

JOINT MEETING

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

JUNE 9, 2006

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 and Thomas C. D'Aprile. The following were present: Mayor Stephen M. Fabian, Jr., Vice-Mayor Larry Friedman, and Councilmembers Dr. David Phelen, Thomas D. Poole, and Marilyn P. Smith-Mooney. Also in attendance were City Manager Howard Kunik, County Administrator Bruce D. Loucks, County Attorney Janette S. Knowlton, Finance Director, Ann Navan, and Deputy Clerk Gail Manley. The meeting was called to order at **9:02 A.M.** (Commissioners Matthew D. DeBoer and Sara J. Devos were not present for the meeting.)

Mayor Fabian requested that Agenda item VII, Bread of Life Mission, be moved up and heard in the third spot. (by consensus).

I. City Permitting Concerns

Andrew Baker, Charlotte County Facilities Director, indicated the County has several projects either in the process of being permitted or intended to be permitted through the City, such as the Event Center, the old Courthouse, the Justice Center, and the Health Department; stated the permitting process can be lengthy and unpredictable, and that it is the desire of the County to work cooperatively with the City to mitigate delays and inconsistencies that could effect building projects. **Mayor Fabian** asked if the tentatorium was to be moved. Mr. Baker stated he was not certain because it is dependent upon the final site plan for the Event Center. **Mayor Fabian** asked if County staff anticipates problems or has had problems in the past. Dennis Murphy, City Growth Management Director, indicated City and County staff have worked closely together, there has not been a problem, and he would like to continue working closely on the Justice Center and Event

Center because of some additional issues. **Mayor Fabian** advised he has received only favorable comments from other contractors about the City Building Department and does not foresee difficulties with the City and County working together in a timely manner. **Council Member Phelen** stated he was not certain why this item was on the Agenda because unless a problem was identified he is not certain what is being dealt with in this item. **Chairman Moore** said he did not know how it came to be on the agenda, and opined it was only to put on record many items coming up for the City and County to work together on. **Council Member Smith-Mooney** inquired if the permitting for the Justice Center was to repair and remove the deteriorated plywood panels that were applied after the hurricane damage. Mr. Murphy replied affirmatively.

II. Aqui Esta

Thomas E. O'Kane, County Public Works Director, stated the last time someone appeared from Florida Department of Transportation (FDOT) it was indicated that \$6.2 Million would be put back into this project, which will not be sufficient to do the 3-lane widening and other things associated with the project, and a scaled-down version may need to be considered. Mr. O'Kane identified the projects being considered as improvements at Bal Harbor/Aqui Esta, improvements at U.S. 41/Aqui Esta, drainage improvements, bridge improvements, and sidewalk/bike trail project. Mr. O'Kane said none of the projects are inexpensive, and even though FDOT says this \$6.2 Million is available, when the FY08 budget comes forward, this money will have to compete with other priorities that the State has, so there is no guaranteed receipt of these funds. Mr. O'Kane advised the last time someone from the State was here they told us we would not have to reopen the PD&E study, but we have now been advised that it may not require a full-blown PD&E study, but it will reopen the Federal study, and a period of time for an analysis to approve the scaled-down versions. **Council Member Smith-Mooney** inquired if the list presented today was random or priority. Mr. O'Kane said it was not a priority list, but a list of things that have been discussed to be done if the project was scaled back. Mr. O'Kane explained when the Federal Government gives the money there is a 12.50% match to come up with, which the

City and County is to split; \$1.8 Million was set aside toward the full match that was originally to be received; if only \$6.2 Million is received the City and County will need to come up with just under \$800,000, leaving a net that perhaps can be used for some of the work without having to go through the Federal process, and something to be considered when deciding priorities. Mr. O'Kane indicated the Bal Harbor and U.S.41 projects are less expensive than the drainage work along the corridor and the sidewalk/bike lane installation. **Council Member Smith-Mooney** indicated guidance and suggestions are needed from staff as to whether certain things should be proceeded on because the \$6.2 Million might not be received, or we don't want to wait that long, or it is something we can afford, or will get reimbursed for. **Council Member Phelen** recalled **Commissioner DeBoer** was to have further exploration in Tallahassee, but he has heard nothing further, and stated there is an urgent need to get on with making Aqui Esta a workable road in case of an emergency, and he is in favor of moving forward with the projects. **Mayor Fabian** inquired if the funds spent for engineering came out of the \$6.2 Million. Mr. O'Kane said it did not, that it was out of the match funds put forward earlier, so the \$1.8 Million between City and County is a little lower, but he did not know the exact figure. **Mayor Fabian** said initially with the full-blown project FDOT agreed that if the City and County entered into an Interlocal Agreement the program would be accelerated, and inquired if Mr. O'Kane thought that would happen here, and then it would at least be committed and perhaps lock in the money. Mr. O'Kane said it could be explored, but that he is uncomfortable making a firm commitment with FDOT and fronting the money, and then backing out. **Mayor Fabian** asked how long he anticipates the scaled-down PD&E would take. Mr. O'Kane indicated it would take about 12 months. **Commissioner D'Aprile** inquired if it was 12 months before the project could be started. Mr. O'Kane said when the City and County agree on a scaled-down project, there will be communication with the State, which would initiate the revision to the PD&E study, and that's when the 12 months begins. Mr. O'Kane explained the design already done for the intersections would not be lost, it would be modified where it ties back in, so the design phase should be shortened, but there can be no construction until the 12-month period of the PD&E study is complete.

Council Member Poole stated the first efforts should be toward drainage, and inquired if property acquisition would be required to do that. Mr. O'Kane said if the road is not being widened no additional property would have to be acquired, but the design is for 3-lane widened roadway with sidewalks, so it would have to be scaled back and see what the impacts are, because there may be some points for construction easements where slopes must be carried out to the edge of the properties. **Council Member Poole** pointed out there is heavy construction in the area with a significant increase in traffic and it is necessary to be certain *Aqui Esta* stays open, regardless of rain conditions. **Council Member Smith-Mooney** agreed that drainage improvements should be addressed first and the intersection improvements last; and inquired if doing one before the other logistically inhibits doing a future stage, and if not going with 3-lanes, what would be done for provision of the bike trails. Mr. O'Kane said addressing drainage and raising the roadway would affect where a sidewalk is placed or whether or not bike lanes were put on either side, would go hand-in-hand, and are the most expensive elements of the project; if we went forward with that and the State agreed to reimbursement us, the City and County would be in a borrowing situation and front the money before going forward, and all depends on timing. **Council Member Smith-Mooney** said her instincts direct her after drainage improvements that bridge improvements would be next most important, and inquired if that interrelates with the drainage problem. Mr. O'Kane said it does to some degree, but if the roadway is not being widened the bridge can be modified in place and the roadway kept open. **Mayor Fabian** inquired who decided the PD&E must be redone. Mr. O'Kane said he does not know specifically who made the final decision, but it was someone with FDOT in Bartow, Florida. Mr. O'Kane suggested going forward with the projects to the end and attempt getting the \$6.2 Million. **Council Member Poole** asked what the original total cost was. Mr. O'Kane said at one time the estimate was about \$18 Million, then revised to \$21 Million. **Council Member Poole** asked how much control we had in changing the *Aqui Esta/U.S. 41* intersection. Mr. O'Kane said we would have quite a bit of control, that it is still necessary to go through FDOT approval of changes we recommend, but some of the things that were in the preliminary design, and would

remain with a scale-back, would be to put a raised median just as you turn into Aqui Esta to prevent the congestion that occurs right at the intersection with left-turning movements. Mr. O'Kane said other area developers have been advised of the design so they could look at access to the rear of their developments. **Council Member Smith-Mooney** inquired if there were other funds available as a result of hurricanes Charley and Wilma that could be utilized because of this roadway being a critical hurricane evacuation route. Mr. O'Kane said all options for additional funds were explored; FEMA gave great plans after the storm, but no funds materialized for roadways. **Council Member Smith-Mooney** stated if there is any funding available for addressing better preparation concerns for hurricanes, we should be able to make some noise in Tallahassee about it. **Chairman Moore** said **Commissioner DeBoer** went to Tallahassee on several issues, one being to seek help from FDOT, and the key person he needed to see was out of town. **Council Member Poole** said Aqui Esta roadway is a health and safety issue and the City and County should make a determination if they are prepared to go forward. **Council Member Phelen** stated this is a vital safety issue, a decision should be made, and he is in favor of moving ahead as a reduced project. **Council Member Friedman** inquired if there was an approximate cost. Mr. O'Kane said an approximate cost is \$6 Million to \$8 Million for the five items listed. **Council Member Smith-Mooney** recalled earlier discussions that in pursuing the funds through this particular channel that more was being built than was necessary or critical, and inquired if it were best not to do the PD&E study and the City and County do the projects as they are able to do them without FDOT funds. **Council Member Phelen** recommended allowing the engineering staff guide the decision, prioritizing by the greatest impediment to escape first. **Commissioner D'Aprile** stated the project has been going on too long, and it is necessary a decision be made to accomplish having a safe evacuation route. **Commissioner Cummings** advised this is part of a broader transportation funding with the State shifting from one type of funding model to another; that one of the things that happened in this sifting is the 5-year funding for this road was cut; and explained it is important to work on getting the formula changed or get Strategic Intermodal System (SIS) facilities identified in Charlotte County, or create new

ones; and that it is difficult to walk away from \$6 Million when there is a \$6 Million to \$8 Million project to be done. **Commissioner Cummings** inquired what the original timeframe was for being able to drive down Aqui Esta; acknowledged the funding was still in place; asked if the timeframe now would be 2011 with a 12-month delay; and pointed out there would now be a one-year delay for \$6 Million, with no guarantees, because FDOT must still issue the permits. Mr. O'Kane said the original timeframe was 2010, with the City and County fronting the project; that borrowing would be required; and agreed that the timeframe now would be 2011 with a 12-month delay. **Commissioner Cummings** explained that unless we do an exact imitation of what the State would have done on any portion of the projects we cannot come back and get reimbursed or funded for the remainder of the project, and that the entire thing is removed from any possible State funding; and indicated that unless the City and County are prepared to spend \$6 Million to avoid a 12-month delay, there is not much choice but to do the less expensive projects with local money and do the rest with the Federal funds; otherwise if you try to do a portion of the expensive parts of the projects, you will not be able to get the \$6 Million for any part of the projects, and that means you pay the entire bill. **COUNCIL MEMBER PHELEN MOVED THAT THE CITY, IN COOPERATION WITH COUNTY, PUT TOGETHER A PLAN TO MODIFY AQUI ESTA TO A TWO-LANE ROAD; TAKING INTO MIND THE WORST SAFETY PROBLEMS FIRST, SECONDED BY COUNCIL MEMBER SMITH-MOONEY.** **Council Member Poole** stated everything necessary to make Aqui Esta passable should be done in the quickest way possible. **Council Member Smith-Mooney** expressed concern with **Commissioner Cummings'** opinion. **Commissioner Cummings** clarified his comments. **Council Member Smith-Mooney** pointed out that Henry Street was once an evacuation route; traffic can be diverted to Magdalena and over to Henry Street; and maybe Henry Street could be re-established as a possible evacuation route. **Mayor Fabian** stated he was not happy with the request for the PD&E and would like for he and staff to meet with Mr. Stan Cann of FDOT to determine why this is necessary. **Council Member Poole** reiterated there is an obligation to get this main thoroughfare up and running during a storm, and requested that Mr. O'Kane advise what could be done for the \$8 Million estimate and what it would cost over time. **Council Member Phelen** stated that is what

the motion encourages, and it would be constructive for the Mayor and staff to have a conversation with Mr. Cann. **Mayor Fabian** said there is a motion and a second, and requested the motion be restated. **COUNCIL MEMBER PHELEN STATED THE MOTION IS THAT THE CITY, IN COOPERATION WITH THE COUNTY, PUT FORWARD A PLAN FOR A TWO-WAY ROADWAY ON AQUI ESTA, RATING THE WORST SAFETY HAZARDS FIRST, COUNCIL MEMBER SMITH-MOONEY STATED SHE HAD SECONDED THE MOTION. CALL ON THE MOTION TO CITY COUNCIL: DECLARED UNANIMOUS (5:0).** **Commissioner Cummings** clarified that the motion is to work on the 2-lane road, focusing on the highest priority safety issues, but does not specify spending any local or state dollars, or any of the PD&E issues. **Council Member Phelen** said it is essentially leaving absent how it is funded until staff brings back the details, and the rest will be addressed at that time. **COMMISSIONER CUMMINGS MOVED A SIMILAR MOTION, SECONDED BY COMMISSIONER D'APRILE, AND DECLARED UNANIMOUS (3:0).** **Council Member Poole** asked that staff also include what the cost would be for a bond. Brian Duffy expressed thanks to the City and County for moving forward on the project; stated there is a safety issue by Buttonwood and the road needs to be raised in that area; suggested an alternate to bike trails could be adding shoulders on each side of the roadway, but explained a sidewalk is still needed for the kids and walkers. Ed Zapke, representing the South Charlotte County Coalition, expressed concern with the delays in the project and requested that the City and County do whatever is necessary to get it done; stated he does not believe two lanes will solve the problem; and that the priority issue is to raise the road. Mr. Zapke agreed that Magdalena is a good alternative, but it is just about where the flooding begins. **Council Member Smith-Mooney** requested clarification that building a shoulder, opposed to a regular traffic lane, does not have to come up to the same standards and is not as expensive. Mr. O'Kane said if a roadway is designated with bike lanes they must be four feet wide on each side, but a two-foot shoulder can be put on a roadway and you save whatever the grading, base, and asphalt cost is. **Council Member Smith-Mooney** asked that an estimate be given for a two-foot shoulder, but not as a high priority unless there is a point where a higher priority is being done on the road and it is more cost effective to do it at the same time. **Council Member Poole** requested that when the

corporation across from the Price Pirate comes in that it be asked if it would be willing to do something on the other side of U.S. 41 to open it up and improve access.

VII. Bread of Life Mission

Council Member Poole advised that he and **Commissioner Devos** have worked with the Director and volunteers at the Bread of Life Mission, and reviewed a list of items presented in a handout they believed to be of importance:

1. Connect to Sewer Lines.
2. Fire and Electrical Hazards.
3. Trash and Sanitation.
4. Road Right of Way Vacation.
5. City Annexation.
6. Future Plans.

Council Member Poole pointed out the Bread of Life Mission serves a purpose in the community for people who would otherwise be on the street; indicated the Mission resources are limited; inquired if any FEMA funds are available; and proposed the County and City split the cost of the items listed in the handout. **Council Member Poole** stated he was made aware today that the Mission was not able to obtain permits for repairs due to previous violations and a red mark on its file; that there were funds received from a grant to take care of the violations, but no one knows what happened to the project or the funds for the repairs; and requested the violations be lifted so the work can be done. **Council Member Poole** said Judy Jones, Director of Bread of Life Mission, has shown good faith efforts in her willingness to cooperate, and explained that the residents of the Bread of Life Mission are long-term and have nowhere else to go. **Council Member Smith-Mooney** expressed concern in handling matters in the manner proposed for a facility that is not sufficiently controlled by some formal arrangement with government entity on what she believes is technically residential property, not re-zoned property for this type facility. **Council Member Smith-Mooney** agreed something should be done countywide, but does not agree the property should be annexed into the City; stated the Charlotte County Homeless Coalition should have input into this matter; and explained she would like the City Council

to have more discussion on the matter within its Council meetings. **Chairman Moore** inquired if the sewer lines were put in if the Bread of Life Mission could pay the monthly sewer bill. **Council Member Poole** said the Mission could pay the monthly sewer bill; that at the present time the Mission is paying high maintenance costs on the septic system, and the cost should be comparable. **Chairman Moore** said he would ask staff to see if there are Community Development Block Grant (CDBG) funds available that could be applied to the sewer line costs referred to in the handout, and would explore the ability to support the trash and sanitation issue. **Council Member Phelen** recalled the previous meeting discussion was that **Council Member Poole** and **Commissioner Devos** would form a committee to interact with the Bread of Life Mission and give a report of its performance and any confidence or lack thereof in terms of support for the organization, but it appears to be implied by the recommendations; the matter is premature to this meeting, and should be dealt with at a City level to determine if it is what would be requested of the County Commissioners, and suggested the matter be retired to a City Council discussion. **Chairman Moore** said he has no problem with that being done. **Commissioner Cummings** advised he was raised in a non-profit organization, has worked alongside some of the residents of the Bread of Life Mission, and is not convinced that people leave the Mission in better condition than when they arrived. **Commissioner Cummings** believes there should be a track record establishing cooperation for a period of time before putting tax money into it. **Council Member Poole** pointed out the Mission residents are people who have had problems and would otherwise be on the street corners, sleeping under the bridge, or be in the woods; it would be very costly for the City and County to "be in charge" in a perfect way; the suggestions are not the best of circumstances, but the City and County have an opportunity to make a bad situation a little better; that this is not a lot of money, but there is a great advantage in making improvements to a bad situation; and stated these residents cannot make it on their own. **Council Member Friedman** stated that **Council Member Poole** and **Commissioner Devos** did what was requested of them, and suggested that the recommendations be discussed by City and County at their respective meetings. **Council Member Smith-Mooney** stated that unless there are

changes in the zoning specifying this would be a special exception on the part of the County to recognize Bread of Life Mission as such a facility, there should then be requirements to insure certain procedures must occur and responsibilities be met on Judy Jones' part, opposed to continuing with her making the rules. (**By consensus the matter is to be discussed independently at City and County meetings.**)

RECESS 10:43 AM to 10:52 AM

III. Parking Facility: Courthouse/Event Center

Dennis Murphy, City Growth Management Director, advised that County staff gave the City Council an update on the progress of the restoration of the Courthouse, and incorporated in that discussion was a proposal that the County utilize two parcels that the City owns as part of parking for that facility. Mr. Murphy indicated that the City Council approved making an offer to purchase the McGinnis Bail Bonds property, with intent of adding that property to property already owned by the City for a mixed-use development on the front half of the parcel that is along U.S. 41, and adding a parking structure behind and above the mixed-use parcel; and that one of the options is working with the County to add a parking facility of sufficient size to be utilized by the Courthouse project. **Council Member Smith-Mooney** inquired by what date the County requires an answer to the request for further parking accommodations for the old Courthouse; and advised the City Council cannot give an answer today because the parking and traffic circulation consultant's report is still to be furnished the City Council. Howard Kunik, City Manager, advised the consultants should have a idea of what the needs are by the City Council June 15, 2006 workshop, and a timeframe could be determined after that date. Andrew Baker, Charlotte County Facilities Director, stated the need to know is right away, and that he thought there was already an agreement to use the two lots. **Council Member Smith-Mooney** asked what would change with regard to the work that is going on with the Courthouse if the County could not be given an answer right away. Mr. Baker said the parking would be based upon the two County lots. **Council Member Phelen** requested explanation for the need to use

both lots. Mr. Baker stated it is based upon City permitting for the Courthouse square footage. **Council Member Phelen** requested additional explanation. **Chairman Moore** advised that the County determined how much parking was needed based upon a City Ordinance that says a building of so many square feet must have so many parking places. Mr. Baker said that was correct. **Council Member Phelen** asked for justification for the need of the two City lots, and what would actually be available to the City. **Council Member Smith-Mooney** recalled previous diagrams extended site treatments of landscaping in the rear, extended the rear entrance to make it more prominent, and reduced the size of the parking area to make more land available on the rear side of the Courthouse for beautification and a nicer setting on all four sides, which would move into the area owned by the City. Mr. Baker said that was correct. **Council Member Smith-Mooney** said the City Council cannot give a definitive answer right now, and the County has advised if the adjacent City property cannot be used, the County would design the site work in the rear. Mr. Baker said some of the landscape area would then be taken for parking. **Council Member Poole** expressed concern about angled parking; stated the popular thought is to get the McGinnis Bail Bond lot and add it to the parking lot the City already owns and put it up to a developer; pointed out that some parking will be lost and additional parking needs created; and recommended consideration of a multi-level joint effort with the County on the two strips that exist to the west of the alley. **Mayor Fabian** stated nothing should be done until the City knows what will happen on the McGinnis property. **Council Member Friedman** said the City could not give an answer today; that if the McGinnis property is purchased the City will move as soon as possible, and if the property is not purchased, what would then be done would be a function of the parking and circulation study, and by late summer there should be an answer. **Council Member Smith-Mooney** stated the safest route is for the County to proceed on the assumption the City lots are not available. **Commissioner Cummings** asked how far along the design work was, if the design and engineer drawings include site preparation, and what kind of delay there would be to reconfigure the designs so it is just on the County property. Mr. Baker advised it is presently in engineer drawings and should go to bid in September, the

site preparation is included, and right now it is rather insignificant, but would add a time delay if we did that again to put it back in. **Commissioner Cummings** stated he was reluctant to put everything on hold until the end of summer, and inquired if the stormwater and parking could be fit on just the County lots. Mr. Baker replied affirmatively, by re-designing the site plan. **Council Member Smith-Mooney** advised the City does not intend to be uncooperative, but does not have enough information as to what it will do, and said she realizes the more assembled in one continuous mass, the better the potential for organizing this major portion of the block for mixed-use development and proper accommodation of parking. **Council Member Smith-Mooney** proposed the City waive the parking requirement if, in exchange, the County agreed to deed to the City the most easterly lot to the City and the City work out the best way to park the cars for City and County needs. **Mayor Fabian** said that is a long-term solution and to go that route would delay the project. **Council Member Smith-Mooney** said the City would relieve the County of the requirements and allow parking on that parcel until the City came up with a solution for parking. **Council Member Poole** stated he has a problem with that because the City takes on the responsibility of paying for all the parking facility and the County would have use by buying parking in perpetuity by only giving up that piece of land, and stated he would like to have the numbers of how much parking the City gets for how much money before going too far. **Council Member Smith-Mooney** stated she would expect the County to have monetary proportionate responsibility in a multi-level parking garage. **Council Member Friedman** stated the City was asked a question, the City advised what its plans were and when it will be in a position to do something more definitive, and the County should proceed based upon its plans for the old Courthouse. **Commissioner D'Aprile** clarified the old Courthouse building is 16,000 square feet; and inquired how many parking spaces were required, how big the property adjacent to the Courthouse was, what it would contain, and how many cars could be place on it. Mr. Baker said approximately 80 parking spaces were needed. Bruce D. Loucks, County Administrator, explained the original site plan included parking to meet the City's requirements for parking, provided for the 80 parking spaces at grade, and enhanced landscaping, and the other

four lots would have been used for parking. Mr. Loucks said based upon timing and today's conversations, his recommendation is that the County move forward and develop the parking scheme using only the County property at grade. Mr. Loucks said the parking lot would go almost up to the building and the visual enhancement would not be in the back of the building, but retention needs and parking could be taken care of within that area. Mr. Loucks stated the County would be working with the City to insure what happens in the future and it would not be that difficult to change and add a grade parking lot at a later date. **Commissioner D'Aprile** agreed that is the best thing to do at this time. **(By consensus.)**

IV. Water Interconnect

Howard Kunik, City Manager, advised the Peace River Water Authority Board (Authority) met and discussed the proposed interconnect between the City of Punta Gorda and the Peace River Water Authority; a draft Interlocal Agreement among the City, County and Authority was passed out some time back; and the City has not yet met with the Authority to initiate terms and negotiations because there are still language issues to be worked out between Charlotte County and the Authority. Mr. Kunik indicated the Southwest Florida Water Management District (SWFWMD) is moving forward on the initial project of upgrading the City water plant from 8 million gallons per day (mgd) to 10 mgd, and will soon decide if it will provide up to 50% funding to the City on that project; and that the initial estimate for the entire upgrade is \$3 Million and funding from SWFWMD could be \$1.5 Million. Mr. Kunik stated that per the contract with the Authority, Charlotte County must authorize construction of the interconnect, and in order for the City's upgrade to be included in the SWFWMD budget and funds received, the City must have an interconnect. Mr. Kunik explained the discussion today focuses on where Charlotte County and the Authority are on an agreement, and if an agreement is reached, it will then be incumbent upon the City and the Authority coming to an agreement regarding terms of an interconnect. **Commissioner Cummings** explained Charlotte County put together a draft Interlocal Agreement, and the Board of County Commissioners (BCC) sent it to the Authority; the Authority's attorney expressed concern over

the right of first refusal language and sent back a counter-proposal draft Interlocal Agreement; and the BCC has not established a clear consensus on whether it is prepared to adopt the counter-proposed Interlocal Agreement. **Commissioner Cummings** stated at the Water Authority meeting two days ago there was a proposal for potential projects with the Cities of Bradenton, Sarasota, and Venice, in the event an agreement was not made with the City of Punta Gorda; reported the projects provided for a finite amount of water for a period of time until the Cities needed it back; and that he recommended to the Authority for similar provisions with the City of Punta Gorda. **Commissioner Cummings** stated the BCC has expressed an interest in having a right of first refusal so that as long as the County is prepared to pay whatever the Authority is willing to pay the County has the first right to purchase the water, but the City still has control of whether or not to sell the water. **Commissioner Cummings** advised he spoke to the Authority's attorney after the meeting and suggested to him that if the contract was done like what was suggested with the other cities for a finite volume of water for a finite period of time until the City needed the water back, then the entire right of first refusal issue could probably be taken out of the Authority's contract and it could be dealt with in a separate contract between the City and County. **Commissioner Cummings** stated he has not heard back from the Authority's attorney yet, but that he seemed receptive to the idea at the time; and explained there are terms under which the issues can be resolved. **Council Member Poole** stated that the initial purpose of the interconnect was for emergencies, and it has evolved since then; and that the interconnect is vital as an emergency means of re-supplying the City. **Commissioner D'Aprile** indicated the City is part of the County, and the County is trying to protect both sides; that if the City were in need of water it would be provided by the County; and the delay between the City and Authority is not meant to hurt the City in any way. **Chairman Moore** explained there are unresolved issues between the County and Authority and in time the issues will be resolved; that the Authority made it clear it would fund the line with the help of SWFWMD down to Shell Creek to access the City, and made it explicit that the project was of equal importance and should go with the exact same

pace with the interconnect from Charlotte County to Punta Gorda; that the point person for the County and City on water issues is **Commissioner Cummings**; that the City has qualified persons to negotiate the contract with the Authority; and that the matter will be taken care of, but it is important that the City and County work together. **Council Member Friedman** clarified the history of the interconnect; indicated the primary concerns of the City is receiving recommendation to get grant funding from SWFWMD to assist on the 2008 and 2014 capacity additions, and to have one or two interconnects to provide redundancy in case of emergency; that the City is not concerned if there are 1 or 2 interconnects, or in the potential of selling water; stated that the City is part of the County and any water sold would be first to the County; and that the City has no problem with the County having right of first refusal. **Mayor Fabian** pointed out there were some changes over the past year because SWFWMD said in order to receive grant money this must be a regional situation, and it is necessary to work with both the County and Authority in order to receive the grant funds. **Chairman Moore** agreed that is a point well made. **Council Member Phelen** inquired if it was known what timing could be anticipated. **Commissioner Cummings** stated when the original proposal was sent to the Authority the initial impression was of support and that the issue of the right of first refusal could be worked out, and that if the intent of the BCC and Authority had been followed this would already be done, but it did not happen; that the conversation he had with Attorney Manson, the Water Authority Attorney, is the first enthusiastic response he has received; believes the answer is a fairly simple, straight-forward one; that the contracts need to be worked out by July for presentation before the various basin boards for funding; and believes it is achievable if no other stumbling blocks are encountered. **Commissioner Cummings** expressed frustration when the BCC is told it should be more cooperative because the BCC has been cooperative and provided the solution, but to give his word that the matter will be resolved no matter what would be to have him walk out with zero leverage whatsoever in the negotiations. **Council Member Phelen** asked if the best guess would be summer. **Commissioner Cummings** said his goal is to get it done in time for the basin board meetings. **Council Member Poole** stated any interconnect

should be plant-to-plant to alleviate the requirement of pumping stations away from the plant and having down line problems if water is taken out or backwards; and trying to have a completely independent and unilateral access to City waterlines is a bad idea and he recommends against it. **Mayor Fabian** said **Commissioner Cummings** is working on this and everyone must wait until he gets more information. **Council Member Poole** said no time for citizen's input was given prior to the recess after the Bread of Life Mission agenda item; that he was approached by citizens who wished to speak about that item; and requested they be given time to speak before adjournment.

V. Overlay District

Dennis Murphy, City Growth Management Director, advised that his staff and Mike Konafel, Community Development Director, are presently working on this program and should have something for City Council and BCC by December. **Commissioner Cummings** advised he is more comfortable with the idea of annexation than with unilateral commitment of whatever it is that the City wants to do applying in the County; and believes the City is better positioned to deliver more services than the County and it gives the City the kind of coherent land use layout and architectural designs it wants. **Council Member Smith-Mooney** advised the City is making this request because there are areas the City will pursue for annexation, and until that time the City does not want those area developed differently than what the current LDRs are. **Commissioner Cummings** stated he promotes the idea of annexation, but doesn't rely on it happening quickly. **Council Member Poole** expressed concern of when County residents who are in City water and utility service areas begin designing, and believes there should be strict rules to assure compliance with City regulations as to water and utility usage; that there are expectations of some large commercial entities coming on line soon, which will significantly affect the water situation, and having rules in place to assure compliance with City regulations as far as the utilities are concerned would be more important than the land development regulations. **Mayor Fabian** pointed out these companies must follow City water regulations if they are using City water. Tom Cavanaugh, Team Punta Gorda, said Team Punta Gorda members over the

last 6 months has been working with the new Wal Mart planned for the Jones Loop area for incorporation of some of the guidelines illustrated in the Citizens Master Plan and the City Land Development Regulations; and despite efforts that involved the City support and Charlotte County Community Development, Wal Mart has done very little to change the type of construction used over the years; that Team Punta Gorda hopes that the County would consider implementing these land development overlays so that other developments occurring on County property are more consistent with the Citizens Master Plan and the guidelines the City has for developing property. **Council Member Smith-Mooney** agreed and stated it serves the City and County advantage to have more attractive building rather than the typical ones, and encouraged the County to try and accomplish that in the Jones Loop area where big box stores are more likely to locate. **Council Member Smith-Mooney** pointed out the project advertised at the Loop has a regional impact and must still come before the Southwest Florida Regional Planning Council for a Development of Regional Impact (DRI) study and thorough review, but it is not an already approved project. **Council Member Poole** recalled that Wal Mart is moving from its present location because of the land development regulations and inability to do what it wanted to do for expansion of the existing store, and indicated there is a point in time where compromise and practicality is important to avoid some things becoming non-existent; and indicated it was the same thing in having to tear down the McDonalds on U.S. 41 as to whether it was practical for the service needs or just offensive to a few people's eyes. **Commissioner Cummings** clarified his comments that as long as the County does the review and adopts its own overlay and codes, he is okay going through the process, but shies away from an overlay that has a policy that the County automatically adopts whatever the City adopts; that it's an ethical issue of whether or not the residents have recourse to their elected official; but it is okay if the County goes through that same deliberative process, produces a similar outcome, and it is the choice of the County Commissioners and it's responsibility is not waived. Dick Loftus, Chairman of the Charlotte Harbor CRA Advisory Committee, advised that the McDonalds on U.S. 41 had to be torn down and rebuilt because of the owner's own function, not as a result of the

CRA requirements. Jan Beardslee spoke on behalf of Bread of Life Mission, and read from a newspaper article that stated the Mission was zoned OMI in April 2003, with authorization to operate as a homeless shelter. Ms. Beardslee advised the Petition was approved with stipulations that the Mission repair its facilities, comply with all building codes, do all the work within 120 days, and go back before the Board in 6 months to give a progress report of its activities. Ms. Beardslee said the Mission is unable to pull permits right now because the code violations were never corrected, and that she has been unable to receive answers to inquiries she has made. Ms. Beardslee indicated that the Homeless Coalition obtained an \$89,000 grant from the State Department of Homelessness to be used for correcting the code violations at the Mission, and that the funds were managed by the Homeless Coalition, not the Mission. Ms. Beardslee said shortly after the grant was submitted and the funds received, the Charlotte County Homeless Coalition transferred the funds to the Housing corporation of Charlotte County, and the Housing Corporation, together with the Charlotte County Housing Coordinator, was responsible for hiring the contractors and doing the work necessary to bring the Mission up to code. Ms. Beardslee indicated that in August 2003 the office of Homelessness asked for a status of the project, but there had been no activity and no permits applied for; in February 2004 there was a surprise visit by the officials of the state homeless authority; there had been a lot of tear-down, but no rebuilding; and that the work has still not been completed. Ms. Beardslee stated she has made attempts to find out what happened to the funds that prevented the work from being completed at the Mission; that she gave the information to **Commissioner Devos**, requesting her support and follow-up, two months ago when they met at the Mission, which she may have some answers to; and is at this time requesting assistance from **Chairman Moore** to determine what happened to the grant funds. Ms. Beardslee stated that when the violations are corrected, the Mission makes a commitment to keep the property up to code. Michael Williams, resident of Bread of Life Mission, stated he was down and out, went to the Homeless Coalition and Salvation Army, and was advised they could not shelter him and was told to go behind Walgreens in the woods; someone told him about the Bread of Life, and due to the Bread of Life Mission he is a new

person, on his way to a new job; and stated he is hopeful the City and County can help get the Mission in the right direction to help others in need.

- VI. Shared Roads Program: Shreve/Pompano
- VIII. Library
- IX. Sidewalks: Cooper Street
- X. Railroad Crossing in Punta Gorda
- XI. Councilmember/Commissioner Comments

There was no discussion on these items.

MEETING ADJOURNED: 2:01 P.M.

Signature on file in Commission Minutes

Thomas G. Moore
Chairman

ATTEST:

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

By: Signature on file in Commission Minutes
Deputy Clerk

gm