



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, AUGUST 20, 2008 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Friedman, Albers, Wallace, Goldberg, Smith-Mooney

**CITY EMPLOYEES PRESENT:** Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Dennis Murphy, Growth Management; Kathy Dailey, City Manager's Office; Butch Arenal, Police; Robert Hancock, Fire; City Attorney Levin; City Manager Kunik; City Clerk Foster

**Mayor Friedman** called the meeting to order at 9:00 a.m.

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

City Attorney Levin advised City Council had adopted emergency Ordinance #1556-08 related to Tropical Storm Fay, explaining Florida Statutes provided for the expiration of states of emergency after seven days unless renewed. He recommended Council formally rescind the state of emergency at this time.

Councilmember Albers **MOVED** to declare the end of the state of emergency, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

**PROCLAMATIONS/PRESENTATIONS**

**Judge Donald E. Pellecchia Appreciation Week**

**Mayor Friedman** presented the proclamation to Judge Pellecchia, who spoke of his years in Charlotte County.

Mr. Butch Arenal, Acting Police Chief, spoke of the departments working relationship with Judge Pellecchia.

**Firefighters' Appreciation Week**

**Mayor Friedman** presented the proclamation.

Mr. Rob Hancock, Fire Chief, accepted same.

**PUBLIC HEARINGS**

**An Ordinance of the City Council of the City of Punta Gorda, Florida amending Chapter 11A of the Punta Gorda City Code ("City Code"), the City of Punta Gorda Affordable Housing Impact Fee Incentives to establish an Impact Fee Installment**

**Payment Program for Rental Affordable Housing; amending Section 11A-2, Findings, amending Section 11A-4, Authority, amending Section 11A-5, Definitions; Amending Section 11A-7 to correct an error; adding a new Section 11A-9 to establish a Rental Affordable Housing Impact Fee Installment Payment Program; amending Section 11A-10, as renumbered, to provide for collection of Impact Fees in the event of default; amending Section 11A-11, as renumbered, regarding reporting on and suspension of Affordable Housing Impact Fee Incentive; providing for severability; providing for conflicts; and providing for an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title and provided a brief overview of same.

**Mayor Friedman** called three times for public comment.

Councilmember Albers **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Wallace **MOVED** approval, **SECONDED** by Councilmember Smith-Mooney.

**MOTION UNANIMOUSLY CARRIED.**

**A Resolution of the City Council of the City of Punta Gorda, Florida, approving an amendment to the 2007 Community Development Block Grant Action Plan for the City of Punta Gorda, Florida.**

**WITHDRAWN BY STAFF**

**Mayor Friedman** announced the resolution had been withdrawn by staff.

**ZA-05-07 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as the Land Development Regulations, Article 11, Sign Standards, Section 11.3., Permitted Signs, Subsection (g), Ground Signs, providing for standards for signs in all zoning districts; providing for conflict and severability and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Teri Tubbs, Zoning Official, explained the proposed amendment was initiated due to an inadvertent omission of sign regulations in certain zoning districts when the code was rewritten. She added the changes to the code would provide regulations for ground signs. She then provided a detailed explanation of the proposed changes, as delineated in the agenda material, noting the Planning Commission had recommended both sides of a two sided ground sign be identical in design rather than design and content, and to allow two ground signs to be located within 300' of each other on a single parcel. She concluded staff and the Planning Commission had recommended approval with a two year sunset date.

Mayor Friedman inquired if staff agreed with the proposed changes.

Ms. Tubbs responded staff agreed the changes would be workable.

Councilmember Smith-Mooney noted there was no mention of lighting.

Ms. Tubbs responded lighting was addressed in another portion of the code.

Councilmember Smith-Mooney **MOVED** to close the public hearing, **SECONDED** by Councilmember Wallace.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Smith-Mooney **MOVED** approval as amended, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

**ZA-03-08 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as the Land Development Regulations, Article 5 Planned Development, Section 5.5. Residential Density Limits, removing the limitation for residential density; providing for conflict and severability and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained the proposed density provisions were overlooked during a recent revision to this article, noting the amendments corrected the error and allowed the zoning district densities to be utilized.

Mayor Friedman called three times for public comment.

Councilmember Albers **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

**ZA-10-08 – An Ordinance of the City of Punta Gorda, Florida, amending Section 26-11.3.(k)(6) of the City Code of Ordinance requiring removal of political signs within 15 days after an election, to allow an exception for those candidates who progress from the primary election to the general election; providing for conflict and severability and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained there was a period of time between the primary and general elections that would currently require the removal of the political signs, stating this would allow candidates who were progressing from the primary election to the general election to leave their signs in place.

**Mayor Friedman** inquired if candidates who were not in the primary election, but in the general election would be permitted to place their signs the day after the primary. Ms. Tubbs advised same was not included in the proposed ordinance; however, it could be added. She inquired if same would change the title.

City Attorney Levin advised same would change the title, thus requiring the ordinance to be readvertised.

**Councilmember Smith-Mooney** suggested waiting to discuss same with Charlotte County at the next joint meeting so as to have both areas under the same regulations. Discussion ensued with regard to the adoption procedure.

**Councilmember Smith-Mooney** suggested removal of political signs in the event of a hurricane be included as well.

Consensus of members was to address the amendment at a later date and to direct staff to grant a waiver of the signage provisions related to candidates who were included in the general election.

**Councilmember Albers** requested the amendment include a provision to reduce the 15 day period to remove signs to 5 days.

Discussion ensued with regard to the proposed revision related to removal of signs in the event of a hurricane, with a consensus to continue with the current policy of encouraging candidates to remove the signs.

Councilmember Albers **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Smith-Mooney **MOVED** approval, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

**ZA-11-08 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as the Land Development Regulations, Article 11., Sign Standards, Section 11.3., Permitted Signs; amending Subsection 11.3.(o) temporary pre-development signs to allow a time extension for such signs; providing for conflict and severability and providing an effective date.**

#### **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained the proposed amendment related to development signs on commercial or residential multi-family properties, noting the Land Development Regulation (LDR) Committee and Planning Commission had recommended approval. She provided a brief explanation of the changes.

Mayor Friedman called three times for public comment.

Councilmember Smith-Mooney **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Smith-Mooney **MOVED** approval, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

**CP-02-07 - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from Commercial Corridor/County (CC/County) to Commercial/ City (C/City) on property described as parcel nos. 0071944-000000-0, 0071936-000000-0, 0071936-000100-9, 0071937-000000-9, 0071939-000000-7, and 0071940-000000-4, also known as 1603, 1605, 1621, 1725, 1801, 1825 and 1901 Tamiami Trail an more particularly described on Exhibit "A" attached to the Ordinance and from High Density Residential/County (HDR/County) to Commercial/City (C/City) on property described as parcel no. 0071943-000000-1, also known as 24136 Shreve Street and more particularly described on Exhibit "B" attached to the Ordinance, all properties collectively known as "Palm Automotive" and generally bound to the north by West Henry Street, to the east by Tamiami Trail, and to the west by Shreve Street; providing for conflict and severability and providing an effective date.** CONTINUED TO SEPTEMBER 17, 2008

Mayor Friedman announced the continuance, opening the public hearing.

Councilmember Albers **MOVED** to continue CP-02-07 to September 17, 2008, **SECONDED** by Councilmember Smith-Mooney.

**MOTION UNANIMOUSLY CARRIED.**

**CP-02-08 - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda, Florida, Local Comprehensive Plan Future Land Use Map from Public to Professional Office on property commonly known as "the City of Punta Gorda Public Works Campus" and further described as:**

**A portion of Trabue Subdivision, Blocks 51, 52, 53, 55, 56 & 78 as recorded in Plat Book 1, Page 1, Section 12, Township 41 south, Range 22 east, of the Public Records of Charlotte County, Florida, being more particularly described as follows: Commencing at the southeast corner of Block 78, also being the point on the north right-of-way of Henry Street and the southwest right-of-way of Shreve Street; thence N. 88° 59'38" W., along the north right-of-way of Henry Street, a distance of 749.14 feet to the point of beginning; thence continue along said right-of-way N.**

88° 59'38" W., a distance of 800.66 feet; thence run perpendicular to said right-of-way, N. 1° 00'22' E., a distance of 320.0 feet; thence parallel with said right-of-way, N. 88° 59'38" W., a distance of 145.0 feet; thence S. 1° 00'22" W., a distance of 320.0 feet, to the north right-of-way line of Henry Street; thence N. 88° 59'38" W., along said right-of-way a distance of 203.39 feet to the northeast right-of-way of Maude Street; thence N. 42° 28'05" W., along said right-of-way of Maude Street a distance of 320.33 feet, to the northwest corner of Block 53, Lot 1, also being the southerly right-of-way of West Olympia Avenue; thence N. 47° 29' 18" W., along said right-of-way a distance of 143.86 feet; thence S. 88° 59'38" E., a distance of 237.41 feet, to the south line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64° 42'47" E. along the south line of said railroad a distance of 552.90 feet to the southwest right-of-way of Pittman Street; thence S. 42° 30' 29" E., along said right-of-way, a distance of 75.96 feet to the northeast right-of-way of Virginia Avenue; thence N. 47° 29'13" E. along said right-of-way, a distance of 245.0 feet, returning to the south line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64°42'47" E., along said railroad line a distance of 245.44 feet to the southwest right-of-way line of Shreve Street; thence S. 42° 20'48" E. along said right-of-way a distance of 478.85 feet to the southwest right-of-way line of Charlotte Avenue, thence S. 47° 39'12" W. along said right-of-way a distance of 411.54 feet; thence S. 1°00'22" W., a distance of 194.01 feet to the point of beginning containing 16.47 acres +/- as described on Exhibit "A" attached hereto; providing for conflict and severability and providing an effective date.            **CONTINUED TO SEPTEMBER 17, 2008**

Mayor Friedman announced the continuance, opening the public hearing.

Councilmember Smith-Mooney **MOVED** to continue CP-02-08 to September 17, 2008, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

#### QUASI-JUDICIAL PUBLIC HEARINGS

City Clerk Foster swore in all participants for the following quasi-judicial proceedings.

V-06-08 – Request for a variance to the Land Development Regulations per Section 26-16.10, Page 26-196, of the City Code to allow 3 driveways enter a single street from a single property instead of 2 as permitted per City Code Section 26-16.6.(c)(2)b. on page 26-185; and to allow a driveway to be located 25 feet from intersecting right-of-way lines instead of 40 feet as required per City Code Section 26-16.6.(d)(1)g. on page 26-187. LEGAL: Block 4, Lots 7, 8 and 9, City of Punta Gorda, together with ½ of vacated alley adjacent to lots 7, 8 and 9 said block 4,

**less and except that part of the vacated alley described in O.R. Box 1497, Page 455 through 458, Public Records of Charlotte County, Florida. A/K/A 123 E. Retta Esplanade, Punta Gorda Florida.**

City Attorney Levin presented the request for additional driveways.

Ms. Tubbs explained staff had worked with the property owner, noting same was presently an unimproved, gravel parking area. She stated the intent was to provide the maximum number of parking spaces within the best configuration of the alleyway. She displayed an overhead denoting the area for the proposed entry points, adding the applicant had offered to dedicate a strip of land to the City to enable widening of the alleyway to provide for two way traffic. She stated the Board of Zoning Appeals (BZA) recommended approval contingent on dedication of the strip of land necessary for the widening of the alleyway.

**Councilmember Albers** questioned the note on the overhead relating to a future building.

Ms. Tubbs responded the property owner had indicated he may wish to develop that area in the future, noting the property was zoned City Center (CC) with a requirement of one parking space per 1,000 square feet (sf), thus it would not become nonconforming if constructed.

Mr. Rob Berntsson, applicant's attorney, stated they had been working with staff to improve the traffic flow and parking situation in the area, noting same would benefit more than one business. He advised a temporary construction easement had been granted to the City to allow work to proceed while the variance process was underway. He noted the land dedication may actually be larger than denoted by the BZA to provide for a sidewalk.

**Councilmember Wallace** inquired if there was room to turn around within each parking area.

Mr. Berntsson responded affirmatively, stating the last parking space was denoted as a turn around area.

Councilmember Smith-Mooney **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Wallace **MOVED** approval with the condition recommended by the BZA, **SECONDED** by Councilmember Albers.

**Councilmember Smith-Mooney** confirmed the curb cuts would not conflict with the property across the alleyway.

**MOTION UNANIMOUSLY CARRIED.**

Z-07-08 - An Ordinance of the City of Punta Gorda, Florida rezoning property commonly known as 502 King Street, Punta Gorda, Florida, from Special Purpose (SP) to City Center (CC), said property located at the corner of King Street and East Charlotte Avenue and is identified as Parcel ID 412306458001, more particularly described on Exhibit "A"; providing for conflict and severability; and providing an effective date.

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained the zoning request was a result of the property owner desiring to develop the property as a non-intensive commercial use. She stated the Development Review Committee (DRC) had approved same contingent on the rezoning. She advised the present zoning was problematic in relation to setbacks and required number of parking spaces. She concluded staff recommended approval.

**Mayor Friedman** called three times for public comment.

Councilmember Albers **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

Z-04-07 - An Ordinance of the City of Punta Gorda, Florida, rezoning from Commercial Intensive/County (CI/County) to Highway Commercial/City (HC/City) on property described as parcel nos. 0071936-000000-0, 0071937-000000-9, 0071939-000000-7, 0071940-000000-4 and, also known as, 1603, 1605, 1801, 1825, and 1901 Tamiami Trail as more particularly described on Exhibit "A" attached to the Ordinance and from Planned Development/County (PD/County) to Highway Commercial/city (HC/City); on property described as parcel nos. 0071944-000000-0 and 0071943-000000-1 and, also known as 24136 Shreve Street more particularly described on Exhibit "B" attached to the Ordinance and from Commercial General/County (CG/County) to Highway Commercial/City (HC/City); on property described as parcel 0071936-000100-9 and, also known as 1621, 1725 Tamiami Trail as more particularly described on Exhibit "C" attached to the Ordinance; all properties collectively known as "Palm Automotive" and generally bound to the north by West Henry Street, to the east by Tamiami Trail, and to the west by Shreve Street; providing for conflict and severability and providing an effective date.

**SECOND READING**

Mayor Friedman announced the continuance.

Councilmember Albers **MOVED** to continue Z-04-07 to September 17, 2008, **SECONDED** by Councilmember Wallace.

**MOTION UNANIMOUSLY CARRIED.**

**Z-02-08 - An Ordinance of the City of Punta Gorda, Florida, rezoning from Public to Neighborhood Center on property commonly known as "the City of Punta Gorda Public Works Campus," providing for conflict and severability, and providing an effective date and further described in the metes and bounds description below:**

**A portion of Trabue subdivision, blocks 51, 52,53,55,56 & 78 as recorded in Plat Book 1, Page 1, Section 12, Township 41 south, Range 22 east, of the Public Records of Charlotte County, Florida, being more particularly described as follows:**

**commencing at the southeast corner of Block 78, also being the point on the north right-of-way of Henry Street and the southwest right-of-way of Shreve Street; thence N. 88° 59'38" W., along the north right-of-way of Henry Street, a distance of 749.14 feet to the point of beginning; thence continue along said right-of-way N. 88° 59'38" W., a distance of 800.66 feet; thence run perpendicular to said right-of-way, N. 1° 00'22" E., a distance of 320.0 feet; thence parallel with said right-of-way, N. 88° 59'38" W., a distance of 145.0 feet; thence S. 1° 00'22" W., a distance of 320.0 feet, to the north right-of-way line of Henry Street; thence N. 88° 59'38" W., along said right-of-way a distance of 203.39 feet to the northeast right-of-way of Maude Street; thence N. 42° 28'05" W., along said right-of-way of Maude Street a distance of 320.33 feet, to the northwest corner of Block 53, Lot 1, also being the southerly right-of-way of West Olympia Avenue; thence N. 47° 29' 18" E., along said right-of-way a distance of 143.86 feet; thence S. 88° 59'38" E., a distance of 237.41 feet, to the south line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64° 42'47" E. along the south line of said railroad a distance of 552.90 feet to the southwest right-of-way of Pittman Street; thence S. 42° 30' 29" E., along said right-of-way, a distance of 75.96 feet to the northeast right-of-way of Virginia Avenue; thence N. 47° 29'13" E. along said right-of-way, a distance of 245.0 feet, returning to the south line of the Seaboard Coastline railroad (formerly the Atlantic Coastline Railroad); thence N. 64°42'47" E., along said railroad line a distance of 245.44 feet to the southwest right-of-way line of Shreve Street; thence S. 42° 20'48" E. along said right-of-way a distance of 478.85 feet to the southwest right-of-way line of Charlotte Avenue, thence S. 47° 39'12' W. along said right-of-way a distance of 411.54 feet; thence S. 1°00'22" W., a**

distance of 194.01 feet to the point of beginning from Public to Neighborhood Center; providing for conflict and severability and providing an effective date.

**SECOND READING**

**CONTINUED TO SEPTEMBER 17, 2008**

Mayor Friedman announced the continuance.

Councilmember Albers **MOVED** to continue Z-02-08 to September 17, 2008, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

An Ordinance of the City Of Punta Gorda, Florida, amending Chapter 17 “Public Utilities” of the City Code of Ordinances, Article I “General Provisions: Water Rates”, amending Section 17-7 (a), (b) and (c) by increasing Water System Charges; amending Section 17-8 (c) and (d) Waiver of Penalty; amending Section 17-18 (a) and (b) by increasing Wastewater System Charges; providing for conflict and severability and providing an effective date.

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Albers **MOVED** approval, **SECONDED** by Councilmember Goldberg.

**Councilmember Wallace** asked for assurance the goal was to not require an increase in charges the following year.

Discussion ensued with regard to upcoming construction projects and their associated costs.

**MOTION UNANIMOUSLY CARRIED.**

#### CONSENT AGENDA

Councilmember Albers **MOVED** approval of the consent agenda, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

#### **A. CITY CLERK**

1. Approval of Minutes: Regular Meeting of August 6, 2008

#### **B. GROWTH MANAGEMENT**

1. DRC-13-08 – Request for waiver of DRC review fee for Dean’s South of the Border Parking Lot.
2. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting additional funding for the 2007 Urban and Community Forestry Grant administered by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry and authorizing execution of the memorandum of agreement by the City Manager and providing an effective date.

#### UNFINISHED BUSINESS

### **U.S. 17 Corridor Ownership Options**

Mr. Mark Gering, City Engineer, displayed an overhead denoting three options, as delineated in the agenda material, explaining staff had met with representatives from Florida Department of Transportation (FDOT). He listed the options as 1) taking over ownership under present lane directions; 2) take over ownership while changing to two way direction or 3) take over ownership in segments while changing to two way direction. He displayed an overhead denoting the areas to be assumed, explaining FDOT had indicated they would only consider same with a segment existing from I-75 to US 41.

Discussion ensued with regard to that condition.

Mr. Gering then displayed an overhead, as delineated in the agenda material, denoting the costs for each option as follows: 1) \$5,880,000; 2) \$7,051,000 or 3) \$16,306,000.

**Councilmember Wallace** voiced objection to the estimated costs, opining unless FDOT were required to repair the deficiencies of the roadway prior to the City taking ownership, there was no reason to consider doing so.

**Councilmember Goldberg** questioned the timeframe for the needed repairs.

Mr. Gering estimated three years, noting FDOT had been repairing potholes and intended to do only that for many years in the future.

City Manager clarified staff was not recommending assuming the roadway, but rather was providing information as requested by members.

**Mayor Friedman** recommended the conversation be curtailed as there was no reason to discuss the other, more costly options.

**Councilmember Wallace** maintained if the road was in such poor condition, FDOT should be requested to add same to their five year maintenance program. He pointed out the roadway was an evacuation route.

Discussion ensued with regard to the roadway condition.

Consensus of members was not to consider assumption of the roadway at this time.

City Attorney Levin then addressed a question regarding the ability of businesses within the US 17 right of way (ROW) to engage in outside commercial activities such as outside dining. He referenced correspondence between FDOT and the City which initially approved same, followed by correspondence indicating the approval was in error. He explained Florida Statutes provided municipalities the ability to regulate the use of ROWs within their jurisdiction, thus outdoor dining was an activity the City was permitted to authorize.

### **Street Sign Inventory**

City Manager Kunik stated staff had performed an inventory of signs, adding a number of signs were being recommended for removal. He clarified the signs that were denoted as not having a city ordinance number were signs where staff could not find any ordinance relating to same.

Mr. Gering displayed maps, as delineated in the agenda material, denoting signs which were being recommended for removal, drawing members' attention to a listing denoting the reasons for removal, as delineated in the agenda material. He explained 79 of the signs were speed limit signs which were duplicated, adding 54 other signs related to items such as no parking, warning signs, no trucks and stop sign ahead, among others.

**Mayor Friedman** recommended the signs that did not have a City ordinance should be considered as to whether it would be necessary to adopt an ordinance or if they could be removed. He also expressed hesitance with removing all of the speed limit signs, suggesting the first sign prior to entering the residential areas should remain. He concluded by requested consideration be given to any future requests for signs so as not to increase the number of signs again.

City Manager Kunik explained staff would not approve any requests for signs, adding any that were deemed worthy of consideration would be presented to City Council for approval.

City Attorney Levin expressed concern with regard to the warning signs being removed, explaining if the City was aware of a particular danger and had posted a sign denoting same, the sign should not be removed as it could create a liability.

**Mayor Friedman** suggested staff review the list based upon the recommendations made this date and revise same for distribution to members.

**Councilmember Albers** suggested members provide a listing of signs they felt should be removed to the City Manager for consideration.

**NOTE: A short break was called at 10:41 a.m.**

#### **NEW BUSINESS**

#### **Transfer of Adult Open Heart Surgery Program from Charlotte Regional Medical Center to Peace River Regional Medical Center**

**Mayor Friedman** recalled a prior presentation by the CEO of Charlotte Regional Medical Center related to the expansion of their cardiac facility, adding members had then heard there was a pending application to the State requesting approval to transfer the operation to Peace River Medical Center. He advised the discussion this date was related to the City's desire that the facility not be relocated. He stated Mr. Josh Putter of HMA and Mr. Brad Nurkin of Charlotte Regional Medical Center (CRMC) were in

attendance. He further explained the last date to file the application with the state was also the deadline for filing a protest by affected parties, noting the hospital did not file their application until the last day. He stated the City had been informed there would most likely be an appeal this week, wherein all correspondence would be considered. City Attorney Levin drew members' attention to the proposed resolution which supported the continuation of the cardiac facility at CRMC, reading same by title.

**Councilmember Smith-Mooney** acknowledged the importance of the facility to the community; however, she felt it was necessary to recognize the need for a private enterprise to make appropriate business decisions.

Mr. Brad Nurkin, CRMC, advised there were no plans to close or relocate the medical center, noting the application related only to one function of the hospital. He apologized for the manner the application process occurred, noting they had always enjoyed a good relationship with the City. He stated he hoped to continue to work with the City following consideration of the application this coming Friday.

**Councilmember Goldberg** stated as both a Councilmember and hospital board member he did not feel the proposed relocation was a good move for either the City or the hospital.

**Mayor Friedman** advised the CEO of HMA was scheduled to meet with himself and the City Manager this week.

Mr. Josh Putter, HMA, advised the certificate of need application was filed in April, 2008, adding Fawcett Hospital filed their application in May, 2008. He spoke of the economic difficulties of constructing the proposed tower addition, explaining the hospital would continue to provide all medical services except for open heart surgery.

**Mayor Friedman** clarified a letter of intent was filed in April, while the full application was submitted on the final day.

**Councilmember Albers** spoke of the hospital's acclaim as the number one cardiac hospital in Florida, expressing concern same would not continue if that operation were relocated.

**Mayor Friedman** questioned why a presentation was made regarding the proposed expansion, while no mention was made regarding the application for relocation.

Mr. Putter responded governmental agencies were not generally considered when applying for a certificate of need.

**Mayor Friedman** reiterated his opinion the plans should have been shared with the City as they were so drastically different than what was previously stated.

City Manager Kunik pointed out CRMC was the largest tax payer and largest private employer in the City, thus the economic vitality of the organization was important to the City.

Discussion ensued with regard to the requirements for certificate of need approvals.

**Councilmember Albers** inquired if approval of the application mandated relocating the open heart facility.

Mr. Putter responded negatively; however, he maintained the cost of constructing the proposed tower was too high. He pointed out none of the cardiologists in the County had an office in Punta Gorda.

**Councilmember Smith-Mooney** recommended the Mayor and City Manager determine if there were enticements that could be offered during their meeting with the HMA CEO to pursue maintaining the open heart facility in Punta Gorda.

Mr. Don McCormick reported a presentation had been provided within the last six months indicating the expansion would move forward. He inquired how emergency care would be affected with the relocation of the open heart facility.

Mr. Putter explained catheterization procedures would be provided at CRMC. He explained if Charlotte County EMS was called to transport a heart attack victim, they would be transported to Fawcett Hospital.

**Mayor Friedman** requested action on the resolution.

Councilmember Albers **MOVED** approval of the resolution, **SECONDED** by Councilmember Smith-Mooney.

**Councilmember Wallace** suggested verbiage be added that the City was willing to assist with retention of the facility in Punta Gorda.

**MOTION UNANIMOUSLY CARRIED.**

**SP-01-08 – Request for Special Parking Approval to allow the number of permitted parking spaces exceed the number of parking spaces permitted by Code for a medical office to be constructed on property located in the Neighborhood Center (NC) zoning district.**

Ms. Tubbs explained the request was related to redevelopment of the subject properties for a medical office building, adding the applicant was aware due to the number of staff and patients, the nine additional spaces were necessary. She stated the developer would provide improvements to the City's ROW and provide on street parking at their cost.

Mr. Rob Humple, applicant's agent, explained the office was a podiatry practice, thus mobility of the patients was limited.

Councilmember Albers **MOVED** approval, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

**Revision to Impact Fee Ordinance related to Commercial Projects - Discussion**

**Mayor Friedman** explained this would be delayed to the next meeting due to the absence of the City's impact fee attorney.

**I-75 Freeway Management System (FMS) in Charlotte County - Presentation**

Mr. Mark Roberts, FDOT, stated the presentation related to an upcoming project within Charlotte County.

Mr. Robert Skaggs, Vanus, Inc., displayed a PowerPoint presentation, as delineated in the agenda material, while providing a summary of the system which would be tied into other sections of FMS in the future. He stated overhead message signs would be provided to denote travel times and incident information. He displayed overheads depicting the layout, costs and schedule for the project, noting same should be completed by 2010.

**Councilmember Goldberg** inquired how interruptive installation would be to traffic flow.

Mr. Roberts responded same would be scheduled to occur during off peak hours, opining installation would be scheduled to be as unobtrusive as possible.

**Water Treatment Plant Offline Reservoir Rezoning Application**

City Attorney Levin provided a detailed reporting of actions taken to date with regard to the City's rezoning application for the reservoir site. He noted the County had changed the permitting process since the time the City began their application, adding this had caused the need to request the property be rezoned. He stated staff felt having the correct zoning in place prior to appearing before the County Commission for approval of the excavation permit would be beneficial.

City Manager Kunik asked members to stress the importance of the rezoning to their respective County Commission partners. He advised City staff would meet with County staff as well.

**Councilmember Albers** suggested same be added to the joint meeting in September.

**RECOMMENDATIONS FROM CITY OFFICERS**

**CITY MANAGER**

City Manager Kunik reported staff would hold a debriefing of actions taken during Tropical Storm Fay in an attempt to determine if any changes were needed. He stated same would be provided to members.

**BOARDS AND COMMITTEES**

**Announcement of Vacancies**

Board of Zoning Appeals - Alternate

City Clerk Foster announced the vacancy.

Building Board – Alternate

City Clerk Foster announced the vacancy.

Board of Zoning Appeals

City Clerk Foster announced the vacancy.

Revitalization Committee

City Clerk Foster announced the vacancies.

### **Nominations**

Board of Zoning Appeals

Councilmember Smith-Mooney **MOVED** to nominate and reappoint Mr. Bauman, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

Punta Gorda Housing Authority

Councilmember Smith-Mooney **NOMINATED** all interested parties.

### **Appointments**

There were none.

### **POLICY AND LEGISLATION**

**WALLACE:** Stated he felt the ordinance related to watering violations should be revisited due to the fact that power outages were prevalent this time of year and often caused sprinkler timers to malfunction. He voiced concern that fines were being levied in those instances.

**Mayor Friedman** stated he felt most people turned their irrigation systems off during the summer months, thus it was most likely not an issue at this time.

**Councilmember Smith-Mooney** suggested documentation of the power outage could be presented to negate the violation.

City Manager Kunik suggested staff look into same and provide a recommendation to members.

**Councilmember Wallace** inquired what had happened to the possibility of holding meetings in the evening. He mentioned it could either be additional town hall meetings or to semiannually hold the regular meeting in the evening.

**Mayor Friedman** recalled it had been attempted previously and was not well attended by anyone other than those who attended at the regular time.

**Councilmember Wallace** noted he had received comments regarding same.

**Mayor Friedman** requested staff schedule town hall meetings for November and December.

**SMITH-MOONEY:** Reiterated her suggestion to attempt to find a method of convincing the hospital to maintain their open heart facility in Punta Gorda.

**CITIZENS' COMMENTS**

Mr. Jay Buckley recalled the hospital had applied for a certificate of need to relocate to the property of the former Punta Gorda Country Club, stating assistance to acquire that property may be one method of retaining the open heart facility in Punta Gorda.

**Councilmember Smith-Mooney** stated it may be possible to delay additional advalorem taxes for a period of time when development enhanced a property.

Discussion ensued with regard to the hospital's bonding process.

**Councilmember Goldberg** stated Enterprise Charlotte was exploring tax abatement, but had not presented same to the County Commission as yet.

Mr. McCormick recommended the speed limit signs be retained on Marion Avenue due to the amount of boat traffic.

The meeting was adjourned at 12:12 p.m.

---

Mayor

---

City Clerk