

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, OCTOBER 16, 2019, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Carey, Cummings, Matthews, Prafke, Wein

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

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

Invocation was given by Mr. Bill Frank, followed by the Pledge of Allegiance.

**PROCLAMATION/PRESENTATIONS**

**United States Air Force Band Day**

**Mayor Prafke** presented the proclamation, which was accepted by Mr. Frank Mazur.

**World Polio Day**

**Councilmember Wein** presented the proclamation, which was accepted by Mr. James Williams.

**Florida City Government Week**

City Manager Kunik presented the proclamation, which was accepted by Ms. Macalle Finkle, Paralegal.

**Crime Prevention Month**

**Councilmember Cummings** presented the proclamation, which was accepted by Police Chief Pam Davis.

**USAF Thunderbird Days**

**Councilmember Matthews** presented the proclamation to Mr. Dana Carr.

**2020 US Census Presentation**

Ms. Michelle Malsbury, Atlanta Regional Census Center, provided an overview of the Census 2020 process and the impact that the Census has on local government funding and programming.

**Introduction of Board/Committee Member Nominees**

Messrs. Sean Harrigan, Charles Longenbarger and Rick Doll introduced themselves as nominees for the Burnt Store Isles Canal Advisory Committee.

**PUBLIC HEARINGS**

**GA- 06- 19- An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters' Retirement System, as adopted by Ordinance 879- 87 and as subsequently amended, is hereby further amended to provide for purchase of**

credited service for up to 5 years of prior firefighter service; repealing all ordinances in conflict herewith, providing for severability, and providing an effective date. – An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters’ Retirement System, as adopted by Ordinance 879- 87 and as subsequently amended, is hereby further amended to provide for purchase of credited service for up to 5 years of prior firefighter service; repealing all ordinances in conflict herewith, providing for severability, and providing an effective date. **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Finkle explained the ordinance was proposed by the Firefighters’ Pension Board and formalized changes agreed to in the recent Firefighters’ Union Contract.

Mr. Bill Albers, Firefighters’ Pension Board, noted the Board had unanimously approved the amendments, offering to answer questions.

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

Councilmember Matthews **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Matthews **MOVED** approval of GA-06-19, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**GA- 07- 19 - An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters’ Retirement System, as adopted by Ordinance 879- 87 and as subsequently amended, is hereby further amended to provide for expanded investment opportunities; repealing all ordinances in conflict herewith, providing for severability, and providing an effective date.** **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Finkle explained the amendment broadened and clarified the permissible types of asset investments.

City Manager Kunik stated an ordinance was required to allow the change.

Mr. Albers stated the Board had decided to invest in an infrastructure fund and was advised by their consultant that the ordinance must be amended to allow same. He then reported on the positive average return on the fund and the lessening of the City’s required contribution.

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

Councilmember Matthews **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Cummings **MOVED** approval of GA-07-19, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**Quasi- Judicial Public Hearings**

**V- 03- 19 Request by Edward L. Wotitzky, as authorized agent for Thomas W. and Annette H. Robertson, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a side yard setback of 2.0 feet at its closest point instead of 6 feet as is required per Chapter 26, Section 10.3(h)(12), Punta Gorda Code, in order to construct an addition to the existing driveway for a single-family residence located in a General Single- family zoning district. LEGAL: Punta Gorda Isles Section 11, Block 103, Lot 25 A/K/A: 338 Palm Isles Court, Punta Gorda, Florida CHARLOTTE COUNTY PARCEL ID: 412212484001**

City Clerk Smith swore in the participants.

City Attorney Levin read the request title.

Ms. Lisa Hannon, Zoning Official, entered the staff report into the record by reference and reviewed the criteria which must be met for approval. She provided a detailed explanation of the applicant's request as well as staff's finding and conclusions, noting one objection from an adjacent property owner had been received but was subsequently rescinded. She advised the Public Works Department had requested conditions related to permitting if approval of the request was recommended, pointing out staff was unable to recommend approval as the request did not meet the literal criteria of hardship. She concluded the Board of Zoning Appeals had approved the request contingent upon proper permitting and to require the property owner be responsible for any expenses related to relocation of utility infrastructure.

A brief discussion ensued regarding the driveway configuration

**Councilmember Carey** disclosed she had driven by the site.

Mr. Ed Wotitzky, applicant's representative, explained the current configuration of the cul-de-sac driveway was problematic. He displayed an aerial view of the lot along with several photographs depicting the front of the home and the acute angle of the driveway along with the proposed change to the driveway, as delineated in the agenda material, acknowledging permitting was required for the change. He opined the narrow road frontage on a cul-de-sac caused a hardship, opining the variance criteria in the City Code allowed for the variance. He asserted the self-inflicted hardship rule did not apply to situations which arose from circumstances peculiar to the applicant's

property such as unusual size and shape. He concluded the change would make it safer for his clients to move their automobiles in and out of the driveway.

Mr. Tom Robertson, applicant, explained the original proposal for the driveway when the home was constructed was not approved by the City, reiterating the constructed driveway was problematic.

**Councilmember Carey** inquired whether the end of the driveway could be made shallower.

Mr. Robertson replied numerous configurations had been considered, adding the site was waterfront property which further complicated the layout.

Ms. Paula Stankich opined the change was beneficial for the property owner and would have no impact on the neighboring property owners.

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

Councilmember Cummings **MOVED** to close the public hearing, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**Councilmembers Wein and Cummings** spoke in favor of the variance.

City Attorney Levin drew members' attention to approval criteria (2) in the staff report which stated, "Physical handicaps or disabilities of the applicant and other considerations may be considered where relevant to the request," noting the applicant's difficulty walking.

Councilmember Wein **MOVED** approval of V-03-19 with the conditions as recommended by staff, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**V- 04- 19 - Request by William Westvang, as authorized agent for Clipper Cove at Bal Harbor, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a side yard setback of 0.0 feet at its closest point instead of 5 feet as is required per Chapter 26, Section 10.3(h)(12), Punta Gorda Code; and to permit curb radii of 30 feet and 32 feet, instead of 20 feet, as is required per Chapter 26, Section 9.4(d), Punta Gorda Code, in order to construct an addition to the existing driveway for a multi-family condominium complex located in a general multi-family zoning district. LEGAL: Common Area for Clipper Cove at Bal Harbor, CLI 000 0000 COMM A/K/A: 2000 Bal Harbor Blvd, Punta Gorda, Florida CHARLOTTE COUNTY PARCEL ID: 412213701000**

City Attorney Levin read the request by title.

Ms. Hannon entered the staff report into the record by reference and reviewed the criteria which must be met for approval. She provided a detailed explanation of the

applicant's request as well as staff's findings and conclusions, noting based on public safety concerns related to emergency vehicle access, staff recommended approval of the request contingent upon conditions related to permitting, drainage limitations and marking the roadway as a fire lane with no parking allowed. She noted the Board of Zoning Appeals had approved the request with staff's recommended conditions.

Mr. Bill Westvang, applicant's agent, explained a correction was necessary to resolve a situation which arose as a result of the original construction, noting traffic was heavy in the area as it was an access road for the development. He stated it was a safety issue for pedestrians, stressing access was difficult for emergency vehicles, delivery vehicles and residents entering the development due to the radius of the turn.

Mr. Kevin Raney, Southwest Florida Engineering, spoke regarding the narrowness of the pavement, explaining a hardened edge was proposed to keep the pavement from disintegrating.

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

Councilmember Matthews **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Matthews **MOVED** approval of V-04-19 with staff's recommended conditions, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### ORDINANCE/RESOLUTION

#### No Public Hearing Required

#### Citizen Comments - Ordinances/Resolution Items Only

None.

**GA- 05- 19 An Ordinance of the City of Punta Gorda, Florida, amending Chapter 25A, Punta Gorda Code, "Abandoned Property and Impounding of Vehicles", to establish local regulations for at- risk vessels and the relocation and removal of derelict vessels; prohibiting the storing, leaving or abandoning of any derelict vessel; providing for enforcement; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-05-19, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

Councilmember Matthews **MOVED** approval of the Consent Agenda, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of October 2, 2019

C. Legal Department

1. Invoices of Persson & Cohen, P.A. for legal services rendered through September 30, 2019.
2. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through September 30, 2019
3. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through September 30, 2019.

D. Police Department

1. Acceptance and Appropriation of 2019 JAG Local Grant Award (2019-DJ-BX-0743) for Fingerprinting Project

**Mayor Prafke** requested to hear Item VII B, Desguin Lane, at this time as the requestor had a scheduling conflict.

Consensus was to do so.

**NOTE: Discussion regarding a request to establish a Desguin Lane was heard prior to Item IV, Citizen Comments.**

**Citizen Comments - Regular Agenda Items Only**

Mr. Tom Cavanaugh requested the Learn to Sail program be considered during the lease negotiations with the Punta Gorda Boat Club and the implementation of Dover Kohl & Partner's (DKP) recommendations in the Master Plan.

Ms. Julie Jackson, Learn to Sail President, stated the group looked forward to the renovation of the buildings and were proud to be a part of the City, offering to help in any way appropriate.

Ms. Wendy Mueller spoke regarding the plausibility of remodeling the buildings at Gilchrist Park, adding she had spoken to many businesses related to estimates for renovations.

City Manager Kunik interjected it was inappropriate to make comments regarding contractors as it could negate their eligibility to bid on any project for which dollars were allocated.

Ms. Mueller continued she was conducting individual research to determine whether the project was feasible, opining the costs for many renovations would be less than \$330,000.

**Mayor Prafke** pointed out staff would continue to research options for the buildings. An unidentified speaker spoke in favor of DKP's recommendation to preserve green space.

Mr. Bob Fritz asserted issues in the Master Plan that needed to be addressed prior to adoption included building height and the property tax ratio of residential to commercial. He opined the City would not be desirable to millennials without the appropriate types of jobs.

Mr. Gary Skillicorn suggested it was necessary to focus on the original purpose of the Master Plan which was to establish Land Development Regulations which were in line with the population of the City.

Mr. Gary Fallon commented on the Master Plan, opining it was necessary to first have the right infrastructure. He urged City Council to adopt that part of the Master Plan which divided City neighborhoods by zones. He stated he liked the idea of neighborhood centers, adding it was a smart approach to include residential density; however, it was necessary to reserve space for retail. He spoke in favor of turning North Taylor into a pedestrian way.

Mr. Larry Jaeger spoke in favor of DKP's input on green space, walking and biking, encouraging City Council to implement the guidance provided.

Ms. Janet Watermeier commented favorably on City Council's forward thinking and hiring one of the best firms in the country to help with planning, recommending approval DKP's plan and moving forward with updates to the Land Development Regulations.

Mr. Adam Cummings spoke in support of the Master Plan, asserting the City was not on a sustainable path at this time as there was insufficient infrastructure, commercial, industrial, green spaces, schools and others; however, he opined the City was moving in a positive direction.

## **BUDGET**

### **Award of Specific Authorization #2 to CPH, Inc. of Fort Myers, FL for professional engineering services to design the Cooper Street Multi- Use Recreational Trail (MURT).**

Ms. Anne Heinen, Procurement Manager, explained Specific Authorization #2 included planning, design, permitting and biddings services for the MURT on Cooper Street, noting the cost of \$387,721 included sub-consultant services and a reimbursable

expense budget. She stated additional fees to be paid by the City for permitting were estimated at \$20,000 for a total cost of \$407,721 with completion estimated to be within 284 days from issuance of a Notice to Proceed. She concluded staff recommended award of Specific Authorization #2 to CPH, Inc. of Fort Myers, Florida.

City Manager Kunik explained this phase along with the Airport Road MURT completed the original Punta Gorda Pathways loop. He stated the Sales Tax Committee would be presented with both phases, noting projected costs had increased.

Councilmember Matthews **MOVED** approval of Specific Authorization #2 to CPH of Fort Myers, Florida, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

### **UNFINISHED BUSINESS**

#### **Public Input on PLAN Punta Gorda 2019 Citywide Master Plan.**

City Manager Kunik stated a resolution would be presented to City Council for the Citywide Master Plan, adding if same was adopted, another agenda item would be presented regarding negotiation of a contract amendment for the Land Development Regulations and amendments to the Comprehensive Plan.

### **NEW BUSINESS**

#### **Discussion regarding the US 41 - Airport to Carmalita Improvements Project and FDOT LAP Funding.**

Mr. Mitchell Austin, Urban Design Planner, displayed a PowerPoint presentation, as delineated in the agenda materials, explaining the project would complete another section of the 18-mile Punta Gorda Pathways which connected neighborhoods through a pedestrian/bicycle pathway, noting same would improve existing pedestrian facilities by adding concrete pavers and tree wells to existing utility strips, provide upgrades or replace existing streetlights, add high visibility crosswalks and provide special treatments in key intersections. He stated FDOT had programmed \$151,000 for a roadway resurfacing project, adding once the scope for the project was clarified, engineering costs were anticipated to be significantly higher than originally estimated; thus, staff was requesting up to \$500,000 for same. He stated FDOT's Five-Year Transportation Improvement Program included funding for construction and construction engineering inspections services for 2021/2022. He stated there was no guarantee FDOT would increase funding even after the scope was clarified; thus, staff recommended appropriation of \$1,000 from grant revenue to the general construction fund and \$349,000 from either the 1% Sales Tax funds or transfer from the Special Use Fund to proceed with scoping and procuring engineering design services for the project.

City Manager Kunik pointed out the appropriation was a worst-case scenario if the City was not able to negotiate with FDOT to approve the extra funding for design.

**Mayor Prafke** inquired whether Sales Tax Funds were available.

City Manager Kunik replied it would be necessary to “move funds around”, stressing the design needed to move forward immediately.

Mr. Austin advised the LAP Agreement must be signed by October 30, 2019.

**Councilmember Matthews** objected to utilizing Special Use Funds for this project.

**Mayor Prafke** agreed.

Ms. Kristin Simeone announced there were undesignated funds remaining in the current Local Option Sales Tax Fund account.

City Manager Kunik noted it had taken a while to secure grant funds of \$3 million.

Ms. Simeone inquired whether Council would be amenable to utilizing interest from the Special Use Fund, offering to research the figure.

Consensus was to continue to the next agenda item while the figure was researched.

**NOTE: The conclusion of this discussion was heard after FY 2020 Department Performance Objectives.**

Ms. Simeone reported \$175,000 in interest was projected in the Special Use Fund through FY 2020 without touching the principal.

Councilmember Wein **MOVED** approval of the Airport to Carmalita Improvements Project and FDOT LAP Funding, and appropriation of \$175,000 from the Special Use Fund interest earnings with the remainder from Sales Tax Funds, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: Discussion regarding a request to establish a Desguin Lane was heard prior to Citizens Comments – Regular Agenda Items.**

**Discussion regarding a request to establish a Desguin Lane.**

**Mayor Prafke** confirmed there were no public comments related to this item.

Ms. Finkle displayed a view of the plat for Block 132, as delineated in the agenda material, explaining staff had received a request for a street name change. She noted it had not been dedicated as a public street or alleyway; thus, the street name change could not be processed. She stated the area was improved but had no markings, noting the driveways for the requestor’s addresses of 412 and 421 Grace Street were both accessed from the roadway. She explained it would be necessary to designate the street by ordinance, adding stop signs and minimal road markings would be necessary. She stated due to the width of the roadway, the requestor would need to provide the

City with a perpetual easement. She stated staff was seeking direction regarding whether to draft an ordinance.

Mr. Frank Desguin, requestor, explained a name for the roadway would allow visitors, delivery persons and emergency personnel to locate the property. He clarified there was a stop sign but no street sign, stressing many people utilized the roadway. He opined City Council's policy was related to renaming; however, the roadway currently had no name.

City Manager Kunik noted City Council had established a policy in 2008; however, same could be flexible or amended if necessary.

**Councilmember Cummings** spoke in favor of the request.

Mr. Desguin provided a brief summary of his family's history.

Ms. Finkle advised there was no objection by the neighbors.

Councilmember Wein **MOVED** approval of the request, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: Recommendation from City Officers was heard following Discussion regarding the US 41 - Airport to Carmalita Improvements project and FDOT Lap Funding.**

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

##### **CITY MANAGER**

##### **FY 2020 Department Performance Objectives**

City Manager Kunik drew members' attention to the Performance Objectives, as delineated in the agenda materials, inquiring as to any comments. He pointed out the only objectives that required City Council approval were those of the City Manager and City Clerk, adding the remaining objectives were those used to evaluate the various divisions and departments.

**Councilmember Matthews** opined some of the objectives were vague, suggesting some specify that town hall meetings be held each year. She opined it was necessary to put more emphasis on annexation, suggesting a special category with certain grandfathered provisions be created for properties along Jones Loop and the U.S 41 corridor. She stated the letter of intent to annex for new water customers had not been enforced, suggesting those customers be encouraged to annex.

**Mayor Prafke** agreed, opining the City would be benefit by having those properties as part of the community. She then stated objectives should be specific, measurable, realistic and timebound (SMART), voicing concern many of the objectives were job descriptions.

**Councilmember Wein** stated he was in favor of annexation; however, it was necessary to keep in mind the revenue and quality of life that the annexation would provide versus the cost to the City to provide infrastructure and support services.

City Manager Kunik questioned whether City Council wished to pursue properties on U.S. 41, pointing out many were resistant to annexation due to signage issues.

A lengthy discussion ensued regarding annexation with comments related to grandfathering concerns, creation of overlay districts, creative signage options and emphasis on commercial properties.

City Manager Kunik stated if City Council hired a firm to rewrite the LDRs, it would be possible to incorporate language related to signage on U.S. 41 and Jones Loop Road.

**Mayor Profke** recalled the Interstate Commercial overlay had been put on hold until the Citywide Master Plan could be completed, adding there were some commercial properties on Jones Loop Road that were waiting to annex.

Councilmember Cummings **MOVED** approval of the Performance Objectives for the City Clerk and City Manager, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: The following discussion was heard following the conclusion of the US 41 - Airport to Carmalita Improvements Project and FDOT LAP Funding discussion.**

City Manager Kunik explained the Planned Development rezoning approved for 900 West Marion Avenue, read as follows: "Building 2 will house the Military Heritage Museum (MHM), open to the public, office space and an auditorium which will be accessory to the hotel units on the property and the timeshare units at Fishermen's Village. The auditorium will not be open to the outside public." He explained the MHM was utilizing the auditorium for events, noting staff felt the events added value to the community as well as the MHM, and was a good use of the auditorium. He stated staff had arranged to meet with Fishermen's Village staff to discuss the matter, noting the City Attorney had an idea of how to address events already planned for the auditorium in the interim.

City Attorney Levin stated in order to effectuate the intended use of the auditorium, it would be necessary for the property owner to request an amendment to Exhibit B of the ordinance which contained the restrictive language. He stated City Council could decide to waive enforcement of the provision until such time as an ordinance could be adopted or rejected with respect to the amendment.

City Manager Kunik pointed out the timeframe for the waiver would be short.

**Councilmember Matthews** inquired whether the MHM could continue holding the events as planned.

City Attorney Levin clarified the MHM would not be permitted to do so; however, the City would not enforce a violation of the ordinance.

Discussion ensued with consensus of City Council to temporarily waive enforcement of the provision as explained by the City Attorney.

#### **CITY ATTORNEY**

No comments.

#### **BOARDS AND COMMITTEES**

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

Code Enforcement Board - Alternate

Punta Gorda Isles Canal Advisory Committee

Police Officers' Pension Board

Board of Zoning Appeals - Alternate

Historic Preservation Advisory Board (3)

Utility Advisory Board

City Clerk Smith announced the vacancies.

##### **Nominations**

Utility Advisory Board

City Clerk Smith requested both applicants be nominated and appointed to fill the vacant seats as the Board had been without full membership for some time.

Councilmember Wein **MOVED** to nominate and appoint Ms. Cynthia Blondin and Mr. Paul Jones, **SECONDED** by Councilmember Matthews.

##### **MOTION UNANIMOUSLY CARRIED.**

Burnt Store Isles Canal Advisory Committee (3)

Councilmember Matthews **NOMINATED** all interested parties.

Firefighters' Pension Board

Councilmember Wein **MOVED** to nominated and appoint Mr. Bill Albers **SECONDED** by Councilmember Cummings.

##### **MOTION UNANIMOUSLY CARRIED.**

##### **Appointments**

Burnt Store Isles Canal Advisory Committee

Voting forms were distributed.

City Attorney Levin announced Mr. Randall Bowdish had received the most votes and was thus appointed to the Committee.

#### **POLICY AND LEGISLATION**

**PRAFKE:** Reported the City had made its presentation to the Charlotte County legislative delegation.

- Spoke regarding the status of the I-75 signage for the Military Heritage Museum and Veteran's Memorial Park, which had previously been approved by the State.
- Encouraged donations to the City's Halloween event.

**MATTHEWS:** Emphasized work continued on Buckley's Pass.

### **CITIZENS COMMENTS**

Ms. Sheila Jaeger asserted the temporary solution for pickleball in Gilchrist Park was not reasonable, adding the peaceful and quiet use of nearby homes was still disturbed by any reasonable definition. She requested City Council recognize same as planning for the Park and the City moved forward, asking that the courts in Gilchrist be converted back to something with proven neighborhood compatibility.

The meeting was adjourned at 12:13 p.m.

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Mayor

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City Clerk