

MEETING MINUTES
SOUTH GULF COVE NON-URBAN S&D ADVISORY BOARD
October 8, 2015 – Regular Meeting
9:00 a.m. – Building Construction Services Conference Room

Attendees: Paul Sabin, John Paine, Jules Feldmann, and Carmine Rossi

Absent: Karen Ireland (excused)

County: Joanne Vernon, Tara Musselman, Mike Dallenbach, Judith Nothdurft, and Kelly Louttit

Guests: Sign in sheet attached

- The meeting was called to order at 9:00 a.m. A roll call of members determined a quorum was present. Mr. Paine thanked Ms. Hall for her service to the Board.

Changes to the Agenda: No changes to the agenda.

- The minutes from July 30, 2015 were unanimously approved as amended.

Citizen Input on Agenda Items Only (3 Minute Limit)

- Mr. Robinson discussed the increase in the rate assessment for the paving program and stated he still has unanswered questions regarding paving.

Unfinished Business:

- Proposed Paving Plan / Rejuvenation - Mr. Rossi said he has concerns about the recent changes to the paving program and believes the changes are dividing the community. Discussion continued regarding the legality of the changes to the paving program and the request for the County Attorney to attend the next meeting to address unanswered legal questions regarding the paving project. Mr. Rossi distributed 1) an excerpt from a document on Florida MSBU Information and 2) "Frequently Asked Questions on MSBU/MSTUs" from the Charlotte County Website (copies attached). Mr. Rossi also referenced the Florida Statutes, Sections 197.3632 and 125.01. Mr. Paine discussed ERU's per mile in each Phase and would like to adjust the ERUs to equalize the phases. Discussion by the Advisory Board continued regarding a possible reserve, potential litigation, and advisory board member liability for potential lawsuits, conditions of the roads in each phase and herbicide treatment of the roads. Mr. Rossi motioned to have the County Attorney attend the next meeting. Ms. Nothdurft read an email from the County Attorney and conveyed that it was the County Attorney's understanding that the issues/concerns regarding the SGC Phase 1 paving have already been finalized at the Special Meeting held June 25, 2015. Mr. Rossi motioned for the committee to withhold a recommendation on the new proposed SGC paving project until further legal advice is given. Ms. Nothdurft reviewed a letter from Mr. Quick responding to Mr. Robinson's questions regarding the SGC Phase 1 Paving Project. Mr. Rossi stated a private attorney is awaiting the recommendations from the Board of County Commissioners before proceeding with a lawsuit. Mr. Rossi rescinded his motions. Mr. Paine motioned to invite the County Attorney to address some of the issues before the Advisory Board recommendations are made for paving; the motion was seconded by Mr. Rossi. The motion passed unanimously. Mr. Paine would like to review why the community is not able to pay the original \$60.00 assessment. Mr. Rossi questioned if the total cost spent on the SGC paving project preparation was received. Ms. Nothdurft will follow up with the County Attorney's Office.
- Public Outreach - Community Meeting / Outreach Letter- Matter will be discussed once a final Advisory Board recommendation is made on the paving program.
- Road Herbicide Program - Mr. Paine motioned to proceed with the first herbicide application at the present time and apply a second application in the Spring; Mr. Feldmann seconded. The motion passed with a 3 to 1 vote with Mr. Rossi being the dissenting vote.
- Multi-Use Recreational Path - Phase 1 - Ms. Musselman reviewed costs of the pathway project. Mr. Paine provided a cost per mile breakdown not including landscaping. Discussion occurred regarding the ending fund balance of the MSBU.
- Future Path Plan - Phase 2 - Mr. Paine discussed three options for the future path plan. Mr. Paine motioned to move forward now with the Request for Letters of Interest for design of the pathway on Ingraham from Calumet to St. Paul with a gap for the bridge, then on St. Paul to Appleton and from

Appleton to Ingraham on Hallendale. Mr. Rossi seconded and the motion passed unanimously. Timeframe was discussed.

- Bridge Pile Jacket Project – Ms. Nothdurft provided an update from Kelly Slaughter stating the contractor would be onsite at the St. Paul over Zephyr Waterway for a final pour of the pile jacket starting the week of October 5, 2015.
- PW Maintenance/Outfalls Update-Estimate – Mr. Dallenbach stated there are approximately 150 outfalls that need work. An estimate is being compiled to replace 20 foot sections of pipe at the end with concrete or plastic pipe. Open outfalls will be reviewed by Engineering and will possibly get a ground cover to eliminate the need to mow.
- Concrete Bunkers at Caroline and San Domingo - Mr. Dallenbach stated the bunker will be removed and Mr. Ouimet will install the appropriate signs.

- **New Business:**

Advisory Committee Liaison Reports: No discussion on this item.

- Activity Report (7/1/15-9/30/15) - Ms. Nothdurft provided the activity report for Board review and discussion. Mr. Paine discussed the complexity of trying to read the reports and would like the reports broken down by work orders. Ms. Nothdurft will discuss the reports with Ms. Lisby. Discussion occurred regarding illegal dumping in the ROW and mowing.

Citizen Input on MSBU Related Items (3 Minute Limit)

- Mr. Robinson thanked the Board for not moving forward until more information is provided and wanted to clarify that the South Gulf Cove Homeowners Association is not involved in the lawsuit as of today.

Advisory Board Open Discussion

- Mr. Sabin stated Washington Avenue is in need of vertical shearing. Discussion continued regarding the vertical shearing. Mr. Dallenbach said the Advisory Board could also discuss grinding as is done in NW Port Charlotte at a future meeting.
- Mr. Paine asked about treatment of the stumps. Mr. Dallenbach will investigate. Mowing cycles and speed limit differences within South Gulf Cove were discussed and staff will follow-up with the County Traffic Engineer. Mr. Paine would like the signage improved when the pathway is installed.
- The Advisory Board would like a copy of Mr. Quick's July 1, 2015 response to Mr. Robinson.

The Advisory Board requested to schedule a Special Meeting with the County Attorney to discuss the paving legal issues on December 1st or 3rd depending on availability.

The next regular meeting is scheduled for Thursday, January 28, 2015 at 9:00 a.m. in the Building Construction Services Conference Room.

The meeting adjourned at 11:05 a.m.

Submitted by:

Kelly Louttit

Public Works Department

