

**MINUTES**  
**SOUTH GULF COVE ADVISORY COMMITTEE (SGCAC)**  
**Wednesday, May 27, 2009**  
Growth Management Conference Rm. B-207 – 9:00 a.m.

**MEMBERS PRESENT**

Sandy Slater, *Chairperson*  
Kendall Leach  
Yvonne Ermirio  
April Chattinger

**STAFF**

Roxann Read, *Staff Liaison*  
Tara Musselman, *Staff Liaison*  
Gayle Moore, *Recorder*  
Jane Starr, *Recorder*

**MEMBERS EXCUSED**

**GUESTS**

Karen Ireland  
Karen Price  
Susan Faust  
John McGuire  
Jack Paine

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

**Chair Slater** called the May 27, 2009 meeting of the SGCAC to order at **9:05** a.m. in the Growth Management Conference Room B-207 and it was noted a quorum was present.

Ms. Musselman joined the meeting at 9:08 a.m.

II. **APPROVAL OF MINUTES**

The minutes of the April 22, 2009 meeting were approved as corrected following a motion by **Ms. Chattinger** and second by **Ms. Ermirio**.

III. **ANNOUNCEMENTS**

**Ms. Moore** introduced the committee members to **Jane Starr** who would be acting as their recording secretary going forward.

**Chair Slater** noted that June was the month for doing the election officers and asked the members to start thinking about that.

IV. **OLD BUSINESS**

Zoning and FLUM; Stormwater Report

**Mr. Leach** discussed the Stormwater / LakeWatch program progress as reported by Mr. Hausermann, noting that the University would be picking up the water samples in June and that the analysis should come soon thereafter.

With regard to mining activity at the Quality Mine site, material removal has diminished and there isn't as much noise now as previously. Mr. Leach mentioned the 16 conditions that the mining company accepted from the County but has not yet completely met; he also noted that administration of the mines has passed from Barbara Jefferies to Jeff Ruggieri (Director of Growth Management) who asked to be updated on the conditions, which **Mr. Leach** said he would do.

Regarding Commercial Architectural Standards, **Mr. Leach** reported that there will be a meeting with John Robinson and his committee on Thursday, June 4<sup>th</sup> at the Pavilion, out of

which he expects there will come a better understanding of what that group has in mind. **Guest Karen Price** described some of the goals of this meeting which include reviewing the architectural guidelines vis-à-vis the deed restrictions; parking guidelines. Meeting is open to public, though not advertised; the HOA Board and Architectural Committee will be jointly holding this June 4<sup>th</sup> meeting at the pavilion.

**Mr. Leach** reported that there was no new information on seawalls from either him or Ms. Price.

**Mr. Leach** noted that CCU has a new computer modeling system that the Board just approved, which will allow for new information to be gathered and tracked; some of this budget item was funded by Rotonda Villas and Spring Association where they are getting new water/sewer lines, and the computer system is mandatory per DEP regulations. For SGC, the system will identify all the fire hydrants and indicate why the water flow is irregular in some parts of the system. **Mr. Leach** gave an example about the system flushing that takes place and how this is in response to chlorine getting trapped in the "dead-ends" within the system. **Chair Slater** asked what would happen if the computer system found there were new infrastructure needed, who would be responsible for the funding; she was concerned about whether it would come out of MSBU funds. **Mr. Leach** thought it would be a cost to CCU but was not certain; **Ms. Musselman** said she wasn't sure either.

**Mr. Leach** reported on the Zoning/Flum/Deed Restrictions, giving some background information first. He said he wanted to correct any misimpression that he intended to have any county personnel do the work; he needs only print-outs of labels, and of letters, to be mailed out by SGC volunteers and wants the MSBU funds to pay for all mailing and printing expenses. **Mr. Leach** restated his concept that the need for the work arose because Charlotte County was creating impacts on the deed restrictions when granting rezoning or plan amendment requests, and therefore Charlotte County should use Advisory Committee funds to fix the deed restrictions. He also stated his position that the MSBU funds are "our money" because SGC citizens paid into those funds. He noted that he had met with Commissioner Skidmore who spoke with Budget Director Ray Sandrock, and felt he had their support for the costs of the process to come out of MSBU funds. **Mr. Leach** also talked about the need to update the MSBU system to modernize it, so it is more responsive in such situations.

**Chair Slater** noted that at a previous MSBU budget meeting, Rotonda was allowed to collect hook-up fees from the MSBU funds which had never been allowed before. She also asked if Mr. Leach had an estimate of the costs involved in the deed restriction project; **Mr. Leach** estimated about \$2 per account for the 15,000-piece mailing, or about \$30,000. He compared this to the half-million dollars collected over the past several years for the SGC Community Plan, out of which the county keeps 18-20% for administrative fees. **Ms. Musselman** objected to this characterization, noting the 18% is limited to actual county staff doing work in the County as well as overhead for administrative charges; she noted that the 18% does not cover the complete administrative costs. **Ms. Musselman** also said she believed that if a letter was going to be mailed by the county, the legal department is going to insist on reviewing the letter to cover any potential liabilities, and that review would raise the cost by a large percentage. She said they would need to hear further from Ray Sandrock who could tell them if he felt that was not appropriate.

Further discussion ensued on how MSBU funds were allocated to the expenses and how much was held for overhead. **Chair Slater** suggested the group move on to a motion and

vote on support for the project and specifically getting the funds reimbursed; she also noted the importance to the community of the deed restrictions in maintaining quality of life in the area. **Mr. Leach** emphasized that the work needed on the deed restrictions was a "one time fix" to get the document in line, and stated again that the County was creating the problem by granting citizens' petitions for land use changes. Agreement was expressed by **Ms. Ermirio** as did **Ms. Chattinger**. **Mr. Paine** declined (under Sunshine Law considerations) to comment on that matter but did observe that the funds being sought were not part of the MSBU budget.

Further discussion ensued on whether the "fault" lies with the County's actions or with the failure of the Deed Restrictions to have been crafted in a way that accommodated land use changes. **Mr. Leach** also argued for taking existing money that might be targeted for parks and using that money on this project, which will have long-term importance to the community.

Further discussion ensued between Mr. Leach and Ms. Musselman about the actual process for printing and mailing being done by the printer, and also between them and Chair Slater regarding what money is available within the MSBU, about which there was some disagreement.

This led to a longer discussion on budget details, and also on the legal aspects of the movement of \$200,000 of funds within the MSBU to make them available for the proposed beautification projects (there was a legal ad but no individual notices to property owners to reallocate funds.) **Ms. Musselman** said she was still awaiting the results of research from the Legal Department on the status of that action. There was some debate over the status of the notices that were sent out for the Town Hall Meetings in the past, in relation to the commitment of funds for beautification, and whether those were sufficient to the purpose, in view of the contact from community residents expressing concern. **Chair Slater** and other committee members expressed dismay over the prospect of further delay on availability of these funds, and asked about the identity of the community residents who had contacted the Commissioner and staff on the issue; the Chair stated her intention to revisit the matter with the Commissioners. **Ms. Musselman** indicated that this was an issue being researched with regard to all community MSBU hearings, not just the ones for South Gulf Cove.

**Ms. Musselman** stated that with regard to the contract for the San Domingo Park design, the specs are in Purchasing, and she would be part of the group reviewing the RFPs when they came in; **Mr. Leach** asked how much was budgeted for that work, which she responded was \$100,000.

**Mr. Paine** expressed the view that it seemed pointless to continue the discussion until the matter was settled whether the money was available; he questioned whether there were other related issues in the way the MSBU money was being currently handled; **Ms. Musselman** said she thought not. She clarified that the appropriate public notice, if required, would serve to cover all uses of MSBU monies for current and future beautification projects; it would not need to be repeated. Further discussion ensued, including itemization of various contract amounts for work in the parks.

#### Parks, Park Master Plan, Entranceways, Land Acquisition, Funding Resources

**Ms. Ermirio** stated that she did not have that much to discuss because she did not get the answers to last month's questions until recently. **Mr. Leach** indicated he would like to have attended the pre-bid meeting but did not get any notice about it. **Chair Slater** said she felt

that having the single point of contact be someone with so many other responsibilities was not in the best interest of the community; waiting until the actual day of the meeting to receive answers to previous questions was felt to be inadequate. She also stated that she felt Parks and Rec was now using the fact that all communications had to go through Ms. Musselman as an excuse for not responding. **Ms. Musselman** stated that she was only available for this group every other month; **Chair Slater** stated her intention to request a different arrangement from Administration.

Further discussion about staff availability and responsiveness ensued; **Chair Slater** questioned the purpose of even having a community plan if everything was going to be so difficult and slow. **Ms. Read** suggested that results may depend on the complexity of the individual plan and what it is intended to accomplish; she agreed that things do take a long time to move through government even in the best of circumstances and observed that presently the County is in the worst of circumstances. **Chair Slater** indicated that she understood that, but felt that the "single point of contact" decision was the wrong one, nonetheless, and would convey that sentiment to Administration.

Further discussion ensued on the Parks and Rec memo outlining current work progress in the parks, and on the up-coming County Commission budget workshop on Parks & Rec.

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

**Ms. Chattinger** stated she had nothing new to report on Public Safety/Health, but she described a meeting that had been held with the Cove Connector group where the next activity was set for October, an Ocktoberfest set for Oct. 10<sup>th</sup>. It was also decided to schedule brunches in November and December.

Returning to the subject of the trees, **Ms. Chattinger** noted that the group had enough money for 20 at this point, and there are an additional 12 that have already been purchased, and 4-5 more that have been committed for. In terms of the contracts, she advised that the most reasonable bid came from George Westlake, Palm Nursery in Punta Gorda, who will install the trees in the right-of-way for \$235, watered and guaranteed for a year. There is another bid for \$165, but that one does not include watering; there would be an additional charge of \$225 each time to come back for watering, and that would also require help from a Cove Connector member each time.

Under separate bid, for trees meant to go in private property (back yards), at \$165.00 but only for a 3 month guarantee. All the trees in these bids would be Royal palms. Further discussion ensued over details of the placement, and requirements of information needed by ROW. Committee members did not want to specify a number of trees on their permit, but requested the flexibility to plant as many as they were able to acquire donations for; **Ms. Musselman** said she would present that request to Mr. Quick of DPW for his approval. Further discussion ensued on various details of this project, including the Chair's reminder that the funding for the ROW permit would come from MSBU funds; planting was projected to begin in July.

**Guest Jack Paine** asked if there was anything further on the plantings for the lift station; **Ms. Musselman** stated she had received an email on the matter, that CCU had their design plan and asking if any MSBUs would be going forward with the work, but also indicating that they will not maintain anything, the MSBU has to guarantee maintenance. **Ms. Musselman** said she responded that she would need to see the plans first before committing any MSBUs to them, and has not yet heard back on that request. **Mr. Leach** noted as a point of information gleaned from work done on new sewer lift stations in Rotonda, the ballpark cost

of beautification for each location was from \$12,000 to \$15,000; however, he stated that there was a proposal from CCU before the Commissioners to have that beautification waived. It was noted, however, that the Community were the ones who were interested in the beautification.

Finally, **Ms. Chattinger** noted with regard to FireWise, that the community had met their requirement for the year, and therefore would remain a FireWise community for this year.

#### Funding and Resources

**Mr. Leach** raised an issue based on a note he had indicating that the group was turning over \$400,000 in MSBU funds that was a holdover from prior years, and asked for clarification on this matter. **Ms. Musselman** and **Chair Slater** agreed as to the status of these funds, which referred to the \$250,000 for the sign and the balance for the park design.

**Ms. Chattinger** asked, regarding the trees to be planted in the ROW, whether the County would come out to mark the planting locations or if that was up to community members to do. **Chair Slater** responded that normally a contractor will know what the requirements of the permit are and will perform to those requirements; then the County will come out and inspect the completed work; she didn't think the County would necessarily come out in advance on this project, but that the ROW staff might yet decide to do that.

**Chair Slater** noted she would not be meeting with Real Estate Services on the subject of land acquisition until the status of funding is confirmed. The entranceway signs project was moving forward according to Ms. Musselman; Chair Slater renewed her request for a timeframe to accommodate the travel plans of Mr. Berrios who wants to have another review of the project. **Ms. Musselman** referred her to the email response she would have received from John Elias, stating that the 100% plans would not be available on that deadline which are currently with Kimley-Horn.

**Chair Slater** voiced a concern about the image of the bird which she had delivered to Kimley-Horn previously; she had with her to show the group the landscape plan and a prior site plan showing the location of the signs, along with the latest electronic version of the sign. She solicited feedback from the group on whether anything other than the bird still needed to be changed. **Ms. Ermirio** voiced concern that the group has never yet seen a rendering of the sign final design; every transmittal has been basically construction documents, but no rendering of the actual sign. **Ms. Musselman** contacted Mr. Elias and asked him to email the image to Ms. Read so the group could see it during this meeting. Further discussion ensued. **Mr. Leach** asked to be informed of the dates of the pre-bid meetings and the bid opening, as he planned to attend; **Ms. Musselman** agreed to email that information to the committee as soon as it was available.

**Guest John McGuire** asked how water would be provided; **Ms. Musselman** noted there was reuse water line across the street, which she stated she had received permission from CCU to use. **Chair Slater** raised the issue of leaving room for right-turn lanes coming out of South Gulf Cove on San Domingo and Ingraham; **Ms. Musselman** said that allowance was part of the plans. Ms. Read returned with the emailed material from Mr. Elias, and **Chair Slater** and **Ms. Ermirio** noted there were incorrect elements in the drawings; further discussion ensued on these drawings. **Ms. Musselman** called Mr. Elias to report these discrepancies; she clarified that these were drawings from March, before the group's comments were made. The group renewed their request to be able to see the updated drawings and approve them before the matter was put out to bid. **Ms. Musselman** noted

that the package would be available June 3<sup>rd</sup> and she would communicate it to the group upon her receipt. Further discussion ensued on drawing detail changes.

**Mr. McGuire** asked if the irrigation was going to be incorporated in the planning area with the sign; **Chair Slater** responded affirmatively.

V. **NEW BUSINESS**

*None.*

VI. **STAFF COMMENTS**

**Ms. Read** made the plat for the Santa Lucia Estates project available to the group, to discuss a new feature, easements for rain gardens; she gave a brief presentation on the function of rain gardens in assisting in stormwater treatment. Further discussion ensued. **Guest Karen Price** asked if the rain garden element was imposed by the County and whether the developer got any breaks on account of it; **Ms. Read** stated it was a condition of DRC approval but did not know any additional details. **Mr. Leach** raised some issues regarding the lock, block and section designations before and after the approval of the plat; **Ms. Read** said she would check with the Land Development staff in charge of the plat process for further information.

**Mr. John McGuire** asked a question about the requirement for riprap along the water's edge; **Ms. Musselman** suggested that would be in place of the concrete wall previously there.

**Ms. Read** also raised the issue of a parcel of land that Habitat for Humanity was interested in; **Chair Slater** provided some background information on this subject, indicating that she had communicated to Jie that the community would not find a Habitat structure desirable for their community and doubted that such a structure would meet the architectural requirements of the deed restrictions. Further discussion ensued on this matter.

**Ms. Read** next mentioned the proposed map of County "neighborhoods" and asked about the relationship, if any, between Gulf Cove, Gardens of Gulf Cove and South Gulf Cove; she was advised that there was no relationship among these various neighborhoods.

Finally, **Ms. Read** advised Ms. Faust that her appointment was set to come before the Commissioners on June 9<sup>th</sup>. **Chair Slater** recounted a conversation she had with Joann Dillon in the Commission office questioning the process for having committee seats filled, as she has had various experiences over time. **Ms. Musselman** described her part in the process as it applies to MSBU committee members; she noted that there was no consistent process but that the Commission assistants were in charge of moving the process along. **Ms. Read** noted it was the department staff liaison's responsibility to be aware of the expiration dates and to notify the Commission office that a seat needs to be advertised; from that point it is up to the Commissioners to set when it will appear on the agenda.

VII. **PUBLIC COMMENTS**

**Guest Karen Price** stated that she continues to be frustrated by the County's process and procedures, moreso than by individual personnel, and feels that a great deal of time is wasted. She was particularly concerned over the idea that a single person could go to a Commissioner and bring into question the noticing that was done in the past over use of MSBU funds. She stated her intention to visit her Commissioner to see if she, also, had such power as an individual; she stated that South Gulf Cove is now looking at taking care of themselves by other means, because the interaction with the County is not working.

**Ms. Price** also asked why Waldrop Park was dropped from the list of work; it was noted that on the basis of acreage, Waldrop would be considered a County park not a neighborhood park, and thus not under MSBU funds. **Chair Slater** noted that Waldrop and the Community Park should not have been on that list to begin with, therefore their removal is more of a correction.

The issue was once again raised over the difference between clearing pepper trees and treating them to make sure they don't grow back; **Mr. Leach** noted that if the area is regularly mowed in future, that would prevent the peppers from coming back but he also recollected that the original arrangement was that they would be treated, not just cleared. **Mr. Paine** said he had the same recollection.

**Karen Price** also thanked the Advisory Board for Mr. Leach's comments supporting their deed restrictions and the importance of the project. She expressed dismay that the homeowners had paid for an attorney to work on their deed restrictions and now are being told they need to have the County attorney to look it over also, especially as it might take excessive time.

**Mr. McGuire** asked about the intended funding for the construction and maintenance of San Domingo Park; **Chair Slater** noted that it was intended that design produce a project that could be done in phases, and then it would be budgeted over years to be funded out of MSBU. **Mr. McGuire** stated that his question was why the group would be expending money for design if they didn't yet know how the process would be finished; Chair Slater said she thought that not being able to do the work was not really the issue, just that the usage of the funds need to be properly noticed to all MSBU contributors. Further discussion ensued on the way that process would work. It was also established that after completion of the park, the maintenance would be paid for by the South Gulf Cove residents through their MSBU.

**Chair Slater** noted that Pam Curtis had made a suggestion that there be consideration of a Pet Park in South Gulf Cove, possibly a volunteer effort similar to the Learning Garden; this idea will be presented to the CCT at their next meeting. There was further discussion on this item.

**Mr. Leach** asked Ms. Musselman about the pipe replacement project, specifically whether there had been any consideration of the alternative of a plastic sleeve liner approach which could be done without tearing up the road. **Ms. Musselman** said that method is not a great deal less expensive and there is not the same sort of guarantee on that method as there is on regular pipes.

**Mr. McGuire** raised the issue of clearing exotics which were near the mangroves; it was recollected that the exotics clearing was scheduled to take place concurrently with the mangrove trimming, once that trimming is given the go-ahead. There was further discussion on the timing of this project also, as well as whether the work could be done properly by volunteers.

#### VIII. MEMBER COMMENTS

**Mr. Leach** noted he would not be present for any meetings in July or August; **Ms. Chattinger** said she also would be absent in August, and **Ms. Ermirio** will be gone in July. It was decided to move the July meeting up to the 15<sup>th</sup> and not to have an August meeting since so many members would be absent.

IX. **NEXT MEETING**

The next regular meeting of the South Gulf Cove Advisory Committee is **Wednesday, June 24, 2009** from 9:00 a.m. until 12 noon in the **Growth Management Conference Room (B-207)**.

At 11:45 a.m., **Chair Slater** stated: There being no further business to come before this committee, I declare the meeting adjourned.