

MINUTES
SOUTH GULF COVE ADVISORY COMMITTEE (SGCAC)
Wednesday, April 22, 2009
Growth Management Conference Rm. B-207 – 9:00 a.m.

MEMBERS PRESENT

Sandy Slater, Chairperson
Kendall Leach
April Chattinger
Yvonne Ermirio

STAFF

Jie Shao, Staff Liaison
Roxann Read, Liaison
Gayle Moore, Recorder

MEMBERS EXCUSED

GUESTS

Karen Ireland
Karen Price
John McGuire
Susan Faust

I. **CALL TO ORDER/ROLL CALL**

Chair Slater called the April 22, 2009 meeting of the SGCAC to order at 9:02 a.m. in the Growth Management Conference Room B-207 and it was noted a quorum was present.

II. **ANNOUNCEMENTS**

Staff Liaison Jie Shao announced that she would be moving on to other responsibilities and introduced Roxann Read as the new staff liaison. The members of the committee and the guests introduced themselves to the new staff liaison.

III. **APPROVAL OF MINUTES**

The minutes of the meeting of March 25, 2009 were reviewed for corrections. **Mr. Leach** also made some comments which were not corrections but provided additional information to the guests and new staff liaison. A motion to accept the minutes as amended was made by **Ms. Ermirio**, seconded by **Ms. Chattinger**.

IV. **OLD BUSINESS**

Zoning and FLUM; Stormwater Report

Mr. Leach noted regarding stormwater and the LakeWatch program that it is progressing nicely, collecting samples which are stored frozen awaiting University pick-up. **Guest John McGuire** commented that CCT had designated funds to apply to those efforts. **Ms. Musselman** noted that the Waterway MSBU is already paying to have water testing done, and wanted to remind members that they did not need to spend CCT funds on a duplicate effort.

Additional information on test reports was provided by **Mr. Leach**, who commented on his understanding of the results, including a phone follow-up he made to interpret the results; the final verdict: The waters of South Gulf Cove are absolutely fine. Swimming is fine and fishing is also fine to do in that water. **Ms. Musselman** added information regarding other testing and reports that are being done by the Waterway Committee; this will eventually be provided in "citizen friendly" format. Further discussion ensued on these matters.

Mr. Leach reported next on additional noise problems with Quality Mines; he noted that Code Compliance staff comes out there on a regular basis, but doesn't always hear what the residents have been hearing. He saw another report which suggested that the company originally dug deeper than they should have and may have been adding rock back to raise the levels back up.

Regarding Commercial Architectural Standards, **Mr. Leach** noted that nothing further had developed on that. Also with regard to seawalls, there was likewise nothing further that he was aware of, but deferred to Guest Karen Price to address; **Ms. Price** commented on recent activities, noting that there had been nothing constructive from DEP, and they are now working with the Corps of Engineers.

Regarding *Zoning, FLUM and Deed Restrictions*, **Mr. Leach** asked that SGC Community Plan funds pay for the expenses of updating the deed restrictions, and explained why he felt that would be appropriate. He commented on the Santa Lucia tract which came before the P&Z Board recently, being subdivided "against deed restrictions" and noted that this results in the County diminishing strength of the deed restrictions by approving some use on the land contrary to the deed restrictions. **Mr. Leach** noted that the current process to update the deed restrictions will add language to ensure that they recognize and incorporate future zoning and plan amendment changes arising from County approvals. He was proposing that the County pay, via MSBU funds, for the required mailing to all SGC property owners, and the recording of the signatures of all those people who respond.

Ms. Musselman declined to commit MSBU funds to that effort and enumerated the reasons why: These are South Gulf Cove deed restrictions, private to that community; the County does not enforce deed restrictions anywhere in the County; enforcing or amending deed restrictions has nothing to do with the MSBU. It was noted that these issues existed before there ever even was a Community Plan, and so it can be argued that they should be funded out of the HOA. Further discussion ensued on what the costs of such an operation are. **Ms. Musselman** described what the scope and cost of the project would be if the County money and staff were involved; she also indicated she had already gone to Fiscal staff to determine what the final official response would be to the suggestion that the funds come from the MSBU – that response would be "no". **Chair Slater** noted this is not the first time the Community has asked the County to do this; answer has always been "no".

Guest Karen Price commented regarding how the Community Plan talks about this issue. Discussion ensued regarding "accepted" plans vs. "adopted" plans; **Staff Liaison Jie Shao** explained that the plan having been *accepted* by the Commission means it is a wish list of items that the Commission felt represented good ideas for the community to do for themselves. This is in contrast to the Plan being *adopted*, creating a scenario in which the County would assist in paying for the items in the Plan. **Chair Slater** noted that she recognized it was not actually an "adopted" document. She also noted that similar battles have been fought and won, e.g., having MSBU funds pay for parks. She felt that it would not hurt to pursue the question with the Commissioners.

Ms. Price asked about MSBU funds – streets, drainage, canals; **Ms. Musselman** responded that the forming ordinance states exactly what the funds can be used for – the MSBU the Chair referred to was specifically amended to include beautification along with street, drainage and other permitted activities. **Ms. Price** suggested that therefore would have to be some other payment mechanism for these other activities to be funded by the community. **Chair Slater** believes any community group can come before the MSBU Committee with any suggestions; **Ms. Musselman** noted any funds directed toward

beautification had to be used on County rights-of-way (e.g. public, not private, property). **Mr. Leach** stated his determination to pursue the matter. Further discussion ensued, including the necessity to change the HOA to mandatory, which everyone agreed would be very difficult. **Ms. Price** also noted the difference between the deed restrictions of various communities, noting that SGC's are much more complex than those in other communities like Punta Gorda or Riverwood, being mainly focused on architectural review.

Public Safety/Health, Pedestrian/Bikeways, FireWise Community, Cove Connection

Ms. Chattinger began with the subject of Public Safety and Health, describing Chief Didio's most recent presentation to the group. He noted as part of that presentation that response times are within normal limits; there has been no population increase, therefore there is no current need for a separate fire department located in the Community.

Regarding the Pedestrian / Bikeways effort, **Ms. Chattinger** said that the brunch cleared about \$1,000, and she made special mention of Jim Benson who has pledged to contribute \$100 for each house sale he closes, and who presented a check for \$300 to the group. **Ms. Chattinger** noted that if this money is reserved for trees, along with what is already there, there would be 20 trees total for the entryways. In addition, there is also the Family Tree program which is having a good response. Further discussion ensued on this topic.

Ms. Chattinger also provided a FireWise update to the group.

Mr. Leach questioned the one-year warranty requirement of items purchased through the County's purchasing department; **Ms. Musselman** responded that this requirement applied to all beautification purchases. **Mr. Leach** also wanted to know prices that the County commonly paid, but she was unable to provide until she had reference to appropriate materials. **Mr. Leach** said the contractor will not provide the required guarantee, for the price he is offering. Further discussion ensued on various options to handle the matter.

Guest John McGuire asked if the County had been involved in projects which were intended to be on-going as this one was, or whether they were usually "buy, install, maintain for a year" and were then complete. **Ms. Musselman** indicated that the usual activity was within a limited time frame, not an on-going project. **Chair Slater** led a discussion on resources for obtaining the trees and asked if maintenance could be shared on trees purchased under different contracts; **Ms. Musselman** pointed out that if the two contracts were awarded to different companies, that would probably not work out. Further discussion ensued including discussion of options for maintenance, and the group's obligations if they undertake to maintain trees in the County ROW and then the trees die, and how costs for staff participation in the bid process are handled.

There was additional discussion regarding the ROW permit which Chair Slater had obtained and whether or not this was the appropriate form to submit, and under what circumstances the project would need to be permitted – if the County does the work, the Committee does not need to get a permit. Further discussion ensued about the permitting process requirements and the order of information needed for the process to move ahead; Ms. Ermirio will provide a list of the types of trees that are being considered; Chair Slater will execute the permit application. The name of the contractor who will provide the trees needs to be available to Ms. Musselman before the ROW permit can be issued (because the contractor will be working in the ROW.) That contractor needs to be licensed in Charlotte County. The group reviewed the distinctions about what is necessary when work is being done on County property, compared to the same work being done on private property.

Parks, Park Master Plan.

Ms. Ermirio commented on a message she had left for David Milligan which got forwarded to Ms. Musselman; it transpires that all contact by the SGCAC has to go thru a single County contact, which has been designated as Ms. Musselman.

The outstanding questions were now asked of Ms. Musselman with reference to the monthly parks memo:

- Linear Park – what does the phrase “scrub pruning” in the memo mean? “Shrub pruning” was the intended meaning.
- Exotics are not being managed properly after removal – esp. Brazilian peppers. **Ms. Musselman** asked how long the contract goes for; **Ms. Ermirio** remembered the contract as being for 3 years that it included ongoing maintenance. **Chair Slater** commented on the timing which the group had intended for this project; **Ms. Musselman** noted that it was not likely to have been a 3 year contract because all contracts have to go out for bid each year; she said she would follow-up and communicate by email to all. **Ms. Ermirio** stated that the bottom line was to remove the exotics and to keep them out, by any appropriate means.
- **Guest Karen Price** referred to an item concerning “irrigation repair” noting that she received a phone call from a resident about a hose at the Linear Park spraying water everywhere. The person didn’t know who to call to make an official report and neither did Ms. Price. Questions ensued regarding this irrigation hose – there was some uncertainty which equipment is being referred to and who controls it. **Chair Slater** said people who have repaired irrigation lines in past have been P&R people (Bill Montgomery.) **Ms. Musselman** said that in the event of a similar situation in the future, to call her and she will attend to it. **Ms. Chattinger** asked if potable water was also intended to be used for the entranceways, and was told that would be re-use water instead.
- **Ms. Ermirio** next raised the issue of the vegetation reduction project; **Ms. Musselman** said that work will be put out for a bid and that it will be in Purchasing about a month before it is put out for bid. **Mr. Leach** confirmed that it is then another month before a winning bid is selected. **Chair Slater** noted this is “this year’s money” **Ms. Musselman** said it should be complete before end of fiscal year.
- With regard to the Learning Garden and the location of placement of sign, **Ms. Ermirio** stated that this is not to be the same corner as the entranceway sign, but on the south corner (Ingraham and 771) and it should be the little brown county park sign type. There was also discussion of a second sign on another street. **Ms. Ermirio** mentioned that Doc Pickhardt would be giving a lecture in the Learning Garden on diseases of ornamentals on Wed., May 6 at 11 a.m., which is open to all.
- Finally, **Ms. Ermirio** noted that Arlewood Park is not on the memo but needs discussion. This park has been cleared by Forestry, but their method leaves a lot of rubble which means that the ground can’t be mowed until that is gone, which means that the work can’t be maintained. She asked what can be done about this situation.

Ms. Ermirio then commented regarding having lawn around the entranceways, noting input she had received from Doc Pickhardt regarding how much area to put under irrigation and noting that he will give a class for volunteers to assist with maintaining. And she asked if CCU had come up yet with their preferred list of plants for hiding the lift stations; **Ms. Musselman** said the list was still being developed.

Entranceways, Land Acquisition, Funding Resources

Chair Slater discussed a meeting held yesterday with Ms. Musselman, John Elias, and other team members, at which Kimley Horn made a presentation and the Committee members looked over their plans and made recommendations to bring them back more in line with original designs. Further discussion ensued on this topic. **Guest Karen Price** questioned the estimate of completion of the project, whether it was meant to be the end of the calendar or end of the fiscal year.

The Boat Ramp Park report from Chair Slater was next, and she indicated that progress was being made. **Karen Price** provided comments based on her recent visit, noting that she goes out there periodically and that there seems to have been more progress recently, but it still seems to be taking a long time. **Mr. Leach** asked about the funding source for this project and was told it came from the West County Impact fees; **Chair Slater** gave a brief history of the funding and work progress on this project. Questions were raised about a "pay per use" parking lot; it was established that community members have to pay to use it because it was funded out of impact fees and that the fee would take the form of either a per-use fee paid at a kiosk or a County pass which lets you park at any park for a year.

Land Acquisition issues were discussed next. There are two lots remaining to fill in around McAllister Park; that process is reaching conclusion. **Chair Slater** noted she has requested a budget / project review which will be conducted with Ms. Musselman, who stated that no monies will be redirected out of this budget; unspent funds have already been carried forward. It was agreed that they will meet to go over this material. Clarification was made that the Native Tree Fund money can be used for plantings in San Domingo if not otherwise used for maintenance. Further discussion ensued on these topics.

Another mention was made about the meeting of the joint advisory committee for MSBU and the need to educate the property owners in advance to understand that rates are going up for next year; they need to understand what the increase is going for which will diminish objections. All SGCAC members have committed to be present for this proposal. **Guest Mr. McGuire** asked what the amount of the increase being proposed would be; **Ms. Musselman** said that was not yet settled. It was clarified that the increase is not being proposed for this year, but for next.

V. **NEW BUSINESS**

None.

VI. **PUBLIC COMMENTS**

Guest Susan Faust commented about how much work gets done by this committee. **Guest Karen Ireland** noted she always commented that the ongoing issue is how are things going to be paid for; she stated she appreciated the efforts of the group. **Karen Price** commented on being strongly interested in finding a better method to get the community the amenities it needs.

VII. **STAFF COMMENTS**

None.

VIII. **MEMBER COMMENTS**

Mr. Leach will not give up on coordinating the zoning, FLUM and deed restrictions; **Ms. Ermirio** advised that he may also want to pursue some other fund-raising alternatives.

IX. **NEXT MEETING**

The next regular meeting of the **South Gulf Cove Advisory Committee** is **Wednesday, May 27, 2009** from 9:00 a.m. until 12 noon in the **Growth Management Conference Room (B-207)**.

At 10:57 a.m. **Chair Slater** stated: There being no further business to come before this committee, I declare the meeting adjourned.