

**BOARD OF COUNTY COMMISSIONERS**

**DECEMBER 6, 2006**

A special workshop of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner D'Aprile, Commissioner Moore, Commissioner Cummings, and Commissioner Duffy. Also in attendance were Assistant County Administrator Baltz, County Attorney Knowlton, and Deputy Clerk Manley. The following members were absent: None.

A. Call to Order

The meeting was called to order at **1:30 PM**.

B. Evaluation and Appraisal Report (EAR) Amendments to the Comprehensive Plan

Michael Konefal presented introductory comments and reviewed process procedures.

Mr. Konefal advised that state law requires an update of the Comprehensive Plan every 5 to 7 years, and explained the process. Mr. Konefal explained that he anticipates final adoption about April 2007, and that changes can be made between now and the time of final adoption.

**Commissioner Cummings** suggested that when setting the Board's schedule for next year, that a retreat be held for familiarization of the documents before the EAR re-writes begin. Mr. Konefal indicated that there are 13 elements in the Comprehensive Plan (Comp Plan), and recommended setting up 13 working groups of 8-10 people in each group.

Mr. Konefal reported on items that had been addressed since the interim update was presented to the Board in November 2006, advised the reports are up to date, and include a summary sheet showing changes made since the last report, reviewed today's agenda, and stated there are some issues that have not been resolved that would be brought back at the next workshop.

1) Transportation

Thomas O'Kane stated that the transportation portion is a comprehensive update because most of this element is based upon the recently completed and approved 2030 long-range transportation plan produced by the Metropolitan Planning Organization (MPO).

Mr. O'Kane explained why the update is necessary, and indicated that many items included are reflective of discussions held with neighboring counties.

Mr. O'Kane said that in the goals, objectives and policies, there is an increased emphasis on multimodal transportation systems, pedestrian, and bike facilities in the plan, but at this stage of the county's development the main focus is still primarily for highways, streets, and roadways.

Mr. O'Kane commented on the summary page of suggestions made by the practitioners in the goals and objectives.

Mr. O'Kane reported on the recommendation to change the level of service on arterials and collectors within urban roadways from level service C to level service D, with the exception of Bermont Road and State Road 31, which are considered rural roads, and reported on the Statewide Minimum Level of Service Standards handout taken from the state website.

Mr. O'Kane advised there is a cost advantage in reducing the level of service from C to D, and explained that level of service is a gauge of how traffic functions.

**Chairman Moore** inquired what level of service Lee and Sarasota Counties maintained. Mr. O'Kane said the level of service in those jurisdictions is D, which is generally the accepted level of service throughout the United States in urban communities, and explained that level service C is difficult to maintain.

Mr. O'Kane pointed out that a change in level of service would allow the County to change the timeline in some of the roadways anticipated, such as Edgewater and Midway.

Mr. O'Kane explained that arterial roadways tend to be the connecting routes that potentially carry a large volume of traffic, and collector roadways are those that bring the traffic out to connect with an arterial roadway, and indicated that Midway Boulevard has been approved for widening, which would be an arterial roadway and reduce the impact from Peachland Boulevard.

Mr. O'Kane explained that there is no proposal to make changes in residential streets and local streets, and that if a local road is operating at a level C or D, that something would need to be done to mitigate that.

**Commissioner Cummings** commented on the affects that changing level of service D to level service C would have to the deficit that has been identified for the next 5 years, and inquired if it would help resolve the difficulties in funding based upon FS 360 approved by the Florida Legislature.

Mr. O'Kane stated that lowering level of service from C to D would extend out the programs, and commented on how level of service is tied to the Capital Improvement Program (CIP).

**Chairman Loftus** stated the Board should address the commercial node issues in Charlotte County.

Attorney Geri Waksler commented on Commissioner Cummings' concerns in dropping the level of service.

**Commissioner D'Aprile** indicated he is comfortable changing the level of service as discussed, and **Commissioner Duffy** is undecided because she still has concerns in some areas. **Chairman Loftus** clarified that this is general and that the Board could make a determination if it believes the level of service of a road should not drop. Mr. O'Kane replied affirmatively, and stated that the recommendation was that if the Board decided to do this, that it should be done as a general statement with the two exceptions discussed.

**Chairman Loftus** stated there was consensus by the Board for the change in level of service as proposed.

Discussion ensued regarding how the change would affect impact fee costs.

Mr. Konefal indicated if the level of service is changed from C to D, the impact fee calculation might require readjustment. Mr. Sandrock explained the study was based upon many factors, including current deficit and level of service set in the Comprehensive Plan, and that the consultant, Dr. Nicholas, advised if the level of service drops to D there would be an impact and an adjustment required.

Attorney Waksler commented on how many of her clients view the proposal, and their willingness to work with the County.

Mr. O'Kane commented that this helps prevent developers from moving outside the urban development area. Mr. Konefal said a definite level of service letter must be in place by next April.

## 2) Parks & Recreation

Martina Kuche reviewed the significant policy changes in the section as it relates to Parks and Recreation.

Laura Kleiss-Hoeft commented on state recommendations and guidelines, population growth and demands being placed on the County, progress, goals and objectives, indicated that the County is in good shape because land and funds are set aside to meet a higher level of service, and advised that there is a 3-year grace period to gain concurrency.

**Commissioner Moore** inquired if the County would receive credit for Babcock. Ms. Kleiss-Hoeft replied affirmatively, and indicated it would be part of the Developer Agreement.

**Commissioner D'Aprile** inquired how geographic areas in the County are figured. Ms. Kleiss-Hoeft indicated level of service is tracked and monitored by population, and stated there is a chart in the booklet that gives a breakdown by regions, and types of parks.

**Commissioner D'Aprile** asked if the state had mandated laws, and commented on what was set out in the County Comprehensive Plan.

Ms. Kleiss-Hoeft explained the state guidelines and what the County was working toward.

Mr. Konefal explained that the County is mandated to have a number for level of service, but the number is optional for the County, that the higher numbers referenced by Ms. Kleiss-Hoeft are guidelines by the state, and that Charlotte County is trying to pick a moderate number.

**Commissioners D'Aprile** and **Duffy** expressed concern with maintenance costs involved, not just that land is available for amenities.

Ms. Kleiss-Hoeft commented on the capital and maintenance dollars budgeted in the CIP over the next 5 years, and indicated the Board has worked very hard on regional parks, which the County was short on.

**Commissioner Duffy** expressed concern on funding additional parks since there are so many already. **Commissioner Cummings** pointed out there is a considerable difference between viewing the parks during the daytime hours and evenings, and indicated he is astonished at the number of people using the South County Regional Park every night.

Ms. Kleiss-Hoeft reported that Charlotte County has 12 mini parks, 16 neighborhood parks, 6 community parks, 3 regional parks, and 4 environmental parks.

Ms. Kuche indicated developers are encouraged to add parks in their plans, and commented on several areas that are interested in having parks and open space.

**Commissioner D'Aprile** clarified that he is in favor of the present number of parks, but is not in favor of new ones until such time as the County is better prepared to support them. Ms. Kleiss-Hoeft advised funds have already been set aside for the next five years to reach the level of service planned.

Attorney Geri Waksler commented on the importance of the parks and open spaces.

3) Potable Water & Sewer

Jeff Pearson reviewed Charlotte County Utilities (CCU) key updates from the previous plan and some updates re-phrased for clarification from the previous plan presented.

Mr. Pearson advised an attempt is being made to prioritize where the growth and need is for water and wastewater utilities, and indicated that new line additions and plant expansions are being prioritized to accommodate the growth and need.

**Commissioner Cummings** questioned deletion of language at the bottom of page 4-1, stating that it gives the impression of being opposite of the intent. Discussion ensued, and it is the consensus of the Board that the line be left in.

Mr. Pearson advised that ownership of the Burnt Store Utilities and Deep Creek Utilities was corrected from Florida private water service holding to reflect that those are now CCU-owned facilities, and indicated changes were made in the water service provider and inventory of lines for the utilities that had name changes since the original Comprehensive Plan.

Mr. Pearson commented on change in level of water service reflected on page 4-7, throughout, from 190 gallons per day to 225 gallons per day, indicated this is based upon Equivalent Residential Units (ERUs), commented on actual consumption per capita, and advised the process used in arriving at the numbers.

**Commissioner Cummings** inquired if more industrial were brought in, would it change the per-ERU. **Commissioner Moore** and Mr. Pearson explained ERU calculation procedures for industrial and residential.

**Chairman Loftus** asked if consumptions for restaurants would be based upon what is in the Comp Plan when it is changed to 225, or if it would be actually what is used. Mr. Pearson said there would be a change coming before the BCC.

Mr. Pearson reviewed the change in level of sewer service from 161.5 gallons per day to current level of service of 190 gallons per day for 1 Equivalent Residential Connection (ERC),

and indicated a correction was made to the number of persons in a household from 2.1 to 2.18, based upon the 2000 census.

**Commissioner Cummings** asked that before the EAR is finalized and submitted, that he be furnished a memo explaining how an increase from 190 gallons per day to 225 gallons per day was arrived at, and the justification, and that if it is shown that the consumption is actually going up to 225, plus whatever buffer is needed to maintain, what conservation efforts are required in order to remain at 190, in order to make a value judgment on whether or not this is a good thing. Mr. Pearson said he would provide that clarification.

Mr. Pearson advised that on page 4-11, an update was made to the water purchase from the Peace River/Manasota Regional Water Authority from 12.758 million gallons per day (MGD) to 16.1 MGD, which is what the current master water supply contract between Charlotte County and the Peace River Authority states, and that there was an update for the number of customers served. Mr. Pearson stated that the old tables of demand by major potable service providers were updated on pages 4-14 and 4-20.

Mr. Pearson indicated on page 4-27, and throughout, corrections were made in wastewater plant capacities and expansion plans based upon completed construction to date, work in progress, and the budgeted CIP.

Mr. Pearson stated that the scope of work and timing of implementation for the water conservation program was updated, and that a countywide water conservation plan is being aggressively pursued. Mr. Pearson advised that an application has been made to SWFWMD for a matching cooperative grant to replace 770 pre-1993 toilets per year for 5 years.

Mr. Pearson indicated that since the last EAR meeting, objectives and policies listed under goal 11, were re-phrased for clarification purposes, specifically that policy 11.1.1 now states that Charlotte County would only assist the Public Health Unit in developing a schedule of set septic system maintenance, and pointed out that it is the Health Department's job to oversee inspections and maintain all records of septic systems.

**Chairman Loftus** pointed out there should be communication with the Health Department to avoid duplications with active sewer lines and putting in a septic tank at the same time on the same street. Mr. Pearson explained that when mandatory connection letters are sent out a copy is furnished to the Health Department.

**Chairman Loftus** suggested the Health Department be notified at the beginning when the plans for connections are being made.

**Commissioner Cummings** indicated there is concern in reducing nutrient loads on the estuary, and stated he would be interested in exploring what on-site treatment systems do a better job of treating than the nitrogen and aerobic treatment systems do. Mr. Pearson said he would furnish that information.

Russell W. Garrod commented on agenda item 3.

Mr. Pearson reviewed changes and updates on policy 11.2.4, and policy 11.2.2-11.2.4.

**RECESS: 3:35 PM - 3:45 PM**

4) Housing

Jeffrey Crimer commented on Chapter 6 on the Housing section, and reported on the minor changes made in the objectives to the Comprehensive Plan.

Attorney Geri Waksler indicated there are inconsistencies in policies 1.1.7 and 1.1.8, page 6-95, and proposed clarification. Mr. Konefal explained that a change had been made.

5) Capital Improvements

Jim Federick commented on changes made in the "Proportionate Fair-Share" section of the Capital Improvements Element on page 8-85.

Mr. Federick advised that the Capital Improvements Element updates old data and brings it to current times, and indicated that duplicated Level of Service (LOS) definitions were removed

from the Capital Improvement Element and are defined in the individual elements.

Mr. Federick explained how the capital improvements planning process was strengthened, and indicated that the concurrency projects are better defined.

Mr. Federick indicated an additional update was to bring in the change of Senate Bill 360 and remove inconsistencies.

Mr. Konefal pointed out that whatever decision is made on level of service on roadways would be a consistency issue in this element.

Citizen input: None

#### 6) Intergovernmental Coordination

Jeffrey Crimer indicated the changes in this element were minor, and that there were no policy changes.

Citizen input: None

Mr. Konefal commented on areas that would be covered at future workshops. **Commissioner Duffy** asked for confirmation that credit would be given on the Babcock lands for Parks and Recreation. Mr. Konefal replied affirmatively.

**Commissioner Cummings** asked for clarification of how credits were figured on the Babcock area, and Mr. Konefal explained.

**Commissioner Duffy** expressed concern in the Parks and Recreation element language dealing with encouragement of developers of subdivision developments of regional impacts and planned PUD to plan and maintain public and/or private active recreational facilities for park categories. Mr. Konefal explained that it would shift some of the responsibility to the developer to do the work up front, as opposed to staff doing it all on behalf of the developer.

Attorney Waksler advised that most planned community projects include some sort of active recreational component into their plan, even without the requirement on the books.

Commissioner Moore stated he is still not certain that the County receives the proper credit for Charlotte Harbor. Commissioner Cummings said it could be argued that Charlotte Harbor is an aquatic preserve.

C. Adjournment

ADJOURNED: 4:10 PM

Signature on file in Commission Minutes  
Chairman Loftus

ATTEST:

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

By: Signature on file in Commission Minutes  
Deputy Clerk

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