

ORDINANCE
NUMBER 2010-018

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AN ORDINANCE AMENDING CHAPTER 4-6, CHARLOTTE COUNTY CODE BY CREATING ARTICLE XLVIII; CREATING THE SOUTH GULF COVE BEAUTIFICATION UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING CAPITAL PROJECT AND MAINTENANCE ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3474, PGS 1345-1350 6 pg(s)
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RECITALS

WHEREAS, the Charlotte County Board of County Commissioners (the "Board"), pursuant to the provisions of Section 125.01, Florida Statutes, has the power to establish, merge or abolish municipal service benefit units and levy and collect assessments within such units; and

WHEREAS, the Board, by Ordinance 85-50, enacted Chapter 4-6, Article XXV, Charlotte County Code, which established the South Gulf Cove Street and Drainage Unit ("unit"); and

WHEREAS, the South Gulf Cove Community Plan prepared by the Charlotte County Community Development Department, and accepted by the Board on August 27, 2003, was designed to be the action instrument to assist in achieving the community's vision for various beautification and community improvement projects which would benefit the properties in the South Gulf Cove community and enhance the enjoyment of life by its residents; and



1 WHEREAS, the Board, on June 22, 2004, enacted Ordinance 04-43 which amended
2 the purpose of the South Gulf Cove Street and Drainage Unit to include beautification and
3 landscaping projects and other community improvement projects in order to provide a funding
4 source for the South Gulf Cove Community Plan; and

5 WHEREAS, the South Gulf Cove Advisory Committee, established by the Board in
6 June 2003 to advise the Board on the implementation of the South Gulf Cove Community
7 Plan, has asked the Board to take the necessary action to provide a separate funding source
8 for the benefits and improvements recommended in the Plan; and

9 WHEREAS, the Board of County Commissioners has determined, based on public
10 interest and staff recommendation, that is in the best interest of the property owners and
11 residents in the affected area to create a municipal service benefit unit to provide the funding
12 necessary for beautification and landscaping projects, and to provide for the acquisition,
13 construction and maintenance of community improvement projects, including a
14 pedestrian/bikeway system, neighborhood parks, greenways and open space from funds
15 derived from special assessments within the South Gulf Cove Beautification Unit.

16 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of
17 Charlotte County, Florida:

18 Section 1. Charlotte County Code, Chapter 4-6, is amended by creating a new article,
19 designated as Article XLVIII, consisting of sections 4-6-972 through 4-6-985, and by adding
20 the following new language, numbered and designated as follows:

21 **“ARTICLE XLVIII. SOUTH GULF COVE BEAUTIFICATION UNIT**

22 **DIVISION 1. GENERALLY**

23
24 **Sec. 4-6-972. Unit established.**

25 There is hereby established, pursuant to the authority contained in Section
26 125.01, Florida Statutes, a municipal service benefit unit to be known as the
27 South Gulf Cove Beautification Unit (“unit”).

1
2 **Sec. 4-6-973. Territory.**

3 The territory included within the unit shall include the following portion of the
4 unincorporated area of Charlotte County, more particularly described as follows:

5 (1) Port Charlotte Subdivision Section 58, a subdivision lying in the following
6 half-section maps received January 14, 1998 from the Charlotte County
7 Property Appraiser, Charlotte County, Florida: 3B16N, 3B16S, 3B17N, 3B17S,
8 3B20N, 3B20S, 3B21N, and 3B21S.

9 (2) Port Charlotte Subdivision Section 71, a subdivision lying in the following
10 half-section maps received January 14, 1998 from the Charlotte County
11 Property Appraiser, Charlotte County, Florida: 3B16S, 3B20S, 3B21N, 3B21S,
12 and 3B22N.

13 (3) Port Charlotte Subdivision Section 78, a subdivision lying in the following
14 half-section maps received January 14, 1998 from the Charlotte County
15 Property Appraiser, Charlotte County, Florida: 3B20N, 3B20S, 3B21S, and
16 3B29N.

17 (4) Port Charlotte Subdivision Section 81, a subdivision lying in the following
18 half-section maps received January 14, 1998 from the Charlotte County
19 Property Appraiser, Charlotte County, Florida: 3B21N, 3B21S, 3B22N, 3B22S,
20 3B27N, and 3B28N.

21 (5) Port Charlotte Subdivision Section 82, a subdivision lying in the following
22 half-section maps received January 14, 1998 from the Charlotte County
23 Property Appraiser, Charlotte County, Florida: 3B27N, 3B27S, 3B28N, and
24 3B28S.

25 (6) Port Charlotte Subdivision Section 85, a subdivision lying in the following
26 half-section maps received January 14, 1998 from the Charlotte County
27 Property Appraiser, Charlotte County, Florida: 3B20S, 3B29N, and 3B29S.

28 (7) Port Charlotte Subdivision Section 87, a subdivision lying in the following
29 half-section maps received January 14, 1998 from the Charlotte County
30 Property Appraiser, Charlotte County, Florida: 3B20S, 3B21S, 3B28N, 3B28S,
31 3B29N, and 3B29S.

32 (8) Port Charlotte Subdivision Section 93, a subdivision lying in the following
33 half-section maps received January 14, 1998 from the Charlotte County
34 Property Appraiser, Charlotte County, Florida: 3B15N, 3B15S, 3B16N, 3B16S,
35 3B21N, and 3B22N.

36 (9) First Replat in Port Charlotte Subdivision Section 94, a subdivision lying in
37 the following half-section maps received January 14, 1998 from the Charlotte
38 County Property Appraiser, Charlotte County, Florida: 3B14S, 3B15S, 3B23N,
39 3B23S, 3B26N, and 3B26S.

40 (10) Port Charlotte Subdivision Section 97 (Vacated OR1462/837), a
41 subdivision lying in the following half-section maps received January 14, 1998
42 from the Charlotte County Property Appraiser, Charlotte County, Florida: 3B9S,
43 3B10S, 3B15N, and 3B16N. (A.K.A. Parcels 4, 4-1, 4-2, and 4-3.)

44
45 **Sec. 4-6-974. Purpose.**

46 The purpose of this unit is to provide for beautification and landscaping projects,
47 and to provide for the acquisition, construction and maintenance of community
48 improvement projects, including a pedestrian/bikeway system, neighborhood

1 parks, greenways and open space, from funds derived from special
2 assessments within the unit.

3
4 **Sec. 4-6-975. Governing body.**

5 The Board of County Commissioners of Charlotte County, Florida, shall be the
6 governing body of the unit.

7
8 **Sec. 4-6-976. Powers of the governing body.**

9 The Board of County Commissioners shall have those powers set forth in
10 Chapter 4-6, Article I, Charlotte County Code.

11
12 **Sec. 4-6-977. Assessments and Collection.**

13 The authority and procedure for imposing and collecting capital project and
14 maintenance assessments shall be as provided in Chapter 4-6, Article I,
15 Charlotte County Code.

16
17 **Sec. 4-6-978. Issuance of debt obligations.**

18 The authority and procedure regarding the issuance of debt obligations shall be
19 as provided in Chapter 4-6, Article I, Charlotte County Code.

20
21 **DIVISION 2. ADVISORY BOARD**

22
23 **Sec. 4-6-979. Establishment.**

24 The Board of County Commissioners hereby establishes a board of advisors for
25 the South Gulf Cove Beautification Unit.

26
27 **Sec. 4-6-980. Membership.**

28 The board of advisors shall consist of five (5) members and one (1) alternate
29 member (hereinafter, collectively "members") appointed by the board of county
30 commissioners. The alternate member shall assume the duties of any absent
31 member until the conclusion of such absence. All members shall be residents of
32 the South Gulf Cove Beautification Unit. The criteria for selection of members
33 shall include, among other things, technical knowledge or expertise in matters
34 related to the work program of the unit or demonstrated interest in community
35 service. To provide for continuity of membership, the initial terms of office shall
36 be drawn by lot and be as follows: One (1) member shall be appointed for one
37 (1) year, two (2) members shall be appointed for two (2) years, and two (2)
38 members shall be appointed for three (3) years. The initial term of the alternate
39 member shall be two (2) years. After the initial term, members shall serve a
40 term of three (3) years, except that the term of the alternate member shall be
41 two (2) years, and all members shall be eligible for reappointment to the board
42 of advisors for two (2) additional terms only. After a member serves three
43 consecutive terms, the member shall not be eligible for reappointment to the
44 board of advisors for one (1) year. In the event the term of a member who is
45 not eligible for reappointment has expired and there are no eligible candidates
46 to replace the term limited member, the board of county commissioners may
47 reappoint the term limited member for one (1) additional three (3) year term.

1 **Sec. 4-6-981. Removal from office.**

2 All advisory board members serve at the pleasure of the Board of County
3 Commissioners who may remove any member by majority vote, with or without
4 cause, at any time. Members who fail to attend three (3) meetings in a twelve-
5 month period without cause and without prior approval of the chairman shall
6 automatically forfeit appointment and the board of county commissioners shall
7 promptly fill each vacancy from a list of qualified petitioners. The filling of any
8 vacancy occurring in any office shall be for only the remainder of that term.
9

10 **Sec. 4-6-982. Officers.**

11 At the initial meeting of the advisory board, or as soon thereafter as possible,
12 the members shall elect a chairman and a vice-chairman, who shall be voting
13 members, from among its members. Said chairman and vice-chairman shall
14 serve until the first meeting of the advisory board occurring after the first day of
15 December. At the first meeting of the advisory board occurring after the first day
16 of December, the advisory board shall elect again a chairman and vice-
17 chairman who shall serve for one (1) year and may be reelected for a maximum
18 of three (3) consecutive terms. All members shall be eligible to be elected as
19 chairman and vice-chairman at the December election. Thereafter, all elections
20 of chairman and vice-chairman shall be conducted at the first meeting of the
21 advisory board occurring after the first day of December in all subsequent
22 years. These officers shall have such duties as are prescribed by the by-laws of
23 the advisory board. The advisory board shall also have a recording secretary
24 who is a member of county staff. Adopted minutes from each meeting will be
25 filed with the county. The cost of providing such a secretary shall be charged to
26 the South Gulf Cove Beautification Unit.
27

28 **Sec. 4-6-983. Procedures.**

29 The board of advisors shall have the power to establish by-laws or other
30 procedural rules necessary to accomplish its goals, subject to the authority of
31 the Board of County Commissioners. The presence of three (3) or more
32 members shall constitute a quorum. The board of advisors may request
33 technical or administrative support through the county administrator, who may
34 furnish such assistance as deemed proper.
35

36 **Sec. 4-6-984. Recommendations.**

37 The board of advisors shall make recommendations to the Board of County
38 Commissioners and to county staff. Recommendations shall include, but not be
39 limited to, the following issues:

- 40 (1) Proposed maintenance work programs;
41 (2) Proposed capital projects;
42 (3) Proposed assessments to be levied within the particular unit;
43 (4) Proposed ordinances or resolutions which may affect the particular unit.
44

45 **Sec. 4-6-985. Sunshine and Public Records Laws.**

46 The board of advisors in all its proceedings shall be governed by the Florida
47 Sunshine Law, Chapter 286, Florida Statutes and the Public Records Law,
48 Chapter 119, Florida Statutes.”

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Section 2. Inclusion in the Charlotte County Code. It is the intention of the board of county commissioners and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances, Charlotte County, Florida, and the sections of this ordinance may be renumbered to accomplish such intention.

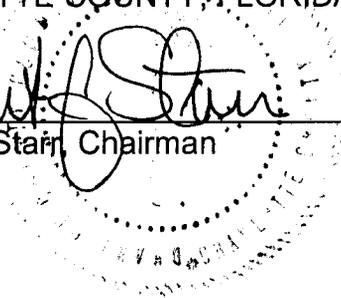
Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or applications. To this end, the provisions of this ordinance are declared severable.

Section 4. Effective Date. A certified copy of this Ordinance shall be filed with the Department of State of the State of Florida within 10 days of enactment and shall take effect upon filing with said department.

PASSED AND DULY ADOPTED this 13th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Robert J. Starn
Robert J. Starn, Chairman



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: Anne L. Pfaller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney

ECONOMIC IMPACT ESTIMATE

AN ORDINANCE AMENDING CHAPTER 4-6, CHARLOTTE COUNTY CODE BY CREATING ARTICLE XLVIII; CREATING THE SOUTH GULF COVE BEAUTIFICATION UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING CAPITAL PROJECT AND MAINTENANCE ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE: Analyze what the ordinance is designed to accomplish. Describe the present situation and the effect the ordinance will have thereon.

The ordinance will establish a new municipal service benefit unit called the South Gulf Cove Beautification Unit. The purpose of this unit is to provide for beautification and landscaping projects, and to provide for the acquisition, construction and maintenance of community improvement projects, including a pedestrian/bikeway system, neighborhood parks, greenways and open space, from funds derived from special assessments within the unit.

IMPACT: Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (governmental entities). In discussing costs and benefits, distinguish between those which are social (borne by society as a whole) and those which are private (accrue to certain individuals or groups). Identify the specific groups which will be impacted.

A. Cost of Implementation: The costs of adopting the ordinance are nominal.

B. Source of Funds/Ultimate Burden of Costs: The properties located within the South Gulf Cove Beautification Unit will provide funding through assessments levied on the properties within the unit.

C. Effect on Competition and the Employment Market: None

D. Benefits on Implementation: This unit will provide funding for beautification and landscaping projects, and to provide for the acquisition, construction and maintenance of community improvement projects, including a pedestrian/bikeway system, neighborhood parks, greenways and open space.

PH #2



NOTICE OF INTENTION TO CONSIDER ORDINANCE

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance: AN ORDINANCE AMENDING CHAPTER 4-6, CHARLOTTE COUNTY CODE BY CREATING ARTICLE XLVIII; CREATING THE SOUTH GULF COVE BEAUTIFICATION UNIT; PROVIDING FOR THE TERRITORY OF THE UNIT; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING FOR THE POWERS OF THE GOVERNING BODY; PROVIDING FOR THE AUTHORITY AND PROCEDURE FOR IMPOSING AND COLLECTING CAPITAL PROJECT AND MAINTENANCE ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF DEBT OBLIGATIONS; PROVIDING FOR AN ADVISORY BOARD FOR THE UNIT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR OFFICERS; PROVIDING FOR PROCEDURES; PROVIDING FOR RECOMMENDATIONS; PROVIDING FOR GOVERNANCE BY THE SUNSHINE AND PUBLIC RECORDS LAWS OF THE STATE OF FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on this ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 13th day of April, 2010, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceeding, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

The Charlotte County Commission meeting room is accessible to the physically disabled.

However, if you need assistance or require auxiliary aids and services please contact our office at 941-743-1392 or TTY #941-743-1234. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.

P.O. #: 2010001428-E
Published: April 1, 2010
163352 2387260

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intention, was published in said newspaper in the issues of:

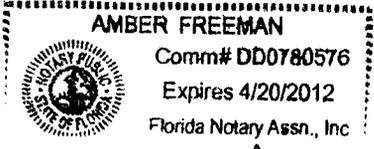
April 1, 2010

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Diane Brinckman
(Signature of Affiant)

Sworn and subscribed before me this 1st day of April, 2010.

Amber Freeman
(Signature of Notary Public)



Amber Freeman

Personally known OR Produced Identification

Type of Identification Produced _____



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

April 20, 2010

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948-1094

Attention: Ms. Anne L. Pfahler, Deputy Clerk

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 15, 2010 and certified copies of Charlotte County Ordinance Nos. 2010-017 and 2010-018, which were filed in this office on April 19, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

RECEIVED AT
MURDOCK BRANCH
2010 APR 23 AM 11:24
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

DIRECTOR'S OFFICE

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IMAGED