

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

PROCLAMATION/PRESENTATIONS

Dr. Martin Luther King, Jr. Day

Councilmember Wein presented the proclamation, which was accepted by Reverend Ellison Haddock.

Recap of Florida Regional Council Association Meeting – Councilmember Wein

Councilmember Wein provided a brief report on the Florida Regional Council Association meeting, as delineated in the agenda material, explaining red tide had been a focus area for some time. He reviewed the results of an economic damage assessment survey of businesses located throughout 12 counties, including Charlotte County, with regard to effects such as loss of jobs, personal income and gross product as well as wildlife. He reported Charlotte County would host a Red Tide Update and Water Quality Summit on January 29, 2019, at the Charlotte Harbor Event & Conference Center.

Introduction of Board/Committee Member Nominees

Mr. Jack Pryor announced he was a nominee for re-appointment to the Burnt Store Isles Canal Advisory Committee.

QUASI-JUDICIAL PUBLIC HEARINGS

City Clerk Smith swore in the participants.

SV-01-18 – A Resolution of the City Council of the City of Punta Gorda, Florida, vacating the two undeveloped ten foot wide alleys lying in Block 11, City of Punta Gorda, according to the plat thereof, as recorded in Plat Book 1, Page 15, of the Public Records of Charlotte County, Florida, more particularly described in Exhibit “A”; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Lisa Hannon, Zoning Official, explained the applicant was seeking vacation of a ten foot wide alley in Block 11, displaying an overhead depicting the subject area. She concluded staff and the Planning Commission recommended approval of this request.

Ms. Kim Devine, applicant, attested there would be no changes to the alley.

Mr. Don Sabatini asserted the property constituted a City asset, which could be utilized to generate income through the sale of same.

City Attorney Levin stated with rare exception, alleyways, rights-of-way and similar items were dedicated to the public and were not owned by the City. He explained the land was owned by the individual abutting property owners, adding when a vacation occurred, the property was split between those adjoining property owners. He clarified the City could not sell property which it did not own.

Discussion ensued regarding alleys and the vacation of same.

Ms. Hannon advised a portion of the alley was previously vacated.

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 inquired if the abutting property owners would be taxed on the property once the alley was vacated.

City Attorney Levin replied affirmatively.

Councilmember Matthews **MOVED** approval of SV-01-18, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

Ms. Sherri Lenore objected to Councilmembers engaging in political campaigning while on the job, pointing out City employees were prohibited from same. She requested Council address this issue to prohibit any future occurrence.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, reaffirming Resolution #1132-95 and formally adopting its Rules of Conduct; and providing an effective date

2. Approval of Minutes: Regular Meeting of January 2, 2019

- C. Legal Department
 - 1. Invoice of Persson & Cohen, P.A. for services rendered in December 2018
- D. Urban Design Division
 - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Charlotte Harbor National Estuary Program, accepting funding from Manatee County for implementing the Fiscal Year 2019 CHNEP Work Plan and Budget; authorizing the City Manager to sign the funding agreement and administer the funding on behalf of the City; and providing an effective date

Citizen Comments – Regular Agenda Items Only

Ms. Laurie Leinart objected to the possibility of pickleball courts on Henry Street due to noise concerns so close to residential properties.

Ms. Shea Wetzler expressed opposition to placement of pickleball courts near the library, voicing concern regarding increased traffic and access for fire apparatus.

Mr. Sabatini commented the issue before Council was establishment of a committee.

Ms. Devine inquired if consideration had been given to moving the Downtown Farmers Market (DFM) to Laishley Park.

Ms. Andrea Gately spoke in favor of expanding the DFM.

Mr. Vic Crouse voiced concern regarding noise generated by pickleball courts located near the dog park.

Mr. Charlie Countsman objected to locating pickleball courts near the library.

BUDGET

Utilities Fund – Automated Metering Infrastructure (AMI) technician position

Ms. Kristin Simeone, Finance Director, explained the request for elimination of a part-time maintenance worker III and addition of a full-time AMI technician position, noting the technician would be responsible for set-up, maintenance and repair of the new system.

City Manager Kunik reported the project was 88% complete.

Councilmember Matthews confirmed customers could not yet view their usage online, inquiring how customers would know when the meter had been switched out.

Ms. Simeone responded customers could contact the Billing & Collections Division.

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

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Downtown Farmer's Market Expansion

Ms. Hannon explained the request was to expand the market across a portion of Sullivan Street, noting staff recommended approval with the conditions related to clearance near the fire hydrant at Sullivan and Olympia Avenue, adherence to the maintenance of traffic plan and no interference with other City events.

Councilmember Matthews voiced concern as to decreasing Herald Court to one lane.

Ms. Hannon explained one lane would be blocked off to make it safer for the public and the vendors.

City Manager Kunik interjected same was a recommendation from Public Works, adding Council could either accept or reject the proposal.

Police Chief Pam Davis and Fire Chief Ray Briggs indicated the access was manageable for emergency vehicles and response times.

Mayor Profke inquired as to the number of vendors which could be accommodated with the expansion.

Mr. Jerry Presseller replied 17.

Mayor Profke inquired as to long term plans.

Mr. Presseller objected to relocating to Laishley Park. He opined an additional expansion would not be necessary as it was not preferable for the market to become too large; however, if there was interest in another expansion, he would likely approach the Charlotte Community Foundation regarding the use of their parking lot.

Councilmember Matthews inquired as to plans for Sullivan Street during resurfacing work.

Mr. Presseller replied he could delay taking on the additional vendors until the Sullivan Street work was complete.

Councilmember Cummings **MOVED** approval of the expansion, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings **MOVED** to amend the motion to include staff's recommended conditions in the approval, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Committee to Develop Long-Term Solutions for Pickleball Play in Punta Gorda

City Manager Kunik recalled City Council approved formation of the referenced committee to explore and develop long-term solutions for pickleball play within the City, noting staff's recommendations for membership composition should the Henry Street property be considered as an option. He stated if the committee was formed, meetings would be noticed and open to the public.

Councilmember Carey objected to consideration of Henry Street as a location for pickleball courts, adding if Henry Street remained an option, there should be at least two representatives from District 2 on the committee.

Councilmember Wein opined committee members needed to keep an open mind to all locations and evaluate the issue holistically. He pointed out a new site could be engineered with noise abatement in mind.

Councilmember Matthews suggested all districts should be represented on the committee and all members must be City residents, adding the application process should be similar to the process for other advisory boards. She stated the library representative may not be necessary, depending on what was decided; however, they could be a consultant.

Councilmember Cummings agreed Henry Street should not be considered, opining the conversation had demonstrated pickleball courts should not be located in a residential area. He suggested Council put their full support behind PicklePlex.

Councilmember Matthews agreed.

Discussion ensued regarding membership composition with consensus to form a committee made up of one representative from each Council district and two at-large pickleball players who were also City residents, with applicants to apply and be appointed by City Council, with an announcement to seek applicants to be published by the City Clerk and to develop by-laws which include a sunset date.

Councilmember Wein stressed the activities of the committee should complement the development of Pickleplex rather than having a negative effect. He stated the question was how to maintain pickleball within the City limits in such a way that it benefitted the community as a whole, while keeping an open mind regarding how to go about it.

Mayor Prafke requested the Board Appointment Form for the Pickleball Committee include a question as whether or not the applicant played pickleball.

Strategic Plan FY 2019 January Progress Report

City Manager Kunik drew members' attention to the Progress Report, as delineated in the agenda materials, explaining the process and encouraging everyone to view the information which was posted on the City's website.

Action Register Quarterly Report

Ms. Melissa Reichert, Communications Manager, drew members' attention to the Quarterly Report, as delineated in the agenda materials, explaining the process, briefly reviewing several projects. She stated the Register was posted on the City's website.

Ms. Simeone confirmed FEMA had approved separating the seawall project and mitigation, noting FEMA had also accepted the information regarding overtime for

debris removal; thus, staff anticipated receiving a reimbursement check for approximately \$250,000 in the near future.

Discussion ensued regarding reimbursements from FEMA for Hurricane Irma expenditures and the need to maintain sufficient reserves for such emergencies.

Discussion regarding adoption of a resolution to establish a policy regarding Council action on non-agenda items.

City Clerk Smith recalled at their December 23, 2018 meeting, City Council had discussed establishing a policy with regard to non-agenda items, noting a resolution on this topic was adopted by a previous Council in 1998. She stated she had included additional language to provide Council with increased flexibility.

Discussion ensued regarding voting on non-agenda items with consensus to reaffirm the 1998 resolution as written.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reported the Long Range Financial Plan would be presented to Council at a meeting in February 2019.

Ms. Macalle Finkle, Paralegal, explained the initial assessment resolution for the Buckley's Pass project would be presented at the February 6, 2019 meeting.

CITY ATTORNEY

City Attorney Levin announced there were three active litigation matters, including a challenge to the Canal Maintenance Assessments methodology, a Code Enforcement Board action against Emerald Pointe Condominiums and a Building Board action regarding a contractor.

CITY CLERK

Donation Review Committee

City Clerk Smith requested City Council confirmation of the Historic Preservation Advisory Board's reappointment of Mr. Brad Gamblin to the Donation Review Committee.

Councilmember Wein **MOVED** to confirm Mr. Gamblin's reappointment, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate

Building Board Alternate

Code Enforcement Board Alternate

Code Enforcement Board

City Clerk Smith announced the vacancies.

Nominations

Burnt Store Isles Canal Advisory Committee

Councilmember Wein **MOVED** to nominate and reappoint Mr. Jack Pryor, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Announced the Florida League of Cities Legislative Action Days were March 26-27, 2019, noting she would be attending. She noted Councilmembers Matthews and Cummings were interested in attending as well.

- Reported the Journey to the Future event was successful, thanking everyone involved. She confirmed the tapings of the various sessions would be available on the City's website in the near future.

CAREY: Reported she would be attending the Institute for Elected Municipal Officials later in the week.

WEIN: Stated he would be requesting Council approval of donating excess computers to the Charlotte County computer group and to donate the Police Department's more powerful retired laptops to the GAP Program.

MATTHEWS: Requested the microphones be adjusted to better hear the speakers.

- Announced the Charlotte County Airport Authority had appointed Mr. Paul Andrews to serve on the Metropolitan Planning Organization (MPO), noting a joint MPO/Sarasota/Manatee County meeting was scheduled for later this month.

- Reported she spoke to the Police Chief about resurrecting the Neighborhood Watch Program, requesting members assist in identifying residents who were willing to serve as Block Captains.

- Stated an event would be held at the new Military Heritage Museum location sometime in February 2019 with tours and interviews with combat veterans which would be broadcast, adding she would provide additional information when it was available.

CUMMINGS: Invited everyone to attend the Martin Luther King, Jr. breakfast on Saturday, January 19, 2019, at the Punta Gorda Middle School.

- Announced a March on Museums food-related event sponsored by the Florida Association of Museums would be held at Leroy's during the month of March.

CITIZENS COMMENTS

Ms. Wendy Mueller voiced appreciation for the new utility meters.

Mr. Bob Tally suggested speakers be required to provide their address so City Council would know whether they were City residents.

Ms. Devine thanked City Council for approval of the alley vacation, noting nothing could be constructed within the vacated area as a five foot setback was required.

Mr. Lori Leinart requested City Council select a pickleball representative which could represent all players and who was open-minded to all possible solutions.

Mr. Countsman objected to the aesthetics of the gun shop on U.S. 41 near the automobile dealerships using their storm shutters as security gates.

Ms. Patti Allen, Fishermen's Village (FV), spoke regarding the negative effect of red tide on the businesses in FV despite the fact that there was no red tide in their area.

Ms. Pat Niles spoke favorably regarding the Journey to the Future event, questioning the notification process and reaction time for the AMI as it related to large water systems such as Gateway Point.

Ms. Lynn Stockinger suggested a sound study was needed for pickleball.

The meeting was adjourned at 11:12 a.m.

Mayor

City Clerk