

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, APRIL 4, 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; Lisa Hannon, 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

National Telecommunications Week

Councilmember Matthews presented the proclamation which was accepted by Ms. Audrey Denis, Punta Gorda Police Department.

Autism Awareness Month

Councilmember Wein presented the proclamation which was accepted by Ms. Maureen Morris.

Parliamentary Law Month

Mayor Keesling presented the proclamation which was accepted by Ms. Joyce Gleason.

15 Year Service Award – Alicia Oates, IT

City Manager Kunik presented the award to Ms. Alicia Oates, Information Technology (IT) Business System Analyst.

Mr. Brad Schuette, IT Manager, spoke regarding Ms. Oates' service to the City.

Introduction of Board/Committee Member Nominees

None.

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

PUBLIC HEARINGS

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 CONTINUED FROM 3/21/18

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, announced the proposed ordinance language further addressed the prohibition of overnight parking, adding staff recommended establishing separate rules for Laishley Park Municipal Marina (LPMM) and Gilchrist Landing (GL), if Council desired. She explained LPMM docks would remain available on a first come/first served basis with a time limit on usage while GL would have an area reserved for loading/unloading at all times, and the remainder of the docks would be available on a first come/first served basis for watercraft under a certain length and for a defined timeframe.

Mayor Keesling clarified the ordinance as written did not delineate the two sites.

Councilmember Prafke asked if different rules could be established without re-advertising.

Ms. Finkle opined the title was broad enough to do so.

City Attorney Levin agreed, advising the public hearing could be re-continued to allow time to revise the language.

Councilmember Cummings questioned the need for different rules.

City Attorney Levin replied the two sites were designed for different purposes.

Councilmember Matthews agreed the docks should be treated differently based on their locations. She stated a few live-aboards were moored permanently, and a permit process had been proposed to accommodate their dinghies. She mentioned Marine Officer John Kennedy was in regular contact with the boaters and ensured their vessels were registered and pumped out as necessary.

Mayor Keesling voiced concern with vehicle parking by the live-aboards.

Councilmember Prafke noted other areas in the City provided designated parking locations. She agreed with establishing a permit process, including a fee.

Councilmember Cummings questioned the need for a permit process in that there were typically only four or five permanent live-aboards, opining they could simply make themselves known to local law enforcement. He pointed out locations such as Fishermen's Village were available to boaters who wished to remain in the area for longer periods of time.

Mr. Kennedy explained he had recommended codifying the rules to provide a means of enforcement, adding he wished to see everyone have an opportunity to utilize the City's facilities.

Mayor Keesling responded she was amenable to staff's recommendation in light of Mr. Kennedy's statement.

City Attorney Levin stated with respect to GL, it appeared Council was amenable to the proposed regulations. He suggested adding "Except for those vessels for which a City

permit has been issued, overnight docks ..." to Section 6-24(b)(1). He further recommended a new paragraph stating "the City may issue permits on a first come/first served basis for vessels that require docking for extended periods of time." He stated Council must next determine the maximum number of permits to issue.

Officer Kennedy urged a maximum of ten to ensure space for transients.

Councilmember Prafke inquired if the dollar amount of the permit fee must be established by ordinance.

City Attorney Levin replied the ordinance could provide a mechanism for requiring and issuing permits while the fee and maximum number of permits would be established by resolution. He noted if permitted use was to be restricted to the interior of the day dock, same should be made part of the ordinance for enforcement reasons.

Councilmember Matthews mentioned she, Mr. Kennedy and Police Chief Pam Davis discussed limiting day dock use to no more than four hours at LPMM, noting one individual with a very large boat was utilizing the day dock for eight to ten hours every day.

Discussion ensued with regard to existing regulations at LPMM.

Officer Kennedy commented prohibiting dockage from 1:00 a.m. to 5:00 a.m. would still provide for those boaters who enjoyed the nightlife.

Councilmember Prafke inquired if docking for extended periods of time could be addressed by a means other than a time limit.

Officer Kennedy replied in the negative. He pointed out regular parking citations were only \$25, which was less expensive than a slip rental, asserting the fine must be high enough to make someone less likely to commit a violation.

Ms. Nancy Johnson encouraged City Council not to place too many limitations on boaters which would prevent boating clubs from visiting the community.

Ms. Cathy Getz commented several boaters had left the area since these discussions began, applauding Council for taking action.

Mr. Warren James agreed the site was much more aesthetically pleasing, expressing appreciation to Councilmembers and Officer Kennedy.

City Attorney Levin summarized a revised ordinance would be drafted which would provide provisions relating to each site, adding a resolution would be developed to address various processes.

Mayor Keesling asked which Department would administer the fee/permit process.

Councilmember Matthews opined the permit process would require very little administrative time, suggesting the City Clerk's Office handle same.

City Manager Kunik questioned the desired number of hours to limit mooring at the LPMM day docks.

Consensus of Council was a four hour limitation.

City Attorney Levin confirmed Council did not wish to institute a permit process allowing boaters to remain overnight at the LPMM day docks.

Councilmember Prafke **MOVED** to continue GA-03-18 to April 18, 2018, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Note: A short recess was called at 10:24 a.m.

Mayor Keesling then disclosed a conflict of interest with the CCSP-01-18 Appeal (see Form 8A, Memorandum of Voting Conflict attached), at which time she turned the gavel over to Vice Mayor Wein and left the meeting.

Quasi-Judicial Public Hearings

City Clerk Smith swore in all participants.

CCSP-01-18 Appeal - Appeal of the Punta Gorda Isles Canal Advisory Committee's January 16, 2018 denial of a Petition for Special Permit pursuant to Section 6-6(j), Punta Gorda Code, to install a boat lift with 1 piling outside the 45 degree angle, which is prohibited by Section 6-6(c)4, Punta Gorda Code, and to install a second boat lift, a portion of which is also outside the 45 degree angle, at a property with less than 85 feet of seawall as prohibited by Sections 6-6(c)3 and 6-6(c)4, Punta Gorda Code, at Lot 8, Block 51, Section 6 (a/k/a 2608 Rio Plato Drive, Punta Gorda, Florida 33950).

Owner/Petitioner: Kevin Wittkamp; Charlotte County Parcel ID: 412214328016

City Attorney Levin read the title of CCSP-01-18, noting Council's decision must be based on the criteria outlined in City Code.

Ms. Finkle entered the staff report into the record, explaining a Special Permit was required for portions of two separate boat lifts located outside of the 45 degree angle as well as installation of the second boat lift itself as the property had less than the eighty-five feet of seawall required by Code. She noted the Punta Gorda Isles Canal Advisory Committee (PGI CAC) had denied the request by a vote of five to one. She then introduced Mr. Jake Dye, Keesling Engineering, applicant's marine contractor and representative.

Mr. Dye displayed several aerial views of the property, as delineated in the agenda material, which depicted the location of the existing boat lift as well as a comparison with the proposed configuration, explaining once the applicant's 38 foot sailboat was docked, his power boat extended beyond the end of the lift in an unsafe manner. He

clarified placing the lift backwards would allow the boat to sit in a more balanced position. He presented drawings representing the boat's location on the lift, the 45 degree angle and the boat limitation lines, also provided in the agenda material, describing each in detail. He noted staff recommended favorable consideration of the application, maintaining the proposal did not conflict with the abovementioned criteria. He concluded there would be no detrimental impact on the surrounding neighborhood. **Councilmember Matthews** disclosed she visited the site and met with Mr. Dye, stating she understood staff had been unable to reach the owner of the vacant property to the right.

Mr. Bob Nikula, Project Manager, responded the Notice of Public Hearing had been issued to all properties within 200 feet as required by State Statute.

Mr. Dye interjected he had attempted to make personal contact with the property owner to the right but received no response. He then pointed out the mass of the applicant's boat would shift only three feet from its current location/configuration.

Councilmember Matthews opined the applicant had more boats than what could reasonably be accommodated at his property.

Discussion ensued with regard to possible configurations.

Mr. Dye stressed the applicant could legally store his vessels from property line to property line without benefit of a Special Permit as could any other property owner.

Councilmember Prafke asserted the 45 degree rule had been established for a specific reason.

Mr. Dye stated the PGI CAC regularly approved Special Permits involving construction outside of the 45 degree angle. He commented the City created certain regulations a number of years earlier which did not always facilitate residents' needs.

Councilmember Cummings stated he felt denying the application would be unreasonable, pointing out a difference of three feet was not significant.

Mr. David Potash stated he owned the adjacent lot, pointing out the seawall maintenance contractor's barge had traversed the canal several times of late with no problems; thus, he did not feel the proposal presented a safety concern.

Mr. Joseph Comeaux agreed with Councilmembers Matthews and Prafke, relating his personal experience with navigation in a similar situation.

Ms. Pat Niles spoke regarding the difficulty involved with docking a boat.

Mr. Fred Cort, PGI CAC, asserted most of the Special Permits approved by the PGI CAC were for properties located at end of canals, many of which would not support a boat lift without encroaching into the 45 degree angle. He then stated the agenda material included a new proposal from Mr. Dye in which it appeared the applicant had

withdrawn the request to relocate the existing boat lift and to install a second lift within the 45 degree angle, commenting favorably on same.

Councilmember Matthews clarified the new proposal was not that which had been presented to the PGI CAC.

Councilmember Cummings inquired as to the rationale for staff's recommendation for approval.

Mr. Nikula replied staff believed the proposal met the six criteria depicted in City Code.

Councilmember Prafke confirmed each application stood on its own merits and was not precedent setting.

Discussion ensued with regard to a comparison between the previous and current proposals.

City Attorney Levin advised the applicant could withdraw his appeal and have City Council consider only the boat lift for his personal watercraft.

Mr. Dye formally amended the application to reflect same.

Councilmember Matthews asked if the amended application meant the existing boat lift and the boat itself would remain in the exact same position, and a second boat lift would be installed adjacent to the seawall for a personal watercraft.

Mr. Dye replied affirmatively; however, he opined the boat's position was beyond the scope of this discussion.

Councilmember Matthews clarified Council was being asked to approve only a second boat lift for mooring a jet ski, part of which would be outside the 45 degree angle.

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

MOTION UNANIMOUSLY CARRIED.

Vice Mayor Wein stated he did not feel the revised configuration would interfere with the adjacent property owner's navigation.

Councilmember Matthews **MOVED** approval of the amended application, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

There were none.

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.

SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

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.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Cummings **MOVED** approval of ZA-01-18, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Citizen Comments – Consent Agenda Items Only

None.

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

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
- 1. Approval of Minutes: Regular Meeting of March 21, 2018

- B. Legal Department
 - 1. Monthly Litigation Report
 - 2. Ratification of Interlocal Agreement with Charlotte County for Design and Funding of the Punta Gorda Charlotte Library

Citizen Comments – Regular Agenda Items Only

None.

BUDGET

Approval of FY 2018 Americans with Disabilities Act (ADA) Transition Plan Projects.

Mr. Austin stated staff recommended utilizing allocated funds in the amount of \$300,000 for the projects outlined in the agenda material, which included improvements to the A. C. Freeman House, City Council Chambers, City Hall and City Hall Annex, Government Center parking, New Operation Cooper Street Recreation Center and a small amount for contingency. He confirmed the projects would be grouped according to the type of work and bid out to different contractors, expressing uncertainty as to the timing of any particular project.

Councilmember Cummings **MOVED** approval of the proposed projects, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Change to Building Division Staffing.

Mr. Randy Cole, Building Official, explained the need for an additional full-time building inspector based on the demands of the industry.

Councilmember Matthews **MOVED** approval of the change in Building Division staffing and the associated appropriation of funds, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Action Register Status Report

City Manager Kunik noted the status report in the agenda material was being provided at City Council's request, stating the report was updated and published on the City's web site on a weekly basis. He clarified Council had requested quarterly presentation of the report, providing a brief review of same. He announced a community meeting on storm related seawall repairs was scheduled for PGI residents on April 12, 2018, from 1:00 p.m. to 5:00 p.m., at the PGI Civic Association, adding a BSI community meeting would be scheduled once the contractor's schedule was finalized. He mentioned the total amount of seawall damage had been amended from 15 miles to

between 10 and 12 miles based on the Federal Emergency Management Agency's inspection report.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reported the Punta Gorda Charlotte County Library groundbreaking was tentatively scheduled for May 14, 2018.

CITY CLERK

Donation Review Committee

City Clerk Smith announced the Historic Preservation Advisory Board (HPAB) had recommended three of their members, Ms. Donna Peterman, Mr. Robert Burns and Mr. Brad Gamblin, to serve on the Donation Review Committee, requesting Council's confirmation of those appointments.

Councilmember Matthews **MOVED** to confirm the appointments, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Utility Advisory Board (2)

Code Enforcement Board Alternate

Historic Preservation Advisory Board

Punta Gorda Housing Authority

Historic Preservation Advisory Board Alternate

City Clerk Smith announced the vacancies.

Nominations

Building Board Alternate

Councilmember Prafke **NOMINATED** all interested parties.

Utility Advisory Board

Councilmember Matthews **MOVED** to nominate and appoint Mr. Haskell Rhett, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Appointments

Donation Review Committee

City Clerk Smith pointed out only Ms. Janet Watermeier was a qualified applicant for the representative from a local organization concerned with the arts, adding that appointment could be made if Council was amenable to same.

Councilmember Prafke **MOVED** to nominate and appoint Ms. Watermeier as the local arts representative, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Voting forms were then distributed for the appointment of a representative of a local historic, non-profit organization.

City Attorney Levin announced Ms. Theresa Murtha had received the most votes and was thus appointed to the Committee.

POLICY AND LEGISLATION

KEESLING: Announced upcoming Peace River Wildlife Center events, one on April 7, 2018, and two on April 13, 2018.

CUMMINGS: Requested consideration be given to a 15 year loan for the City's 12.5% portion of costs associated with repair/replacement of Hurricane Irma damaged seawalls.

City Manager Kunik responded plans were already in place to do so.

MATTHEWS: Stated a request was made for Councilmembers to stand at the podium during the reading of proclamations in an effort to be more personal.

City Clerk Smith stated she was working on developing meeting procedures to include requests for proclamations.

WEIN: Advised of his intent to make a short presentation at Council's next meeting in an effort to initiate discussions regarding taking advantage of certain opportunities which had been unattainable in the past.

CITIZENS COMMENTS

Ms. Niles expressed appreciation for the recent community budget meeting.

The meeting was adjourned at 12:05 p.m.

Mayor

City Clerk