

**BOARD OF COUNTY COMMISSIONERS - JOINT MEETING WITH  
THE CITY OF PUNTA GORDA**

**DECEMBER 8, 2006**

A joint meeting of the Board of County Commissioners and the City of Punta Gorda was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner Duffy, Commissioner Moore, Commissioner Cummings, Commissioner D'Aprile, Mayor Friedman, Vice Mayor Goldberg, Council Member Smith-Mooney, Council Member Albers, and Council Member Wallace. Also in attendance were County Administrator Loucks, County Attorney Knowlton, City Manager Kunik, City Attorney Levin, Assistant City Manager Kathy Dailey, and Minutes Supervisor Nice. The following members were absent: None. The meeting was called to order at **9:05 AM** followed by the Pledge of Allegiance.

**Mayor Friedman** acknowledged new Commissioners and Council Members and pointed out the new integrated seating. **Mayor Friedman** reviewed the rules and procedures with a change to adjourn meetings at a reasonable time in lieu of 12:00 Noon. **Commissioner Duffy** offered lunch if the meeting needs to recommence in the afternoon. **Mayor Friedman** announced most Council meetings are over by 1:00 PM and summarized the remaining rules and procedures.

**I. Event Center (City)**

**Council Member Goldberg** requested the status of negotiations, costs, and design changes. County Administrator Loucks reported the map revision request was submitted to the Federal Emergency Management Agency (FEMA) on November 27 2006; FEMA has a maximum of 90 days to respond e.g. February 28 or March 1, 2007; if the seawall were to fail, the impact would be within seven feet of the waters edge; the intent is to still place the Event Center at the north end of site; commented on the one-page summary as a result of the recent meeting with Team Punta Gorda Architect Michael Oh on preliminary cost elements for variations in design; and Rob Humpel from Matthews/Taylor Construction is present. Mr. Humpel explained the "V" zone of the site, how FEMA identifies the "V" zone based on wave erosive effects

based on aerial photos and topography; and approval from FEMA was awarded in February but rescinded in September 2006 to relocate the "V" zone. Mr. Humpel reported conversations and meetings were held in October during which it was determined that the worst case scenario would impact the first seven feet of the site from the seawall which is outside of the proposed construction area; reiterated FEMA has 90 days to respond but, hopefully, the relocation of the "V" zone will be approved and the project will move forward as designed a year ago. Ward Friszolowski, Harvard Jolly Architects, explained meetings are continuing with FEMA officials, City and County staff, Matthews/Taylor staff, Team Punta Gorda members, and Architect Michael Oh to work cooperatively and build a consensus on the goals, objectives, and costs.

**Council Member Smith-Mooney** requested a status update on Mr. Oh's suggestion to eliminate the parking area on the west side near the loading dock. Mr. Humpel stated some regulatory issues exist and meetings need to be held with the Punta Gorda Fire Department on the need for the roadway and direction from the County on the parking lot. **Council Member Smith-Mooney** estimated 300 parking spaces less the 35 spaces on the west side. **Council Member Goldberg** questioned the cost to eliminate the roadway. Mr. Humpel explained programmatic issues exist on the pedestrian walkway on the north end and the roadway to allow access to the parking lot. **Commissioner D'Aprile** requested the current total number of parking spaces. Mr. Humpel estimated 565 spaces. **Commissioner D'Aprile** expressed concern about eliminating 35 parking spaces since the parking is insufficient to accommodate the number of potential attendees. **Chairman Loftus** agreed with **Commissioner D'Aprile**. **Council Member Smith-Mooney** advised the Council recently approved construction of a parking garage on Harold Court, the Council previously offered to build the garage on the Event Center site; and suggested building two levels of parking at each site that may be expanded in the future. Mr. Humpel stated that can be done based on maximum weight for future expansion. **Mayor Friedman** stated two specific reasons served as a basis for the Council's decision to construct the garage at the old courthouse site. **Council Member Wallace** agreed with **Commissioner D'Aprile**. **Commissioner D'Aprile** expressed concern about the cost to potential attendees to park in the garage and commented on the need to consider what is good for the overall County even though parking for the Event

Center is an issue that needs to be addressed. **Commissioner D'Aprile** recalled the Auditorium had 500 spaces and at times it was full and he wants to make sure there are sufficient spaces for the safety of attendees. **Mayor Friedman** stated approximately 300 parking spaces are to be added in the next year near City Hall. **Commissioner Duffy** agreed with **Commissioner D'Aprile** about the insufficiency of spaces; commented in support of constructing a parking garage on the Event Center site; and stated parking at Harold Court meets the traffic flow needs of downtown Punta Gorda. **Commissioner Cummings** expressed a preference to construct the Event Center closer to downtown on the site and build a promenade over the parking garage area. **Commissioner Cummings** stated his highest priority is the architectural design and features and then parking; wondered if downtown Punta Gorda needs a parking garage and, if so, when; expressed no objection to eliminating 35 spaces if necessary; and indicated support for the current design of the project. **Council Member Goldberg** stated the City will have smaller lots around downtown as well as off hours parking at the Justice Center, and valet parking. **Mayor Friedman** pointed out valet parking will free up more parking spaces. **Commissioner Moore** stated the parking is located in the City and the City has discretion. **Commissioner D'Aprile** stated the County has a responsibility for safety of citizens and additional costs of esthetics are important and need to be addressed. **Mayor Friedman** indicated the County has authority to decide the number of parking spaces at the Event Center while the City will be providing additional parking in various areas of the City. **Council Member Smith-Mooney** opined all parking for the facility should be on site and overflow parking can be handled in the smaller lots to be provided by the City. **Council Member Smith-Mooney** suggested the parking garage facility be planned now even though it may not be constructed until later. **Mayor Friedman** requested verification that construction will move forward after February 28, 2007. Mr. Loucks advised more detailed cost breakdowns are necessary for the parking facility; explained the County's design team has proposed 150 spaces per level; and reiterated more definitive dollar amounts need to be brought back. **Commissioner Moore** stated the parking garage belongs to the City. **Mayor Friedman** concluded the outstanding parking issue relates to the 35 spaces. **Chairman Loftus** suggested moving forward to identify more definitive estimates and costs for esthetics. (Discussion ensued about the

number of levels necessary to accommodate 300 spaces.) **Commissioner Moore** asked if County staff needs additional direction. Facilities Director Baker stated more definitive esthetic costs are to be brought back in February. **Commissioner Cummings** expressed a preference for staff to firm up the estimates and commitments on payments lined up prior to FEMA approval. **Mayor Friedman** reported the Council would collectively support the design change and the City would probably pay for overages after the basic design. **Commissioner Moore** expressed support for the concept even though the costs are uncertain at this time. **Mayor Friedman** reiterated support for the new proposed design. Mr. Baker recalled during a meeting with Team Punta Gorda it was decided to work cooperatively to develop additional designs with costs for a consensus of the City and County including technical, esthetic, and site planning issues. **Council Member Goldberg** opined Team Punta Gorda should be involved in the finalization of design plans and cost adjustments. Mr. Baker responded affirmatively including the City Manager and Fire and Police Department officials. **Council Member Albers** requested a time line. Mr. Baker stated estestic and cost issues are being work on collectively. **Council Member Albers** suggested a joint meeting be scheduled as soon as FEMA renders a decision. **Mayor Friedman** suggested Messrs Kunik and Loucks coordinate the next meeting date. **Council Member Wallace** stated he wants to feel that consensus is building and the project is moving forward. **Council Member Smith-Mooney** expressed concern about the impact construction of the Event Center will have on City businesses and requested the cost of relocating the Tentatorium in order to continue scheduled events.

Mr. Loucks stated water, sewer, and air conditioning are necessary and indicated the County will probably sell it. Mr. Loucks recalled the company that installed the Tentatorium estimated \$10,000 each to take it down and put it back up. **Mayor Friedman** suggested the City Council discuss the matter during a meeting. **Mayor Friedman** announced Citizen Input. Judy Brentano, Team Punta Gorda, thanked the Board and Council for working together on the Event Center to make it become a realty. Grace Amodeo stated she is glad that the project is moving forward, the success of the Event Center will rely on the available parking, and shuttle service would be beneficial. Attorney Geri Waksler commented on Agenda Item V-B on behalf of

Bove Company specifically on the TDU ordinance and the transfer and use of excess coastal high hazard density; the Bove Company will offer 176 sustainable workforce housing units; they will require a TDU since density will be increased on the project site; the City has rejected the use of coastal high hazard on the proposed project site; and requested discussion between the County and City on the transfer of density units for the proposed project. **Mayor Friedman** thanked the architects and staff for the presentation.

## **II. Overlay District (City)**

Dennis Murphy indicated staff is looking at narrowing the overlay district to major roads and the City will take the lead but work with County staff to bring back proposals to the Council and City. **Council Member Smith-Mooney** requested a high priority be given to staff to move forward. **(Council consensus.)** **Commissioner Cummings** expressed support for reducing the overlay area but indicated concern about conflicts on interpretation and enforcement of County and City Codes since the County has an obligation for the safety and welfare of citizens. **Mayor Friedman** advised the Council's main concern has been to have uniformity between City and County Codes on these corridors to eliminate conflicts. **Commissioner Cummings** indicated it is a good idea for the City to annex the areas and agreement is needed between the City and County. **Mayor Friedman** stated any change of ordinances that would impact the overlay district would be discussed with the County. **Mayor Friedman** opened Citizen Input. Ed Zepke expressed concern about implementing an overlay district because of future development in South County and encouraged the City and County to coordinate details for a common set of guidelines.

**RECESS: 10:25 AM - 10:35 AM**

## **III. AQUI ESTA (City)**

County Engineer Daniel Quick explained the project expansion and signalization at US 41 and reported during a meeting this week FDOT officials indicated support for the project and funding to move forward in July 2007. **Mayor Friedman** announced Citizen Input and there was none.

#### IV. Courthouse (City)

Wesley Millard stated the Board awarded the project to Lodge Construction for an approximate cost of \$5.6 million; the Supervisor of Elections would be located on the first floor and courtrooms and staff on the second floor; Lodge Construction will be filing for permits on Monday; and as soon as permits are issued, the project will move forward. **Council Member Smith-Mooney** thanked Commissioners and Ms. Shoemaker for expedited action on the project. **Mayor Friedman** announced ground breaking on December 20, 2006 at 4:00 PM. Mr. Loucks reported County and City staff have had discussions on the parking garage at Harold Court and commented on the proposal. **Mayor Friedman** advised the proposal represents a win-win situation. **Mayor Friedman** announced Citizen Input and there was none.

#### V. Affordable/Workforce Housing (City)

##### A. Housing Authority

City Manager Kunik reported the Gulf Breeze Apartments will be for mixed income participants and requested discussion on payment of impact fees in lieu of taxes. **Council Member Smith-Mooney** stated she was involved with the design team and representatives of the Housing Authority to identify options to facilitate the project; and requested discussion on the County participating with 5% of the costs of infrastructure. **Commissioner Cummings** questioned the split of millage rates between the City and County with costs backed out for Fire/EMS and the Sheriff's Office; also revenues should be considered on an equal basis; the project currently serves very low income and questioned the level of service. James Sweeney responded with 60% of the area income (one person at \$21,000) whereas very low income is about \$17,000 to \$18,000; most of the units prior to the hurricane were occupied by handicapped and elderly. Mr. Sweeney stated the 154 ACC units for very low income will be maintained even though the site will be expanded. **Commissioner Cummings** indicated he is not interested in expanding the number of units for higher income families without maintaining the same number of units for very low income. **Commissioner Cummings** stated he would rather forego the payment in lieu of taxes but

if impact fees are considered, the bookkeeping needs to be kept straight.

**C. Impact Fees Assistance**

Budget Officer Raymond Sandrock outlined the County's policy regarding impact fees based on per square foot for residential dwellings; the County's impact fee consultant reported last year that other counties are working on affordable housing impact fees; and after decisions have been made by the counties, additional information will be brought back to the Board. Mr. Sandrock stated it is not outside the realm for the Board to go in that direction. Mr. Hunik read from the Council's impact fee ordinance on exemption of certain entities from impact fees e.g. the City would not charge the County for fair share impact fees if the Auditorium never existed within the City; this project would be exempted from the City's impact fees but not from the County's impact fees; and questioned if the County's impact fees should be consistent with the City's impact fees. **Commissioner Cummings** recalled the Charter referendum that was overturned twice. **Mayor Friedman** suggested Mr. Loucks research the referendum and disseminate the information. **Commissioner Moore** concluded the City would forgive the impact fees but the County would not and requested an estimate of the amount. Mr. Kunik stated the Housing Authority project would have to be considered and related Mr. Sweeney's estimate that the County portion of impact fees would be approximately \$150,000. **Commissioner D'Aprile** questioned ownership of the project. Mr. Sweeney stated it is owned by a subunit of government created by Florida and Federal statutes, the Housing Authority is an independent special district, and the County has always charged impact fees. **Commissioner D'Aprile** indicated he needs more information to make a decision and expressed concern about exempting this project. **Mayor Friedman** questioned exemption of impact fees for rural development and suggested the City and County change their ordinances. **Council Member Smith-Mooney** suggested that legal staff develop an ordinance to provide an affordable housing incentive to public agencies in order to pay the impact fees. **Commissioner Duffy** requested a proposal be brought to the Board to consider waiving or exempting impact fees. **Chairman Loftus** requested a Board workshop be scheduled on this issue. **Mayor Friedman** suggested discussion be delayed until after the workshop.

**B. Transfer of Development Rights**

Community Development Director Mike Konefal explained Transfer of Development Rights (TDRs) and Transfer of Development Rights (TDUs) mean the same thing, commented on the Bove proposed affordable housing development and the need to purchase TDU's that would increase developer costs; the City has requested relief from the County's TDU ordinance for this project and future developments; the County's TDU ordinance, also applicable within the City, was adopted in December 2004 to cap existing density and reduce the number of platted lots, to preserve environmental lands into a long term nondevelopment status, and discourage development in flood plane areas. Mr. Konefal pointed out significant changes in workforce and affordable housing have occurred since Hurricane Charley and adoption of the TDU ordinance. Mr. Konefal enumerated three options: to amend the TDU ordinance, use the appeal process in the ordinance, or leave the ordinance as is and not provide flexibility. Mr. Konefal suggested amending the TDU ordinance solely to address workforce and affordable housing issues and recognize the need for such housing instead of amending the entire ordinance. Mr. Konefal pointed out a lot of the City is located in flood plane areas at about the 8 feet level and consideration should be given to encouraging development in these areas and recommended the Board and Council direct staffs to the bring back revisions to the ordinance to address only affordable and workforce housing. **Commissioner Cummings** commented on the need to change the Future Land Use Map now. **Council Member Smith-Mooney** clarified the City has excess TDUs that could be utilized for TDU satisfaction for affordable housing projects in lieu of waiving the TDU ordinance. **Council Member Wallace** agreed with **Council Member Smith-Mooney**. **Commissioner Moore** commented in support of allowing the City to use excess TDUs for affordable housing projects. **Council Member Smith-Mooney** stated the County's TDU ordinance does not allow the City to use the excess TDUs. Mr. Konefal agreed because the ordinance does not recognize the City's excess TDUs. **Council Member Smith-Mooney** questioned the need to amend the TDU ordinance since it has an appeal provision. Mr. Konefal stated either option. **Chairman Loftus** recommended a workshop be scheduled on this topic. **Mayor Friedman** that the Board schedule a workshop on amending the TDU ordinance to facilitate the Bove

housing project with future discussion on development in flood plane areas. **Council Member Smith-Mooney's** requested expedited action. **Council Member Goldberg** recognized the developer's plan to locate the development in an area near shopping as well as establishing a day care facility. Mr. Konefal requested limiting the workshops to workforce housing. **Chairman Loftus** agreed. **Chairman Friedman** recommended Messrs Kunik and Loucks schedule appropriate workshops to discuss amending the TDU ordinance applicable to only workforce affordable housing.

Paula Roads, North Star Development and development partner with the Punta Gorda Housing Authority on the Gulf Breeze Apartment project, reported the project is very close to breaking ground and issues need to be addressed; recommended two Housing Authorities for the County since only one exists in Punta Gorda to address Annual Contribution Contract (ACC) units for the very low income; funding is received from HUD but the project cannot support debt service unless major grant funds are available or equity through raising tax credits that are very competitive; explained numerous funding options will be necessary; the Housing Authority has jurisdictional limits that reduce areas for these types of projects; total development cost limits must be addressed for ACC units or non-debt supporting units; and Housing Authorities face problems with raising equity under operational constraints.

#### **VI. FGCU (City)**

City Manager Kunik stated a satellite campus of FGCU would be an economic and development benefit to the County and City in an Urban Area and suggested coordinated efforts continue. **Council Member Wallace** stated the site should be in Charlotte County; related the benefits the residents would receive; and commented in support of the Ansin site. **Commissioner D'Aprile** cautioned about considering the pros and cons and recalled a discussion about the benefits of the Hudson Farm site and long term benefits to residents, the County, and City. **Commissioner D'Aprile** commented on pros and cons relative to the Murdock Village site and consideration needs to be done on the long terms benefits to the County. **Commissioner Moore** commented on the terminology of "satellite campus" and politics involved; the study being performed is on what the universities of the State want to do followed by regional accrediting; staff has

appointments to discuss future potential site plans; and expressed the belief that an Infill Area will be the location even though it is the University's Board of Directors decision.

**Commissioner Cummings** suggested a plan with a location be done within three to six months. **Council Member Smith-Mooney** commented on the importance of both governmental entities working together and suggested the County select a site and the City facilitate it. **Chairman Loftus** opined either site as long as it is located within the Urban Service Area. **Commissioner Moore** commented on the legislative Representatives building support for a satellite facility in Charlotte County.

#### **VII. Lighting & Banners on Bridge (County)**

Assistant County Administrator Shoemaker stated the contest will be held in January to select a banner to be located at both ends of the bridge and coordination with Florida Department of Transportation (FDOT) for installation of the fixtures in March. **Mayor Friedman** opened Citizen Input. Kelly Brubaker commented on the cleanliness of the bridges; advised she spoke with Former Mayor Fabian about cleaning the bridges twice a week; and opined the concrete barriers should be upgraded. **Mayor Friedman** suggested the City Manager pursue the issue. **Commissioner Cummings** questioned if the City has contracted with FDOT or a private entity. Mr. Kunik stated a private company. Mr. Loucks expressed understanding that the City contracts with FDOT. **Council Member Smith-Mooney** recalled a newspaper article that the County will be painting the barriers. Mr. Loucks offered to obtain the costs. **Mayor Friedman** recalled Public Works Director O'Kane may have mentioned it.

#### **VIII. Justice Center/Courtroom Expansion (County)**

Wesley Millard reported about 400 square feet is being added to two courtrooms and construction is estimated at about four months. **Council Member Smith-Mooney** requested where the additional space is coming from. Mr. Millard explained in between the hallway and the courtroom.

**IX. Council Member/Commissioner Comments**

**Mayor Friedman** asked for consensus to continue to hold quarterly joint meetings on the second Friday at 9:00 AM in March, June, September, and December. **Mayor Friedman** suggested implementing a Council Member adopt a Commissioner program to speak to one another at least once a month and indicated he would adopt **Chairman Loftus**. **Council Member Smith-Mooney** suggested a rotation each quarter. **Mayor Friedman** requested Messrs Kunik and Loucks establish the program including rotations. **Commissioner D'Aprile** stated "familiarity breeds contempt." **Mayor Friedman** expressed appreciation for this productive meeting in consideration of what is in the best interest of the community, advised he looks forward to joint participation, and wished everyone Happy Holidays and a Happy New Year. **Chairman Loftus** agreed this was a productive meeting and he looks forward to continuing efforts. All other Council Members and Commissioners expressed appreciation for the joint meeting, working together in the best interests of the community including ongoing recovery efforts, and expressed Holiday Greetings.

**ADJOURNED: 12:12 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**

/djn