

COUNTY COMMISSIONERS & PUNTA GORDA CITY COUNCIL JOINT MEETING

DECEMBER 14, 2007

A joint meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman D'Aprile, Commissioner Duffy, Commissioner Moore, Commissioner Cummings, Commissioner Loftus, Vice Mayor Goldberg, Council Member Smith-Mooney, Council Member Albers, and Council Member Wallace. Also in attendance were County Attorney Knowlton, County Administrator Loucks, Deputy Clerk Manley, Minutes Secretary Lansing, City Manager Kunik, and City Attorney Levin. The following members were absent: Mayor Friedman.

The meeting was called to order at 9:00 AM. Chairman D'Aprile advised that all members of the Charlotte County Board of County Commissioners were present. City of Punta Gorda Vice-Mayor Harvey Goldberg advised that all City Council members except Mayor Friedman were present, followed by the Pledge of Allegiance.

I. Introduction of the Staff Working Group of School Concurrency Project.

Steven Ellis of Growth Management advised that in 2005 the state passed legislation making School Concurrency mandatory for all Local Governments, that DCA set an overall state-wide adoption deadline of December 2008 and indicated that for Charlotte County the adoption deadline is November 2008. Mr. Ellis explained that the five member staff working group was formed in the summer and began working on the project with the consultant, David DeYoung. Mr. Ellis advised that one of the main components is an update of the Interlocal Agreement with the City, County, and School Board for School Concurrency; that the document created in 2003 is still intact as the foundation document; that it has been updated to include the school concurrency items; and that a joint release of the draft would be furnished soon for review.

Joan Lebeau, Chief Planner of the City of Punta Gorda, stated that she has worked on this project since its inception; that the Council Members have received weekly updates; that progress is being made, end results are nearing, and positive results are expected.

John Wendt, Director of Information and Communication Systems for Charlotte County Public Schools, extended the commitment and enthusiasm for the project on behalf of himself, Dr. Donna Whitmeyer, Assistant Superintendent for School Support, and Dr. Roseanne Sampson, Assistant Superintendent for District Support for the district. Mr. Wendt indicated that his office has provided dated student residential information, school utilization, and capacity information, which would be used to update the student residential ratio that would be incorporated in the plan.

Mr. Ellis reported that at the current rate of progress the group would come in well ahead of the DCA mandated deadline and of the deadline the group set for itself.

Vice-Mayor Goldberg stated that it is a significant project and thanked the group for its efforts.

II. Reinitiate development of an Overlay District for unincorporated properties along major roadways in Punta Gorda in particular as it relates to items such as signage

David Hilston, Urban Design Manager for the City of Punta Gorda, stated that after receiving County staff comments and what was entailed, it was determined the program was too large; and that a more limited program is now being suggested targeting properties that fall on major roadways leading into and out of Punta Gorda.

Vice-Mayor Goldberg requested that the major roadways be identified. Mr. Hilston stated the major roadways are U.S. 17, U.S. 41, I-75 interchanges, Taylor Road, Burnt Store Road, and Jones Loop Road. Vice-Mayor Goldberg inquired about a timeframe. Mr. Hilston explained that a proposal is anticipated to be presented by the next joint meeting. Councilmember Wallace expressed approval.

Commissioner Cummings opined the best way to do the project is through incorporation so that responsibility and authority remain hand-in-hand; indicated he has previously lobbied citizens encouraging places such as Charlotte Park to be incorporated into the City; and stated that one of the key elements would be for the City to put together packages that make it acceptable for the

residents that would be incorporated, whether commercial or residential.

Councilmember Smith-Mooney agreed with **Commissioner Cummings** but indicated that it was impossible to annex all of the areas quickly enough to prevent development on certain properties that is not conducive to what is hoped to be accomplished when certain areas are annexed. **Commissioner Cummings** stated he understands that, but pointed out that during all of his 13 years as a Commissioner annexation of these areas has been discussed.

Commissioner Loftus agreed with **Commissioner Cummings** and Councilmember Smith-Mooney and stated we must move forward immediately to avoid development without mandated design standards.

Commissioner Moore suggested that at the next meeting part of the discussion on this subject be an objective civics lesson on the good, the bad, the why and the why-not of incorporation so that he understands it better.

Councilmember Wallace agreed with **Commissioner Cummings** and inquired if it would include airports. **Commissioner Cummings** stated that he is okay with that.

Vice-Mayor Goldberg advised there are several parcels of properties and businesses that have been processed for annexation into the City along the U.S. 41 corridor and south down to Jones Loop Road; indicated that the City has an annexation strategy and plan, which is updated as conditions require; and stated that the City is in the process of developing a strategic plan for 2008-2009 timeframe and that annexation would be a critical part of that strategic plan.

Councilmember Smith-Mooney advised that the reason the annexation plan has not been more aggressively pursued, and postponed in some instances, is due to the State's mandate for property tax reform; indicated that until after the January 29, 2008 vote it is impossible to analyze and predict what revenues certain areas would generate; and stated that the City would return to its annexation plans after the vote occurs.

Commissioner Cummings said he understands the need to know how the finances would work out before putting together a package to present to the voters as to what it would cost; indicated that experience has shown if the City tries to charge the full cost of bringing residents up to City level of service there would not be support from the voters in the area; and opined there must be some surveying of the property owners to determine what they are prepared to pay and combine that with the actual cost of bringing them into the City and fit the two together. **Commissioner Cummings** opined it should be based on good growth management in order to have his continued support; commented on the airport becoming a part of Punta Gorda boundaries, having neighborhood characteristics, and neighborhood standards; and opined this should become an urgent matter.

Chairman D'Aprile stated he does not agree with everything said; indicated that he does not fully understand the reason for a City annexing another portion of property other than the increase of the tax base in the City; opined that annexation should benefit all the County, not just one area; expressed concern with owners having double taxation; and said he hopes to have a better understanding of the purpose in the days to come.

Councilmember Albers explained that taxes actually reduce for people who annex into the City; that the total cost goes down for them; and stated he hopes that the service would be more improved; and stated that the City Council would be more aggressive through annexation.

Councilmember Smith-Mooney commented on other issues and reasons for annexation, and indicated it is for the good of the County as a whole.

Commissioner Moore praised the City and County for having continued conversations and working together to avoid conflicts.

Commissioner Duffy opined that the lines of the areas on the map for annexation should be straighter and more definitive, which would make delivery of services more productive.

Vice-Mayor Goldberg commented on past meeting conversations with strong emotions expressed.

Commissioner Cummings indicated that a financial package acceptable to the residents is needed because the upfront transition cost is a big deal; that some homes are less expensive being in the City than the County due to the different financial tax structures; and stated that he has seen the annexation plan but does not recall there being timelines. Vice-Mayor Goldberg advised there have been several updates with timelines.

Commissioner Loftus agreed that the annexation plan needs to move forward, but opined that the architectural standards should be looked at in interim for the areas being discussed for annexation. Vice-Mayor Goldberg stated that the City and County staffs will meet and hopefully be back on track to make a joint presentation on the overlay plan by the March 2008 meeting. **Commissioner Duffy** stated that the overlay plan looks good to her and she supports it.

Commissioner Moore inquired who County staff on this matter was. Mr. Loucks explained that this is being processed through the County's Growth Management Department. Councilmember Smith-Mooney asked that the annexation plan update be placed on the agenda for the next joint meeting. **Commissioner Cummings** clarified that he is not saying no, just reserving judgment at this point.

III. Update on Status of Old Courthouse and Charlotte Harbor
Event & Conference Center.

Brock Fanning, Capital Projects Manager, provided a video presentation on the restoration construction progress of the old Courthouse. Andrew Baker advised that the contractual completion date is January 2008; that there are still some challenges for delay on some supplies; but it is hoped completion will still be early 2008.

Commissioner Loftus expressed concern with the timing for the Supervisor of Election to move into the Courthouse. Mr. Baker explained that the Supervisor of Election would not move in until February 15, 2008 and that the building should be ready at that time.

Councilmember Smith-Mooney complimented the restoration project and thanked everyone for their perseverance.

Vice-Mayor Goldberg inquired if there was an update on the second floor occupancy by the Appellate Court. Mr. Baker stated he has not heard anything about the Appellate Court and indicated there was an occupant for an area of the second floor.

Mr. Loucks reported that a new agency was created at the State level for conflict resolution cases with statutes being applied to that agency the same as what there is for the Public Defender and State Attorney, which states the County must provide those agencies space and telecommunication support. Mr. Loucks explained that because the Appellate Court is not in the near horizon, this agency would be put in one of the side pods of the second floor until a more permanent location can be found.

Vice-Mayor Goldberg stated that he has heard favorable comments from many citizens on the quality and accuracy of the restoration; and pointed out that the City is creating a park with a pedestrian area and commemorative plaque at the historic site across Taylor Street from the front of the Courthouse where the Hector House used to stand and where the incorporation papers for the City were signed in the 1800's.

Commissioner Moore inquired about the condition of the clock. Vice-Mayor Goldberg advised that the town clock has been repaired and is chiming away.

Mr. Fanning provided a video presentation on the construction progress of the Charlotte Harbor Event & Conference Center and indicated that the estimated completion date is September 2008.

Councilmember Smith-Mooney said she is very happy with the progress of the project, and extended her thanks to County staff for providing a cost breakdown of the City's contribution to the exterior of the building, and to the County Commissioners for enabling the City to be part of the color selection of the exterior roof and wall colors.

Vice-Mayor Goldberg acknowledged the creative efforts of Matthews-Taylor and Harvard Jolly on the project.

Chairman D'Aprile stated that 2008 would be one of the largest development years in Charlotte County history; and commented on the beautification of the Charlotte Harbor area.

IV. Update on status of Aqui Esta.

Tom O'Kane advised that he sends out a status update at the end of each month on Aqui Esta; that the design is moving along; that the 60% plans were submitted to the State as scheduled at the end of November 2007 and the State consultant is reviewing those plans; that the next deadline is February 29, 2008, which is for the 90% plans; and that from a design standpoint the project is moving along rather quickly.

Mr. O'Kane reported that the Federal Government required a 30-year title search on the parcel of property that must be purchased rather than the normal 20-year title search, which has been done and accepted.

Mr. O'Kane stated that for the past year everything with the Florida Department of Transportation (FDOT) is being done in writing; commented on a public meeting held the end of October 2007, which was required by the Federal Government in order to delete the portion of the sidewalk from the project so the overall project could be moved forward; and stated that the sidewalk would be put in at a later time in the County-portion of the roadway. Mr. O'Kane indicated that about 75 people attended the meeting and that there was concern expressed from many citizens that there would not be three lanes; and explained that is not possible to do with the present funding scheme.

Mr. O'Kane advised that the County Board approved four documents last month that relate to this project; explained the process involved in the preparation, signing and approval of the various documents; and stated that we are over the hurdle and the project is moving along.

Vice-Mayor Goldberg asked about the construction start date. Mr. O'Kane stated that the contract with the State is to have everything finished in May 2008; commented on the bidding process and getting a contractor; and indicated that possibly in September or October 2008 construction would begin; and that an estimated time of completion is twelve to eighteen months. Mr.

O'Kane advised that not all of the road would be torn up at the same time; that the heaviest impact would be east of Magdalena where the roadway must be raised to bring it to a five foot elevation; and pointed out that the bridge would be replaced and there would be a period of time where there would be no through traffic.

Chairman D'Aprile inquired if the new design of two lanes that sidewalks would still be in the project. Mr. O'Kane advised that sidewalks are planned for the entire project; that the portion of sidewalks from Bal Harbor to Magdalena will be built because we meet the Federal requirements for construction easements; and that the section east of Magdalena would be done after the project is completed.

Councilmember Wallace stated that he attended the meeting and opined that it was very informative and well done.

Commissioner Cummings indicated that this project is illustrative of a larger trend that is happening where more provision of transportation services and infrastructure is required to be done at a local level; commented on the reduction of funding we now receive; indicated that Charlotte County does not have the type of projects that receive the bulk of gas tax funds; and opined that the formula needs to be changed.

Councilmember Wallace asked what the County was doing for that. Commissioner Cummings replied lobbying and talking with our legislative delegation and the Governor's office. Councilmember Wallace asked if this has been a matter of discussion at the Regional Planning Council. Councilmember Smith-Mooney replied affirmatively; and indicated that on several things, including transportation, we are the only region in Florida that does not have an umbrella entity with a formal structure in place to represent, speak on behalf of Southwest Florida, negotiate, and make deals for Southwest Florida. **Commissioner Moore** indicated that this is a complicated problem and that presently little is being done.

Councilmember Smith-Mooney commented on one of the forums she attended at the Florida League of Cities Conference, which addressed the powers of the MPO, how it is misunderstood, that

many do not know how to enforce those powers, and that the MPO's have the power to tell FDOT how they want their dollars spent. Councilmember Smith-Mooney advised that there is an expert available to consult with counties and cities and inquired if our County has explored that. Commissioner Loftus advised that our MPO recognizes it and is pursuing it.

Chairman D'Aprile indicated that regardless of what the MPO tells FDOT they want, it goes not mean it would be given to us. Councilmember Smith-Mooney agreed, but stated we never fully understood there are ways to make it happen. **Chairman D'Aprile** advised he has been on the MPO for three years and has not seen it happen yet; and stated that what she is saying is new to him and that he would research it further.

Councilmember Smith-Mooney stated she would share with the County Commissioners the name of the expert that spoke on this subject at the Florida League of Cities Conference; and indicated that it is not that the funds are not available, it is that the funds are going elsewhere.

Commissioner Cummings explained that the biggest factor is the decision to shift funding to the Strategic Intermodal System (SIS); and recalled that in past years some of the biggest successes we had through the MPO in getting more funding here happened as a result of our Executive Director being on committees where the formulas were created and they encouraged changes to be made that would work to our advantage. **Commissioner Cummings** stated that the shift of funding is a major problem and any help we get is needed.

Councilmember Wallace stated he was unaware that the numbers were this bad and is grateful that the issue was raised so the City and County could discuss it. **Commissioner Cummings** stated that tracing the transportation dollars through the system is so complicated and difficult that it must be deliberate. Mr. O'Kane agreed it is very complicated process and disappointing to all who recognize the needs for transportation that are not being met.

V. Status of Parking Garage.

Howard Kunik provided an update and status report on the Herald Court Parking Garage based upon the packet material furnished. Mr. Kunik advised that what is provided in the packet are schematics of what the parking garage was going to look like, but which will be re-designed to incorporate the corner property, which is now owned by the City's Community Redevelopment Agency (CRA). Mr. Kunik explained that the original 300 spaces would now be 400 spaces and the retail space would increase; that a parking area for the old Courthouse has been set aside; and that County staff is involved in that process. Mr. Kunik commented on the inability of CRA's to use tax increment financing, an effort to have the rule reversed, and commented on alternative financing that may be required. Mr. Kunik indicated that straight financing would be preferred but there is a need to move forward on the project and proposed alternative financing would be used if necessary. Mr. Kunik advise that a new design would be available by the next meeting, that a notice would be put out for retail space, and that the project is not on a fast-track as preferred, but it is moving along.

Commissioner Loftus inquired if this could be financed during the present CRA term or if it would extend the CRA term. Mr. Kunik commented on the two options presented at the last CRA meeting; and indicated that the Herald Court Parking Garage can be financed with debt that ends in 2019, does not extend the life of the CRA, but severely limits the CRA's ability to do any other projects for a number of years. **Commissioner Loftus** stated that he has problems with the life of the CRA being extended. Vice-Mayor Goldberg explained that the consideration for the extension would only be for the debt service on the garage and for no other projects related to CRA.

Chairman D'Aprile asked how much money is being talked about. Mr. Kunik stated that these are significant project; that there would be architectural enhancements so that the garage does not look like a typical parking garage, and additional area has been added; that we don't have the design and costing out yet; but that the parking garage could be \$10 million. Mr. Kunik reported they are trying to keep the Laishley Park II improvements under \$1 million.

Councilmember Wallace indicated that the numbers are really needed before there is discussion on this; and opined that it is critical for government to improve the infrastructure and continue to move forward. Mr. Kunik stated he would provide the Boards with an update by the next meeting in March 2008.

Commissioner Moore asked if the alley would stay or be removed. Mr. Kunik stated that currently the plan has the alley included. Vice-Mayor Goldberg indicated that the alley would be expanded and be a pedestrian mall with shops and access along the alleyway.

Councilmember Smith-Mooney stated she believes it is important to clarify for the County Commissioners exactly what is meant when referring to extending the life of the CRA; that when talking about the cost of the project and what would be financed one instance could cause the extension of the CRA's life and it is important the County Commissioners realize that in such an instance the TIF revenue that the County contributes would continue for that many more years from the end of the CRA rather than the County being able to re-capture it at the end of its now established life of 2019.

Councilmember Albers explained that an extension would only be with County approval; and indicated that hopefully by the next quarter the City would be in a position to show the numbers and tell what projects could be done if the debt service is extended or what cannot be done; but that it would be County's decision. Vice-Mayor Goldberg stated a cost benefit survey should be provided to the County Commissioners.

Councilmember Wallace pointed out there are many variables; that the numbers being discussed are only a 3% increase in the aggregate value of the CRA district, which is quite low; and indicated that there should be more discussion at the next meeting when all the numbers are gathered.

Commissioner Duffy reported there is insufficient parking for the Event Center and that the Parking Garage would be used; indicated that the Event Center would be completed in September 2008; and inquired what would be done for the additional parking needed until the Parking Garage is finished. Councilmember

Wallace advised that there is additional parking along Taylor Street and behind City Hall.

Commissioner Cummings opined there is no problem for the short term, but the long term problem must be dealt with; agreed that having the numbers and determining what projects would get bumped in the event of not allowing the CRA extension would be a more useful approach to the conversation; indicated that the CRA has the legal ability to do this unilaterally, take on the debt, and extend it, whether the Commission prefers it or not; and stated that for the CRA to say to the Commission it would not exercise that legal right is huge and expressed the Commission's gratitude for that.

Vice-Mayor Goldberg asked that at the next joint meeting the agenda include the Parking Garage and a presentation on the design. Mr. Kunik advised staff would also have a fiscal forecast and include the annexation as well. Vice-Mayor Goldberg asked that staff include in the fiscal forecast those projects that would be in jeopardy should they go to a shorter timeframe with the sunset of the CRA.

VI. Councilmember/Commissioner Comments

Commissioner Loftus stated this was a productive meeting and extended his wishes for a happy holiday. Councilmember Albers advised that the positive spirit of unity between the City and County has been recognized by the citizens, that he looks forward to the future, and wished all a happy holiday.

Commissioner Cummings indicated that whatever likely costs to a typical homeowner and other revenue sources that could be tapped into on the annexation that could be gathered and available by the next joint meeting would be appreciated.

Mr. Kunick advised that a detailed report per property on Charlotte Park is available but that it was done prior to the new taxable values going down; and indicated that it would not be updated until after the tax reform. Mr. Kunik advised that the design contract for sewers in Charlotte Park is on the City Council agenda for Wednesday, December 19, 2007.

Councilmember Smith-Mooney wished everyone a happy holiday. Councilmember Wallace stated that the Council and Commission should begin addressing the sales tax issue at the next meeting. **Commissioner Duffy** inquired when they would receive new partners. Vice-Mayor Goldberg stated he understands new partnering would be in January 2008. **Commissioner Moore** wished everyone a happy holiday.

Chairman D'Aprile stated it was a rewarding meeting; that we need to take things slow and re-evaluate where we will go on issues in the future because of the tax structure and excessive living expenses that citizens are incurring, and extended his wishes for a happy holiday.

Vice-Mayor Goldberg indicated it has been an incredible year; that a lot of progress is being made; that he is pleased with the collaborative work being done with the Council and Commission and the City and County staffs; and extended his wishes for a happy holiday.

ADJOURNED: 10:40 AM

Signature on file in Commission Minutes
Chairman D'Aprile

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