

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

PRESENTATIONS

Recap of the 2018 Florida Legislative Session – Jerry Paul, City Lobbyist

Mr. Jerry Paul provided a detailed overview of the 2018 Legislative Session, noting funds were depleted as a result of appropriations for Hurricane Irma costs as well as \$500 million for school safety measures in the wake of the Parkland school shooting. He explained numerous pre-emption bills were filed as an over-reaction to local issues; however, most died while in committee. He advised several other bills affecting home rule, such as the vacation rental bill, were defeated. He reported approved appropriations included the septic to sewer project in El Jobean, the fire training facility in Punta Gorda and funds for the Peace River Manasota Regional Water Supply Authority. He spoke regarding recent changes to the Southwest Florida legislative delegation members. He explained the Constitution Revision Commission process in detail and the filed amendments under consideration.

Mayor Keesling asked if certain bills, such as vacation rentals, would be re-submitted in the future, particularly in light of certain legislators leaving their posts.

Mr. Paul replied affirmatively, explaining vacation rental bills were sponsored by larger, extremely motivated organizations. He stated champions of certain other bills were still in the legislature and would have more seniority in the future.

Councilmembers lauded Mr. Paul's accomplishments on behalf of the City.

Mr. Paul stated he truly enjoyed working for the City and commended Mayor Keesling on her participation at the legislative level. He recommended scheduling other types of meetings with the City Manager, particularly with regard to grants.

Introduction of Board/Committee Member Nominees

Ms. Janet Watermeier introduced herself as a nominee for the Donation Review Committee, noting her background was in the arts.

PUBLIC HEARINGS

ZA-01-18 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the Punta Gorda Code, known as the “Land Development Regulations”, amending Article 3, “Regulating Districts”, Section 26-3.9, “CC, City Center District”, Subsection (a)(8) and (15), “Permitted Principal Uses and Structures”, renaming the “Trabue Woods Historic Overlay District”; amending Subsection (f), “Special Exceptions”; Paragraph (5), “Trabue Woods Historic Overlay District”; amending Section 26-3.14, Paragraph (k), renaming the “Trabue Woods Historic Overlay District”; amending Article 7, renaming the “Trabue Woods Historic Overlay District”; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, stated the proposed ordinance had been discussed at length by Council, the Historic Preservation Advisory Board and the Planning Commission. She explained approval of the ordinance would unite the three existing historic districts under one name, the final name to be selected by Council.

City Attorney Levin clarified the current proposal was to rename the area from Trabue Woods Historic Overlay District to Local Historic Overlay District.

Ms. Eunice Wiley, Historic District Homeowner’s Association, spoke in favor of renaming the district to reflect the Bethel and St. Mark churches in recognition of the African Americans who had played a vital part in the community’s history.

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 questioned the necessity of the renaming if same was strictly for internal City Code purposes.

Councilmember Matthews voiced approval of uniting the historic districts as opposed to separating them by name.

Ms. Hannon explained the City Attorney’s abovementioned suggestion to utilize “Local” was based on the same sentiment.

Councilmember Cummings clarified the building regulations applicable to each section required a certain amount of separation.

Councilmember Wein opined the community desired an identity as opposed to simply a name, adding use of a historic, religious or corporate basis was common.

Mayor Keesling commented perhaps some type of interpretive signage could be installed which acknowledged the Bethel and St. Mark churches.

Councilmember Cummings **MOVED** approval of ZA-01-08 and to rename the subject area Bethel St. Mark for City Code purposes, **SECONDED** by Councilmember Wein.

Councilmember Matthews confirmed signage would state only “Historic District.”

MOTION UNANIMOUSLY CARRIED.

GA-03-18 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, “Boats, Docks and Waterways”, Article I, “In General”, Section 6-24, “Use of Boat Ramps”, Punta Gorda Code, to amend regulations relating to the use of public boat ramps and to establish regulations for the use of public day docks within the City of Punta Gorda; 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 regulations for use of the public day docks at Gilchrist Landing and Lashley Marina and would ensure the docks were utilized by the general public for their intended purpose.

Mr. Joe Ferris asserted a safe manner in which to reach shore must be established if Punta Gorda was to become known as a cruising destination.

Mr. Warren James stated he was a cruiser and full time resident of Punta Gorda, requesting provisions be put in place for circumstances where overnight parking was necessary such as a medical issue or for working people. He suggested the rate structure could be modified for those who did not need use of all facilities.

Mr. Gary Skillicorn expressed concern with regard to safety in the event of inclement weather for example.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews stated the Boater’s Alliance discussed this issue at length with Marine Officer John Kennedy, adding the proposed ordinance would bring a number of unintended consequences. She commented on instances of abuse of the day docks’ intended purpose, suggesting establishment of a three- or four-month permit process which allowed access to the day docks at certain times.

Discussion ensued with regard to discouraging over-use and abuse of the day docks’ intended use.

Mayor Keesling confirmed Officer Kennedy could present information on his interactions with live-aboards at the next City Council meeting.

Councilmember Matthews clarified there were currently only four long time live-aboards utilizing the day docks at Gilchrist Landing.

City Attorney Levin recommended Council re-open the public hearing and continue it to April 4, 2018. He expressed uncertainty with regard to restricting the size of vessels at the Laishley Marina day docks based on current City Code language, acknowledging the Gilchrist Landing docks were never intended for use by large vessels. He suggested encouraging the use of the day docks at Laishley Marina based on the availability of upland facilities. He further recommended permits be issued for a maximum of three consecutive days and no more than two permits per vessel within a thirty day consecutive period.

Councilmember Prafke objected to limiting the number of permits as a live-aboard's work schedule might cause them to exceed such restrictions.

Mayor Keesling countered the day docks were not intended to be used by live-aboards on a permanent basis.

Councilmember Cummings **MOVED** to re-open the public hearing for GA-03-18 and continue same to the April 4, 2018 City Council meeting, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin suggested City Council might wish to consider establishment of an upland dinghy storage facility which would free up the day docks themselves.

City Manager Kunik opined surrounding property owners would object to such a facility.

QUASI-JUDICIAL PUBLIC HEARINGS

City Clerk Smith swore in the participants.

AX-01-18 - An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property generally described as multiple Loop properties, Punta Gorda, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto, containing 13.78 +/- acres in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this Ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida

Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Joan LeBeau, Urban Design Manager, entered the staff report into the record by reference, noting this annexation would bring The Loop properties into the City which had not been accessible to the property owner during the previous annexation.

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 AX-01-18, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CP-01-18 – An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDR/County), and Commercial/County (C/County) to Highway Commercial Corridor/City (HCC/City) for 13.78 acres being a portion of South Highlands, according to the map or plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, together with Sections 21 and 28, Township 41 South, Range 23 East, being more particularly described in Exhibit “A” (the “Loop Area”) attached hereto; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. LeBeau entered an amended staff report into the record, confirming the ordinance had been correctly advertised. She announced the Urban Design Division found the proposed Comprehensive Plan amendment to be in order and recommended approval of CP-01-18. She requested Council authorize transmittal to the Department of Economic Opportunity for proper processing and review.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of CP-01-18, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Z-01-18 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 13.78 +/- acres being a portion of South Highlands, according to the map or plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, together with Sections 21 and 28, Township 41 South, Range 23 East, being more particularly described in Exhibit "A" (the "Loop Area") attached hereto; from its current Charlotte County zoning classifications of Commercial General (CG), Mobile Home Conventional (MHC), Residential Single Family-5 (RSF-5), to City of Punta Gorda zoning district Highway Commercial (HC); providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. LeBeau entered the staff report into the record by reference, drawing attention to Finding #3 wherein the City would transfer additional density units to the annexed Loop properties, thus bringing the properties to a maximum of 450 density units. She noted this rezoning would be brought before Council again once the State completed its review of CP-01-18.

City Attorney Levin confirmed the rezoning and Comprehensive Plan amendment were consistent with the surrounding areas.

Mr. Steve Hagenbuckle, applicant, stated much effort had been expended on acquiring all of the properties, noting the intent was to develop a wide-ranging development plan. He voiced appreciation for staff's assistance, confirming one small parcel had yet to be purchased; however, the current asking price was unreasonable.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of Z-01-18, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

NOTE: A short break was called at 10:37 a.m.

SE-01-18 - A Special Exception request by Robert Berntsson, Agent for Eastern Oil Company, Inc., property owner, pursuant to Chapter 26, Section 26-16.8, Punta Gorda Code, to allow for a drive-through facility as is permitted by Special

Exception per Chapter 26, Article 3, Section 26-3.9(f)(4), Punta Gorda Code; and subject to the conditions of Chapter 26, Article 4, Section 26-4.17, “Drive-through Window Facilities”, Punta Gorda Code, for the property addressed as 911 Tamiami Trail, Punta Gorda, Florida, located in the City Center (CC) zoning district.

City Attorney Levin read the Special Exception by title.

Ms. Hannon entered the staff report into the record by reference, recommending conditional approval and reviewing the requirements for same, as delineated in the agenda material. She explained the applicant wished to build a drive-through Automatic Teller Machine facility as opposed to a remote branch. She concluded the Development Review Committee and Planning Commission recommended approval of the request.

Mr. Robert Berntsson, applicant’s attorney, opined development of the site would be an asset to the City.

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 of SE-01-18 with the conditions recommended by staff, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

None.

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.

SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution No. 2701-08; adopting a revised Public Records Policy; establishing a revised fee schedule of charges to be assessed and collected for copies of public records and providing an effective date.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement with Charlotte County for Design and Funding of the Punta Gorda Charlotte Library; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date.

City Attorney Levin read the resolution by title.

Councilmember Matthews **MOVED** approval of the resolution and to appropriate the funding, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

City Manager Kunik clarified the interlocal agreement required the full payment of \$300,000 from the City to Charlotte County in advance of the Friends of the Library payment; thus, approval of an additional allocation of \$25,000 was needed along with the appropriate fund transfers.

Councilmember Matthews **MOVED** approval of the additional appropriation as stated by the City Manager, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

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

C. Legal Department

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

2. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through February 28, 2018

D. Finance Department

1. Addendum to the Banking Service Agreement between the City and Centennial Bank for Risk Assessment and Controls

Citizen Comments – Regular Agenda Items Only

Mr. Michael Haymans stated he represented the Guitar Army musicians, requesting participants be allowed to park on the grass on Tuesdays and Thursdays.

Mr. Perry Hoff spoke regarding the request to install two, twenty-foot construction signs.

Ms. Julie McGillivray recalled her idea for a garden in Gilchrist Park, requesting space be reserved for same and parking be limited to certain areas of the park. She suggested providing carts for the musicians to transport their equipment to the pavilions.

Ms. Denise Edmunds requested a trial period of allowing parking on the grass on Tuesdays and Thursdays.

Mr. Nick Nemec spoke regarding the Peace River Revival's request to close the Harborwalk on the day of their event, asserting it was for safety reasons.

Mr. Hal Petit requested City Council allow parking on the grass in Gilchrist Park on Tuesdays and Thursdays.

Ms. Wendy Young objected to closure of the Harborwalk during events.

Ms. Chris Collins, Mr. Ken Blevins and Mr. Ted Parren all requested City Council allow parking on the grass in Gilchrist Park for the Guitar Army on Thursday nights.

Ms. Patricia Niles suggested roping off an area of grass parking, opining a trolley could transport people.

BUDGET

Award of Agreement for Burnt Store Isles (BSI) and Harborwalk Seawall Replacements to Marine Contracting Group of Punta Gorda, FL.

Ms. Marian Pace, Procurement Manager, explained the seawall project involved three work zones, Harborwalk, BSI-North and BSI-South, noting the proposed agreement with Marine Contracting Group (MCG) provided for completion of the project within 18 months. She requested City Council approve the appropriation of funds, as delineated in the agenda material, and award the agreement to MCG, the lowest bidder.

Councilmember Prafke clarified the project start date was not yet available.

Councilmember Prafke **MOVED** approval of the appropriation of funds and to award the agreement to Marine Contracting Group, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Award of Master Agreement for Engineering/Design Wastewater Treatment Plant Expansion and Specific Authorization 1 to perform a planning study to determine a multi-year plan of improvements necessary to meet future capacity and regulatory requirements.

Ms. Pace explained the bid process, stating CDM Smith, Inc. had been ranked by the evaluation committee as the top choice, and staff negotiated the scope of work and fee schedule for Phase 1 services.

Councilmember Cummings **MOVED** to award the master agreement and Specific Authorization 1 to CDM Smith, Inc., **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Event Permit #18-146634; Peace River Revival; April 6-8, 2018; Laishley Park.

Ms. Hannon displayed an aerial view of the proposed event route and detour sign locations, as delineated in the agenda material, explaining the event organizer wished to close the Punta Gorda Pathways in Laishley Park from 2:00 p.m. to 10:00 p.m. on April 7, 2018.

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

MOTION UNANIMOUSLY CARRIED.

Construction Signs for Taylor Row Duplexes (320, 340, 360 & 380 East Ann Street).

Ms. Hannon explained the applicant wished to install two, four foot by six foot signs in two locations on Taylor Road and Anne Street, pointing out City Code allowed one, five square foot sign for each lot for a total of eight signs. She recommended approval as the number of signs would be less than that allowed by Code.

Mayor Keesling opined the signs might be difficult to read by those driving past.

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

MOTION UNANIMOUSLY CARRIED.

Discussion regarding allowance of parking on the grass in Gilchrist Park on Tuesday and Thursday evenings.

Councilmember Prafke opined the City had not made the same accommodation for parking in Area 1 as had been done in Area 2, pointing out the parking configuration had changed at the Harvey Street entrance into Gilchrist Park. She stated the event might have grown to the point where it should be formalized. She stressed the sod in the Park had only recently been laid and was not yet established

Councilmember Cummings reported the Historic District Homeowners Association were not in favor of any exceptions for parking on the grass, voicing concern making an exception for the Guitar Army would open the door to doing so for others.

Councilmember Prafke commented the prohibition against parking on the grass had been discussed a number of times since approximately 2007, expressing surprise at the public's reaction.

Councilmember Wein stated the Guitar Army was a charming, informal event which contributed to the character of the City, expressing a desire to allow the event to continue in the same manner; however, he was also concerned with setting a precedent as well as liability.

Mayor Keesling stated Councilmembers must protect the City's assets from liability and consider nearby residents, adding she saw no solution at this time. She pointed out liability insurance and security issues were addressed with a permitted event.

Councilmember Matthews reiterated the parking was inadequate. She maintained the entire parking situation should be revisited.

Councilmember Wein urged the event participants to develop a solution, stating the Henry Street property might represent a long term solution.

Mr. Haymans asserted relocation of the event was not a viable option.

City Attorney Levin surmised the Guitar Army was a victim of its own success, noting it had evolved from a small, charming gathering into a festival involving hundreds of participants, which could create a City liability. He acknowledged the City had facilitated the event over the years without the structure or manpower required for other events of a similar nature, adding the City could require an event permit which provided for some form of temporary, regulated, vehicular access to the site. He concluded if one event organizer was allowed to regularly utilize a City park without permit or regulation of any fashion, it would be increasingly difficult for the City to deny a subsequent request for the same opportunity.

Discussion ensued with regard to possible remedies which would not incur liability or set precedent.

City Manager Kunik confirmed Councilmembers wished to view options which provided for additional parking.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik announced the Budget Community Conversation was scheduled for March 28, 2018, from 6:00 p.m. to 8:00 p.m., in Council Chambers.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board Alternate

Code Enforcement Board Alternate

City Clerk Smith announced the vacancies.

Nominations

Donation Review Committee

Councilmember Matthews **NOMINATED** all interested parties.

POLICY AND LEGISLATION

MATTHEWS: Stated several citizens had requested the City schedule a town hall meeting, suggesting same be scheduled as soon as possible to ensure the City's northern residents were able to attend.

Councilmember Prafke stated she had no objection to scheduling a town hall meeting.

Councilmember Cummings responded he felt Council's regular meetings should be considered town hall meetings.

Mayor Keesling and **Councilmember Wein** concurred.

CITIZENS COMMENTS

Mr. Haymans encouraged people to attend the Peace River Revival on April 7, 2018.

Ms. Niles objected to increased building height.

Mr. Nemecek stated he was required to obtain an event permit, acknowledging his events were held for profit unlike the Guitar Army. He suggested the Guitar Army event could be included as an additional insured with the City at the organizers' expense, acknowledging the City could not show favoritism.

Ms. McGillivray suggested it was necessary to break down the issues behind parking on the grass to arrive at a solution, acknowledging the City's potential liability.

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

Mayor

City Clerk