. O'Kane advised that the entire corridor will be designed for four-lanes upon completion of the alignment study, but the initial focus will be on the north end where the roadway necks down at the railroad crossing, a narrow section just north of US 41 at Jones Loop Road, and the first phase of the project needs to be carried down to Notre Dame Boulevard. Mr. O'Kane pointed out that Charlotte County was awarded \$4 Million over a two-year time period from TRIP funds, and \$5 Million currently remains in the line item of County money, that will go toward the project. Mr. O'Kane explained Tern Bay is a large housing

development under construction north of Zemel Road, and the Board of County Commissioners has a Development Agreement for the developer to build half of a four-lane roadway along the entire frontage of Tern Bay. Mr. O'Kane advised Bonita Bay is another development slightly north of Tern Bay that extends just south of Notre Dame Boulevard that would also enter into a similar agreement with the County Board to build half of four-lanes, and includes a dedication of right-of-way along its frontage. Mr. O'Kane stated there are other elements to the Bonita Bay project, including the possibility of making another connection to Burnt Store Road from where Tuckers Grade comes into US 41, and an internal minor arterial that would service the Bonita Bay Group development and take some pressure off Burnt Store Road. Mr. O'Kane reported safety improvements were completed a number of months ago and seem to be working very well. **Council Member Phelen** inquired if Tern Bay has opened a second project. Mr. O'Kane said he is aware of only one project, but it is in two phases, and occupancy for the buildings is dependent upon work done on Burnt Store Road because buildings cannot be occupied without the additional lanes and access. **Council Member Phelen** agreed the area is significantly more dangerous now that Tern Bay is under construction. **Commissioner Cummings** inquired if sufficient right-of-way was being acquired to allow for a later expansion to six lanes. Mr. O'Kane advised Lee County indicated during discussion it would like Charlotte County to have a controlled access facility running through it to satisfy Cape Coral and all of Lee County, and unless there is some direction otherwise, he does not believe Charlotte County has an obligation to accommodate Lee County's traffic. Mr. O'Kane stated there are many vacant lots in Cape Coral; Charlotte County has made it clear throughout the study that Lee County needs to look at another corridor; the demand is from the south and no one from Lee County or Cape Coral has suggested buying the right-of-way they will need in the future; and unless directed otherwise the project will continue with four-lanes. Chick Petrestein, President of Burnt Store Isles Homeowners Association, and President of Burnt Store Golf Villas Homeowners Association, stated concerns of the railroad crossing tracks, bottleneck at that area, and safety issues were expressed at a recent meeting of the Associations. Mr. Petrestein indicated there is a lot of traffic from trucks that by-pass the weigh station that abuse the road with gravel and other debris spilled from their loads. Mr. Petrestein inquired if there were plans by

the County or FDOT to work with the railroad for the repair of the tracks at that area and at the Cooper Street railroad crossing area that is in serious condition as well. Mr. Zapke, South Charlotte County Coalition, stated Burnt Store Road has now become the number one project and thanked Mr. O'Kane and the MPO for seeking the funds to accelerate the project and getting parts of it going earlier than anticipated. Mr. Zapke agreed the truck traffic along Burnt Store is extremely dangerous due to the Tern Bay project and inquired if the Sheriff's Department could monitor the road tightly to help keep the speeds down and the truck weights within the limits. Mr. O'Kane acknowledged the railroad crossings were in bad shape and need work. Mr. O'Kane explained the County has money set aside in the Capital Budget that is approved by elected officials each year; the Jones Loop Road, Cooper Street, and three other crossings are on a priority list with the railroad, but the railroad works at its own speed and there are no guarantees. Mr. O'Kane explained the Jones Loop Road crossing is scheduled for spring, 2006 and will not be reconstructed to the two-lanes, but reconstructed to the future configuration with the concrete rail crossing substantially wider than that presently existing.

IV. Water Interconnects

David G. Schlobohm, Charlotte County Utilities Director, gave a visual presentation of the interconnect being considered from south DeSoto County to the Punta Gorda plant, and of the proposed Charlotte County/Punta Gorda interconnect. Mr. Schlobohm explained the Peace River Manasota Regional Water Supply Authority Board directed their staff to move forward with both projects simultaneously believing both to be of equal importance and equal regional significance. Mr. Schlobohm indicated the project as it is now fulfills the intent of the emergency interconnect and goes well beyond that in terms of regional significance and flexibility. Mr. Schlobohm said although the project could be done together, it is being viewed in two segments, one that would go from Kings Highway to the City of Punta Gorda and the second phase from the City of Punta Gorda to the Burnt Store Water Treatment Facility, and, in essence, connects the Peace River Plant, the Punta Gorda Plant, and the Burnt Store Facility Plant. Mr. Schlobohm pointed out the Burnt Store Facility Plant is being reviewed in an effort to expand it as much as possible in preparation of the growth in

the Burnt Store area, and with the anticipation of being able to send water north to the system. Mr. Schlobohm stated this could be looked at as a system improvement and an extension of facilities that would go from Kings Highway to Burnt Store and provide the opportunity for an interconnect with the City of Punta Gorda; an enhancement allowing water to flow in various directions, and once completed, a constant flow of water that takes away some concerns about the exchange of water quality; and envisions the City of Punta Gorda controlling the valve to that. Mr. Schlobohm advised Tern Bay is being required to upsize its line to 16 inches; there will be an upsize of the line from Burnt Store to the Tern Bay line; this will allow 4 mgd to be pushed north from the Burnt Store Facility and between 8 and 10 mgd north from where the line becomes 24 inch; all envisioned with the potential of tying into Babcock, should that become a reality. **Council Member Poole** inquired what the capacity of the southern treatment plant was. Mr. Schlobohm said there were recent membrane extensions at the plant, but some issues with the software that controls the system, and once fixed, there will be about 1.1 mgd capacity. Mr. Schlobohm indicated it is anticipated the system will be expanded to at least 2.5 mgd, contingent upon permitting associated with getting new wells in place, with a goal of 4 or 5 mgd from the entire system eventually. **Council Member Poole** inquired what the Bonita Bay and Tern Bay plans anticipate. Mr. Schlobohm indicated .5 mgd for Tern Bay and .5 mgd, or slightly less, for Bonita Bay. **Council Member Poole** said given the rapidly progressing demand in the southern area a situation is being created where an ongoing supply-flow from the City to the County lines would be required until the new capacity is obtained. Mr. Schlobohm advised that is not what is being considered; that there is discussion and review about possibly working jointly on a South County additional well field expansion that may or may not be tied with the Burnt Store facility, but the County is looking at handling all the water needs for the area itself. Mr. Schlobohm said there has been discussion of a potential interconnect with the City of Cape Coral; it was his understanding there would be a 12 mgd, or possibly 36 mgd, plant in North Cape Coral that could easily be connected to the County system; but he does not know if that would ever happen because it involves inter-district water management district transfers, and even if the City were interested, the County is not interested in taking water down to Burnt Store because the County wants that facility

to be self-sufficient. Mr. Schlobohm indicated **Council Member Poole** is accurate about growth in the area and there may never be enough water to send water north to the system, but the Burnt Store facility is envisioned to handle the growth in that region. **Council Member Poole** inquired if it is envisioned growth could be handled by the Burnt Store facility, what would be the purpose of having an interconnect with the Punta Gorda line instead of having it just at the Punta Gorda plant. Mr. Schlobohm explained after hurricane Charley Charlotte County received water coming from its interconnect with North Port and the interconnect system from the Carlton plant in Sarasota, and based upon experience found in case of an emergency the more interconnects, the more flexibility. **Council Member Poole** asked if a direct line from the plan to the interconnect, or tapping into the distribution line, was anticipated; that it appeared from the drawing the interconnect would connect with a distribution line, which means any water coming out of the distribution line would be felt further down that line with lack of water or pressure. Mr. Schlobohm advised there would be an extension of the County distribution system from Kings Highway under the Peace River and down to the Burnt Store facility, with the opportunity along the way to connect to the City of Punta Gorda with a valve that the City would control, and provide for an enhanced interconnect rather than just a direct interconnect between the County distribution system and the City. Mr. Schlobohm stated this would be a supplemental advantage to the line coming down from DeSoto County to the Punta Gorda plant in the event there is a problem with that line, and why there are two coming from the Peace River Plant; that if something were to happen to that line or to the Peace River plant there would still be a method of providing water between the respective entities from the proposed connection with the City. **Council Member Phelen** indicated there had been a presentation from the City staff about the possible interconnects, except for those with the County, and inquired if the County was at a stage to ask for City participation to consider the interconnect being discussed today. Mr. Schlobohm replied affirmatively. **Mayor Fabian** opined the time has come to look at the issue more regionally; it is good for everyone; the City has control over it; and he believes there may be some financing available for regional impacts. **Vice-Mayor Friedman** indicated the City has concurred with the concept of interconnects well over five years; most of the Council has expressed a positive attitude

with concept and all should work together within the County and region. **Vice-Mayor Friedman** explained if there was only to be one interconnect it would be more prudent to go in a plant-to-plant scenario, but if in a position where there would be two or more concurrent interconnects, it should be up to those funding it to determine the worth and prudence of having a second or third interconnect, because in theory the more interconnects had in any type utility system the better. **Vice-Mayor Friedman** stated the County is best prepared, and pretty much in the sole position, to determine what is best for it, and although the City is a participant, given this is the County's capital program, if there is a priority or allegiance by the City, it should be with the County first, and the region second, because the City is part of the County; and he does not know of any reason the City should express reluctance to the concept. **Commissioner DeBoer** advised the interconnect with Charlotte County Utilities is not proposed to cost the City anything at all; near term, the County would want to purchase excess water the City may have that the County has a dire need for, but long term the County is an advocate of local sources first; that he and **Commissioner Cummings** pushed very hard to have that Legislation created years ago and which the Water Management Districts (WMD) are starting to enforce, and why an interconnect with Cape Coral will not likely happen. **Commissioner DeBoer** reported the WMD made it clear that Lee County has plenty of local sources they need to use first and not happy to hear discussions of interconnects, and something to be considered in looking at interconnects that go outside the county. **Commissioner DeBoer** explained that in 1973 Tri County Engineering did a study on potable water supplies for all of South County; two sources were identified, Babcock Ranch and Shell Creek, to supply all the water needs for that end of the county; the appropriations have been set for a recent agreement for the Babcock purchase, and in that a substantial water source and the beginning of a new policy. **Commissioner DeBoer** stated the new policy is that after getting the consumptive use permit, local governments are allowed to access state-owned lands to put in well fields; in South County there is all of Cecil Webb Wildlife Management Area and the Babcock Conservation Area, and no water problem in Charlotte County, especially in South County; and falls in line with the expansion for annexation purposes. **Commissioner DeBoer** stated there should be one utility in South County and whoever owns the utility, probably the City

because the County is not looking to own a utility in South County, would be the provider and in a position to sell excess water; and that is the most visionary direction the County and City could go in. **Council Member Phelen** indicated his comments paralleled those of **Vice-Mayor Friedman**; that his concern in the original presentation at the Council was lack of information needed for the County relationship; believe it is possible to come to an agreement that would be satisfactory to both County and City responsibilities and looks forward to moving forward. **Council Member Poole** expressed concern that if the City distribution lines are tapped into as discussed water that goes out of the distribution lines into a carrier line for the County means there is less water and pressure available for City residents. **Council Member Poole** stated there is a problem already in the extended areas of PGI with water and water pressure and a sudden drain-off of a million gallons per day could present a great problem; an adequate and professional system would require a line going down to the interconnect site, a regular carrier line, some type of storage tank there and a different pumping system so the pressure would not zap off of the distribution line at the pump up at the stations. **Council Member Poole** indicated costs and service of the maintenance area should be considered; he recalled an agreement to an emergency interconnect, but not to an across-the-board regular type of sale of water; and the City should review the matter more closely and hear more from the City staff before proceeding. Mr. Schlobohm advised the consultants are looking at those issues as part of the feasibility study; that this phase accomplishes an emergency interconnect, which was the original intent; but if the City wants to provide water at any time in the future to Charlotte County, then whatever is required to be done to the City system in order to provide that water would be done so there would be no adverse effect on pressure or water quality to City residents. **Commissioner Cummings** pointed out that Mr. Schlobohm mentioned in his presentation that in the event capacity was being transmitted it would require storage and booster pumps to equalize pressure in the system and make everything work. Mr. Schlobohm agreed and indicated line upgrade would also be required. **Commissioner Cummings** advised that control lies with the City as to whether to open the valve or not, costs the City nothing, and there is no risk to the City. **Vice-Mayor Friedman** indicated there would be no excess water until 2008 when the plant is expanded from 8 mgd to 10 mgd and

in the mid teens when expanded to 15 mgd; what is being discussed right now is an emergency interconnect; the City has no alternative in a catastrophic situation; it is in the best interest of the City, particularly now while totally within the City's control; and there is ample time between now and 2008 and beyond to have the experts make the appropriate studies and determine what is necessary to insure no damage occurs to the distribution network if a determination is made in the future to sell water. **Commissioner DeBoer** explained there should be more than one source of water point and he thinks by 2008 Legislation should have been proposed to create a South County utility and solve all the problems. **Commissioner Cummings** explained the current scenario is short-term emergencies interconnect; it is important locally and to the region to understand that this is very easily converted to a true looped system for transmission of capacity both ways; and this is a superior proposal to what was originally proposed. **Commissioner Cummings** pointed out there was skepticism when the pipeline to Sarasota was made to pump two directions because no one believed the water would be directed back to Charlotte County, but when Charley came through water was directed back to Charlotte County. **Commissioner Cummings** stated by the time the City gets to build-out it is possible that capacity other than just Shell Creek could be needed for the future, and there may be a need to go to other sources to find capacity to come into the City.

V. County Health Department

Steven Mitnick, Acting Administrator for Charlotte County Health Department, explained WIC operations and the Primary Care Women's Health Facility were opened at the Promenades Mall. Mr. Mitnick advised two bids were received, the lowest \$332,000, about 38% higher than anticipated; there will be no temporary trailers at the Loveland site because completion of the permanent building is anticipated to be within 18-24 months and it is more feasible to put those costs into the permanent facility and assure quality service is provided at the north end of the county. Mr. Mitnick reported he will meet with the architect around the 10th of January and intends to move as quickly as possible to have completed the planning, construction and other components necessary to get the operation under way. Mr. Mitnick advised the drawings are expected within a few weeks, the project will then go out for bid again through the

state process, and thereafter go back to the construction phase. Mr. Mitnick stated the Englewood facility is dated, does not provide true community needs, and will be upgraded; the same applies to the Murdock environmental health program; over 30% of the square footage in the Punta Gorda facility was dedicated to Administration, and there has been a re-design in order to have one-stop shop, customer-driven, facilities that provide primary care, WIC, Women's Health, Vital Statistics, Education and any other services that would arise in the future from any site. Mr. Mitnick advised on a long-term basis, the next twelve months, the Health Department would have a rolling two-year strategic plan of objectives and deadlines with a document for reference and upon which the Health Department staff will focus and give status reports on. Mr. Mitnick indicated the Health Department would commit its resources to leading a community strategic plan for health care by bringing the partners together, whether it is the Health Department, Parks and Recreation, School District, Non-profit entities, or Community Foundations, identifying issues and components that can be addressed, and pull the data together for one central depository, so that each group knows how it fits into the planning and execution of overall community. **Mayor Fabian** inquired of a timeline for the Grace Street facility. Mr. Mitnick indicated the architect is working on it now and he hopes to have the plans the end of this month or early in January, 2006; the plans will be reviewed to be certain the needs of a one-stop shop are met; it then goes through the bidding process; and the construction is up to the contractor at that point. **Mayor Fabian** asked if it is anticipated to be a complete re-construction of the entire facility or remodel of what exists. Mr. Mitnick advised there would be modifications in plumbing to allow immunization and WIC services in certain areas, and walls would be moved to standardize exam rooms, provide information security, and assure customer privacy. **Council Member Poole** recalled destruction of buildings from hurricane Charley created unsanitary and unhealthy conditions, and inquired if the Health Department has a function in declaring those type buildings unhealthy and takes any enforcement action. Mr. Mitnick stated the Health Department receives many such calls, but they are referred to the Code Enforcement Department. **Council Member Phelen** advised he presented the same question to Mr. Mitnick prior to today's meeting and would meet with him to discuss experiences he has

had in other municipal bodies. Mr. Mitnick stated he is not certain of the details, but understands there are other things the Health Department can do with regulations based upon what the County wants, and even though the Health Department does not have enforcement on such issues it should be involved to at least guide, consult and participate to make certain the public health issue is addressed and needs met, and would check with the Environmental Health Department. **Commissioner Cummings** was not certain of all the details and said he would speak with his staff, but recalled Charlotte County Code Compliance working with the Health Department on different occasions to speed the process of cleaning up a dangerous structure. Mr. Mitnick advised invitations would be sent, hopefully in the first quarter of the year, for the community to participate in setting up the community strategic plan for health. Chick Petrestein, President of Burnt Store Isles Homeowners Association and Burnt Store Isles Golf Villa Association, inquired if the Health Department participates in monitoring waterways for leaching of septic tanks for the health and safety of the community. Mr. Mitnick indicated the Health Department monitors the beaches, but right off cannot give an answer specifically to canals, and referred Mr. Petrestein to the Environmental Health Department. **Commissioner Cummings** stated there was a County pilot program as part of the Comprehensive Planning process regarding the septic tank/sewer issue for monitoring surface ground water that flows into the canals; there may be opportunities to modify that program or change it to address areas that may not sufficiently be covered at this point; and suggested Mr. Petrestein contact County staff. **Commissioner DeBoer** recalled that information about fecal coliform levels in waterways throughout Charlotte County is released on a regular basis, but he is not certain from what Department.

RECESS 10:56 AM - 11:07 AM

VI. Event Center & County's use of City's out-parcel

Laura Kleiss-Hoeft, Parks, Recreation and Cultural Resources Director, advised the design team that is under contract with Charlotte County for the re-build of the Event Center presented plans to the Board of County Commissioners on November 8, 2005 and to the City Council on December 8, 2005. Ms. Kleiss-Hoeft stated the next stage is ready to begin and the design team

would like to hold Public Workshops on January 10, 2006, return to the Board of County Commissioners for approval of a site plan and some schematics, use the year 2006 for design and permitting, begin construction in 2007, and open in 2008. Ms. Kleiss-Hoeft indicated items that require discussion include a small parcel of land on the corner of Retta Esplanade the City holds ownership to that would be beneficial if included in the site plan; the design of the new Event Center is planned for 37,000 sq. ft.; and the \$12.7 million funds available for the project. Ms. Kleiss-Hoeft pointed out that the City of Punta Gorda has allocated \$750,000 in its 2008 Capital Improvement Program for the river walk in front of the Auditorium. **Commissioner DeBoer** stated he does not believe the Board and Council would be serving the people of Charlotte County well by doing what is proposed right now because the property is too small to accommodate it, and to best serve the community with a true Event Center another location, hopefully in Punta Gorda, should be used, and an alternate recreational use for this particular site found. **Commissioner D'Aprile** concurred with **Commissioner DeBoer**; expressed concern there is not a facility of sufficient size to accommodate the large graduation classes of Charlotte County, requiring ceremonies to be held outside the county; parking will not be good enough to subsidize the need, and having people walk 10 or 15 minutes from outside the complex to the new complex is unacceptable; and believes it would be a mistake to invest funds into the facility as presently proposed. **Commissioner Cummings** inquired what the funding sources were, what the specific language was on the sales tax referendum, if, in the public speaking engagements, it was specifically stated the use was for an auditorium in Punta Gorda, or to build a civic center, and the amount, if the funds from FEMA was a project request specific to the auditorium, and if the insurance funds could be spent however needed. Ms. Kleiss-Hoeft reported \$12.7 million was allocated in the Capital Improvement Program and the funding sources are sales tax, FEMA, and insurance; an application has been submitted for possible federal and state funding; the sales tax referendum was in 2002 and included language in general sense for the park-type facilities; the public speaking engagements specifically stated the purpose was to rebuild the auditorium and was \$3 million of the \$12.7 million; \$2.1 million was from FEMA and \$2.7 million from insurance allocated for the auditorium. **Commissioner Cummings** inquired if an auditorium could be anywhere. Ms. Kleiss-Hoeft

said the insurance allocation does not get into that language to her knowledge. **Commissioner Cummings** pointed out that much of the funds available are specific for replacing an existing asset that provides an existing purpose. **Commissioner Cummings** stated he does not disagree that some community needs cannot be adequately met on this site, it is not practical to put something the size of a convention center there, and it may be possible to look to some of the Murdock Village developer proposals for such a center in that location. **Commissioner Cummings** said he believes the Event Center in downtown Punta Gorda is an important community asset and a critical element in keeping the historical downtown Punta Gorda healthy and viable; promises were made to the public to put a multi-use facility there and it is critical that those promises be kept; Punta Gorda should not be sacrificed for other public needs that can be addressed through the Murdock Village proposal or other alternatives; and perhaps the City could assist in some of the architectural aesthetics that could make the facility extraordinary. **Mayor Fabian** explained the City agreed to enter into an agreement when the Sunloft Professional Building is constructed, a little over a block from the Auditorium site, to add four more levels, which the City will lease back for public parking. **Mayor Fabian** indicated he does not believe the small piece of land where the museum was will be an issue. **Council Member Phelen** expressed concern with moving the Auditorium/Event Center out of Punta Gorda; acknowledged concerns of the building fit and parking are legitimate; is agreeable to researching alternative sites, but not moving the center out of the Punta Gorda area. **Vice-Mayor Friedman** stated he was surprised to find concerns of the basic design and size of the project at this time; that he thought from the presentation the 37,000 sq. ft. facility, hopefully able to be positioned close to the water and river walk, would be more than adequate, unique, with a beautiful setting; and it is critical for the City and its citizens to maintain the presence of this facility. **Vice-Mayor Friedman** agreed with **Mayor Fabian** that the adjoining small parcel of property would not be a problem, and pointed out the Sunloft Building will be six stories over parking; within the next year or so, diagonally across the street, there will be additional parking behind City Hall; the respective staffs could discuss if there will be adequate parking to support a 37,000 sq. ft. facility, and if not, what can be done; and stated he hopes for the needs of Punta Gorda

and the sake of providing a replacement facility, a fit will be found and the project proceed in the direction it has been going. **Council Member Poole** indicated alternate solutions to the parking problem are to demolish the old Courthouse and the City might be willing to put in a parking lot on that site, or, although he is basically against eminent domain, the Harbor Inn site might make a nice place for lakes, a park, and additional parking, and would open up all the parking lot at the existing auditorium. **Council Member Poole** stated he believes there is sufficient land downtown, particularly on the corner of Taylor and Olympia, which would serve as a large parking lot in the future, but that the parking should not infringe into the residential areas. **Commissioner D'Aprile** advised a convention center is much larger than Charlotte County could support; agreed the area is historical and where the facility belongs, but has concerns with the parking and lack of space. **Commissioner Cummings** stated downtown Punta Gorda was the hardest hit commercial area in all of Charlotte County from hurricane Charley and it should not lose more by this facility being taken away. **Chairman Moore** explained that this is a difficult problem and to the public the progress may seem very small, but the matter will be resolved as the issues are reviewed. **Commissioner DeBoer** pointed out you build to a venue that best uses a facility, not for graduation that occurs once a year, and he does not understand the aversion to having graduations outside on the football field. **Commissioner DeBoer** indicated he does not know why agencies require this to be rebuilt to current standards, meaning 30% of the land must be in retention and detention facilities; agrees there needs to be something on this site, but if looking into the future for a large-scale facility and attempting to use parking that is available sometimes and sometimes not for a facility that needs to be used at its maximum capacity, would be a mistake. **Commissioner DeBoer** indicated he would like staff to determine if the FEMA money was exclusive to the site or the rebuilding of an auditorium to determine how the monies could be allocated; and it may be if something is to be rebuilt that is not full definition auditorium the \$3 million could be allocated to the City who did not make commitments as to what would be rebuilt on the site. Harvey Goldberg, Team Punta Gorda, stated overwhelming response was received from thousands of residents from the City of Punta Gorda and Charlotte County at the FEMA recovery meetings and post hurricane charrettes conducted by Team Punta

Gorda to provide an Event Center to support Punta Gorda and the surrounding community in Charlotte County. Mr. Goldberg explained the Event Center is part of the economic engine that supports Punta Gorda and South County, and to deny it would be a travesty of economic proportions on the County and City. Mr. Goldberg stated Punta Gorda does not have a parking problem right now; steps are being taken by the City to provide for future parking needs of the community as it grows, and the Sunloft facility will provide a significant amount of parking; very few facilities of this size and nature provide 100% parking on the facility grounds; and Team Punta Gorda and other members of the community have provided, and continue to provide and expand on a trolley and local transportation system which will support the Event Center and other needs around the town. Mr. Goldberg reported that Team Punta Gorda supports the use of the property as an Event Center and the facility at 48,000 sq. ft., or in that proximity, could accommodate 90% of the anticipated usage for the facility, and urges the City and County to move forward with the project. John Benande stated throughout the FEMA meetings, charrettes, Auditorium, and Courthouse meetings he attended, there was strong public support for this facility at this site, and to make it architecturally significant as a gateway to the City. Mr. Benande indicated it has been difficult for the merchants and galleries in downtown Punta Gorda that were so hard-hit by hurricane Charley to stay in business and survive; the facility should be replaced bigger, better, and more architecturally significant than before; and encouraged the City to participate with the County because it is located in the City and influences the City economically and in its quality of life. Ed Zapke advised the Auditorium/Event Center is essential to the revitalization of the City and a needed multi-functional facility that will draw a variety of groups on a regular basis. Mr. Zapke pointed out the City has a block party every year that draws 30,000 people and he has not heard complaints about parking; and it is essential the project be supported for downtown Punta Gorda and its revitalization.

VII. Bread of Life Mission

Council Member Poole advised a meeting was held with Bread of Life Mission Director Judy Jones, who agreed concessions are needed and expressed a willingness to work with the City, County and ad hoc committee. **Council Member Poole** stated there are 5 or

6 volunteers concerned that the Bread of Life Mission come into compliance and continue its function, as there is no adequate substitute; that he hopes some assistance can be given by the City and County in the form of services, such as picking up the several dumpsters full of debris that remain, and perhaps have a social worker assist the Mission residents. **Council Member Poole** pointed out the First Macedonia Church intends to build a life center in the proximity of the Mission and hopes to move families with small children that are at the Mission into their facility. Shawn Horton, Supervisor, Charlotte County Code Compliance, reported there is an active case file on Code Compliance issues at Bread of Life Mission; some of the Code Compliance violations that were cited have been addressed; there are marked improvements, but still a long way to go. Jan Beardsley advised that because there was no place to store donations that were given to the Mission, the items were rained upon and became debris; there is now a warehouse within two miles of the Mission where donations coming in now are being stored; there are two dumpsters that need to be removed; she will continue reporting to Code Compliance on a monthly basis; and the Mission is committed to continuation of property cleanup. Janette Knowlton, County Attorney, requested that the County be included in scheduled meetings.

VIII. Parking behind old Courthouse

Council Member Phelen stated he has been trying to persuade other Council Members that serious consideration be given to the space behind the old Courthouse for a multi-level parking facility, and requested an update on the County's position of selling the property. Andrew Baker, Charlotte County Facilities Director, stated in the packet furnished there is an initial self-explanatory statement of the parking required at the Courthouse once it is completely built out. **Commissioner DeBoer** explained his understanding was that the staffs met, there was discussion about how many spaces would be reserved for Courthouse use, and based upon the process of an Appellate Court being located there, the spaces to be set aside would not be adequate for the needs of the Court, and the process was stopped. **Commissioner DeBoer** advised that the facility will be used as a Courthouse; that Joe Negron, Appropriations Chair, is committed to getting \$3 Million of matching funds to renovate the Courthouse; and it is necessary there be adequate parking

for the facility. **Commissioner Cummings** recalled earlier discussions of ground-level parking, which is insufficient to meet the parking needs of the Courthouse; that if the City helps solve the parking needs with a multi-level facility, there would be reason for the County to contribute land; it would be a good trade and beneficial to the City and County. **Mayor Fabian** pointed out four levels of public parking will be in the Sunloft Building being constructed across the street from the Courthouse. **Council Member Poole** expressed concern that the extra parking would be taken up by the occupants of the Sunloft building; that some things have changed since the initial discussion between the City and County; the City is beginning a traffic and parking study for downtown, and until finished with that study not in a true position to pursue the parking issue, and suggested the matter be tabled to the next agenda. **Commissioner Cummings** indicated if the City parking and traffic study does not show sufficient need to warrant the City developing another multi-level parking facility, it would make sense for Charlotte County to bear the brunt of the cost to construct parking on the site; and if the City does need the additional parking the County should be willing to contribute the land and the cost that it would have put into building the parking spaces it needs to the City as a contribution toward the multi-level facility in exchange for the number of spaces the Courthouse actually needs; it would be expense the County would spend anyway, the County would pick up extra parking spaces, and the City would receive a contribution toward the multi-level parking facility, if the facility is warranted. **Commissioner DeBoer left at 12:00 Noon.** **Council Member Poole** reported there would be a deficit of parking when City Marketplace begins building but will wait until data is provided. **Chairman Moore** said he shares the frustration of **Council Member Phelen**, and is optimistic about moving forward with the intent of using the facility as a Courthouse.

IX. Council Member/Commissioner Comments

Council Member Poole stated he is optimistic about the revitalization of the old Courthouse and it influencing the rest of downtown Punta Gorda. **Commissioner Cummings** passed. **Mayor Fabian** wished everyone a Merry Christmas and Happy Hanukah. **Council Member Phelen** passed. **Vice-Mayor Friedman** inquired if joint meetings would continue on a quarterly basis. It was

agreed joint meetings of the City and County would be the second Friday of March, June, September and December 2006.

MEETING ADJOURNED: 12:07 A.M.

Thomas G. Moore
Chairman

ATTEST:

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

By: _____
Deputy Clerk

gm