



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, SEPTEMBER 3, 2008 9:00 A.M.**

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

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.

NOTE: City Council recessed and reconvened as the Community Redevelopment Agency. (See corresponding minutes)

ORDINANCE/RESOLUTION

No Public Hearing Required

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.

SECOND READING

City Attorney Levin read the ordinance by title.

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

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.

SECOND READING

City Attorney Levin read the ordinance by title.

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

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.

SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

ZA-05-08 – 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, Subsection (g), Ground Signs, providing for standards for signs in all zoning districts; providing for conflict and severability and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

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.

SECOND READING

City Attorney Levin read the ordinance by title.

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

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.

SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to vacate a portion of a 15 feet wide alley lying between Lots 9, 10, 11, 12, 13 and 14, Block 4, City of Punta Gorda, according to the plat thereof as recorded in Plat Book 1, Page 21, of the public records of Charlotte County, Florida; being more specifically described in Exhibit "A".

City Attorney Levin read the resolution by title.

Mayor Friedman explained the resolution declared Council's intent to vacate.

Councilmember Wallace spoke favorably toward same.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes:
 - a. Emergency Meeting of August 18, 2008
 - b. Regular Meeting of August 20, 2008

B. LEGAL DEPARTMENT

1. Monthly litigation report
2. Invoices from the City Attorney for services rendered through August 26, 2008
3. Request for Injunction regarding 4012 San Massimo Drive, Punta Gorda

C. CITY MANAGER'S OFFICE

1. Citizen request to display City flag on private property.

NOTE: Councilmember Goldberg left the meeting at 10:26 a.m. and returned at 10:28 a.m.

UNFINISHED BUSINESS

Update on the City's annexation action plan

Mr. Dennis Murphy, Growth Management Director, reported staff had investigated possible areas for annexation, with letters of interest being sent to property owners. He explained one area was adjacent to US 41, south of Aqui Esta to Rio Villa, comprised of six property owners covering ten lots. He advised staff had been in contact with two owners of eight lots and would be contacting the other owners in the near future. He then stated the other area was along North Jones Loop Road from US 41 to I-75, stating the Loop and Walmart were interested in annexing; however, the Loop was awaiting approval of the Development of Regional Impact (DRI) from the County. He stated staff had mailed exploratory letters to 23 property owners controlling 44 parcels and have spoke with three of the owners to date. He concluded by stating staff was working on a new zoning classification for the Interstate interchange for consideration at a later date.

Mayor Friedman added annexation of the Loop would not occur when originally anticipated; however, same was moving forward.

Councilmember Albers complemented staff on the progress made to date.

RECOMMENDATIONS FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik responded to questions raised during the CRA meeting regarding power poles located near the parking garage, stating same would be removed on Olympia from the old courthouse to US 41. He added the Post Office easement for alley widening had been forwarded to their main office in Georgia; however, a verbal approval had been given to place drainage in the easement area. He then requested topics for discussion at the September 12, 2008 City/County joint meeting, stating thus far the topics were as follows: Water Treatment Plant Off Line Reservoir rezoning application; Charlotte Harbor Event Center update, Aqui Esta Road Improvements and Shreve/Pompano road improvements. He concluded the County had requested all topics be submitted by September 5, 2008.

Councilmember Albers inquired as to the repair of bridge banners.

City Clerk Foster advised banner maintenance was included on the upcoming joint CRA meeting.

Councilmember Goldberg inquired as to the hospital overlay district.

Mr. David Hilston, Urban Design Manager, advised same was not far enough along to present same during the joint meeting, adding staff was awaiting comments from County staff.

NEW BUSINESS

Revision to Impact Fee Ordinance related to Commercial Projects - Discussion

Ms. Susan Schoettle-Gumm displayed a PowerPoint presentation, as delineated in the agenda material, stating the City had an economic development plan which she had reviewed. She noted the plan recommended filling in gaps in existing development, suggesting those areas be where the incentives were applied. She noted the plan called for making the City development friendly while recognizing the need for taxes and fees to fund necessary infrastructure. She stated the study identified the gaps as being development housing, various service industries, transient housing and research/development. She then provided detail on the types of retail stores and restaurants/snack bars identified within the study as well as listing examples of financial, professional and other services which were lacking. She explained the study identified a need for transient housing, recreational sports centers, research and development and arts/culture. She then stated a possible incentive program could allow installment payment of impact fees due on buildings housing services or uses identified as gaps in the study; however, balance with same must consider the funds necessary for public facilities. She suggested payment over a three year period for qualified development, noting the development must maintain their status during the payment period. She recommended regular reports to City Council as to the effectiveness of the program, adding same should be suspended if provision of public facilities were impaired by delayed payment. She advised she had a draft ordinance that could be presented to the City Attorney for review.

Councilmember Wallace inquired as to the statutory conditions regarding “public good”.

Ms. Schoettle-Gumm responded it included economic development as a public good as it increased the wellness of the community as a whole.

Councilmember Albers advised he was in favor of attracting certain types of businesses; however, he did not feel impact fees should be used as an incentive. He explained developers could borrow the funds for impact fees over a longer period of time as a part of their business loan. He voiced concern with the City functioning as a bank, urging members to consider alternative incentives. He inquired if a tax rebate could be used.

City Manager Kunik stated Charlotte County had a program in place which awarded cash incentives dependent on the number of employees and other factors, adding same was County-wide but would not address small businesses as being discussed this date.

Councilmember Goldberg stated he felt the impact fee deferral should be one of several incentives offered to attract development, adding tax rebates may be another.

He mentioned Enterprise Punta Gorda had reviewed the existing study, noting the Punta Gorda Chamber of Commerce Economic Development Committee may wish to do so and provide updated information.

Mayor Friedman inquired as to financing impact fees.

Ms. Schoettle-Gumm stated her understanding was that impact fees were included in the cost of the project, noting same could be included in whatever financing a developer obtained. She stated the interest rate that the City would charge would be lower than commercial rates, noting same would also be an incentive.

Mayor Friedman asked if other alternatives existed.

Ms. Schoettle-Gumm stated there were a variety of rebate or incentive programs; however, same would require funding by the City.

Councilmember Smith-Mooney pointed out impact fees were also charged when a structure experienced a change in use.

City Attorney Levin advised he had researched the ability to rebate ad valorem taxes, noting same was intended for large scale development. He asked if same could be approved in general to be awarded on a case-by-case basis to be utilized for smaller projects.

Ms. Schoettle-Gumm responded she was not aware of any generalized programs, offering to research same.

Councilmember Goldberg suggested verifying same through Mr. Don Root in the County's Economic Development Office.

Mayor Friedman stated the choices were to either proceed with the incentives outlined this date, explore other options concurrently or to hold off on the incentives until other options were explored.

Councilmember Wallace stated he felt the Punta Gorda Chamber should review alternatives and make a recommendation. He stated he was hesitant to be so specific on the types of businesses.

Consensus of members was to agree.

Councilmember Wallace expressed a sense of urgency.

Councilmember Smith-Mooney voiced concern with incentives for only certain types of business due to the study being based upon samplings of comments made previously. She noted a detailed survey should be done, speaking of a company which performed same based upon sales within the immediate area. She noted the study cost \$70,000.

Councilmember Wallace asked how spending could be gauged.

Councilmember Smith-Mooney responded the study would do so. She suggested money be allocated to fund a portion of same along with the Chamber.

Mayor Friedman suggested same be discussed when a list of possible programs was presented to members.

Yard Sale Signs – Discussion on Amendments

Mayor Friedman pointed out members had read the agenda material and were aware of the Planning Commission's recommendation, asking if any members were interested in considering same.

Consensus of members was to take no action.

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.

Code Enforcement Board

City Clerk Foster announced the vacancy.

Nominations

Board of Zoning Appeals

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

Revitalization Committee

Councilmember Albers **MOVED** to nominate and reappoint Messrs. Magnin and Sandles and Ms. Phelen, **SECONDED** by Councilmember Smith-Mooney.

MOTION UNANIMOUSLY CARRIED.

Appointments

Punta Gorda Housing Authority

Voting forms were distributed.

City Attorney Levin announced Mr. Mansfield had received the most votes and was therefore appointed to the Punta Gorda Housing Authority.

POLICY AND LEGISLATION

FRIEDMAN: Reminded members of the budget public hearing to be held at 5:01 p.m. this date.

GOLDBERG: Thanked those who voted for the infrastructure sales tax, noting same would be beneficial to the community.

ALBERS: Referenced the intersection of Marion Avenue and Henry Street, stating many cars did not yield as directed. He suggested a stop sign be placed at the intersection,

adding he recalled it had been studied previously where the recommendations had been to either install speed bumps or reduce Marion Avenue to one lane entering the bridge. He inquired if members felt a stop sign on Henry Street should be installed to alleviate the situation.

Mayor Friedman explained that intersection was included in a previous study of numerous intersections wherein the recommendation had been as stated by Councilmember Albers, adding members had deemed both were overly intrusive and expensive. He stated a stop sign was discussed and members were not interested due to there not being a serious history of accidents. He stated he personally would prefer the stop sign over the other recommendations.

Councilmember Goldberg concurred the intersection was dangerous.

Councilmember Wallace countered he did not feel same was a big issue, noting he utilized the intersection often. He inquired if accidents had occurred at the location.

Mayor Friedman expressed uncertainty, noting he had seen several close calls.

Consensus of members was to request staff review same and provide a recommendation to members.

CITIZENS' COMMENTS

Mr. Tom Carroll inquired if members had spoken to Charlotte County with regard to the status on the mining permit for the offline reservoir.

Councilmember Goldberg responded same was on the joint meeting agenda for September 12, 2008.

Mr. Don McCormick recalled the information discussed this date regarding the incentive credits was initiated by the Trabue Woods project. He pointed out allowing the payment plan would assist the Trabue Woods project and most likely would not be utilized by other developments.

City Attorney Levin responded same would require an ordinance amendment to implement, adding he would recommend further review of restricted uses.

Ms. MaryAnn Artesani inquired why the American flag was not flying at the Fire Station on Aqui Esta.

Councilmember Smith-Mooney responded the flag was not flying at City Hall either, adding she had been informed the flags had been removed as a part of storm preparation and were not reinstalled.

The meeting was adjourned at 11:19 a.m.

Mayor

City Clerk