

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, MARCH 7, 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. John Burrage, followed by the Pledge of Allegiance.

PROCLAMATIONS/PRESENTATIONS

Juan Ponce de Leon Conquistador Day

Councilmember Prafke presented the proclamation, which was accepted by Mr. Jim Vanande.

ARCHway Institute for Mental Health and Addictive Disorders Day

Councilmember Cummings presented the proclamation, which was accepted by Mr. Dan Stuckey.

Introduction of Board/Committee Member Nominees

Ms. Julie McGillivray introduced herself as a nominee for the General Employees' Pension Board.

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

PUBLIC HEARINGS

GA-02-18 – An Ordinance of the City of Punta Gorda, Florida, granting a non-exclusive franchise to Waste Management, Inc. of Florida, a Florida corporation, to operate and maintain certain supplemental waste collection services in the City; setting forth conditions; providing for City regulation of its operation, maintenance, payments and service; containing certain prohibitions; prescribing penalties; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, explained the proposed ordinance would establish a ten year non-exclusive franchise agreement for roll-off collection, confirming the City received a portion of the revenue, and the terms would remain the same.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of GA-02-18, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

(No Public Hearing Required)

Citizen Comments – Ordinances/Resolution Items Only

None.

An Emergency Ordinance of the City Council of the City of Punta Gorda, Florida; repealing Ordinance 1877-17, adopted August 23, 2017, which established a ban on Medical Marijuana Treatment Center Dispensing Facilities within the City limits of Punta Gorda for a period of 12 months; providing for conflict and severability; and providing for an effective date.

City Attorney Levin read the ordinance by title, requesting the ordinance be treated as a public hearing.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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 21, 2018

C. Legal Department

1. Monthly Litigation Report

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 2018 CHNEP Workplan 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.
2. A Resolution of the City Council of the City of Punta Gorda, Florida, establishing fee schedules for rental of the City Park Facilities; and providing an effective date.

Citizen Comments – Regular Agenda Items Only

Mr. Don Kidwell distributed a statement to City Council, as delineated in the agenda material, and spoke in support of allowing additional building height. He displayed several drawings, voicing concern regarding the reality of building heights if constructed according to staff's drawings provided in the agenda material. He urged the City to not base a decision on number of stories.

Ms. Eunice Wiley spoke regarding the needs of the Trabue Woods neighborhood, including sidewalks and lighting, requesting the name be changed to St. Mark and Bethel.

Mr. Don McCormick suggested increased building height be allowed as a Special Exception as opposed to by right, adding City Council should make the final decision regarding new development downtown.

Mr. Sam Castronovo voiced objection to an increase in speed limits, requesting the funds be spent on additional signage for the Vietnam Memorial Wall.

Mr. Harvey Goldberg agreed additional speed limit signs were needed, citing various areas which were deficient.

Ms. Cathy Getz stated speed limit signs were needed on Marion and Olympia Avenues. She opined funds should be spent to extend the Harborwalk to the Vietnam Memorial Wall rather than to repair the pier.

Mr. Darrell Ebert voiced objection to allowing tall buildings downtown.

Ms. Wendy Mueller questioned whether increased building heights would be allowed outside the City Center (CC) zoning district. She further asked if a town hall meeting would be scheduled as in the past.

Mr. Don Sabatini agreed additional speed limit signs were needed. He then stated it was necessary to clarify the issue was building height rather than number of stories.

BUDGET

Award of Contract Change Order #2 to Hans Wilson & Associates for Application Coordination related to the Charlotte Harbor Access Project

City Manager Kunik explained the change order was for additional time spent by Hans Wilson & Associates to complete additional analysis required by the Army Corps of Engineers.

Mayor Keesling confirmed the funds were part of a loan which would be repaid to the City once the special assessment area was established.

Councilmember Wein **MOVED** approval of the change order and appropriation of funds, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Harborwalk Pier at Justice Center

Mr. Mark Gering, City Engineer, explained the need for repairs to the pier/observation deck behind the Justice Center, as delineated in the agenda material, recommending installation of new pilings to proper specifications. He advised the estimated total cost for design and construction was \$120,000. He pointed out the deck was not functional as a fishing pier due to extremely shallow water depths.

Mayor Keesling questioned the cost of simply removing the platform.

Mr. Gering estimated \$20,000.

Councilmember Matthews inquired how often the deck was used, further questioning the importance of retaining the deck versus the need for access to the Veteran's Park. She confirmed the subject funds were derived through the one percent sales tax.

Mayor Keesling agreed there were remaining needs for the Veteran's Park, suggesting the deck be shortened.

Councilmember Wein concurred; however, some repairs should be made immediately. Councilmember Matthews **MOVED** approval of making immediate repairs to the pier, removal of the observation deck and to use the budgeted funds for a different project, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Discussion ensued regarding the needs of the Veterans Park.

Mr. Gering then stated funds needed to be appropriated for the repairs and work needed to remove the observation deck.

Councilmember Matthews **MOVED** to appropriate the necessary funds for immediate repairs and removal of the observation deck, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Trabue Woods (Existing Name) Initiative Funding Prioritization List

Mr. Mitchell Austin, Urban Design Planner, displayed a PowerPoint presentation on sidewalk and lighting needs in the Trabue Woods neighborhood, as delineated in the agenda material, briefly reviewing existing infrastructure as compared to that needed to complete the system. He described various lighting options, recommending a consulting engineer be engaged to develop a comprehensive analysis and phased strategic plans which included hard construction cost estimates.

Mayor Keesling inquired why the existing project stopped at Dr. Martin Luther King Jr. (MLK) Boulevard as opposed to extending to Cooper Street.

Mr. Austin replied the original plan for the Punta Gorda Pathways system provided for a Virginia Avenue link from the Linear Park, across the downtown area and onto MLK Boulevard, the latter having enhanced sidewalks extending north and south to the Harborwalk.

Mayor Keesling countered Virginia Avenue was more heavily traveled than in the past; thus, she agreed an analysis was needed.

Councilmember Prafke agreed the neighborhood should be made consistent with the remainder of the City. She clarified decorative lights should be planned on key streets as opposed to every right-of-way.

Councilmember Wein cautioned the entire project would likely entail costs of \$3 million to \$4 million and should thus be phased; however, he agreed a plan should be implemented to bring the neighborhood up to the standards of the remainder of the City.

Councilmember Matthews agreed, stating the safety of Punta Gorda's citizens was paramount.

Mayor Keesling inquired if the Virginia Avenue extension was funded through the one percent sales tax program.

City Manager Kunik replied only the area around the Ice House building.

Councilmember Cummings **MOVED** approval of engaging a consultant to design a phased project for the historic district, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Mayor Keesling then stated she believed the timing was right to re-study impact fees, expressing hope such funds might be available for lighting.

Discussion ensued regarding the use of impact fees.

City Manager Kunik inquired if City Council wished to hire a consultant to study the impact fee structure.

Councilmember Wein **MOVED** to hire a consultant to study how the City should prudently initiate impact fees in the future and to compare same with neighboring communities, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

City Manager Kunik confirmed a Request for Proposal would be issued.

UNFINISHED BUSINESS

Continued Discussion of Building Height in the City Center Zoning District

Mr. Austin stated the topic of building height in the CC district had been discussed on a number of occasions, adding staff was seeking direction relative to possibly amending the Land Development Regulations. He noted existing regulations did not appear to be working; thus, staff's presentation this date was the result of the abovementioned discussions. He provided a PowerPoint presentation, as delineated in the agenda material, stating increased building height was geared to the larger, vacant lots. He explained the most significant impact of building height was to the pedestrian, acknowledging there was room for enhancement of the pedestrian experience downtown. He suggested "smarter" building heights with greater step backs for taller buildings to create sunlight on the street, wider sidewalks with canopies for rain/sun protection and an open space requirement to eliminate the canyon effect and create a better pedestrian experience.

City Manager Kunik asked what height which would be acceptable to City Council.

Mayor Keesling questioned the top height of the Charlotte Harbor Event & Conference Center.

Mr. Austin replied approximately 60 feet, explaining the top of the structure was non-habitable. He advised the habitable space of the Justice Center was approximately 70 feet, adding the top of the tower was 117 feet. He stated the Code could be amended to allow height for purely architectural details and features. He cautioned the City should not have a flat, level appearance. He noted the number of stories would be determined by the allowed height.

Councilmember Cummings pointed out in the past, buildings exceeding 100 feet in height had existed in the City. He advised realtors indicated heights between 75 and 90 feet would allow a 6 or 7 story building. He reminded everyone of the goal of a 25% commercial/75% residential mix, citing Altamonte Springs as an example of a municipality with such a mix which provided an excellent level of service and had no debt.

Councilmember Matthews stated she was in favor of making changes to the current height restrictions; however, she opined the focus should move away from the number of stories as opposed to the elevation by height.

Mayor Keesling voiced concern if the regulations did not contain language regarding architectural features and mandatory appurtenances as stated earlier.

Councilmember Matthews clarified height should be based on the number of feet above flood elevation.

Councilmember Wein stated language regarding architectural features and step backs must be included in the regulations, asserting he would not be in favor of another building similar to the Sunloft Center. He suggested a maximum of 84 feet or 92 feet with accoutrements.

Councilmember Prafke agreed with the principle of step backs, opining Council should maintain oversight in order to protect the historic character of the community.

Mayor Keesling clarified Councilmembers were not in favor of the “50 foot box” building. She requested the City Attorney outline the problems associated with simply requiring a variance for additional height.

City Attorney Levin explained the variance process required demonstration of a hardship; however, in most building height related cases, the hardship was self-created by the applicant. He outlined a type of Special Exception process which did not give City Council unbridled discretion but rather some discretion based on the circumstances of a particular case.

Mayor Keesling clarified such a process would be similar to a Planned Development, which was currently limited to properties one acre in size or larger.

Councilmember Wein asserted City Council must make a decision regarding height to allow staff to move forward with developing architectural design standards as well as to protect the sensitivity of Punta Gorda’s citizenship.

Discussion ensued with regard to various height limitations and the impacts of same.

Councilmember Cummings **MOVED** to request staff draft an ordinance establishing a maximum height of 84 feet, **SECONDED** by Councilmember Wein.

City Attorney Levin questioned whether City Council wished to establish an absolute maximum height allowed by right or by Special Exception.

Councilmember Prafke questioned the minimum lot size for an 84 foot building, pointing out scale was critical.

Mr. Austin replied earlier drafts of staff’s presentation described various parameters for lot size, adding staff recommended requiring at least half of one block for anything more than five stories.

Councilmember Matthews inquired if 84 feet was intended to be measured from base flood elevation and to include rooftop appurtenances.

Councilmember Cummings replied in the negative.

VOTING AYE: Keesling, Cummings and Wein.

VOTING NAY: Prafke and Matthews.

MOTION CARRIED.

NEW BUSINESS

Speed Limit Sign Discussion

Police Chief Pamela Davis stated since January 2018, there had been numerous complaints regarding speeding within City limits.

Mr. Norman Nahra, Police Captain, presented information regarding speed limit signs in Punta Gorda Isles, as delineated in the agenda material, including those located on Aqui Esta Drive, Bal Harbor Boulevard, Albatross Drive, West Olympia Avenue and Coronado Drive.

Mayor Keesling asked if a speed limit sign could be posted on another sign post in an effort to avoid visual clutter.

Chief Davis replied State Statute required speed limits to be posted on clearly legible signage, stating she would research same with the Florida Department of Transportation.

Mr. Gering opined there were few existing posts available in the areas of concern.

Councilmember Matthews confirmed signs which had been removed several years earlier had been retained; thus, cost would be limited to installation charges and the posts themselves. She mentioned a citizen requested consideration be given to installing signage at Magdalena Drive, Ryan Boulevard and Suzi Street.

Mr. Nahra described two potential sign locations on Ryan Boulevard, stating the Police Department had received few complaints regarding speeding on Magdalena Drive; however, a sign could be placed at each end.

Councilmember Prafke confirmed the proposed sign at Maud Street would be installed past Fishermen's Village. She then stated sufficient speed limit signs were in place in Burnt Store Isles.

Councilmember Wein inquired if speed limits could be painted on the road itself in those areas where sign clutter was a concern.

Chief Davis replied she would research same.

Councilmember Matthews **MOVED** approval of the speed limit sign proposal as discussed this date, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Donation Review Committee

Building Board Alternate

Code Enforcement Board Alternate

Utility Advisory Board

City Clerk Smith announced the vacancies.

Nominations

General Employees' Pension Board

Councilmember Matthews **MOVED** to nominate and appoint Ms. Julie McGillivray, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Appointments

Historic Preservation Advisory Board

Voting forms were distributed.

City Attorney Levin announced Ms. Martha Bireda and Ms. Sushila Cherian had received the most votes and were thus appointed.

POLICY AND LEGISLATION

KEESLING: Reported on the Constitution Revision Commission, providing a detailed update on the recent legislative session. She noted budget and school safety seemed to be the top areas of concern.

CITIZENS COMMENTS

Mr. Dick Purcell requested a copy of the current litigation report, further asking the name of the School Resource Officers assigned to the three schools in Punta Gorda. He also requested an update on the August 2016 incident at the Police Department.

Mr. Castronovo reiterated his recommendation for wayfinding signage at the Veteran's Park. He urged the City to be cognizant of litigation relative to building height in towns throughout the country.

Mayor Keesling advised wayfinding signage was addressed at Council's previous meeting.

City Manager Kunik explained once the Trabue Woods identifier was changed, existing wayfinding signs would be redesigned to include direction to the Vietnam Memorial Wall.

Mr. Mike Hirsch commented negatively on the appearance of the hotel being constructed on the City Marketplace property, acknowledging plans met all

requirements of the Punta Gorda Code. He expressed hope the City could maintain some control over aesthetics.

Mr. Gary Skillicorn requested an update on the 2018 town hall meeting schedule.

Ms. Mueller spoke in favor of a maximum building height of approximately 70 feet.

Ms. Karen Starr-Brady inquired if the Code Compliance Division maintained a list of paid fines as well as those which were forgiven. She questioned Historic District residents' responsibility with regard to maintenance of common areas, suggesting the City might consider some type of stipend.

Ms. Chris Cannon pointed out there was no crosswalk to the playground on West Retta Esplanade, adding drivers utilized McGregor Street to avoid the light at Marion Avenue.

Mayor Keesling questioned the possibility of a temporary fix.

Mr. Gering replied a temporary fix would not be compliant with the Americans with Disabilities Act.

Councilmember Cummings suggested a "Children at Play" sign.

City Manager Kunik agreed, noting the newly installed diagonal parking spaces would slow traffic.

The meeting was adjourned at 11:33 a.m.

Mayor

City Clerk