



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MARCH 16, 2011 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Goldberg, Albers, Wallace, Friedman, Keesling

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

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

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

**PROCLAMATION/PRESENTATIONS**

**National Quilting Day**

**Mayor Goldberg** presented the proclamation to Ms. Gert Desault and Ms. Jeanette Fowler.

**PUBLIC HEARINGS**

**ZA-03-11 - An Ordinance of the City of Punta Gorda, Florida, amending, Chapter 26, Punta Gorda Code, known as "The Land Development Regulations", Article 10 "Parking and Loading", Section 10.6, "Parking in the CC District", relating to parking exemptions for buildings of a certain footprint size for new development, allowing an exemption for required parking to be provided on-site; 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 to further encourage infill development on the small lots located within walking distance to public parking, the proposed amendment would increase the permitted building footprint size from 2,000 square feet (sf) to 5,000 sf for new development without requiring onsite parking, noting same would affect properties within the City Center (CC) district.

City Manager Kunik noted the Planning Commission recommended the footprint size be increased to 10,000 to which staff had no objection.

**Councilmember Keesling** announced she had a conflict of interest and would not be voting. **(Form 8B, Voting Conflict attached hereto)**

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

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**ZA-01-11 - An Ordinance of the City of Punta Gorda, Florida, amending, Chapter 26, Punta Gorda Code, known as "The Land Development Regulations", amending Article 3, Section 3.13(m), Punta Gorda Code, relating to the permitted hedge height and permitted fence material in the Special Residential Overlay District; amending Article 8, Section 8.5, Punta Gorda Code, relating to the permitted hedge height and permitted fence materials in single family residential zoning districts throughout the city; providing for definitions; providing for hedge maintenance; providing for conflict and severability; and providing an effective date.**

#### **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained following numerous meetings with citizens, the Planning Commission and City Council, the following amendments were proposed: vinyl coated chain link, aluminum, vinyl or wrought iron picket, decorative post with rope or plastic chain, post and rail and decorative bamboo. She noted specific prohibitions as follows: uncoated chain link or chain link with installed slats, agricultural grade welded wire fence, solid panel fence, lattice, wood and shadowbox, providing detail on the required construction methods, as delineated in the agenda material. She pointed out a definition of arbor indicated a permit was required; however, as many small arbors were existing she proposed to eliminate the permit requirement. She then addressed proposals for hedges as follows: no hedges or landscaping in City rights-of-way (ROW), hedges in visibility triangles maintained at a height of no more than 3', hedges near driveways creating sight barrier maintained at a height of no more than 3', trees within visibility triangle requires removal of foliage between 3' and 8', side yard hedges limited to 8' with the exception of Areca Palms planted prior to adoption of ordinance so long as fronds do not overhang property line, no height limit to rear yard hedges so long as not within 6' of seawall, hedges and landscaping to be maintained so as not to encroach property line, Burnt Store Isles (BSI) to allow any height on yard closest to ROW as sound barrier, hedges and landscaping must be maintained in a

healthy, trimmed weed free condition or be considered a violation. She stated the Planning Commission voiced concern with public education and recommended the verbiage referencing weed free condition be eliminated.

City Attorney Levin confirmed arbors would be deleted from the definitions.

**Councilmember Friedman** inquired if the displayed pathway under the arbor was permitted by code.

Ms. Tubbs responded it was within the setback requirements.

**Councilmember Wallace** mentioned post and rail fences were most often wood, inquiring why same was spelled out.

Ms. Tubbs suggested it denote finished wood.

**Councilmember Keesling** stated she preferred the prohibition of uncontrolled overgrowth be maintained.

Mr. Charlie Council, Burnt Store Isles (BSI), commented there was no objection to the ordinance, adding their deed restrictions ruled hedge heights in BSI.

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Friedman **MOVED** approval as written with the elimination of the reference to arbors, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

#### ORDINANCE/RESOLUTION

#### **No Public Hearing Required**

**GA-03-11(a) - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, Punta Gorda Code, known as "Boats, Docks and Waterways"; amending Article III, "Burnt Store Isles Canal Maintenance Assessment District", Section 6-34, "Same - Area Included Within District", providing provisions for acceptance of additional land within the district; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title, stating same had been amended per members' direction.

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

**MOTION UNANIMOUSLY CARRIED.**

**GA-03-11(b)- An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, Punta Gorda Code, known as "Boats, Docks and Waterways"; amending Article II, "Punta Gorda Isles Canal Maintenance Assessment District", Section 6-27, "Same - Area Included Within District", providing provisions for acceptance of additional**

**land within the district; providing for conflict and severability; and providing an effective date.** **SECOND READING**

City Attorney Levin read the ordinance by title, stating it had been amended as well. Councilmember Albers **MOVED** approval, **SECONDED** by Councilmember Keesling.

**MOTION UNANIMOUSLY CARRIED.**

**GA-04-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 16, "Park Regulations", Punta Gorda Code, amending Section 16-4, "Regulations", Subsection (h), adding a provision for City Manager approval to allow animals in city parks under certain conditions; 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.**

**GA-08-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 23, "Traffic", Punta Gorda Code, repealing Section 23-5, "Street or portion of street declared one-way street" and amending Section 23-4, "Street of portion of street declared a two-way street", to designate traffic on Grace Street between Hazel Street and Cooper Street as a two-way street; 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 Friedman.

**MOTION UNANIMOUSLY CARRIED.**

**Councilmember Keesling** questioned the signage plan and public notification.

Mr. Rick Keeney, Public Works Director, stated staff had met with representatives from Charlotte High School and the Charlotte County Health Department, adding the signs and markings would be changed the following week.

**Councilmember Friedman** inquired if a two way traffic sign would be installed.

Mr. Mark Gering responded the roadway markings would demonstrate same.

#### **CONSENT AGENDA**

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

**MOTION UNANIMOUSLY CARRIED.**

**A. City Clerk's Department**

1. Approval of Minutes: Regular Meeting of March 2, 2011

**B. Public Works Department**

1. A Resolution of the City of Punta Gorda, Florida, approving Modification Three to Subgrant Agreement 07HM-7@-09-18-02-062 and Modification Two to Subgrant Agreement 10HM-06-09-18-02-002 between the City of Punta Gorda and the State of Florida, Department of Emergency Management; authorizing the Mayor of the City of Punta Gorda to sign the Modifications to the Subgrant Agreements; and providing an effective date.

**C. Legal Department**

1. Invoice of Allen, Norton & Blue, P.A. for services rendered in January 2011
2. Invoice of the Farr Law Firm for services rendered in January 2010
3. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq. through March 7, 2011.

**UNFINISHED BUSINESS**

**Harborwalk West - Construction of Small Boat Launch and Seawall Replacement**

City Manger Kunik advised the Charlotte County Marine Advisory Committee had awarded grant funds in the amount of \$103,000 for construction, noting the remaining \$127,000 in construction funds would be paid from Infrastructure Sales Surtax (ISS) funds.

Consensus of members was to move forward.

**Discussion regarding the provision that allows vehicles for human habitation to be parked overnight in the Special Residential Overlay District.**

Ms. Tubbs explained the code currently provided for a no cost permit for parking between the hours of 7:00 p.m. to 7:00 a.m. and required the vehicle to be parked within the driveway, adding due to the size of many of the vehicles, public comment had arisen with regard to there not being sufficient space within the driveway for same.

**Councilmember Albers** clarified the rule had been in place for many years, adding the only difference was that the condition was now being printed on the permit.

Ms. Tubbs responded affirmatively, adding other vehicles were allowed to park on the ROW with a permit, providing details of same.

Discussion ensued with regard to timing of permits.

**Mayor Goldberg** announced he had received a great deal of ex-parte communication with regard to this subject, as had other members.

Mr. Anthony Racine stated he represented a 120 member recreational vehicle (RV) club, voicing concern that there were many of their vehicles that did not fit in the driveway overnight. He mentioned some driveways were too steep for RV parking.

Ms. Dorothy Strunk voiced concern with the steepness of her driveway as same caused mechanical problems within the vehicle.

**Mayor Goldberg** questioned the need to park the RV at one's property.

Ms. Strunk stated most people rented storage space for their RVs; however, there was a day or two of cleaning and prepping the RV for a trip necessitating having it located at one's home. She further stated the tow vehicle could not be attached in the driveway as it was not possible to back up.

Mr. Ray Rose, Punta Gorda Isles (PGI) Civic Association, stated the board had concerns with lessening the restrictions as the permit period was seven days, adding they did not wish to have RVs parked in the ROW for seven days. He stated there were many areas where same would impede the sidewalk and the paved roadway. He suggested if a change was made, the permit period be limited to one or two days.

**Councilmember Keesling** asked if there were prohibitions in the code from parking over the sidewalk.

Ms. Tubbs responded affirmatively.

**Councilmember Albers** stated concerns had been related to him with regard to damage in the swales and drainage gates. He opined most residents would not want to see RVs parked in the ROW.

**Councilmember Friedman** commented there had not been an issue with regard to complaints or damage in the past, thus he felt parking in the ROW should be allowed with a change in the regulations to prohibit same to two consecutive nights from 7:00 p.m. to 7:00 a.m., no more than four in a 30 day period. He further stated it should be specific that same did not encroach onto the sidewalk or roadway.

**Mayor Goldberg** voiced support of same, commenting there were other vehicles which were permitted to park in the ROW. He opined if damage was caused, the owner should be liable for repair of same.

Ms. Strunk asked whether parking on the roadway at the end of the driveway would be permitted.

Discussion ensued with a consensus same would not be allowed.

Mr. Racine stated it was necessary to park on the roadway at the end of the driveway.

**Councilmember Albers** pointed out many areas would not permit same as they were major roadways.

**Councilmember Keesling** confirmed parking on the roadway had never been allowed.

Mr. Council voiced concern with any portion of a vehicle encroaching the roadway.

Mr. Andrew Slayter stated he was able to park parallel to the roadway at his home on Bal Harbor as there were no sidewalks on his side of the street.

Ms. Strunk maintained there were vehicles, such as lawn maintenance trucks parked on the roadway all day long, questioning why it was a problem to do so overnight as there was less traffic at that time.

Mr. Rose stated he felt the seven day permit period should be considered separately from parking on the roadway as the permit could be requested for visitors.

**Councilmember Keesling** suggested the current regulations be maintained if the vehicle fit in the driveway with the more stringent restrictions for ROW parking.

Consensus of members was to agree.

**Mayor Goldberg** explained an ordinance amendment would be required, allowing for additional public comment.

### **Replacement Vehicles for the Solid Waste Division**

Mr. Keeney recalled members' direction to research other entities' replacement policies for rear-load packer trucks, drawing members' attention to same within the agenda material. He stated staff had revised their earlier request to purchase three trucks to the purchase on one truck to replace the 2001 truck. He concluded staff would continue to monitor repair and maintenance costs on the remaining two trucks to recommend replacement at a later date, more in line with an 8 to 10 year replacement cycle.

**Councilmember Friedman** stated he felt replacement policies worked with large fleets; however, in the case of only ten vehicles, same was less important. He stated with a ten year replacement program, the two spare vehicles would only be seven years old. He opined he felt the expenditure could be postponed for a few more years.

**Mayor Goldberg** questioned the repair history.

Mr. Keeney responded \$72,488 in repairs over the seven year period.

**Councilmember Albers** inquired if same was more than that spent on the other trucks.

Mr. Keeney stated other communities considered \$75,000 as the point where repairs exceeded the value, adding some areas based same upon the vehicle hours.

**Councilmember Keesling** questioned what Waste Management considered as high maintenance costs.

Mr. Keeney responded with uncertainty, adding they had their own garage for in-house repairs. He noted they also had a fleet of trucks to draw from.

**Councilmember Friedman** questioned how often the second spare truck would be utilized in a one year period.

City Manager Kunik stated the spares averaged six days a month usage. He stated it was possible to utilize the older truck for a longer period of time; however, it would have to be monitored with regard to repair costs.

**Councilmember Albers** stated the truck would need to be purchased in one or two years, adding with a delay the cost would be increased due to repair costs.

**Mayor Goldberg** expressed support of purchasing one truck.

**Councilmember Keesling** questioned the delivery time upon purchase.

Mr. Keeney responded approximately six months.

**Councilmember Friedman** stated he had not heard that the repair costs were a certainty, thus his caution in expending the purchase cost.

Councilmember Keesling **MOVED** to approve the purchase of one truck, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

#### **Storm Surge Marker Project**

**Mayor Goldberg** stated it appeared the overwhelming response was that the markers were not necessary or desired in this community.

Mr. Rob Hancock, Fire Chief, stated the prior discussion included sending post cards for notification, adding same would cost approximately \$3,500. He noted other methods of publicizing same were being utilized.

**Councilmember Albers** opined postcards were unnecessary as everyone was aware they lived in a flood zone.

Discussion ensued with regard to the elevations within the City.

**Councilmember Keesling** suggested the "Know Your Zone" website be denoted on the utility bills.

#### **Discussion of Amendments to the Employee Pension Plans**

**Councilmember Friedman** stated following the recent workshop, he felt direction should be provided to the City Manager with regard to any changes. He opined the information provided at the workshop had been slanted toward defined benefit as that was their area of employment. He explained he felt an increase in contributions by the City would increase in the short term, but would level out and eventually save the City much money. He stated he felt cost and impact of making the change to defined contribution (DC) should be provided to members, based upon when and whom would be included.

**Mayor Goldberg** concurred further information on DC plans should be provided.

**Councilmember Albers** stated if members felt all new employees should be in a DC plan, direction should be given as to such. He then stated if it was felt changes should

be made to the current plan based upon life expectancy, information should be given toward same. He opined the employee contribution should be increased, suggesting it could be tempered by providing a two percent salary increase to compensate for same. He maintained a minimum funding level should be established so as not to be in the current situation in the future. He concluded same would apply to the General Employee's Plan only until pending legislation relating to police and fire was concluded.

City Manager Kunik gave a brief description of the DC pension plan he had through his former employer.

**Councilmember Keesling** inquired if same was for future employees or also those in the current plan who were not vested.

**Councilmember Friedman** suggested both be considered. He stated he felt a combination of age and years of service where anyone above same would not be impacted in any way could be utilized. He stated there were many questions as to what would be considered for the remaining employees, thus information relating to the impact should be considered.

**Councilmember Albers** stated he agreed with all of staff's proposals to amend the benefits within the current plan.

City Manager Kunik stated he would like to make those changes to the police and fire plans as well.

**Councilmember Friedman** stated he did not feel an employee who was planning to retire within the next few years should be impacted as there was a tacit agreement toward their retirement benefit. He stated consideration should be given to those who were not yet vested or possibly those who had worked for ten years but were still twenty years away from retirement, adding they could be provided the choice of freezing the DC or maintaining the current plan under the new conditions.

**Mayor Goldberg** requested same be added to a future agenda so members could consider each proposed change individually.

City Manager Kunik confirmed the proposals would consider current employees as well.

**Councilmember Friedman** requested information as to the impact on those employees.

Mr. Steve Fabian stated the condition of the plan was not solely based on the economy as the City's contribution began to increase prior to the stall in economy. He stated changes must be made in the present plans as same was too costly.

#### **NEW BUSINESS**

## **General Discussion of Laishley Park Events**

**Councilmember Friedman** referenced complaints with regard to a recent event, noting he had not received complaints in quite some time. He stated as the City allowed the condominiums to be constructed in a park, he felt the residents should have a reasonable assurance of comfort. He stated the current event requirements worked in most cases; however, that was not always the case. He maintained there must be a manner of forcing event organizers to adhere to the established rules, such as fines or suspensions from utilizing the park for events.

**Councilmember Albers** stated a balance must be found, concurring with the suggestions toward fines or suspensions from the park.

**Councilmember Keesling** stated she did not agree with changing the times of events as there were promoters who complied with the rules and should not be penalized due to the actions of others.

**Councilmember Wallace** suggested a first time warning, followed by a fine.

City Manager Kunik pointed out staff received a complaint during the Wine and Jazz Festival which occurred between noon and six.

**Mayor Goldberg** pointed out that complaint came in while the event was being set up. City Manager Kunik stated he felt a warning should be used if the police department determined the volume was unreasonable, followed by a fine if the volume was increased again.

**Councilmember Friedman** suggested the fine be listed on the event permit.

Ms. Kathleen Errett stated she lived in Harborwalk Condominiums and had been making complaints with regard to the noise. She stated she enjoyed the events; however, there were times when the noise level was unbearable. She stated a noise ordinance based on decibel levels was necessary as having a police officer make a subjective decision was not working.

**Mayor Goldberg** asked Ms. Errett if she had an opinion as to whether the location of the sound stage was better in any particular area of the park.

Ms. Errett responded it was different for each of the buildings.

Ms. Mary Shuckle suggested the stage be located to face the marina; however, because sound rose, it was always going to be an impact. She stated many of the residents left on nights when there was an event.

Ms. Strunk, Punta Gorda Chamber of Commerce (PGCC), stated the Wine and Jazz Festival provided a benefit to the local economy, adding she agreed there must be a reasonable agreement between the sides. She stated a subjective decision by the police officer was not working, suggesting they be provided with a decibel meter.

Mr. Tony Maraglio suggested event organizers could be brought inside some of the condominiums to see the effect of their excessive volume. He concurred with using a decibel meter.

Ms. Mary Ellen Taylor stated there were many factors such as wind direction, type of music or instrument that affected the level of volume.

Mr. Gordon Stone stated he lived in Banyan Point Condominiums which also was located near a park. He displayed a graph denoting the decibel level of various types of noise, stating there must be a way for police officers to determine the volume.

Ms. Patti Allen, Fishermen's Village, stated noise had been an issue for many years, adding they monitored the decibel levels so as not to disturb neighboring properties.

Ms. Shuckle read from the City's event manual with regard to directing sound amplification away from residential areas.

**Councilmember Friedman** inquired as to the ability to enforce a noise ordinance.

City Attorney Levin stated he had attended a conference with relation to same, explaining the difficulty was the varying components such as what was heard and what was felt such as rattling windows. He stated an established maximum decibel level would not provide a defense against what may be objective to one person.

City Manager Kunik stated rock concerts could be prohibited at night.

**Councilmember Albers** opined same would be objected to even during the daytime.

**Councilmember Wallace** stated consideration must be given as to where a decibel reading was made, such as at the back of the crowd or near the condominiums rather than in front of the stage.

Discussion ensued with regard to utilizing a decibel meter to monitor events.

Mr. Tom Shuckle stated he had a decibel meter which the police officer could use.

Mr. Stone stated variable readings would be obtained if moving around the grounds. He stated the measurement should be made at the source, which was the speaker.

Ms. Strunk cautioned against utilizing guidelines as a means to penalize without calibrating the meters.

Mr. Tom Lewis, Police Captain, concurred there were many issues with regard to calibration, recalling past cases in Sarasota where training and calibration were at issue. He stated complaints were rare, adding when one occurred cooperation was generally gained from the event organizer.

Discussion ensued with regard to event regulations and enforcement methods.

Consensus was to add penalties to the event permit agreement.

Ms. Strunk inquired if penalties would be issued based on one complaint, adding if same was correct, event organizers would locate their events elsewhere.

City Attorney Levin voiced discomfort with leaving the decision up to one officer, suggesting appropriate technical standards be included in the event permit agreement.

**NOTE: A short break was called at 11:37 a.m.**

### **Bal Harbor Bike Lanes**

**Councilmember Albers** stated he had requested this discussion due to the fact of Bal Harbor being a main roadway.

Mr. Mark Gering, City Engineer, stated the Bal Harbor utility replacement was being prepared for bid award, noting on the eastern edge of the road, the sidewalk and all drives would be rebuilt as a part of the project. He stated staff had been requested to evaluate the possibility of incorporating better bicycle access, detailing options as follows: widen sidewalk to 8' while narrowing pavement to 22' – \$100,000, widen sidewalk to 8'–10' while leaving pavement at currently planned width – \$150,000, install two 4' bike lanes while narrowing pavement to 22' – \$250,000 and install two 4' bike lanes while maintaining pavement width – \$300,000. He noted any of the proposed options would postpone the start date of the project due to the necessary redesign, noting Charlotte County had utilized an option of providing paved shoulders such as on Aquí Esta where 2' paved shoulders were provided.

**Mayor Goldberg** spoke in favor of making the roadway more bicycle friendly; however, based on cost he felt the 2' paved shoulders would be the best option.

**Councilmember Albers** asked if it was possible to do so without reducing the road width.

Mr. Gering stated design would entail additional costs and delays.

**Councilmember Keesling** confirmed the 5' sidewalk would remain.

Consensus of members was to utilize the 2' paved shoulders.

### **Discussion regarding prohibition of off-premises advertising signs.**

Ms. Tubbs drew members' attention to the current code restrictions regarding off premise signs, as delineated in the agenda material, stating a business with a changeable copy sign had requested permission to advertise charitable events that were to be held at another location, which was not allowed by code.

**Mayor Goldberg** commented he did not want to encourage any additional signs. He stated he was not opposed to a business with an existing changeable copy sign supporting a nonprofit organization's function.

**Councilmember Albers** recalled the denial of a new business owner's similar request, pointing out many of the events being displayed on this were not even held within the City.

**Mayor Goldberg** reiterated his support for nonprofit functions on existing signs.

**Councilmember Friedman** mentioned that only certain types of business were allowed changeable copy signs, thus he felt the use of same should be limited to the criteria which permitted the sign.

**Councilmember Keesling** recalled the approval of the Event Center sign was restricted to events at that location only.

Consensus of members was to maintain the current regulations.

### **Proposed Building Fee Changes**

City Manager Kunik stated at the request of a citizen, staff had reviewed the permitting fee for window replacement, which currently was the same regardless of the number of windows. He stated although processing, review and inspection costs were the same regardless of the number of windows, staff proposed to reduce the fee for one or two windows to \$100 while maintaining the \$200 fee for three or more windows and sliding glass doors. He further stated staff proposed to increase from \$25 to \$50 the permit fees for water heater replacement, entry and overhead doors and storm panels to bring the cost more in line with performing the service, while not being so cost prohibitive as to discourage compliance.

**Councilmember Keesling** questioned the inspection time for a water heater.

Mr. Dennis Murphy, Growth Management Director, responded approximately 15 minutes plus travel time.

**Mayor Goldberg** voiced support of the reduction for window installation, but not the increase on the other areas.

Discussion ensued with regard to permit fees and inspection costs.

**Councilmember Albers** spoke in favor of both recommendations.

**Councilmember Friedman** concurred.

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

**VOTING AYE: Albers, Friedman, Keesling, Wallace.**

**VOTING NAY: Goldberg.**

**MOTION CARRIED.**

### **Request for Additional Lighting in the Bayfront Center Parking Lot**

Mr. Gering stated staff had received a request for additional lighting, explaining staff had reviewed existing and proposed conditions following construction of the Harborwalk. He detailed options as follows: install 3 deco lights including two lights shown on Harborwalk plans – initial cost \$9,500 – change to Harborwalk – \$5,500 or install two wall pack lights on side of building in addition to two existing lights – initial cost \$1,600 – no change to Harborwalk.

**Mayor Goldberg** questioned the utilization of the parking lot after dark.

Mr. Jim Hanby, YMCA, events were booked every weekend as well as classes that were held in the evening through the week. He related incidents where people had fallen in the parking lot.

**Councilmember Keesling** inquired why the third decorator light was proposed when only two were included in the Harborwalk plan.

Mr. Gering responded the spacing of the lights would be required for the parking lot area which was not included in the Harborwalk design.

**Councilmember Friedman** stated he felt the wall lights should be utilized as same could be installed quickly.

Councilmember Friedman **MOVED** to approve the \$1,600 expenditure, **SECONDED** by Councilmember Keesling.

**MOTION UNANIMOUSLY CARRIED.**

**A request from the Charlotte County YMCA to install the YMCA logo on the existing ground sign located in front of the Bayfront Center at 750 W. Retta Esplanade.**

Ms. Tubbs stated staff had received the sign request, noting same is similar to what had been approved for the Peace River Wildlife Center, noting staff recommended approval.

**Mayor Goldberg** confirmed YMCA would pay the cost.

**Councilmember Albers** added they should bear the cost of returning the sign to its original condition when they vacated the building.

Councilmember Albers **MOVED** to approval as conditioned above, **SECONDED** by Councilmember Wallace.

**MOTION UNANIMOUSLY CARRIED.**

#### **RECOMMENDATION FROM CITY OFFICERS**

##### **CITY MANAGER**

City Manager Kunik reported the budget memo would be provided to members prior to the discussion on April 6, 2011.

#### **BOARDS AND COMMITTEES**

##### **Announcement of Vacancies**

Historic Preservation Advisory Board – Alternate

City Clerk Foster announced the vacancy.

Punta Gorda Housing Authority

City Clerk Foster announced the vacancy.

##### **Nominations**

Firefighters' Pension Board

Councilmember Friedman **NOMINATED** all interested parties.

### **POLICY AND LEGISLATION**

**FRIEDMAN:** Stated he had attended the Equity Study Commission where he felt their instruction had been to arrive at a taxing rate for the individuals and businesses as mandated by the Attorney General's Opinion (AGO); however, they were working toward a revised classification structure instead. He questioned why the focus had changed.

**Mayor Goldberg** stated the Commission made recommendations toward the classification and fee structure. He stated he felt their charge was not restricted to anything but rather was open to all considerations.

**Councilmember Friedman** countered he felt the underlying theme was the fact the City was bound by the AGO.

City Attorney Levin stated he had been asked to respond to questions at the Commission's second meeting wherein they had inquired about a strategy to change classifications to eliminate being able to charge employees, adding he had advised he did not feel same would be authorized under the Statute and the AGO. He stated when he offered to research the strategy, he was advised by members that they were not directing him to do so. He mentioned pending legislation which may change the Statute, suggesting it may be wise to suspend the Commission until the results of same were known.

**Councilmember Albers** stated he understood the Commission was to determine an appropriate tax for the individuals, adding not taxing them was not an answer pursuant to the AGO.

City Clerk Foster advised the Commission initially had asked if they were limited to considering the taxing rate, to which she had responded they were able to consider all aspects of the ordinance in relation to an equitable taxing method. She stated several members were leaning toward abolishing the tax completely if the individuals were to be taxed, thus she suggested the classification structure may be able to be amended to remove the classification of licensed professional, thus removing the onus to tax licensed individuals. She explained the attorney on the Commission has opined individuals would not have to be taxed under the Statute if the licensed professional classification was removed from the City's taxing structure.

City Attorney Levin countered the Statute differentiated between licensed and non-licensed individuals; therefore, he did not feel there was a way to avoid same.

City Clerk Foster concurred the Statute did indicate a business which required a license could not operate without one, adding regardless of the structure, her office would

continue to insure that those requiring a license held one.

**Mayor Goldberg** mentioned the AGO was an opinion and was not binding.

City Attorney Levin stated an AGO was considered to be persuasive when making a legal argument in court.

**Councilmember Friedman** voiced concern in that the direction provided by members was not being followed by the Commission.

City Attorney Levin reiterated his suggestion to await the legislature's action as there may be no need for the Commission to continue with their deliberations.

**Mayor Goldberg** stated the Commission had not voted on anything at this time.

**Councilmember Keesling** recalled the Commission had requested the City Clerk to redraft the information from their previous meeting, inquiring if it would be possible to have the City Attorney review same.

Discussion ensued with regard to the Commission's focus.

Consensus of members was to delay further meetings of the Commission until the legislature had taken action on the proposed bill.

#### CITIZENS' COMMENTS

Mr. Fabian commented the crosswalks at Marion Avenue and Taylor Road were dangerous, mentioning recent accidents at the location.

Mr. Don McCormick, South Charlotte County Coalition (SCCC) thanked members for their support of improved an improved railroad crossing on Jones Loop Road.

The meeting was adjourned at 1:14 p.m.

---

Mayor

---

City Clerk