

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 2, 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. John Burrage, followed by the Pledge of Allegiance.

Mayor Prafke announced the Downtown Farmer's Market Expansion had been pulled from the agenda. She pointed out the Rules of Conduct were once again displayed in Council Chambers, requesting same be re-adopted by City Council at their next meeting and made a part of each reorganization meeting in future years.

Consensus was to do so.

PROCLAMATION/PRESENTATIONS

Institute for Elected Municipal Officials (IEMO4) Certificate of Completion – Councilmember Cummings

Mayor Prafke presented the Certificate to Councilmember Cummings.

Councilmember Cummings stated IEMO4, "*The Leadership Challenge*", emphasized the necessity for local leaders to lead and not make decisions based on perceived popularity through polling, adding the consequences to quality of life for residents had to be first. He apologized for any offense taken by his comments at the December 23, 2018 meeting, adding his reason for using passionate language was to hold City Council accountable for their primary role of protecting the health, safety and welfare of residents. He voiced concern regarding the trend of amending votes or previous actions taken in order to placate criticism from some residents, including the decision to hold a special meeting to reconsider providing residents living across from Gilchrist Park a 36 hour break from pickleball. He stated he had been advised to present his motion for same during Councilmember comments, adding it had been a normal practice for minor items to be addressed during that portion of the agenda. He again apologized for offending any members of Council with his comments, adding he felt it was in the community's best interests to uphold residents' rights to live comfortably in their homes even if there was opposition or segments of the community which were inconvenienced by same.

Councilmember Matthews requested a copy of Councilmember Cummings' prepared comments.

Introduction of Board/Committee Member Nominees

None.

Note: City Council recessed and reconvened as the Community Redevelopment Agency (CRA) (see corresponding minutes).

ORDINANCE/RESOLUTION

(No Public Hearing Required)

A Resolution of the City Council of the City of Punta Gorda, Florida, changing the dates of its regularly scheduled Council meetings for July and August 2019 and for January 2020.

City Attorney Levin read the resolution by title.

Discussion ensued regarding the proposed Council meeting dates.

Councilmember Matthews **MOVED** approval of the resolution, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Mayor Prafke confirmed there were no public comments on the Consent Agenda.

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

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Regular Meeting of December 19, 2018
- B. Legal Department
 - 1. Monthly Litigation Report
 - 2. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through November 30, 2018
- C. Urban Design Division
 - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving an agreement with the Florida Department of Environmental Protection (Agreement No. R1814) and accepting a Resiliency Planning Grant Award from the Florida Resilient Coastlines Program relating to the City's Climate Adaptation Plan Update and Living Shoreline Element; authorizing the City Manager to sign the agreement and administer the grant on behalf of the City; and providing an effective date.

2. A Resolution of the City Council of the City of Punta Gorda, Florida, as Local Host Agency for the Charlotte Harbor National Estuary Program (CHNEP), accepting grant funding from the State of Florida Department of Environmental Protection (FDEP) for Charlotte Harbor National Estuary Program non-Federal funding for the Federal Fiscal Year 2019 Annual Work Plan; authorizing the City Manager to sign the grant agreement and administer the grant on behalf of the City; appropriating grant award; and providing an effective date.

D. Utilities Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, accepting a Bill of Sale and Release of Liens/Affidavit of No Liens from D.R. Horton, Inc., and a Warranty from Bluewater of South Florida, Inc. for water distribution and wastewater collection facilities located within Calusa Creek Section B; providing for conflicts and severability; and providing an effective date.

Citizen Comments – Regular Agenda Items Only

Ms. Sheila Jaeger, Historic District Homeowners Association (HDHOA), spoke at length regarding the location of pickleball courts in Gilchrist Park, noting the Park was only 350 feet wide, and the home closest to the courts was only 100 feet away; however, experts recommended courts be no closer than 600 feet from residences. She asserted pickleball negatively impacted the enjoyment of other Park users. She then briefly reviewed the findings of the HDHOA Pickleball Committee, as delineated in the agenda packet.

Mr. David Johnston opined if City Council had understood the noise level that would result from pickleball, they would have designed a proper location for same, suggesting it was necessary to identify a long term solution which would satisfy everyone.

Ms. Ann Marie Depaul Havock, spoke on behalf of her brother who lived on West Retta Esplanade, asserting he had suffered a stroke in September 2017. She noted her brother's doctor had written a letter stating the noise level, over time, had affected her brother's blood pressure. She requested steps be taken to lower the noise.

Mr. Craig Eric stated the Gilchrist Park courts were in the wrong place, adding the noise had taken over the park and had ruined its tranquility and beauty.

Ms. Gabrielle Thompson spoke at length regarding the decibel levels near the Gilchrist Park pickleball courts and adjacent residences, asserting the levels were not unreasonable. She opined solution options were noise abatement fencing and/or switching the pickleball courts with the existing tennis courts, concluding closing the courts was not a compromise.

Ms. Betsy Blaustein stated the issue was peace and quiet for the neighbors as well as that of other users of the Park, asserting wildlife and shore birds no longer inhabited the area due to the noise. She pointed out the playground was designed to accommodate children with special needs, requesting consideration of those who might be sensitive to the constant popping sounds of pickleball. She stressed the sound of pickleball was unlike any other sound, concluding the courts should be moved out of the Park.

Ms. Dawn MacGibbon objected to Council holding a special meeting to discuss pickleball, opining the subject matter had been given a power it did not require. She then stated she heard pickleball from her home on Marion Avenue all day, every day, adding residents wanted to share their neighborhood; however, regardless of what was said to the contrary, the pickleball players did not want to compromise. She opined the neighborhood had been injured, concluding pickleball did not belong in Gilchrist Park.

Ms. Eunice Wiley, HDHOA, stated a number of good options had been mentioned to resolve the pickleball issue, adding it was time to identify a long term solution and not let one little ball divide the community.

Ms. Trudi Baxter stated Councilmembers were elected to find solutions to issues and bring people together, adding one member had done just the opposite by using inflammatory language and should resign.

Mr. Bob Federici read a statement written by Mr. Art Ribold, a resident who was unable to attend today's meeting, noting Mr. Ribold strongly objected to pickleball being located in Gilchrist Park.

Ms. Debbie Sarkisian spoke regarding the noise abatement proposals, suggesting acoustic fence was the most immediate answer.

Mr. Marty Blaustein opined the solution to the noise problem was to move the pickleball courts to a non-residential area, requesting people to consider how they would feel if the peace and tranquility of their neighborhood was taken away.

Mr. Rick Sarkisian suggested acoustic fence be used to reduce the noise level of pickleball rather than a landscape barrier, opining other Park users enjoyed watching pickleball.

Ms. Andrea Gately opined sound barriers might be a better option than removing pickleball from Gilchrist, adding the parking issue could be addressed immediately with blockades. She stated a solution was needed which satisfied everyone.

Mr. Ricardo Dellar spoke regarding the benefits of pickleball for at-risk kids, opining installing a sound barrier was a better solution than eliminating the courts.

Ms. Martha Bireda spoke regarding the negative health impact on residents and other Park users from the constant noise of pickleball, asserting many residents were no longer comfortable using the Park.

Mr. Jeff Wilson stated he had observed many people enjoying various activities in the Park.

BUDGET

Award of Amendment #1 – Specific Authorization #5 – Redesign of Ponce de Leon Park, in accordance with Agreement #U2016104 Engineering Library, to Weiler Engineering of Punta Gorda, FL

Ms. Marian Pace, Procurement Manager, recommended the subject agreement be awarded to Weiler Engineering, the most qualified, responsive and responsible bidder, for the re-design of Ponce de Leon Park, including water/sewer expansion design. She explained this project would be completed in phases, as outlined in the agenda material, with the cost of Phase 1 not to exceed \$164,502. She clarified the second phase, design of the utilities component, would be negotiated at a later time.

Councilmember Wein pointed out the initial outcome might reveal no additional work was necessary.

Mayor Prafke confirmed the action taken this date included architecture.

Councilmember Wein **MOVED** approval of the award of Amendment #1, Specific Authorization #5 – Redesign of Ponce de Leon Park, to Weiler Engineering, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Building Division Renovation

Ms. Kristin Simeone, Finance Director, explained the Building Division was requesting authorization to renovate their work area at a cost of \$19,365 to be paid from reserves.

Mayor Prafke questioned the Building Division's total reserves.

City Manager Kunik replied approximately \$1.2 million.

Councilmember Matthews questioned whether the proposed renovation would allow for future allocations.

Mr. Randy Cole, Chief Building Official, replied he believed so.

Councilmember Matthews **MOVED** approval of the Building Division's funding request, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Discussion regarding Funding of Utility Work (water and sewer) Associated with the PicklePlex

City Manager Kunik stated staff had received a request to provide water and wastewater service to the PicklePlex, currently under construction at the Florida Southwestern State College campus, for an approximate cost of \$43,000, confirming sufficient capacity was available. He explained the Utilities budget, which was an enterprise fund, could not give away free service; thus, costs must be reimbursed in some manner. He expressed hope PicklePlex would lessen the amount of play in Gilchrist Park, pointing out Charlotte County was considering funding up to \$450,000 for Phase 2 of the PicklePlex complex.

Councilmember Wein suggested the decision be delayed until the County committed to Phase 2 funding. He opined PicklePlex would economically benefit both the City and County, recalling this project was originally intended to be privately funded.

Councilmember Matthews agreed, stating if pickleball remained in Gilchrist Park, funds should be expended on noise abatement. She suggested if the City provided funding for the PicklePlex, perhaps the Gilchrist Park courts should be eliminated or play hours reduced.

Mayor Prafke interjected PicklePlex was not meant to eliminate the Gilchrist Park courts but rather to increase the number of available courts in Charlotte County.

Councilmember Wein stated he supported both locations, acknowledging the hope PicklePlex would relieve some of the pressure at Gilchrist.

Councilmember Carey stated a review of the 2017 City Parks Master Plan suggested the pickleball courts be relocated to a stand-alone area on Marion Avenue between Adrian and Booth Streets. She opined collaboration was necessary to address the needs of both sides of the Gilchrist Park pickleball issue.

Councilmember Cummings stated he fully supported the PicklePlex, adding he envisioned all pickleball courts being located over 600 feet from residential areas.

Councilmember Wein cautioned the issue before Council at this time was the expenditure of funds on PicklePlex.

Councilmember Wein **MOVED** to table the item until the Charlotte County Commission made their decision.

MOTION DIED FOR LACK OF A SECOND.

Discussion ensued with consensus to table the remainder of this discussion until conclusion of Council's discussion of noise abatement options under Unfinished Business.

Councilmember Wein questioned the anticipated completion date of Phase 2.

Mr. Ted Kegeris, PicklePlex President, expressed uncertainty; however, he anticipated Phase 2 being initiated in 2019.

Note: A short break was called at 10:33 a.m.

Note: The following was heard after Noise Abatement Options under Unfinished Business.

Councilmember Carey **MOVED** to fund the utility work associated with PicklePlex, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Councilmember Carey **MOVED** to utilize local option sales tax funds for the utility work, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Noise Abatement Options for Pickleball Activity in Gilchrist Park

City Manager Kunik presented the noise abatement options for pickleball activity in Gilchrist Park, providing a brief description, including costs, of the following: vegetative buffer; acoustic barrier; change in location of the court within Gilchrist Park. Discussion ensued with regard to the following issues and possible solutions: relocation to City owned property on Henry Street; elimination of pickleball courts in Gilchrist Park; immediate resolution to the parking problems in Gilchrist Park and along Retta Esplanade.

City Manager Kunik stated the current plans for Phase 2 provided for initial construction of the Harborwalk, which could then remain open during work on the remainder of the site. He pointed out establishment of parking prior to the Harborwalk would require installation of stormwater facilities and possible closures of other amenities such as the playground.

Councilmember Carey suggested simply installing a few “No Parking” signs and enforcement of same.

Councilmember Wein suggested closing four of the pickleball courts once PicklePlex opened, thus reducing play in Gilchrist Park by half, adding the remaining courts could be switched with the tennis court location; however, moving the courts to another location might be preferable.

City Attorney Levin inquired whether the material for the acoustic fence could be sole sourced.

Ms. Pace replied in the negative, explaining the options available for procurement.

City Manager Kunik summarized suggestions as follows: form a committee to identify solutions including use of the West Henry Street property; reduction in the number of

Gilchrist Park courts to four once PicklePlex opened; relocate the remaining four courts further from West Retta Esplanade; installation of some type of acoustic fence; ban parking on the grass and/or monitoring parking; change priorities in Phase 2 of the Gilchrist Park renovation.

Councilmember Carey stressed enforcement of no parking on the grass was needed immediately.

Councilmember Wein stated he felt an acoustic barrier should be installed even if the number of courts was reduced, adding he was not in favor of changing priorities but agreed with the ban on parking on the grass.

City Manager Kunik noted Council would need to appropriate the funds necessary for a sound barrier.

Discussion ensued with consensus to make no change to the Phase 2 timetable.

Mayor Prafke confirmed the following options had been identified: (1) create a group to help identify a long term solution; (2) reduce the number of courts to four when PicklePlex opened and relocate the remaining courts to those closest to the Harborwalk, (3) install a movable sound barrier around the four courts; (4) ban parking on the grass parking on Gilchrist Park property.

Councilmember Cummings **MOVED** approval of the four identified options, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Councilmember Wein **MOVED** approval of utilization of Local Option Sales Tax funds, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

City Manager Kunik confirmed staff would present cost information as soon as possible.

City Council Quarterly Workshops

City Manager Kunik inquired whether City Council wished to hold the January 9, 2019 evening workshop, pointing out there were no items scheduled.

Consensus was to cancel the workshop.

NEW BUSINESS

FY 2020 Budget Community Input Project

City Manager Kunik described various options available for Council to hear community input relative to budget priorities as follows: use of a digital engagement platform designed for community input in conjunction with one or more town-hall type meetings; use SurveyMonkey or Constant Contact, in addition to one or more town-hall type meetings; conduct one or more town-hall type meetings.

Mayor Prafke spoke in favor of a digital engagement platform.

Councilmember Wein clarified same was a software package.

Ms. Ann Talley explained it would actually be a one-time study as opposed to installation of software.

Councilmember Matthews opined the current process of community input via town hall meetings had proven to be successful.

Councilmember Cummings agreed.

Mayor Prafke opined it was necessary to obtain input through a variety of means.

Councilmembers Wein and Carey voiced concern regarding the cost for a one-time study.

Downtown Farmer's Market Expansion

Mayor Prafke announced this item had been pulled from the agenda.

RECOMMENDATION FROM CITY OFFICERS

None.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate

Building Board Alternate

Code Enforcement Board Alternate

Burnt Store Isles Canal Advisory Committee

City Clerk Smith announced the vacancies.

POLICY AND LEGISLATION

PRAFKE: Reminded everyone about the January 7, 2019 "Journey to the Future" event.

CITIZENS COMMENTS

Mr. Blaustein suggested utilizing part of the tennis courts for the pickleball courts and reducing the allowed hours of play.

Ms. Jaeger spoke regarding the quality and quantity of sounds associated with pickleball play.

Mr. Gary Skillicorn spoke favorably about using the Henry Street property for the establishment of new pickleball courts.

Mr. Bob Tally questioned the percentage of pickleball players at Gilchrist Park who were also property owners/tax payers.

Ms. Wendy Mueller spoke in favor of the ban on parking on the grass.

Ms. Blaustein commented favorably on the decision to relocate the pickleball courts.

Ms. Bireda invited everyone to the Dr. Martin Luther King Jr. breakfast on January 19, 2019, from 8:00 a.m. to 10:30 a.m.

The meeting was adjourned at 11:55 a.m.

Mayor

City Clerk