

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 21, 2018, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Cummings, Keesling, 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 Keesling** called the meeting to order at 9:00 a.m.

Invocation was given by Mr. Carlo Garguilo, who called for a moment of silence for the victims of the Marjory Stoneman Douglas High School shooting, followed by the Pledge of Allegiance.

**PROCLAMATIONS/PRESENTATIONS**

**Roger E. Tetrault Day**

**Mayor Keesling** presented the proclamation, which was accepted by Mr. Gene Geronime.

**Dr. Robert John Andrews Day**

**Councilmember Prafke** presented the proclamation, which was accepted by Ms. Judy Waldrop.

**Introduction of Board/Committee Member Nominees**

Mr. Harry Bartell for the Police Officers' Pension Board; Mr. John Tiller for the General Employees' Pension Board; Mr. Roger Peterson for the Planning Commission.

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**Citizen Comments – Ordinances/Resolution Items Only**

There were none.

**GA-01-18 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 7, “Building Regulations”, Article V, “Floodplain Management Code”, Section 304, “Manufactured Homes”, and Technical Amendment to the Florida Building Code R322.2.1, “Elevation Requirements”, to increase the minimum elevation for buildings and structures in flood hazard areas pursuant to the Florida Building Code; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title only.

Councilmember Prafke **MOVED** approval of GA-01-18, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

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

**MOTION UNANIMOUSLY CARRIED.**

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of February 7, 2018

C. Legal Department

1. Invoices of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through December 15, 2017 through February 24, 2018

2. Invoices of Lewis Longman & Walker P.A for services rendered in January 2018

#### Citizen Comments – Regular Agenda Items Only

Ms. Cathy Getz voiced concern the day docks were becoming a live-aboard community.

Ms. Macy Jones, Liberate Physician Centers, requested City Council consider allowing medical marijuana dispensaries within the City to enable better access to older patients and those with debilitating conditions.

Ms. Sheila Yeager voiced objection to the number of dinghies being stored on the day dock as it prevented others from utilizing the dock during the day.

Mr. Gary Skillicorn suggested City Council take into consideration the good and the bad from Harborwalk Phase 1 when designing Phase 2.

Mr. Joe Ferris stated he appreciated the availability of the day dock, which was a valuable resource, adding he was a live-aboard and wanted to be a good neighbor.

Ms. Karen Hotsey stated she also utilized the day dock, adding she understood residents' concerns; however, she also wanted to be a good neighbor.

#### BUDGET

#### Purchase and Color Selection of Roll-out Carts for Semi-Automated Refuse Collection from Toter, Inc. of Statesville, NC.

Ms. Marian Pace, Procurement Manager, drew members' attention to the manufacturers' information regarding roll-out cart pricing, as delineated in the agenda material, noting it was necessary to make a color selection for the cart and approve the award of the purchase to Toter, Inc.

Councilmember Prafke **MOVED** approval of the award to Toter, Inc., **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

Discussion ensued regarding color options with consensus to select the sandstone cart, brown lid and black embossed logo.

Ms. Pace reported a notice to proceed would be issued later this date with cart distribution to begin in mid-April and conclude by the end of the month.

Mr. Rick Keeney, Public Works Director, stated a vendor would pick up the existing containers which would be recycled if possible.

**Mayor Keesling** stated residents who refused to accept the City's cart must have a container with a metal bar for the tipper truck to pick up the container.

Ms. Jenna Blackway advised staff was still accepting cart size selections.

**Award of Amendment 25 to Weiler Engineering, Punta Gorda, FL for the design of Harborwalk West Phase II Construction Plans – Areas 2a and 2b Gill Street to Berry Street**

City Manager Kunik stated this item was tabled due to further discussions with the engineering firms regarding issues with the restrooms, all of which had been resolved, adding staff would receive the bid documents in the near future. He stated the design for Phase 2 had been scaled back, concluding he hoped the cost would now be more palatable.

**Mayor Keesling** inquired as to the future garden location.

Mr. Mitchell Austin, Planner, recalled citizens had requested inclusion of some type of garden which was a pretty space within which to walk.

**Mayor Keesling** inquired as to the detailed areas of the sidewalk treatment, questioning why the contract specified there would be no compass roses.

Mr. Austin replied the compass roses were part of the original design and tended to line up with the street intersections, noting in this phase there was nothing particularly special about the street intersections; thus, it made sense to eliminate them. He opined the Shreve Street intersection would be a more appropriate location.

**Mayor Keesling** inquired how to avoid conflicts with the intersection improvements experienced in Phase 1.

Mr. Austin replied staff was researching alternative methods of construction such as a treated concrete surface. He stated another option was to explore utilities in the area before issuing a construction contract.

**Mayor Keesling** voiced concern regarding mismatched intersection treatments.

Mr. Austin agreed they should be similar; however, he pointed out they would be 200 feet apart.

City Manager Kunik clarified the conflicts were due to inaccurate as-builts from the downtown flooding project completed several years ago.

Mr. Keeney acknowledged stamped pavers could have a different look, citing the work completed on Durrance Street as an example of why some were preferable and less costly than setting the pavers in concrete. He pointed out Phase 1 was an FDOT approved project; therefore, staff had been unable to make design changes.

City Manager Kunik stated as this portion of the project did not involve State or Federal funding, the project could proceed differently.

**Mayor Keesling** maintained it was preferable for the appearance to be as similar as possible. She inquired as to researching whether the engineer was familiar with porous or permeable parking lot surface materials.

Mr. Austin replied same could be considered, adding retention of parking spaces within the area of the park would impact the storm water management calculation significantly. He stated whatever could be done to reduce the design requirements for space would be beneficial.

Discussion ensued regarding parking.

**Councilmember Cummings** inquired as to adjusting the lights on the pickleball courts which were shining into adjacent homes.

Mr. Austin replied the design included a change to that recreational lighting.

**Mayor Keesling** opined the tennis court was in poor condition.

**Councilmember Matthews** suggested completing the Phase 1 restrooms before moving forward, voicing concern regarding negative comments still being made about the park.

**Councilmember Prafke** opined same would continue until the restrooms were constructed; however, many comments were based on misinformation and out of City Council's control.

Councilmember Cummings **MOVED** approval of the award of Amendment 25 to Weiler Engineering, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**Award of Amendment #1 to Southeast Drilling Services, Inc of Tampa, Florida for Construction of Raw Water Production Wells #5 & #6 at the City's Shell Creek Water Treatment Plant.**

City Manager Kunik stated the award was to finish the water production wells for the Reverse Osmosis Water Treatment Plant.

Councilmember Prafke **MOVED** approval of the award of Amendment 1 to Southeast Drilling Services, Inc., **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**UNFINISHED BUSINESS**

**Discussion regarding the ban of Medical Marijuana Treatment Center Dispensing Facilities within the City limits**

**Councilmember Wein** opined it was time for the City to proceed with allowing a medical marijuana dispensing facility, noting indications were that the high number of deaths resulting from overdoses of various opiates had decreased in cities where medical marijuana was allowed. He discussed at length the rationale for medical marijuana being a good substitute for pain management as well as being a viable, beneficial alternative medication for various medical conditions. He stated there was a demographic in Charlotte County and the City which could benefit, stressing this was not about recreational marijuana or getting high, but rather applied scientific medicine under the supervision of a doctor. He stated his concern that Punta Gorda might become a mecca for dispensing facilities had been alleviated as other communities in the area were allowing same.

**Councilmember Prafke** agreed, citing North Port as an example of how a facility could be professionally done and be a good fit with any part of the community.

**Councilmember Matthews** agreed, adding City Council owed it to the citizens who had voted to legalize marijuana.

**Councilmember Cummings** suggested waiting until after the current legislative session ended as medical marijuana was being discussed, voicing concern funding for the study of medical marijuana had been cut, and there was a lack of information regarding dosing and other issues. He stressed cities and counties had banded together to object to the legislation because it was a bad law, clarifying it allowed the purchase of the product but did not legalize consuming it.

**Councilmember Wein** countered waiting two weeks would make no difference, reiterating it was time to move forward in order to make medical marijuana available to individuals experiencing chronic pain and/or using opiates. He agreed it was a bad law but that was only one part of the issue.

**Mayor Keesling** stated the hesitation was related to political realities rather than the medical application; however, she did not believe any immediate change would be made because State legislators were waiting for Federal legislators to change their opinion.

**Councilmember Matthews** inquired how to proceed.

Ms. Macalle Finkle, Paralegal, stated it would be necessary to repeal the existing ordinance.

Councilmember Wein **MOVED** approval of drafting an ordinance to repeal the moratorium on medical marijuana dispensaries, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

Ms. Jones clarified their facility a medical facility like any other doctor's office rather than a dispensary, explaining they provided recommendations for patients, educated patients on what was needed for their specific condition and assisted patients with the cumbersome system put in place by legislators. She stated many patients would benefit from a dispensary location closer to home, concluding once a card was issued, the patient had to wait several weeks for approval from the State.

**Discussion regarding the establishment of an Airport Protection Overlay District**

Ms. Lisa Hannon, Zoning Official, drew members' attention to an aerial map of the proposed overlay district, as delineated in the agenda material, explaining the language contained in the draft ordinance was statutory for local government lands within the vicinity of a public use airport. She stated residential density in the area would be limited to that which currently existed, clarifying density units could be transferred out of the area but could not be transferred into the area. She stated the proposed language mirrored that of Charlotte County.

**Councilmember Prafke** inquired whether FDOT or the Federal Aviation Administration (FAA) would need to be involved in approving new residential or commercial construction.

Ms. Hannon responded it depended upon the proposal and the location.

**Councilmember Prafke** voiced concern regarding obstacles to development.

Mr. Austin advised the required language would have limited affect since the City's existing zoning code height limits were significantly lower than the restriction, adding based on the scale of development currently within the approach zone (runway protection/flight path into the airport), no new storm water management wet ponds would be created since the lot structures were smaller than one acre. He clarified the storm water management limitations were relative only to the red hatched area on the aerial.

**Councilmember Cummings** suggested communicating with Charlotte County staff as they were discussing changing their airport protection zone.

Ms. Hannon stated staff met with the County's Operations Manager for the airport, clarifying the language mirrored FAA and FDOT regulations as well as State Statute

rather than just County regulations. She stated it was not staff's intention to limit development or be any more restrictive than that which was permitted.

**Councilmember Matthews** inquired how the proposed language would affect development at the Jones Loop interchange area.

Mr. Austin replied within the context of the existing City Code, the new regulations would have no effect.

**Councilmember Matthews** inquired as to density.

Mr. Austin replied density of the Jones Loop property was limited by virtue of the interlocal agreement with the County, noting the entirety of the property was outside the approach zone; thus, the density levels would not be effected.

**Mayor Keesling** stated if the situation became problematic, it would be necessary to address it with the State, reiterating the provisions were required to be included in the City Code.

Consensus was to move forward with the draft ordinance language.

### **Discussion regarding the establishment of an Interchange Commercial Area Zoning District**

Ms. Hannon recalled staff was directed to draft language for an interchange commercial area zoning district for properties in the area of the interstate, displaying an aerial view of the area, as delineated in the agenda material. She explained property owners would be required to request a change to the new zoning rather than a change being automatic.

**Councilmember Matthews** inquired as to applying the zoning to the U.S. 41 corridor from Aqui Esta Drive to the Sweetbay shopping center.

Mr. Austin replied the initial discussions identified the interchange area as the critical area of concern. He explained allowing the classification on other sites would result in spot zoning; however, if City Council wanted to change the rules on some portion of U.S. 41 it could be considered. He confirmed the ordinance would assist with commercial development which was oriented toward highway traffic.

**Councilmember Wein** suggested being proactive might encourage development and annexation in the U.S. 41 corridor.

**Councilmember Matthews** agreed. She voiced concern regarding the appearance of the Mobil Gas Station/7-11, pointing out if this classification had been applicable, the building could have been constructed facing the street similar to all the other businesses in that area.

**Councilmember Wein** concurred, suggesting staff could be directed to develop ideas for the U.S. 41 corridor.

**Councilmember Prafke** stated any property owner could request a rezoning when they annexed into the City.

**Mayor Keesling** inquired as to a sports marina.

Mr. Austin replied with uncertainty, adding that language likely needed to be removed as “marina” was applicable to any type of marina.

**Mayor Keesling** inquired as to a motor bus terminal.

Mr. Austin replied the provision would allow the annexation of the Pilot gas station which currently operated as a Greyhound terminal.

**Councilmember Prafke** requested Item (f)(8), adult establishments, be removed.

City Attorney Levin advised it was not permissible to exclude adult establishments entirely from the City, adding ideally they would be located in areas which would least impact residents such as intensive commercial areas.

City Manager Kunik inquired as to U.S. 41.

**Councilmember Matthews** replied she preferred it be included.

**Councilmember Prafke** stated the purpose of the ordinance was to establish the classification rather than rezoning an existing property.

Consensus was to obtain input from the Planning Commission on the proposed ordinance language.

#### **Discussion Regarding an Amendment to Special Exception Termination Timeline**

City Attorney Levin explained City Code contained a two year limitation on Special Exceptions, noting if same was not in use within two years from the date of approval, it expired. He pointed out the process of obtaining regulatory permits could take longer than two years, and City Council understood the reasonableness of having the opportunity to extend the deadline. He stated the suggestion was made to allow for an extension based on a demonstration of good faith efforts to obtain any necessary permits, suggesting the requestor could be given up to an additional three years for a maximum of five years from the date of approval. He confirmed City Council would be the judge of good faith; however, the applicant would need to demonstrate same.

Consensus was to obtain input from the Planning Commission on the proposed ordinance language.

**NOTE: A short recess was called at 10:46 a.m.**

#### **NEW BUSINESS**

#### **Status Report of Action Items Emanating from City Council Meetings**

City Manager Kunik explained the proposed format for the status report of action items, which would be provided quarterly.

Discussion ensued with Councilmembers requesting to include all target dates as in the original format, bullet points rather than run-on text in the comment section and the name of the responsible department rather than a particular person.

City Manager Kunik stated the first report would be presented in April 2018.

### **Gilchrist Landing Day Docks**

Ms. Macalle Finkle, Paralegal, displayed several photographs which depicted dinghies being stored on the day docks, reporting numerous complaints had been received regarding use of the docks, overnight parking and bicycles chained to the Florida Power & Light pole. She pointed out there was no ordinance to enforce the posted rules, adding staff was seeking direction on what rules or regulations could be adopted to address some of the issues.

**Mayor Keesling** stated she also received complaints regarding the dumpsters and use of the Bayfront Center's hose/water, adding it was necessary to firm up the rules so everyone was clear on the allowable uses.

**Councilmember Wein** stated the docks provided a valuable service and utilization was increasing. He agreed there were some good neighbor issues, suggesting parking be provided for day dock users. He suggested staff could coordinate with the dock users to develop a set of rules which would allow them to continue using the dock without causing distractions in the neighborhood.

**Mayor Keesling** opined staff should not spend time monitoring where dock users parked, noting parking was available on West Retta Esplanade and certain side streets.

**Councilmember Wein** opined a registration process and issuance of a parking sticker might be appropriate.

**Mayor Keesling** countered same involved labor and costs and would be more cumbersome than simply utilizing the parking options already available, which did not include overnight parking at the Bayfront Center.

City Manager Kunik stated several individuals were parking on the grass and were being cited for same, questioning whether staff had direction to prepare an ordinance to enforce the prohibition of overnight storage on the docks.

**Councilmember Matthews** opined not allowing overnight storage was not boater friendly.

**Mayor Keesling** stated storage prevented others from utilizing the dock.

**Councilmember Cummings** stated he supported use of the dock as intended, adding the issues should be addressed immediately with an ordinance.

**Councilmember Wein** agreed storage should not be permitted, adding the City was a boater friendly community; thus, the rules should be enforceable but also allow flexibility.

**Councilmember Prafke** pointed out the City lacked an upland facility to accommodate live-aboards; however, facilities were available at Fishermen's Village.

City Attorney Levin acknowledged City Council wanted to maintain the policy of no overnight storage, confirming the day dock facility was not intended to address live-aboards.

City Manager Kunik stated staff would draft the ordinance language and move it forward to public hearing. He concluded the bicycle issue could be resolved internally, clarifying staff could add a bicycle rack in the area.

#### **PicklePlex of Punta Gorda Temporary Sign Request**

Ms. Hannon stated staff received a request for fundraising signage to be placed at Gilchrist Park during season. She stated she had been unable to confirm the size or material desired.

**Councilmember Prafke** advised an 18 inch x 24 inch laminated sign was desired, adding it would be placed where the paddles for those waiting to play were located. She confirmed the intent was for the signage to be there full time during season.

City Attorney Levin advised if the sign was allowed, all other signs must be permitted without discrimination, recommending a temporary sign could be displayed during play and removed at the end of the play time. He clarified this was not permission from the City to post signage, adding the City could not prohibit the display of the sign temporarily during play.

**Councilmember Prafke** stated she would inform the group of the decision.

#### **Event Permit: 18-145748; Premier Auto Auction; March 13 – 20, 2018; Charlotte Harbor Event and Conference Center**

Ms. Hannon explained the request was for slightly larger signage than what was permitted in order to better direct traffic to parking.

**Councilmember Prafke** noted the date coincided with the Peace River National Art Show at Laishley Park, voicing concern regarding a conflict with parking.

Mr. Jim Finch, Charlotte Harbor Event & Conference Center General Manager, stated he spoke to the organizer of the Art Show, who would be utilizing the Marketplace parking lot and charging a fee. He stated the organizer was amenable to Auction attendees parking there, noting vehicles would also be directed to the Herald Court Centre parking garage and other parking areas. He pointed out the actual event dates were March 16-17, 2018.

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

**MOTION UNANIMOUSLY CARRIED.**

**RECOMMENDATION FROM CITY OFFICERS**

**CITY ATTORNEY**

City Attorney Levin advised the method for repealing the moratorium on medical marijuana dispensaries would be brought to the next City Council meeting as an emergency ordinance.

**BOARDS AND COMMITTEES**

**Announcement of Vacancies**

Building Board Alternate

Code Enforcement Board Alternate

General Employees' Pension Board

City Clerk Smith announced the vacancies.

**Nominations**

Historic Preservation Advisory Board

Councilmember Prafke **NOMINATED** all interested parties.

Police Pension

Councilmember Wein **MOVED** to nominate and appoint Mr. Harry Bartell, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**Appointments**

Planning Commission

Voting forms were distributed.

City Attorney Levin announced Mr. Roger Peterson had received the most votes and was thus appointed to the Commission.

General Employees' Pension Board

City Clerk Smith explained there was only one nominee remaining as Mr. Bartell had withdrawn his name, advising Mr. John Tiller could be appointed by motion.

Councilmember Wein **MOVED** to appoint Mr. Tiller, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**POLICY AND LEGISLATION**

**KEESLING:** Requested City Manager Kunik comment regarding signage for the Vietnam Memorial Wall.

City Manager Kunik explained same would be addressed as part of the wayfinding signage changes.

**Mayor Keesling** explained the Tourist Development Council had researched obtaining FDOT signage; however, the process was cumbersome and restrictive.

- Reported current legislative bills moving forward included CRA, short term vacation rental and municipal elections, noting the elected officials travel bill had been amended to be less restrictive and the tree bill had died in committee. She stated this was the last week for legislative committee meetings; however, the Florida League of Cities would continue to send legislative alerts.

- Announced she would attend the Constitution Revision Commission meeting at the Westin Hotel in Cape Coral, noting attendees would be given two minutes to speak, and she would be addressing home rule issues.

**MATTHEWS:** Reported Joint Charlotte County/Lee County Metropolitan Planning Organization (MPO) agenda items included installing a traffic light at the intersection at Bermont Road and State Route 31 with a long term plan of purchasing land for installation of a roundabout for traffic control; widening Burnt Store Road for the uncompleted phase in Charlotte County, which was anticipated to be completed in the next two to three years; widening Harborview Road due to the planned Sunseeker Resort. She explain the Resort owners desired to purchase land on the north side of the bridge from the Charlotte Harbor Community Development Agency to construct a marina, hotel and condominium tower. She encouraged members to contact Charlotte County Commissioners to voice any concerns, including road widening or intersection improvements which might be needed to accommodate traffic from the proposed development.

**Mayor Keesling** stated comments should be directed to Commissioner Chris Constance, Steven Deutsch or Joe Tiseo.

**Councilmember Matthews** offered to relay concerns at the next MPO meeting.

#### **CITIZENS COMMENTS**

None.

The meeting was adjourned at 11:56 a.m.

---

Mayor

---

City Clerk