

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 4, 2017, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, Mark Gering, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Teri Tubbs, Urban Design; Tom Lewis, 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

Dr. Martin Luther King, Jr. Day

Mayor Keesling presented the proclamation, which was accepted by Reverend Ellison Haddock.

Police Chief Tom Lewis introduced the two new Police Department K-9s: Chase, handled by Officer Dean Irving; Sky, handled by Officer Juan Gonzalez.

Introduction of Board/Committee Member Nominees

Mr. John Burrage introduced himself as a nominee for the Board of Zoning Appeals.

Mr. Henry Bauman introduced himself as a nominee for the Code Enforcement Board.

Mr. Harvey Goldberg introduced himself as a nominee for the Planning Commission.

Mr. Brad Gamblin introduced himself as a nominee for the Planning Commission.

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

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, approving the addition of a dispatcher position for the Punta Gorda Police Department's Communications Section; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the ordinance by title.

City Manager Kunik explained the City Charter required an ordinance for any changes to Police Department or Fire Department staffing. He noted staffing changes in other City Departments were reviewed under the Budget section of Council's agenda.

Chief Lewis clarified the immediate need for an additional Police Dispatcher in the Communications Division.

City Attorney Levin advised Council could reasonably assume the possibility of a risk to the public's health, safety and welfare if this ordinance was not adopted on an emergency basis.

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 **MOVED** approval, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke inquired if the majority of Police Departments maintained their own dispatch center.

Chief Lewis replied practice varied significantly across the State.

Councilmember Wein opined staff was being proactive in that current response times were below the national average.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

Mayor Keesling pulled Item B1.

Councilmember Prafke commended the Punta Gorda Mural Society on the most recent mural, as denoted under Item C1.

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

MOTION UNANIMOUSLY CARRIED.

ITEM B1: **Mayor Keesling** pointed out the City Charter required Council to meet 22 times per year, adding Council usually scheduled at least a 6 week break during the summer; however, the resolution called for 2 meetings in July 2017, which the City Manager had indicated was necessary.

City Manager Kunik explained the Charlotte County Property Appraiser provided tax roll information after July 1 each year, adding Council typically discussed the millage rate at their first meeting in July and adopted the tentative millage and proposed budget at their second meeting, which allowed for any last minute issues which might arise. He acknowledged it was possible to hold only one meeting in July; however, preparation time would be reduced.

Mayor Keesling stated she was amenable to holding two meetings in July 2017 as doing so would allow Council to possibly consolidate their December 2017 meetings. Consensus of Council was to meet on July 5 and 12, 2017, and August 23, 2017. Councilmember Prafke **MOVED** approval of Item B1, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

- B. City Clerk's Department
 - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, changing the dates of its regularly scheduled Council meetings for July and August, 2017.
- C. City Manager's Department
 - 1. "Ladies Remembered" Mural - Punta Gorda Historical Mural Society.
- D. Legal Department
 - 1. Monthly Litigation Report.
- E. Police Department
 - 1. A Resolution of the City of Punta Gorda, Florida, approving the Law Enforcement Mutual Aid Agreement between City of Punta Gorda Police Department and Charlotte County Sheriff's Office; authorizing the City Manager and Chief of Police to execute the Agreement on behalf of the City; and providing an effective date.

Citizen Comments – Regular Agenda Items Only.

Mr. Gerry Fallon voiced approval of purchasing the property on Whippoorwill Boulevard to create a pocket park.

BUDGET

Award of Agreement to Landmark Civil Services, LLC of Auburndale, FL for City-wide Swale Regrading.

City Manager Kunik reported two bids were received for the regrading of swales to improve drainage, noting a list of properties were provided in the agenda material. He stated this was the first year of the program, adding Council could select specific roads to include in the five year plan at a future time. He concluded staff recommended awarding the agreement to Landmark Civil Services, LLC.

Councilmember Prafke inquired if staff had received feedback from residents regarding the list.

Mr. Mark Gering, City Engineer, replied the list had been published but not widely broadcast pending Council's decision this date. He pointed out the award was for \$400,000; however, \$500,000 had been budgeted, the remainder to be used for other services not included in the contract such as driveway and pipe replacement.

Mayor Keesling confirmed sod and re-grading were included in the contract.

Councilmember Matthews asked how staff would handle complaints from property owners whose properties were not included on the list.

Mr. Gering replied staff had been videotaping drainage areas during the rainy season, explaining same allowed for a comparison to be made between a complainant's property and those included on the list.

Mayor Keesling asked if homeowners would be notified before work commenced.

Mr. Gering replied affirmatively.

Councilmember Prafke commented some properties with drainage issues seemed to be more the result of a thatch issue at another property a few homes away, asking if staff would inspect all properties on a particular street included on the list.

Mr. Gering replied affirmatively, explaining the solution would likely not be found at a lot with standing water; however, the solution would eliminate same.

Councilmember Wein **MOVED** approval to award the agreement to Landmark Civil Services, LLC, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Discussion regarding Purchase of Whippoorwill Triangle Property in the Bird Section of Punta Gorda Isles for Use as a Public Neighborhood Park.

City Manager Kunik announced 3645 Whippoorwill Boulevard was available for purchase, stating Councilmember Matthews was asking Council to consider purchase of the property to create a future neighborhood public park. He clarified this was not a budgeted item nor was it on the planning horizon.

Councilmember Matthews reported the property was for sale at an asking price of \$199,000, noting several years earlier the sale price was \$500,000. She mentioned the City had previously attempted to negotiate a price to purchase the property for use as a pocket park, which she envisioned as visually appealing but not elaborate, opining it was undesirable for residential use. She advised she had reached out to District 4 residents regarding such a purchase and had received approximately 25 favorable responses. She pointed out the park would be relatively low maintenance.

Mayor Keesling stated she could not support the purchase at this time as it was not in any long range plan, adding there were a number of other park projects ongoing at this time.

Councilmember Wein stated he was not enthusiastic about the idea due to a lack of vision for the park. He clarified he would need to see a vision for the park before seriously considering purchase of the site.

Councilmember Prafke spoke in favor of the idea, suggesting it be added to the list of future priorities. She mentioned some residents had expressed concern regarding numerous vehicles parking in their neighborhood. She suggested consideration be given to utilizing Local Option Sales Tax funds.

Councilmember Matthews noted the site was somewhat awkwardly located, opining developing homes on the property would create a significant encroachment in line of sight for drivers.

Mayor Keesling inquired if neighborhood residents would be willing to purchase the property for the City to develop.

Councilmember Matthews replied in the negative, explaining residents were already incurring the Alligator Creek cut-through expense.

Discussion ensued with regard to possible levels of development and funding sources.

Councilmember Cummings commented favorably on the idea; however, he agreed additional planning and vision were needed.

Mayor Keesling pointed out replacement of the playground in Gilchrist Park was essentially ten years overdue; thus, she could not justify the expense for an additional park.

Councilmember Prafke expressed willingness to consider the idea in the future, acknowledging numerous other projects required immediate attention.

Councilmember Wein stated he did not feel Council should move forward at this point in time; however, if a group of citizens developed an initiative similar to that done for the Gilchrist Park playground, he would be in favor of considering the idea in the future.

Budget Re-appropriations from Fiscal Year 2016 to Fiscal Year 2017 and Appropriations for Fiscal Year 2017.

City Manager Kunik drew members' attention to the re-appropriation and appropriation schedule, as delineated within the agenda material, noting same did not negatively impact the ability to balance the Fiscal Year 2017 financial plan and retain sufficient reserves.

Councilmember Prafke **MOVED** approval of the re-appropriations, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Voluntary Annexation as a Precondition to Utility Service.

City Manager Kunik drew members' attention to the Voluntary Annexation Agreement form drafted by the City Attorney, as delineated within the agenda material, stating provision of utilities to new customers would be conditioned upon voluntary annexation and could be approved on a Consent Agenda. He noted the voluntary annexation requirement would not be retroactive to previously approved developments; however, it would apply to future phases of such developments, citing a single family home development on Airport Road as an example.

Councilmember Prafke opined this was an opportunity to meet with the homeowner's association to inform them of the savings which could be realized by annexing into the City.

Councilmember Wein added this also presented an opportunity to market the City to new water customers regarding not only water service but other services offered by the City.

Mayor Keesling clarified properties which were already contiguous and did not have sewer service but desired same would be required to annex into the City.

Councilmember Wein recalled the San Sebastian Harbor Homeowners Association requested sewer service from the City; however, various issues later arose which interrupted the process. He opined the City did not sufficiently stress its desire for that annexation. He spoke at length regarding the environmental importance of encouraging septic to sewer conversion, recommending the City work toward same.

Councilmember Wein **MOVED** approval of the Voluntary Annexation Agreement form, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Discuss Minor Amendments to Regulations for Property Maintenance.

Ms. Teri Tubbs, Urban Design Manager, announced there were several minor amendments proposed to the City's Land Development Regulations in order to clarify the intent of the ordinance as it related to property maintenance. She stated a property had been cited for violation of Section 26-8.11, specifically for a dirty roof; however, the property owner argued the walls and other elements of the home were not dirty. She explained Section 26-8.11(a) stated "a structure shall have no more than 20 percent of its exterior roofs, walls and other elements of the structure ..."; thus, staff proposed amending the language to read "... 20 percent of its exterior roofs, or walls or other elements of the structure ..." She then briefly reviewed other minor

amendments to Section 26-8.11 and to Chapter 9, some of which simply eliminated redundancy.

Mayor Keesling opined 20 percent was a small percentage of a roof, adding a "dirty roof" was a judgment call.

Ms. Tubbs advised staff received many complaints from residents regarding dirty roofs. She clarified Code Compliance Officers did not seek out dirty roofs but must respond to complaints. She explained when responding to a complaint, staff would inspect the roofs of other homes on the same street and provide courtesy notices where necessary. She pointed out the 20 percent rule had been existing in City Code since 2005.

Councilmember Wein commented certain types of roof tiles were streaked in a manner which could be incorrectly construed as "dirty", expressing uncertainty as to how such Codes could be fairly enforced.

Councilmember Matthews agreed 20 percent was subjective, adding it boiled down to staff's opinion versus a resident's.

Ms. Tubbs inquired if there was a different percentage City Council wished to consider.

Councilmember Matthews asked how staff determined 20 percent of a roof was dirty.

Ms. Tubbs replied any roof which was cited was well beyond 20 percent, noting such citations were issued cautiously.

Councilmember Matthews asserted 20 percent was too rigid.

Mayor Keesling opined the percentage should change if the language recommended by staff was adopted.

City Attorney Levin reminded Council the Code Enforcement Board played a role when a resident disagreed with staff's judgment. He maintained Code Compliance Officers were conservative in their estimations.

Councilmember Cummings opined the percentage should be given more thought.

City Manager Kunik confirmed the issue would be discussed by the Planning Commission at which public comment would be welcomed.

Discussion ensued with regard to various percentages.

City Attorney Levin suggested 50% might be a more acceptable figure.

Councilmember Prafke inquired if it would be appropriate to obtain input from the Code Enforcement Board.

Ms. Tubbs replied affirmatively.

Councilmember Cummings clarified the property described earlier by Ms. Tubbs prompted this discussion.

City Manager Kunik summarized staff would obtain input from the public, the Planning Commission and Code Enforcement Board and plan a future discussion with Council.

Mayor Keesling confirmed Councilmembers had no objections to the other proposed amendments depicted in the agenda material.

Discussion regarding Necessary Amendments to the City Code for Wireless Communication Facilities.

Ms. Tubbs reported the Florida Legislature had adopted significant Statutory amendments related to wireless communication facilities, resulting in the need for amendments to the Land Development Regulations, as delineated in the agenda material. She reviewed the proposed changes in detail, requesting approval to move forward with the proposed amendments. She commented briefly on recent advances in wireless technology such as stealth designs incorporated within the architectural elements of a building.

Mayor Keesling confirmed a proposal for the latter had been submitted.

Councilmember Wein stated staff had been charged with coding in general for the City Center zoning district, suggesting the particulars of where and how such facilities were installed to be included within same.

Councilmember Cumming commented wireless stealth designs were normal fixtures within a developed downtown.

Discussion ensued with consensus for staff to move forward with the proposed amendments.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reported the Citizen's Academy would begin the following week, noting specific information was available through the Public Works Department.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board Alternate

City Clerk Smith announced the continuing vacancy.

Historic Preservation Advisory Board Alternate

City Clerk Smith announced the continuing vacancy.

Punta Gorda Isles Canal Advisory Committee

City Clerk Smith announced the vacancy.

Appointments

Board of Zoning Appeals

Voting forms were distributed.

City Attorney Levin announced Mr. John Burrage had received the most votes and was thus appointed to the Board.

Code Enforcement Board

Voting forms were distributed.

City Attorney Levin announced Mr. Henry Bauman had received the most votes and was thus appointed to the Board.

Planning Commission

Voting forms were distributed.

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

CITIZENS COMMENTS

Mr. Ray Rose spoke regarding the history behind the 20 percent rule for dirty roofs and the Whippoorwill Boulevard property.

Ms. Ronna James voiced concern regarding pocket parks which were developed exclusively for use by neighboring residents as opposed to the public. She objected to signage recently placed outside a storefront on U.S. 41 by a local resident in support of law enforcement, opining it was divisive.

Mr. Fallon thanked the City for the installation of "sharrows" as part of its bicycling infrastructure initiative, asserting same had achieved the desired result of increased bicycle safety. He expressed hope shared lane markings could be placed on Hibiscus Drive to Di Vinci Drive in 2017 as same was scheduled for resurfacing.

Mr. Goldberg thanked Council for his appointment to the Planning Commission.

The meeting was adjourned at 10:47 a.m.

Mayor

City Clerk