

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

COUNCILMEMBERS PRESENT: Carey, Cummings, Matthews, Prafke, Wein

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

Mayor Prafke called the meeting to order at 9:00 a.m.

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

PROCLAMATION/PRESENTATIONS

Giving Tuesday

Councilmember Matthews presented the proclamation, which was accepted by Ms. Marie LeBrosse.

Christmas Parade Day

Mayor Prafke presented the proclamation, which was accepted by Ms. Julie Mathis, Charlotte County Chamber of Commerce.

Shop Charlotte

Councilmember Wein presented the proclamation, which was accepted by Ms. Mathis.

Introduction of Board/Committee Member Nominees

Mr. Brad Gamblin introduced himself as a nominee for the Historic Preservation Advisory Board.

Messrs. Joseph Comeaux and Edward Weiner introduced themselves as nominees for the Planning Commission.

PUBLIC HEARINGS

Quasi-judicial Public Hearings

City Clerk Smith swore in the participants.

V-03-18 - Request by Barry Schroyer, authorized member of Peace River Beer Company, LLC, property owner, for a variance to the Land Development Regulations pursuant to Chapter 26, Section 26-16.10, Punta Gorda Code, to allow the construction of a raised deck and ramp for outdoor dining and ADA accessibility with a zero (0) foot street yard setback on the northwest side of the property, instead of a twenty-five (25) foot street yard setback as is required per Chapter 26, Section 26-3.11(g)(3), at a commercial business located in the Special Purpose (SP) zoning district.

City Attorney Levin read the request by title.

Ms. Lisa Hannon, Zoning Official, displayed an overhead of the subject property and entered the staff report, both denoted in the agenda materials, into the record by reference, briefly reviewing the request and conditions for approval. She noted the Special Purpose zoning district was intended to accommodate unique development, the variance was not in conflict with the Comprehensive Plan and the request was compatible with the surrounding neighborhood. She explained the ancillary decorative boat must be adequately secured as a condition of approval, concluding the Board of Zoning Appeals and staff recommended approval.

Councilmember Matthews inquired if the decorative boat was a prop.

Ms. Hannon replied it was a real boat but without an engine, noting the public would not be able to board same.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of V-03-18 subject to staff's recommendations, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

V-04-18 - Request by Andrey Nikitin, property owner, for a variance to the Land Development Regulations pursuant to Chapter 26, Section 26-16.10 and Section 26-17.6, Punta Gorda Code, to allow a new single-family residence to be constructed in a General Single-family zoning district (GS-3.5) on a non-conforming lot of record containing 9,042 square feet instead of 9,600 square feet as required per Chapter 26, Section 26-3.4(g)(1), Punta Gorda Code; and to allow construction of a new swimming pool, deck and screen enclosure with 16.2 foot rear yard setbacks at the closest points instead of 20 feet as is required per Chapter 26, Section 26-3.13(d), Punta Gorda Code.

City Attorney Levin read the request by title.

Ms. Hannon explained the applicant had requested a continuance of the request in order to amend the site plan, adding the applicant had requested a waiver of any additional application fees associated with the continuance. She stated staff recommended approval of the continuance until December 18, 2018, for the Board of Zoning Appeals and December 19, 2018, for City Council, adding staff also recommended approval of waiving any additional application fees with the exception of the actual cost of re-advertising.

Councilmember Cummings **MOVED** to continue V-04-18 to December 19, 2018, and to waive any additional application fees except re-advertising costs, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Ordinance/Resolution

No Public Hearing Required

GA-06-18 - An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 12, "Business Tax Act", Section 12-18, "Flea Markets", to adjust the calculation upon which the annual business tax for flea markets is based; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-06-18, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Mayor Prafke confirmed there was no public comments on Consent Agenda items.

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

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

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

B. Urban Design Division

1. A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution No. 3361-18 and adopting an updated City of Punta Gorda Americans With Disabilities Act (ADA) Transition Plan (November 2018); and providing for an effective date.

C. Police Department

1. Disbursement Request - Law Enforcement Trust Fund

Citizen Comments - Regular Agenda Items Only

None.

BUDGET

Appropriation of Funds and Award of Master Agreement for City-wide Master Plan (Phases 1 through 4) to Dover, Kohl & Partners of Coral Gables, FL.

Ms. Anne Heinen, Procurement, explained the terms of the Master Agreement, noting rates would be fixed for the first year of the Agreement. She stated the total not-to-

exceed fee for the first specific authorization was \$285,330, noting there were additional services available in the scope which were not included in the fee, but which could be added to the project at the direction of City Council. She reported the scope and fees for the Bayfront Waterfront Activity Center were not included in this award recommendation as review of the scope for the specific authorization submitted by Dover, Kohl & Partners (DKP) was not yet complete, noting same would be provided to City Council for their review upon conclusion of negotiations. She stated staff recommended City Council approval of the Master Agreement (Phases 1 through 4) to DKP as well as appropriation of the funds.

City Manager Kunik clarified staff was recommending approval of the core level contract, adding no decisions needed to be made this date regarding add-ons.

Councilmember Matthews suggested staff should undertake rewriting the Land Development Regulations (LDRs) based on DKP's recommendations, voicing concern regarding the cost for DKP to do so.

Councilmember Cummings opined same would cause an undesired delay in completion of the process.

Discussion ensued with consensus to await DKP's recommendations to determine how to proceed.

Councilmember Carey suggested a combined effort between staff and the consultant. City Attorney Levin commented based on his experience, the City Attorney and staff would be deeply involved in reviewing any recommendations made with regard to the LDRs, advising it was a more efficient use of staff's time to have the initial draft completed by the consultant.

Councilmember Matthews **MOVED** approval of appropriation of funds and award of the Master Agreement and Specific Authorization #1 to DKP as recommended by staff, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Program Lot Mowing Scenarios and Annual Assessments based on the New Agreement Pricing and Options.

Ms. Julie Rogan-Sutter, Procurement, reported the new contract for lot mowing program services had been awarded to Arbor One, adding included in the solicitation was pricing for blade edging for units with sidewalks. She stated staff was seeking City Council's direction to exercise the option for appropriate lots, noting the estimated annual increase was \$654 based on 3 trimming cycles per year for 218 lots. City Manager Kunik pointed out the blade edging could be handled within the current assessment rate, noting staff would monitor the program to ensure the contractor was

able to carry out all the duties delineated within the bid submittal. He stated the contractor would begin on Monday, November 26, 2018, in Punta Gorda Isles.

Councilmember Matthews **MOVED** to amend the lot mowing service contract to include blade edging, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Continued Discussion of City Priorities and Requests for 2019 State Legislative Agenda.

City Manager Kunik explained the Charlotte County Legislative Delegation would convene on December 6, 2018, noting presentation materials were due by November 30, 2018. He spoke in favor of supporting the legislative priorities of the Charlotte County Board of County Commissioners and the Florida League of Cities (FLC), the former delineated in the agenda material, as well as funding for the Boca Grande stormwater drainage project and interstate signage for the Vietnam Memorial Wall.

Councilmember Cummings provided a presentation outlining the latest research regarding the level of nutrients flowing into and out of Lake Okeechobee, which had led to blue algae in many areas, including Southwest Florida, explaining there was a need to support septic to sewer legislation. He stressed despite perception, agricultural areas contributed less nutrients as compared to septic tanks, golf courses and other commercial and residential uses. He advocated strong support of any efforts to transition septic to sewer and improvements to water quality, pointing out same would include improving water quality in areas to the north before it entered the Lake as same directly impacted Southwest Florida.

Councilmember Wein provided a historical perspective related to the changing hydrology and geology of Florida and its drainage issues. He stated large amounts of nitrogen were leaching from agricultural areas into the South Florida Bay, and had a major effect on red tide development, adding when phosphate then migrated from the east and west coasts in the ground water, the result was large algae blooms. He concluded a long term event had set the stage for the current situation, adding the short term solution was to eliminate septic systems and control run-offs upstream from the Lake. He stated the proposed reservoir construction would not solve the problem as there would be no plant life to uptake the phosphate, concluding it was necessary to consider the problem in global terms.

City Manager Kunik explained the Veteran's Memorial Wall and the Military Heritage Museum combined attendance numbers met the State's criteria for directional signage

on the interstate; however, the distance between the two facilities was 1.4 miles, which could be problematic.

Discussion ensued with consensus to support funding for the Boca Grande drainage project, directional signage on I-75 for the Vietnam Veteran's Memorial and the Military Heritage Museum as well as Charlotte County's legislative agenda and the Florida League of Cities' priorities.

NEW BUSINESS

A 20/20 Housing Report: Focusing on Charlotte County's Housing Crisis – Together Charlotte.

Ms. Suzanne Roberts, Virginia B. Andes Volunteer Community Clinic Chief Executive Officer, and Ms. Angela Hogan, Gulf Coast Partnerships Chief Executive Officer, as Steering Committee members of Together Charlotte, presented the Housing Report, including recommendations for advocacy, opportunities, coordination and collaboration, as delineated in the agenda materials. She requested City Council's support in opposing efforts to sweep State and Local Government Housing Trust Funds which provided needed funding for affordable and workforce housing.

Councilmember Wein explained the financial difficulties for a small builder to construct affordable units. He opined the median and average numbers in the Report were skewed, estimating 20% to 40% of the County population was in poverty. He stated there was a unique opportunity to develop the land around the airport; however, developers would not take advantage of same because there was no housing for workers.

Councilmember Cummings stated from a practical standpoint, it was necessary for people to live close to where they worked.

Mayor Prafke inquired what action was being requested, noting City Council supported the County's legislative initiatives, which included opposition to sweeping the previously mentioned Trust Funds.

Ms. Hogan stated the affordable housing projects funding issue should be reiterated repeatedly in unison in order to modify the legislature's behavior.

Councilmember Cummings suggested sharing the recommendations with the Master Plan consultant to determine the viability of incorporating same into the process.

Consensus was to do so.

Councilmember Carey inquired whether a Councilmember was being requested to serve as a liaison to the Affordable Housing Advisory Committee.

Discussion ensued with consensus for Councilmember Carey to serve.

Note: A short break was called at 10:43 a.m.

Use of Drone Technology to Improve City Operations.

Mr. Lance Wissinger explained he was an advocate for unmanned aerial vehicle (UAV) technology, education and awareness, noting UAVs (sometimes referred to as drones) were used for much more than toys and videography. He provided an overview of available UAVs, outlining several examples of how same could be utilized by government agencies for city management, public safety and public works, including monitoring and managing property, assisting with emergency management and disaster response, search and rescue, infrastructure applications and many other uses. He concluded the most recent development was using larger UAVs for ambulatory and taxi services.

Councilmember Cummings stated he requested this discussion to provide City Council an idea of the possibilities available that could result in efficiencies or cost savings.

Councilmember Carey inquired if Mr. Wissinger was a consultant.

Mr. Wissinger replied affirmatively; however, his purpose in being here today was strictly educational.

Councilmember Carey inquired if on-call services were available.

Mr. Wissinger replied it would be necessary for a pilot to be located in the nearby area.

Councilmember Carey clarified the City could purchase its own drone.

Mr. Wissinger agreed, noting pilot training could be provided.

Mr. Todd Helt, GIS Analyst, stated staff was excited about drone technology, noting Urban Design was currently working on a project where the consultant was collecting drone imagery.

City Attorney Levin advised State Statute expressly prohibited the use of drones for Code enforcement or law enforcement purposes; however, code violations could come to light while utilizing drones for other purposes, inquiring whether Mr. Wissinger was aware of cases where that type of indirect drone evidence was used and did not run afoul of State law.

Mr. Wissinger replied to his knowledge, such information could not be used for code enforcement cases in Florida. He concluded rules and regulations were continually changing, adding it was anticipated formalized drone regulations would be available from the Federal Aviation Administration within the next year or two.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik stated at the December 5, 2018, meeting, City Council would review the bids for the Sullivan Street/Olympia Avenue piping repair. He reported the

Tree Lighting on Friday, November 30, 2018, would begin at 5:30 p.m. at the corner of Marion Avenue and Taylor Street.

CITY ATTORNEY

Councilmember Matthews inquired as to the status of the Plattner case.

City Attorney Levin reported no new settlement proposal had been received, stating staff might be moving forward with foreclosure on the code enforcement liens.

CITY CLERK

City Council Service Boards & Committees 2018-2019

City Clerk Smith inquired whether City Council would like to appoint a member as a liaison to the Drug Free Punta Gorda organization.

Discussion ensued with consensus to appoint Councilmember Cummings as the City's representative.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (Alternate)

Punta Gorda Housing Authority

Building Board

Planning Commission (2)

City Clerk Smith announced the vacancies.

Nominations

Historic Preservation Advisory Board (Alternate)

Councilmember Matthews **MOVED** to nominate and re-appoint Mr. Brad Gamblin, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Appointments

Historic Preservation Advisory Board (2)

Voting forms were distributed.

City Attorney Levin announced Ms. Lyons and Mr. Gamblin had received the most votes and were thus appointed to the Board.

POLICY AND LEGISLATION

PRAFKE: Reported Founders Week began on Sunday, December 1, 2018.

CUMMINGS: Announced the Charlotte Players were hosting their Madrigal Dinner on November 29, 2018, and December 1, 2018, at 6:00 p.m. at the First Alliance Church.

MATTHEWS: Stated City Council's votes during the September 17, 2018, meeting were contradictory with regard to utilizing funds from the Special Use Fund for the Buckley's Pass loan, requesting that issue be revisited for clarification.

Mayor Prafke suggested same be included on the December 5, 2018, agenda as a Consent Agenda item.

Consensus was to do so.

WEIN: Announced he would again be requesting City Council's support for donating surplus City computers to the GAP program.

CITIZENS COMMENTS

None.

The meeting was adjourned at 11:39 a.m.

Mayor

City Clerk