



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, DECEMBER 7, 2011 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Albers, Wallace, Freeland, Keesling

**COUNCILMEMBERS EXCUSED:** Goldberg

**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 Albers** 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**

**Punta Gorda Lighted Boat Parade**

**Mayor Albers** presented the proclamation to Mr. Doug Buck, Punta Gorda Parade Coordinator.

**20 Year Service Award - Kathy Mahar, Solid Waste Supervisor**

City Manager Kunik presented the award to Ms. Kathy Mahar.

Mr. Rick Keeney, Public Works Director, spoke of Ms. Mahar's years with the City.

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

**PUBLIC HEARINGS**

**CP-03-11 - An Ordinance of the City of Punta Gorda, Florida, adopting an Amendment to the City of Punta Gorda Comprehensive Plan 2025 for the purpose of updating the Capital Improvements Element to be consistent with 2011 Legislative Changes to Chapter 163, Florida Statutes; providing for conflict and severability; and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Joan LeBeau, Chief Planner, announced all local governments were required to annually review and update, as necessary, their Comprehensive Plan's Capital Improvement Element (CIE). She advised the following changes had been made: (1)

included new statutory language and deleted outdated statutory language; (2) deletion of a majority of the tables which had been coalesced into a single appendix. She mentioned the amended CIE continued to require concurrency management for roads, parks and schools. She concluded staff and the Planning Commission recommended approval and transmittal of the CIE annual update.

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

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**AX-01-11 - An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property described as Lots 28 & 29, Block A, Unit 1, Aqui Esta Subdivision as per plat thereof, recorded in Plat Book 3, Pages 11 and 12, of the Public Records of Charlotte County, Florida, less state road right of way as described in O.R. Book 500, Page 398, and generally described as 3225 Tamiami Trail, Punta Gorda, Florida, as more particularly described in attached Exhibit "A", in accordance with the voluntary annexation provisions of Section 171.044 Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the Official Boundary Map of the City of Punta Gorda, Florida; providing for conflict and severability and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. LeBeau advised a petition for voluntary annexation of the subject property had been submitted. She stated the property was currently being operated as a commercial business, Goodyear Tire & Rubber, adding no redevelopment or expansion of the site/business was anticipated. She reported the following findings: (1) property was contiguous to current City boundaries; (2) property, when annexed, would not create an enclave; (3) an expedited State review Comprehensive Plan amendment pertaining to a small scale land use change would be required; (4) applicant did not propose any site changes. She concluded staff and the Planning Commission recommended approval of AX-01-11, offering to answer any questions.

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

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**CP-02-11 - 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/County (C/County) to Highway Commercial Corridor/City (HCC/City) on property generally described as 3225 Tamiami Trail, Punta Gorda, Florida, as more particularly described on Exhibit "A" attached to this ordinance; providing for conflict and severability; and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. LeBeau announced this ordinance would amend the Future Land Use Map (FLUM) as required by the changes presented under AX-01-11. She presented staff's findings as follows: (1) the subject site contained approximately 1.13 acres of platted property within the Aqui Esta Subdivision; (2) the Charlotte County FLUM designated the parcel as Commercial; (3) surrounding FLUM designations were HCC/City (North), C/County (South), Planned Development Special Purpose/City (PUD-SP/City) (West), Low Intensity Industrial/County (LH/County) (East); (4) annexation request precipitated the need for this amendment; (5) annexation shall be effective upon adoption. She then listed the following conclusions: (1) the requested City designation of the HCC FLUM classification was consistent with surrounding classifications; (2) trip generation was not expected to increase and was currently accommodated by existing transportation facilities; (3) adequate water and sewer capacity currently served the site, no changes proposed; (4) storm water requirements had been met, no changes proposed; (5) impact on solid waste pick-up and disposal would not degrade current Level of Service; (6) request met criteria for processing. She concluded with staff and the Planning Commission's recommendation for approval of CP-02-11.

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

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

#### **QUASI-JUDICIAL PUBLIC HEARINGS**

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

**Z-01-11 - An Ordinance of the City of Punta Gorda, Florida, rezoning property generally described as 3225 Tamiami Trail, Punta Gorda, Florida, as more**

**particularly described on Exhibit "A" attached to this ordinance, from Commercial-Intensive/County (CI/County) to Highway Commercial/City (HC/City); providing for conflict and severability; and providing an effective date.** FIRST READING

City Attorney Levin read the ordinance by title.

Ms. LeBeau announced this zoning amendment was necessary due to the changes proposed in AX-01-11 and CP-02-11. She reiterated the site was developed, the use of the Goodyear store was existing, and no changes were anticipated. She advised staff and the Planning Commission recommended approval of Z-01-11, offering to answer any questions or concerns.

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

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

#### **ORDINANCE/RESOLUTION**

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

**PD-01-11 - An Ordinance of the City of Punta Gorda, Florida, amending Ordinances 1215- 98 and 1358-03 regulating uses and structures on property described as Lots 1, 13, 14, 15, 16, 17, 18, 19, and the westerly ½ of Lot 20, Block G, a Revised Plat of La Punta Park according to the Plat thereof as recorded in Plat Book 2, Page 4 of the Public Records of Charlotte County Florida, also the vacation of a portion of Boca Grande Boulevard and the Park as shown on a Revised Plat of La Punta Park, addressed as 1750 Manzana Avenue, Punta Gorda, which is zoned Planned Development/Special Purpose (PD/SP), to allow additional structures and uses on said property; 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 Keesling.

**MOTION UNANIMOUSLY CARRIED.**

#### **CONSENT AGENDA**

Councilmember Keesling **MOVED** approval of the consent agenda, **SECONDED** by Councilmember Freeland.

**MOTION UNANIMOUSLY CARRIED.**

#### **A. City Clerk's Department**

1. Approval of Minutes: Regular Meeting of November 16, 2011

**B. Finance Department**

1. Requested Budget Reappropriations from FY 2011 to FY 2012 and Appropriations for FY 2012

**C. Public Works Department**

1. Application for Funding from the Charlotte County Marine Advisory Committee for City of Punta Gorda Boat Club Basin Dredging

**D. Legal Department**

1. Invoice of Allen, Norton & Blue, P.A. for services rendered in October 2011
2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq. through November 16, 2011.
3. Invoice of Henderson Franklin Attorneys at Law for services rendered in October 2011
4. Monthly Litigation Report

**NEW BUSINESS**

**Punta Gorda Waterfront Development Master Plan Proposal**

Mr. Jay Buckley, Waterfront Development Advisory Committee (WDAC), displayed a PowerPoint presentation, as delineated in the agenda material, stating a joint meeting had been held with the various boating groups which provided the impetus for the proposed plan. He drew members' attention to the Committee's mission statement, as delineated in the agenda material, adding they accepted suggestions from all community groups. He listed objectives as follows: optimizing navigation and use of waterways, supported improvements such as dry storage and day docks, environmental protection, outreach initiatives, support programs, expansion of Waterfront Overlay District and linkage from waterways to other areas.

**Councilmember Freeland** commended the WDAC for pulling all aspects into one report. She mentioned the City had been working on a number of the initiatives, stressing the importance of seeking financial support from stakeholders. She voiced frustration in the Committee members' inability to discuss the issues outside of public meetings, questioning how it would be possible to move forward in light of same. She suggested the committee be disbanded to allow a task force the ability to work outside of the Sunshine Law.

**Councilmember Wallace** concurred.

Mr. Buckley concurred there was a level of frustration, speaking of the talent amongst the members.

**Mayor Albers** mentioned a statement from Councilmember Goldberg in that the plan could be divided into three aspects, projects the City had embraced, projects which

were private sector driven and projects the City had previously denied. He then questioned how a task force would better facilitate private sector projects.

**Councilmember Freeland** spoke of her experience with the Economic Development Task Force (EDTF) in that there was a better ability in gaining accomplishment.

**Councilmember Keesling** opined a Task Force could provide a better venue to work toward accomplishing the projects by gaining participation from stakeholders.

City Attorney Levin inquired if the WDAC had responsibilities beyond the master plan, suggesting the Committee remain in place while assigning the master plan to a task force.

**Mayor Albers** opined there would not be enough other issues to maintain the Committee without the plan.

**Councilmember Freeland** agreed, stating the talent on the committee would be wasted. She mentioned many projects were intermingled between private and public.

City Attorney Levin then advised the Committee could be disbanded by resolution.

City Manager Kunik read a statement from Councilmember Goldberg, expressing appreciation to those who compiled the master plan, adding same was a compilation from various existing plans. He continued by stating Councilmember Goldberg felt the Strategic Plan was the document the City should utilize for all planning processes.

**Councilmember Wallace** suggested WDAC be able to discuss whether they felt it was appropriate to disband.

In response to Councilmember Goldberg's letter, Mr. Buckley stated the plan was drafted was to have one source for waterfront issues rather than to have it included in the Strategic Plan.

Mr. Tom Cavanaugh stated he had worked with the WDAC on the master plan, commenting there had been several previous Task Forces making recommendations. He stated the WDAC had been formed as the group to take the recommendations from the other groups to bring them forward to the City.

**Councilmember Freeland** stated the City's Strategic Planning sessions would begin in January, 2012, acknowledging same would include boating issues. She stated there were projects within the master plan that could be moved forward by other groups; however, more than one WDAC member could not talk with those other groups without violating the Sunshine Law.

Mr. Murray Thorndycraft recalled Mr. Dave Phelen had created a group uniting the various boating groups which was used as the focal point for boating issues until the City created the WDAC, adding the previous group was unsure why the City had done

so. He opined the Boater's Alliance could be tasked with responding to the City on matters involving the waterways rather than establishing another Task Force. Consensus was to direct Mr. Buckley to discuss disbanding with the WDAC with members and provide a recommendation to City Council.

**Councilmember Freeland** thanked all involved with creation of the master plan.

### **Economic Resource Profile for the City of Punta Gorda**

City Manager Kunik advised the EDTF solicited and received a proposal from the economic consulting firm Moran, Stahl & Boyer to develop an electronic resource profile for the City, adding same would incorporate information from the Chesapeake Study, Charlotte County Economic Development Strategic Plan and other relevant data in a concise and marketable format to distribute to prospective businesses. He drew members' attention to the sample profile included in the agenda material, stating staff would propose allocating \$3,000 from the Business Development Funding.

**Councilmember Keesling** confirmed the fund totaled \$11,500.

**Councilmember Freeland** commented she felt same was an excellent idea.

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

**MOTION UNANIMOUSLY CARRIED.**

### **Discussion regarding the parking of trailers associated with businesses within the City Center District.**

Ms. Teri Tubbs, Zoning Official, drew members' attention to an excerpt from Chapter 24 of the code, as delineated in the agenda material, stating the intent was to prevent the eyesore of one or more trailers being stored on business properties and to keep trailers that were associated with businesses in a location so as not to be readily visible. She explained that while the code was specific in that trailers were to be kept in the rear of the building, there were instances where there was no "rear" of the building due to street frontages on multiple sides, adding vacant lots allowed visibility to buildings in other instances. She advised staff had been approached by a business owner who wished to purchase a trailer specifically for use in events and functions which allowed vendors, adding the property was configured so said trailer could be kept on the side of the building which was screened from the adjoining property by vegetation preventing the trailer from being visible. She displayed photos of the subject property, as delineated in the agenda material. She further relayed a request to amend the code to accommodate trailers on a commercial property, if the trailer was reasonably necessary for the business and if same could be parked/stored in a manner which prevented it from being readily visible by screening, fencing or inside a garage or carport. She concluded by requesting direction from Councilmembers.

**Mayor Albers** stated he felt a Special Exception was more appropriate than amending the code.

**Councilmember Keesling** confirmed the code restriction was City-wide.

**Councilmember Freeland** asked if staff could specify what type of camouflage would be appropriate.

City Attorney Levin stated there were instances where trailers were being utilized for advertising, adding in some instances stored trailers were still visible when stored in the rear of the building. He stated the simple way to address same was to require the trailer to be enclosed so as to not be visible.

**Councilmember Keesling** concurred it would be difficult to completely screen trailers in the City Center district due to the manner of construction.

Discussion ensued with regard to the request made to staff, with a consensus of members to leave the code as presently written and to require a Special Exception for any similar requests.

### **RECOMMENDATION FROM CITY OFFICERS**

#### **CITY MANAGER**

City Manager Kunik reported staff had been approached by downtown business owners with a request to leave the holiday decorations in place beyond the New Year as they felt same encouraged more business in the area. He expressed uncertainty as to the length of time. He stated staff could remove the stars, but leave the lights on the poles.

**Councilmember Freeland** commented the holiday ambiance had proven to increase business. She commented many Cities left their lights out year round, adding she liked the idea.

**Councilmember Keesling** concurred the star should be removed; however, she was unsure if the lights should remain year round. She opined same could be taken down when winter residents returned north.

**Mayor Albers** stated holiday lights left year round took away from the meaning of the holiday.

**Councilmember Wallace** suggested a 90 day trial period.

City Attorney Levin pointed out the City's code prevented the use of seasonal holiday decorations all year long, advising the star would be considered a seasonal holiday decoration; however, the lights themselves would not.

Ms. Marilyn Thorndycraft stated the Downtown Merchants had long requested small lights in the trees in the downtown area, adding she preferred same to the lights on the poles.

Mr. Bill Owra asked if LED lights were being utilized as same was much less expensive. City Manager Kunik responded a portion of the lights were LED, adding as replacement became necessary the remainder would be switched.

**Mayor Albers** suggested staff provide information as to costs of providing lighting in the trees for consideration at a January meeting.

City Manager Kunik then stated a group had requested approval to purchase a tree in memory of a long term volunteer for the Punta Gorda Chamber of Commerce (PGCC) with a small plaque, adding same would replace an oak tree that was dying.

Ms. LeBeau provided a description of the approved size and look of the plaque, adding the group requesting same would be responsible for funding.

**Mayor Albers** stated he felt same was a good manner of memorializing a person; however, he did not want to allow it in a commercial manner. He suggested staff be given authority to approve the plaques.

**Councilmember Freeland** concurred, adding she felt commercial businesses should be allowed to list their name on the plaque so long as additional advertising was not included.

Consensus of members was to allow the tree donations with staff to approve the plaques to ensure same would only include the purpose of the donation and the person or organization donating same.

#### CITY ATTORNEY

City Attorney Levin advised he had extended his lease on his office in Punta Gorda.

#### BOARDS AND COMMITTEES

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

Building Board

City Clerk Foster announced the vacancy.

##### **Nominations**

Punta Gorda Isles Canal Advisory Committee

Councilmember Wallace **MOVED** to nominate and appoint Messrs. James Thompson and Charles Thomas, **SECONDED** by Councilmember Keesling.

**MOTION UNANIMOUSLY CARRIED.**

#### POLICY AND LEGISLATION

**ALBERS:** Announced the Metropolitan Planning Organization (MPO) would be conducting a Bike Pedestrian Master Plan Workshop at South County Park on December 13, 2011 between 5:00 p.m. to 7:00 p.m.

– Reminded those in attendance the second December meeting would be held on December 14, 2011.

**KEESLING:** Remarked the motto used by the City stating “It’s Happening on the Harbor” really should be devoted to the citizens who made so many things happen, citing several examples.

**FREELAND:** Mentioned Board/Committee nominees did not attend the meeting, adding she was unfamiliar with many of the names.

- Reported she had worked with Ms. Tracy Quintana, Public Works and Mr. John Wright, PGCC, toward creation of a Citizens' Academy, adding applications were being accepted for the first session which would begin in January, 2012.
- Mentioned the many invitations received as a Councilmember, suggesting a discussion with regard to whether members should attend every event.

**Mayor Albers** stated members had been very accessible over the past years, adding he generally did not attend events outside Punta Gorda. He stated he would be disappointed if at least one member did not attend local events.

**Councilmember Freeland** suggested members email others when they planned to attend an event so each would be aware if no one planned to attend.

#### CITIZENS' COMMENTS

Mr. Buckley stated he felt it was a hardship to require a business owner with a trailer to keep same in a storage facility rather than on their property.

Mr. Thorndyraft commented the Mariners of Punta Gorda boating group had adopted the beach area in Gilchrist Park and maintained same on a monthly basis, adding he would request a plaque in the area to recognize the volunteer workers.

City Manager Kunik suggested Mr. Thorndyraft meet with Urban Design as to where a plaque could be located.

**Councilmember Keesling** pointed out same was located in Zone 7 of the Harborwalk, suggesting same be coordinated with that construction.

Consensus of members was to allow same during development of Zone 7.

Mr. Owra inquired if the tree donation would be limited to a particular type.

City Manager Kunik responded the City's Chief Planner was a tree expert and would determine the best tree for a particular location.

Mr. Owra then distributed information on Sustainable Development Agenda 21, stating property rights were being lost due to wetlands and protection of species such as Scrub Jays. He stated he felt same should be placed on the agenda for discussion.

Mr. Ed Wotitzky thanked members on behalf of the PGCC for their accessibility as same was important to local businesses.

The meeting was adjourned at 10:51 a.m.

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Mayor

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City Clerk