

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, FEBRUARY 15, 2017, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, 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. Ms. Celine Galvan then sang the National Anthem.

PROCLAMATION/PRESENTATIONS

Torpedoman's Mate John M. Davidson Day

Mayor Keesling presented the proclamation to Mr. John Davidson.

Through With Chew Week

Councilmember Matthews presented the proclamation, which was accepted by Ms. Michelle Wood Stanley, Students Working Against Tobacco (SWAT) Coordinator.

Life Saving Awards – Punta Gorda Police Officer Matthew H. Woelk, Fire Department Battalion Chief/Paramedic Robert Lewandowski, Lieutenant/EMT Rob Logan, Firefighter/Paramedic Kyle Raymond, Fire Volunteer Tom Merek, and Charlotte County Fire Rescue Paramedic Curtis Rine and EMT Wes Ojeda

Police Chief Tom Lewis shared the events of January 10, 2017, relative to a choking individual and presented Life Saving Awards to the abovementioned members of the City's Police and Fire Departments.

Fire Chief Ray Briggs read a letter from the choking victim's spouse thanking all those involved in saving her husband's life.

Volunteers in Policing Milestones – Steve Fabian 20 years, Thomas McAlear 15 years, Kay Mooney 15 years, Ronald Gudac 10 years and Edward Ebert 10 years

Captain Jason Ciascini presented Milestone awards to several Volunteers in Policing, announcing volunteers donated 10,247 hours of service the previous year. He stated the volunteers provided an invaluable service to the City and were much appreciated.

Trophy Presentation for 2017 City of Punta Gorda Amateur Charity Golf Tournament

Mr. Gene Gorman reported the \$13,800 in proceeds from the Fourth Annual Punta Gorda Amateur Charity Golf Tournament would be donated to various local charities,

thanking the Tournament's sponsors and the volunteers who assisted in organizing the event. He introduced the Tournament Champions, Ms. Suzee Yohe and Mr. Scott Harvey.

Mayor Keesling presented the Tournament Trophy to the men's and women's Champions.

Introduction of Board/Committee Member Nominees

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

Mr. Gary Skillicorn introduced himself as a nominee for the Alternate position on the Planning Commission.

Ms. Della Booth introduced herself as a nominee for the Punta Gorda Housing Authority.

PUBLIC HEARINGS

Quasi-Judicial Public Hearings

City Clerk Smith swore in the participants.

V-01-17 - Request for a variance by Geri Waksler, Agent, for 7-Eleven Corporation, Applicant, pursuant to Chapter 26, Section 26-16.10, Punta Gorda Code, to allow 2 ground signs on a single parcel, which are less than 300 feet apart, as is required by Chapter 26, Section 26-11.3(g)(6), Punta Gorda Code. LEGAL: Aqui Esta Block A, Lot 24 (a/k/a 3135 Baynard Drive or 3139 Tamiami Trail, Punta Gorda, Florida).

Charlotte County Parcel ID: 412318428001

City Attorney Levin read the request by title.

Ms. Teri Tubbs, Urban Design Manager, displayed an overhead of the subject property, as delineated in the agenda material, and entered the staff report into the record by reference. She stated the parcel fronted two streets, which would permit the secondary sign; however, as the parcel was less than three hundred feet deep, the second sign could not meet the required three hundred foot distance from the primary sign. She explained the strict and literal enforcement of City Code would create an undue hardship in this case as it would reduce the business' visibility on the secondary street. She pointed out few Highway Commercial (HC) zoned lots had both front and "rear" street frontage, stating while this shallow lot was 265 feet deep, it was impossible to meet the 300 foot separation even if placed diagonally at opposing corners. She clarified due to the two street yards and the Code requirement to have the building pulled closer to the front property line, a unique situation was created which was not generally shared by other properties. She noted the condition of a dual street frontage

lot had not been created by the applicant as it was an existing property, and the use proposed for a convenience store and gas station was permitted in the HC zoning district. She concluded the Board of Zoning Appeals and staff recommended approval of the request contingent upon completion of development within three years of the date of approval.

Mayor Keesling clarified one sign would be located on U.S. 41 while the other would be on Baynard Drive.

Ms. Geri Waksler, applicant's agent, explained the configuration of the gas station and the unique size of the parcel, commenting on the difficulties presented by the subject location.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews inquired as to any feedback from neighboring property owners.

Ms. Tubbs replied there was none.

Councilmember Prafke **MOVED** approval of V-01-07, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

V-02-17 - Request by Geri Waksler, Agent, for Kana Hotel Group, Applicant, and Silver King Group LLC, Property Owner, pursuant to Chapter 26, Section 26-16.10, Punta Gorda Code, for a variance to construct a 5 story, 103 room hotel with a maximum building height of 59 feet from Base Flood Elevation to the highest point of the structural roof instead of 50 feet as is required per Chapter 26, Section 26-3.9(g)(9), Punta Gorda Code; a variance to allow reduction in required landscape buffer width for the perimeter of the parking lot to 5 feet in width instead of 8 feet in width as is required per Chapter 26, Section 26-12.4(a)(1), Punta Gorda Code; and a variance to allow a maximum of 12 parking spaces between landscape islands instead of 10 spaces as is required per Chapter 26, Section 26-10.3(b)1, Punta Gorda Code, at 89 & 97 Tamiami Trail, Punta Gorda, Florida.

Short Legal: ZZZ 064123 P1-4 & ZZZ 064123 P1-1-1

Charlotte County Parcel ID: 412306304001 & 412306304005

City Attorney Levin read the variance request.

Ms. Tubbs displayed an aerial view of the subject property, as delineated in the agenda material, stating the proposed structure was a 103 room Marriott brand hotel which was required to be constructed to certain design standards, adding a minimum number of rooms were required based on corporate standards as well as to be economically feasible. She explained due to constraints related to the parcel's size and in order to meet the minimum number of rooms' requirement, a fifth floor was necessary. She further noted the request to reduce the width of the landscaping along the perimeter of the parking lot allowed for parking needed by the hotel and more efficient use of the parcel. She clarified relocation of some of the interior landscaping to allow up to 12 parking spaces in a row instead of 10 as well as enlarging landscape islands at the ends of the drive aisles to balance the landscaping had no negative effect on the property or adjacent properties. She stated the strict and literal enforcement of the zoning regulations would preclude the hotel from being constructed on this site, adding a limited number of parcels existed within the downtown area which were large enough to accommodate a hotel, which was a known, needed use in the City Center (CC) zoning district. She opined the variance would allow much needed in-fill development. She confirmed granting the variance would not be injurious to or incompatible with contiguous uses or surrounding neighborhoods or be otherwise detrimental to the public. She continued the variance requested was the minimum modification of the regulation at issue which would afford relief. She stated the Florida Building Code classified hotels as residential; therefore, dry-flood proofing could not be utilized as was the case in hotels built prior to 2010. She explained additional height per floor was needed in order to install the duct work above each of the five stories to provide air conditioning to each room. She pointed out the total variance needed might be less than the requested 59 feet if an evacuation plan could be approved at the time of building permit review, which would meet the Building Code requirements to allow such dry-flood proofing. She summarized the proposed hotel would help bring a synergy to the downtown area with the mix of hotels, which would benefit the Event & Conference Center as well as local businesses and restaurants, adding denial of the request would be more injurious to the City and would discourage other developers from considering development proposals in the City. She concluded the requested variance met the criteria, noting the Board of Zoning Appeals and staff recommended approval.

Councilmember Matthews disclosed she had met with the owner of the nearby Wyvern Hotel regarding their concerns, inquiring if the architectural design of the building's exterior could be changed to blend with surrounding buildings.

Ms. Tubbs replied the building met the architectural provisions of City Code, acknowledging its style was different than that normally seen. She stated she understood the proposed architectural style was Marriott's new prototype, suggesting the applicant would likely address same during their presentation.

Councilmember Matthews expressed understanding hotel brands had a specific footprint; however, she suggested the style could possibly be modified slightly in some way to better fit the décor of the surrounding buildings downtown.

Councilmember Prafke disclosed she also met with the owner of the Wyvern Hotel and spoke with the applicant. She noted a review of the City's Master Plan indicated the eclectic nature of the community would be enhanced by a variety of architectural styles.

Councilmember Wein disclosed he met with the owner of the Wyvern Hotel, stating he believed the building's architectural style would blend in nicely.

Mayor Keesling stated she also met with a representative of the Wyvern Hotel as well as the applicant, adding she was comfortable provided the structure met the City's architectural guidelines.

Councilmember Cummings disclosed he also met with both parties, commenting favorably on the proposed style of the building.

City Attorney Levin stated the staff report indicated the proposed structure was a Marriott brand hotel, with requirements necessitated by the company, asking if staff wished to consider making a recommendation or establishing criteria to require an amendment to the variance, if approved, with respect to height if there was a change in the brand.

Ms. Tubbs replied City Council could make that recommendation.

- Ms. Waksler, applicant's agent, submitted a list of four requested conditions of approval into the record. She explained the first portion of the variance request was to allow a 59 foot, 104 room hotel with 5 habitable floors, the second was to allow a reduction of the landscape buffer on the perimeter of the parking from the required 8 feet to 5 feet, and the third was to allow 11 and 12 spaces between parking islands rather than the 10 spaces required by City Code. She pointed out the southern half of Harborside Avenue, which was to the north of the site, was actually located within the property's boundary; thus, over 4,500 square feet of the property were unusable for development as it was a right-of-way. She pointed out on-site parking was almost a necessity for a successful hotel as guests did not wish to carry their luggage for more than a short distance, thus the need to accommodate hotel parking. She stated the height variance was needed to accommodate the current technology in hotel

construction for air conditioning, providing a brief, technical explanation of same. She reiterated hotels were currently considered a residential use, and dry-flood proofing was prohibited; thus, the first floor must be placed at or above Base Flood Elevation (BFE). She noted the nearby Wyvern Hotel was constructed prior to this dry-flood proofing requirement, displaying a rendering which showed the subject hotel to be approximately the same height as the Wyvern and Sheraton Hotels. She stated entrance into the parking area would share an access drive with the adjacent parcel, explaining same would maximize use of the area. She noted the landscaping variance entailed a 37% reduction in width from 8 feet to 5 feet; however, the number of plants would be increased by 37%. She maintained there should be no impact to continuous use of the surrounding area or the public's welfare. She commented on certain concerns of the Wyvern Hotel, reporting discussions had led to a signed agreement, the particulars of which were outlined in the requested conditions of approval: (1) variance approved is for a 104 room hotel with 5 habitable floors; (2) no architectural or structural feature shall extend more than 6 feet above highest point of the structural roof; (3) rooftop heating, ventilation and air conditioning units shall be limited to 2 make-up air systems; (4) applicant agrees to submit an evacuation plan which, if approved, the City in its sole discretion will allow the proposed hotel to be constructed at ground level instead of BFE. She concluded the applicant looked forward to developing the site, requesting Council's favorable consideration.

Ms. Allison Burch, Charlotte State Bank, voiced support for the variance, opining it would encourage economic development.

Ms. Stephanie Kissinger, Enterprise Charlotte Economic Council President, spoke in favor of the variance as it would bring synergy to the downtown area.

Mr. Joseph Comeaux requested City Council's favorable consideration of the request, stating he felt the City needed a more comprehensive set of parameters to provide developers with a consistent understanding of the City's expectations as far as image.

Mr. Jerry Presseller, Downtown Merchants Association (DMA) President, reported he had received no negative responses to a survey issued to DMA members.

Mr. Jim Finch, Charlotte Harbor Event & Conference Center General Manager, spoke in support of construction of the hotel on the subject property.

Mr. Harvey Goldberg stated this was a long awaited project, adding the vacant City Marketplace property was an eyesore; thus, he urged City Council's support of V-02-17.

Mr. Bill Dryburgh spoke in favor of the variance, expressing excitement regarding development of this long empty parcel.

Mr. Tom Hamilton commented at length on the elderly demographics of Charlotte County, stating he believed this project would place the City on a path to a great future.

Mayor Keesling call three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin commented on requested condition (4), as submitted by the applicant, asking if same included dry-flood proofing. He further inquired if dry-flood proofing would be required if an approved evacuation plan was in place.

Ms. Waksler replied affirmatively, explaining an evacuation plan would be in place for first floor guests.

City Attorney Levin opined the condition should be amended to reflect same.

Ms. Waksler responded she had no objection to the correction.

City Attorney Levin stated if there was an opportunity to reduce the height of the structure by having an approved evacuation plan with dry-flood proofing, perhaps there was a need to change the building's proposed maximum height. He explained otherwise the request would not constitute the minimum variance necessary per City Code criteria. He asked if staff was aware of the amount of additional height which was based solely on the need to meet BFE.

Ms. Waksler replied approximately three and one-half feet; however, the submitted request met the criteria of City Code.

City Attorney Levin clarified part of the justification for the additional height was due to the change in the Building Code which required additional height as opposed to dry-flood proofing; thus, if that requirement no longer needed to be met, the structure could be three feet lower.

Ms. Tubbs replied she could not answer until the building permit application was reviewed.

Ms. Waksler interjected the applicant had no objection to amending Condition (4) by adding "in which case, the variance shall be for a maximum height of 56 feet."

Councilmember Prafke confirmed the rooftop mechanical equipment would be camouflaged as was the case for all of the other hotels in the City.

Councilmember Wein noted there had been discussion regarding amendments to City Code as same applied to the CC zoning district, questioning the status of those revisions.

Ms. Tubbs replied staff was moving forward, adding a Comprehensive Plan amendment would likely be reviewed by City Council in the April/May 2017 timeframe.

Mayor Keesling commented favorably on the proposed conditions of approval submitted by Ms. Waksler.

Councilmember Matthews voiced support for the project.

Councilmember Cummings commented this project helped meet the goal of 25% commercial development.

Councilmember Prafke spoke in favor of V-02-07 with the conditions provided by the applicant and comments from the City Attorney.

City Attorney Levin clarified Condition (4), as provided by the applicant, would be amended to include "... with the required dry-flood proofing. If the evacuation plan is approved, the maximum height will be 56 feet measured from Base Flood Elevation." He continued Condition (5) would read "If Marriott brand hotel is not built at subject property, an amendment of this variance will be necessary to allow another corporate brand to be built."

Councilmember Prafke agreed; however, she noted the hotel was actually a Marriott Springhill Suites.

Mayor Keesling suggested approval also be contingent upon a timeframe.

Councilmember Prafke **MOVED** approval of V-02-17 contingent upon the applicant's requested conditions of approval as amended by the City Attorney and a three year timeframe, **SECONDED** by Councilmember Matthews.

Ms. Waksler confirmed the applicant was amenable to the revised conditions.

MOTION UNANIMOUSLY CARRIED.

Note: A short break was called at 10:11 a.m.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

Ms. Pat Campagna, Peace River Wildlife Center (PRWC) President, urged approval of the ground lease for Ponce de Leon Park. She expressed appreciation for the City's offer to retain the PRWC near its current home.

SV-01-17 – A Resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating that 15 foot alley lying and being in Block 114, Nail's Subdivision, as recorded in Plat Book 1, Page 41, of the Public Records of Charlotte County, Florida, containing 10,500.5 square feet more or less, and more particularly described in Exhibit "A" attached hereto and made a part

thereof; requesting a recommendation from the planning commission; and fixing a public hearing thereon.

City Attorney Levin read the resolution by title.

Ms. Tubbs displayed an overhead of the subject location, as delineated in the agenda material, stating the subject alley, which was bounded by West Ann and West McKenzie Streets, had never been improved nor had it been used for access in recent history. She clarified this resolution only declared Council's intent, adding the vacation would be reviewed by the Planning Commission and then brought back to City Council for final approval.

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 Ground Lease between the City of Punta Gorda and Peace River Wildlife Center, Inc. for Ponce De Leon Park; and providing an effective date.

City Attorney Levin read the resolution by title.

City Manager Kunik stated staff had negotiated the proposed 50 year lease, with an option for a 50 year renewal, for the relocation of the PRWC on City property. He pointed out the lease delineated the City's responsibilities, adding no construction was anticipated until April 2018 at the earliest to allow sufficient time for design of the PRWC and re-design of Ponce de Leon Park.

Mayor Keesling commented on the City's agreement to continue payment of utilities, recommending establishment of a flat rate not to exceed \$8,000.

Councilmember Cummings agreed with Mayor Keesling's recommendation for a not to exceed figure; however he suggested including a caveat in the event oil prices changed by a certain percentage.

Councilmember Matthews commented she did not agree a cap should be placed on utilities as the City had always paid same, stating the PRWC had been responsible neighbors who provided an invaluable service.

Councilmembers Prafke and Wein concurred.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Mayor Keesling pulled Item D1.

Councilmember Matthews pulled Item D4.

A. Citizen Comments - Consent Agenda Items

There were none.

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

MOTION UNANIMOUSLY CARRIED.

ITEM D1: Ms. Lisa Hannon, Code Compliance Supervisor, stated the organizers of the annual iHeart Media event had requested exclusive use of Laisley Park, including closure of the Harborwalk during event hours.

City Manager Kunik acknowledged this event had been approved in previous years; however, as there were a very limited number of events for which the Harborwalk was closed and due to the complaints received as a result of same, he had placed this event on Council's agenda.

Mayor Keesling voiced concern regarding closure of the Harborwalk, which upset many residents. She asked if this event took place over the entire weekend.

Ms. Teresa Desguin, event organizer, confirmed it was a two-day event.

Mayor Keesling suggested event organizers could be more creative in how the event was set up to avoid closure of the Harborwalk.

Ms. Desguin explained the organizers must cover their expenses for an event which was held to entertain the community. She opined the Harborwalk was installed to encourage exercise, stating a detour would not prohibit same.

Mayor Keesling reiterated she felt closing the Harborwalk for an entire weekend was somewhat excessive.

Councilmember Cummings inquired whether it was possible to close the Harborwalk just one day.

Ms. Desguin replied in the negative.

Councilmember Cummings questioned the attendance needed to recoup expenses.

Ms. Desguin responded this year's event included better quality musicians which in turn increased expenses, adding 8,000 to 10,000 attendees were needed over the course of both days to break even.

Councilmember Prafke expressed understanding of the need to close the Harborwalk based on Ms. Desguin's comments, acknowledging the need to do so as seldom as possible. She requested clarification of the type of signage used to notify the public.

Ms. Hannon replied the Public Works Department installed the signage upon request.

Mayor Keesling inquired as to the event hours.

Ms. Desguin replied 10:00 a.m. to 6:00 p.m. on Saturday and 11:00 a.m. to 5:00 p.m. on Sunday.

Councilmember Cummings **MOVED** approval of Item D1, **SECONDED** by Councilmember Matthews.

VOTING AYE: Cummings, Matthews, Prafke, Wein.

VOTING NAY: Keesling.

MOTION CARRIED.

ITEM D4: Ms. Tubbs stated the “Guitar Army” was temporarily relocating to the History Park while Gilchrist Park was undergoing construction. She noted the Hot Dog Lady vended in Gilchrist Park during the Guitar Army’s Thursday night get-togethers; however, as Gilchrist Park was not currently available, she had requested permission to operate on Thursday evenings in the History Park. She explained City Code only allowed mobile vendors to operate in a City park as part of an event, under a Temporary Use (TU) permit or a public property concession services agreement, but the Guitar Army was not an approved, formal event; therefore, the only option was for a TU permit, which entailed a \$250 fee. She advised the Hot Dog Lady had requested a waiver of the fee to allow her to operate while Gilchrist Park was under construction.

Councilmember Matthews inquired if the Hot Dog Lady had paid the TU permit fee to operate in Gilchrist Park.

Ms. Tubbs explained the vendor operated in Gilchrist Park under a concessionaire’s agreement, which was a contract bid out through the Procurement Division and entailed monthly rent.

Councilmember Matthews clarified rent was not due nor being paid at this time due to the closure of Gilchrist Park. She spoke in opposition to the request, recalling waiver of a tent permit fee was not granted to a group of veterans.

Councilmember Cummings stated the Hot Dog Lady likely planned her yearly income based on annual operations in Gilchrist Park but was currently unable to earn income in her usual location; thus, he felt the request should be considered. He pointed out it was the City’s choice to perform renovations in Gilchrist Park, which inconvenienced the vendor, adding waiver of a TU fee did not constitute much of a sacrifice.

Mayor Keesling explained she was amenable to the request.

Councilmember Wein stated he had no objection.

Councilmember Prafke stated she had no objection.

Councilmember Matthews suggested a compromise on an amount which was less than \$250.

Ms. Tubbs stated the vendor’s monthly concessionaire charge at Gilchrist Park was approximately \$125.

Councilmember Matthews stated the \$250 fee for the TU was annual.

Ms. Tubbs replied the TU could only be requested for a specific time period, which could be one year, depending upon the use, adding this use would be until such time as Gilchrist Park was available for vending.

Mayor Keesling stated she was amenable to the timeframe which allowed the TU until the vendor could return to Gilchrist Park.

Councilmember Cummings concurred.

Councilmember Matthews voiced concern regarding setting a precedent with vendors.

Councilmember Wein clarified the vendor previously paid \$125 per month to rent space in Gilchrist Park and could vend 7 days per week, adding the vendor would operate only 1 evening per week at the History Park. He opined a token payment of \$125 was reasonable to avoid setting a precedent. He pointed out the vendor was providing a service for an unofficial weekly entertainment event, and the City should encourage it to continue while Gilchrist Park was under construction.

Councilmember Cummings commented the vendor should not be held responsible for the City's decision regarding the veterans. He concluded the City should not preclude the vendor from being able to generate income.

Councilmember Cummings **MOVED** approval of the waiver requested in Item D4, **SECONDED** by Councilmember Wein.

VOTING AYE: Cummings, Prafke, Wein, Keesling.

VOTING NAY: Matthews.

MOTION CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of February 1, 2017

C. Legal Department

1. Invoices of Allen, Norton & Blue, P.A. for services rendered through December 31, 2016

2. Invoice of Persson & Cohen, P.A. for services rendered in January 2017

D. Urban Design Division

1. Event Permit: 17-141013; iHeart Media Peace River Seafood Festival, Laishley Park, March 11 & 12, 2017

2. Approval of request by New Operation Cooper Street, Inc. to establish a "Little Free Library" book exchange

3. Approval of a Quit Claim deed for any and all interest the City may have in a portion of an alley which was not platted running between 321 W. Retta Esplanade and 110 Harvey Street.

4. Request for waiver of \$250.00 Temporary Use Permit application fee for the Hot Dog Lady to operate in History Park on Thursday nights for the Guitar Army.
- E. Public Works Department
 1. A Resolution of the City of Punta Gorda, Florida, approving Maintenance Agreement No. BE309 (FM NO. 432729-1-78-06) with the Florida Department of Transportation for City maintenance of FDOT highways within the city limits; authorizing the Mayor to execute the agreement on behalf of the City; and providing an effective date.

Citizen Comments – Regular Agenda Items Only

Ms. Martha Bireda, Bernice Russell Community Development Corporation (BRCDC), requested City Council provide any additional funding necessary for renovation of the Andrews Building, which would provide housing for veterans.

Ms. Caroline Thonin, Spa One Day Spa, voiced objection to allowing the Block Party on a Saturday as this was a busy day for her business.

Ms. Debbie Malinoski, HipNotique Boutique, objected to closing the street for the Block Party as it was bad for business, suggesting the event be moved from Marion Avenue to West Retta Esplanade or the Marketplace Property and/or the day be changed from Saturday to Sunday.

Ms. Serena Wycoff, Copperfish Books, voiced opposition to Marion Avenue being closed for the Block Party, asserting the crowds and noise made it impossible to do business. She stated the Block Party coincided with Independent Bookstore Day, which was one of their biggest sales days.

Ms. Carrie James, Charlotte County Pride, stated the Block Party coincided with Pride Fest and would cause a hardship; however, they would work together to make the two events successful. She requested the Block Party change their date in future, suggesting there be an approval process for event scheduling.

Ms. Loraine Helber, Punta Gorda Housing Authority (PGHA) Executive Director, explained an Acknowledgement Oath had been submitted for the City's use as a supplement to its application process for PGHA Board vacancies. She stated the PGHA Board would also be working internally to improve its processes for addressing any conflict of interest which might arise after a Board member was seated. She stated the template provided was a starting point, adding the PGHA was open to suggestions.

Ms. Gussie Baker voiced concern some viewed the Block Party as a detriment to the downtown, explaining the original purpose of the event was to bring people downtown to shop at local businesses. She stated event organizers would do everything possible

to help the businesses this year, concluding it was hoped attendance would reach 20,000 to 25,000.

BUDGET

Award of Agreement to Tobler Construction, Inc. of Fort Myers, FL for the Andrews Building Rehabilitation Project

City Manager Kunik reported an Invitation to Bid was issued for the conversion of four commercial ground floors units to four units of affordable housing in the Andrews Building at 329 East Virginia Avenue. He stated \$200,000 was previously approved for design and construction; however, the total cost of the project was \$303,922, adding it was necessary to appropriate an additional \$103,922 to fund the project. He reviewed the breakdown of funding sources, as delineated in the agenda materials. He stated after the project was finished, the BRCDC would manage the unit rentals, noting some of the units were earmarked for veterans.

Councilmember Wein stated he was shocked to see the cost; however, after further research he determined it was a realistic figure.

Mayor Keesling voiced concern the overage was staggering for a project of this size, and the City had established a budget for same, questioning whether the City should move forward since taxpayer funds were being utilized. She suggested the possibility of the City issuing a loan, opining the BRCDC should contribute more towards the project.

Councilmember Cummings clarified he was not a member of the BRCDC Board. He stated the need for housing justified the use of the funds, adding it would also serve veterans.

Councilmember Prafke recalled Council had previously discussed the need for the BRCDC to contribute to the project by identifying resources.

Councilmember Cummings confirmed the BRCDC had obtained a donation from Home Depot along with its own donation of \$5,000.

Councilmember Prafke stated she had hoped other resources could be identified for donating work such as plumbing; however, it appeared contractors were not currently willing to give up paid work. She stated she did not wish to see the project go by the wayside. She voiced concern the building looked shabby and she wanted to ensure the building would be maintained in the future and be an enhancement to the community.

Councilmember Wein agreed there was a need for affordable housing in Charlotte County. He stated construction costs were a minimum of \$135 per square foot; however, it was not possible to construct a building at that price and be competitive while also being affordable. He then stated there was much vacant land in the

neighborhood, opining the project could be a catalyst for further development. He suggested the City had a moral obligation to move forward and voiced support to do so, even if additional grant funding was not forthcoming.

Councilmember Cummings stated the cost had increased because the property previously had a flood exemption, which was revised as the building would be completely residential. He stated construction costs were a reality, suggesting the City contribute \$25,000 to \$30,000 with the remainder to come from fund raising.

Mayor Keesling questioned how to ensure the building use remained affordable housing and the intent was fulfilled.

City Attorney Levin advised an agreement would be needed to ensure the funds and the building were utilized for the correct purpose.

Mr. Bob Ebert, Charlotte County Housing Manager, stated the building was constructed with Hurricane Housing Recovery and Community Development Block Grant Funds, adding the County had placed liens on the building which prevented it from being flipped, suggesting the City do the same if funding was provided. He stated the County supported the project, which was low income housing rather than workforce housing, advising as such there was a cap on rental fees.

City Manager Kunik commented the City could not utilize Community Redevelopment Agency (CRA) funds as it was not permitted.

Mayor Keesling countered it was possible to request same.

Discussion ensued regarding funding sources.

Councilmember Cummings **MOVED** approval of awarding the contract to Tobler Construction, appropriating funds as recommended by staff and making a formal request to utilize CRA funds, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

NOTE: A short break was called at 11:07 a.m.

UNFINISHED BUSINESS

Presentation by Mike Giardullo, Weiler Engineering, on the Feasibility Study for a Letter of Map Revision (LOMR) for Gilchrist Park

Mr. Mike Giardullo, Weiler Engineering Corporation (WEC), drew members' attention to the Letter of Map Revision Feasibility Report, as delineated in the agenda materials, noting the total study area included the portion of Gilchrist Park from the eastern limits adjacent to the PG Waterfront Hotel & Suites property to the area currently utilized by the Punta Gorda Boat Club (Harvey Street to Berry Street), noting the feasibility study would determine the possibilities for obtaining reductions in the flood zones. He stated the study area was subdivided into four areas, A through D, as depicted on the

aerial map, explaining Area A, the main area of the study, was in the immediate vicinity of the playground; however, it could be expanded to include B (area immediately to the east which included a restroom) as well as C and/or D. He stated all four areas were located in Velocity Zones with established base flood elevations (BFE) and were assigned a number to show the anticipated BFE for the 1-percent-annual-chance flood hazard. He stated the goal was to move the "VE AE gutter" at least 360 feet, adding WEC's recommendation was to proceed only with Area A at this time as it had a high likelihood of being approved. He stated a Letter of Map Revision (LOMR) must be approved by the Federal Emergency Management Agency (FEMA). He stated Area B was not included as it was currently under construction and existing conditions were not known, adding the existing seawall was not large enough to warrant a move to the VE AE line. He stated the area to the west, which would include the Bayfront Center, could be included; however, his recommendation was not to do so at this time, explaining he did not desire to delay pursuing approval on Area A. He opined the remaining three areas also had a strong likelihood of being approved and were worth the risk of submitting an application. He concluded the flood zone for the peninsula at the Boat Club was not likely to be reduced unless some substantial shoreline protection was added, clarifying there was not sufficient ground elevation to buffer the wave action enough to warrant same. He offered to answer questions.

Mayor Keesling pointed out the bathrooms were supposed to be identical buildings and thus should be constructed at the same time. She questioned how the City would construct an identical building in Area B if approval was requested for only Area A.

Mr. Giardullo responded the City could seek approval for Area B after obtaining approval for Area A, adding the lump sum fee for A was \$10,000 while the add-on for B was \$5,000. He stated WEC would honor the fee even if the applications were completed separately. He stressed the City should pursue Area A now due to the review process, noting the public comment period was longer if the BFE was changed.

Mayor Keesling inquired if pursuing Area B would delay construction of the restrooms, adding the City was hoping to be ready to construct them when Gilchrist Park was completed.

Mr. Giardullo recommended waiting until the seawall was constructed, adding it was not necessary to wait for the upland improvements to be completed. He stated by that time the FEMA process should be completed, which could help with future approvals. He opined the application for Area B could be submitted in the summer.

Mayor Keesling stated a redesign would be necessary in that case.

Mr. Giardullo stated it could be bid concurrently in order for the contractor to begin at the time of the final close out on Zone 4.

Councilmember Prafke **MOVED** approval to move forward with the LOMR for Area A based on WEC's recommendation, with Area B to follow at the appropriate time, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Recommendations for Charlotte County-Punta Gorda Metropolitan Planning Organization (MPO) Project Prioritization

Mr. Mitchell Austin, Urban Design Planner, explained each year the MPO sought input from member agencies regarding projects for prioritization, noting projects on the priority list were eligible for funding on the five year Transportation Improvement Program (TIP). He noted for a project to be considered for the TIP, it must be identified as a cost feasible need in the MPO Long Range Transportation Plan (LRTP). He stated the City submitted a number of projects for consideration in 2009 and 2010, the majority of which were associated with the Punta Gorda Pathways network. He acknowledged several of those projects had been funded; however, many City priorities remained unfunded. He drew Council's attention to the City's existing list of unfunded project priorities, as delineated in the agenda material, noting staff's recommendation remained unchanged; however, the U.S. 41 Multi-Use Recreational Trail (MURT) Bridge (over North Alligator Creek) had been eliminated as it was now funded for design and construction. He stated the amount of the funding request for the U.S. 41 MURT at the south fork of Alligator Creek had been increased to \$1.6 million based on construction cost estimates. He then spoke regarding a potential project priority to widen Aqui Esta Drive to a four lane road and to include sidewalks, bicycle facilities, decorative street lights, landscaping, bridge widening or replacement, intersection improvements and any required stormwater management. He noted in order to submit this as a requested project priority, the City must first request an amendment to the 2040 LRTP. Councilmember Wein **MOVED** to adopt the revised list of City supported projects to recommend to the MPO for prioritization, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings **MOVED** to request an amendment to the 2040 LRTP for the Aqui Esta Drive project, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Event Permit 16-140828 - Punta Gorda Block Party; April 29, 2017 - Downtown Punta Gorda.

City Manager Kunik stated the Block Party was a long time, annual event which attracted thousands of attendees, adding the event required closure of several streets to accommodate entertainment stages. He explained due to an increase in expenses, the event had been relocated closer to the City Marketplace property/Retta Esplanade/Taylor Street area and did not require the closing of Marion Avenue, recalling the event had been cancelled the past two years. He reported Block Party organizers wished to bring the event back to its original form, with the same number of street closures and stages, adding a major sponsor had been secured to assist with funding, and arrangements had been made for large name musical acts. He mentioned the event had already been advertised to the public, noting the organizers had not obtained the City's approval early in the planning process as suggested, and Council was now in the untenable position of possibly denying the event permit application after all arrangements had been made.

Ms. Hannon displayed the proposed site plan, stating same had been modified since being presented at the Development Review Committee (DRC) Meeting.

Mayor Keesling asked if parking on the City Marketplace property entailed a fee.

Ms. Baker replied same was dependent upon who was managing traffic within the parking area, explaining students from Charlotte High School might charge \$1 to \$2. She confirmed there were no admission charge for the event itself.

Mayor Keesling inquired if one of the stages could be relocated onto the City Marketplace property.

Ms. Baker replied in the negative, confirming same had been considered.

Councilmember Prafke inquired if "VIP" parking accommodations could be provided for Spa One customers.

Ms. Baker replied affirmatively, expressing willingness to do whatever it took for a successful event.

Councilmember Wein confirmed the bands had been booked, expressing annoyance regarding the manner in which the event had been organized.

Councilmember Matthews commented she was not in favor of closing Marion Avenue on a Saturday during the busy season. She asked if the event could be relocated to Retta Esplanade.

Ms. Hannon replied she did not believe the event could be accommodated on Retta Esplanade without creating a public safety hazard; however, she would defer to the Public Works and Public Safety Departments.

Councilmember Cummings opined area businesses would benefit from the event due to the numbers of overnight visitors, adding Punta Gorda could again become known for its Block Party, which justified its location downtown.

Councilmember Prafke commented multiple events taking place on the same days brought a synergy to the community; however, approval should be obtained before any musical acts were booked.

Mayor Keesling commented the City hosted numerous events and had transitioned over time to accommodate events without requiring street closures. She expressed her preference for the Block Party to relocate to the City Marketplace property, asking why the Marion Avenue stage could not be moved.

Ms. Baker expressed uncertainty regarding same, explaining she was standing in for Ms. Brenda Ryan who had a family emergency.

Mayor Keesling opined rescheduling the event to Sunday would lessen its impact.

Councilmember Cummings suggested loosening signage regulations on the day of the Block Party would allow business customer traffic to be directed smoothly.

City Manager Kunik confirmed staff was amenable to same.

Mayor Keesling stated the abovementioned VIP parking for Spa One was previously discussed, requesting clarification as to how same would be handled.

Ms. Baker replied she was unsure, confirming the owner of Spa One would be contacted.

Ms. Debbie Malinoski spoke in opposition to the event application, acknowledging the Block Party was first organized to help businesses; however, that was no longer the case.

Ms. Carolyn Thonin commented on the importance of working together, asserting the Block Party organizers had not done so.

Ms. Serena Wyckoff maintained there had been a lack of communication between the organizers and individual businesses. She acknowledged event organizers had met with the Downtown Merchants Association; however, they had not met with affected businesses.

Ms. Karen James stated she hosted the Charlotte County Pride event, asserting vendors had been lost and additional expenses incurred as a result of the Block Party organizers failing to meet with her in advance.

Mayor Keesling requested a Block Party organizer who could address all of Council's concerns as well as those of area businesses attend a future Council meeting.

Mr. Gene Pawlowski maintained the Block Party organizers and the business owners must be amenable to compromise. He suggested Council simply require the Block Party to be held on the City Marketplace property.

Councilmember Matthews suggested a liaison from City Council meet with all involved parties, including business owners, to iron out all issues for the following year, offering to do so. She stated Council might wish to approve the 2017 event with prejudice.

Discussion ensued with regard to the need for key Block Party organizers to be available to address all of Councilmembers' concerns with Councilmember Matthews to act as a liaison with all involved parties.

City Manager Kunik confirmed staff would attempt to resolve the outstanding issues before Council's next meeting.

Councilmember Cummings asked Chief Lewis to comment on street closures during events from a public safety perspective.

Chief Lewis assured Council the Police Department could handle any situation with sufficient resources. He acknowledged a public safety concern when mixing a large scale event with alcohol and pedestrians mixing with traffic.

Mayor Keesling asked staff to determine if there were any activities taking place at the Event Center on the same day the Block Party was planned.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik announced staff had scheduled three community meetings on the Community Development Block Grant program on February 23, 2017, at 6:00 p.m., at New Operation Cooper Street, March 2, 2017, at 6:00 p.m., in Council Chambers, and March 9, 2017, from 9:00 a.m. to 2:00 p.m., at the Punta Gorda Housing Authority offices.

CITY CLERK

Punta Gorda Housing Authority Request for Applicant Acknowledgement Oath

City Attorney Levin advised City Council did not have the authority to approve, implement or administer any oath to appointees to the Punta Gorda Housing Authority (PGHA) Board of Commissioners (BOC), providing a detailed review of his research of State Statutes which lead him to this conclusion, as delineated in his February 14, 2017, correspondence in the agenda material. He summarized City Council appointed individuals to serve on the PGHA BOC while the PGHA had the power to adopt its own rules and regulations, which included the qualification of Commissioners.

Councilmember Prafke inquired if City Council was permitted to inform applicants of the requirement to sign the Applicant Acknowledgement Oath (Oath) if appointed. City Attorney Levin replied he would advise the City to stay out of the process, advising he would not wish to put the City in a position of liability if the Oath was not consistent with the requirements of the law.

Councilmember Prafke asked if the PGHA could contact applicants prior to an appointment in that applications were public record.

City Attorney Levin replied affirmatively. He suggested the PGHA amend its bylaws to describe how the process would be carried forth.

Councilmember Cummings confirmed the City Attorney was recommending continuing with the status quo.

Councilmember Matthews stated the PGHA might wish to consider amending the process to interview candidates and make a recommendation to Council regarding who they wished to see appointed.

City Attorney Levin responded the City could suggest but not require same.

Discussion ensued regarding the PGHA interviewing candidates.

Ms. Helber stated she had not intended to confuse the roles between the City and the PGHA, adding the PGHA had hoped to assist the City in determining if an applicant was ineligible to serve by virtue of being a Section 8 landlord prior to appointment.

Mayor Keesling interjected the City Attorney stated the PGHA was responsible to qualify individuals appointed by Council, questioning the current process for same.

Ms. Helber replied there was no such process as she had believed State law prohibited same. She expressed uncertainty with regard to Councilmember Matthews' suggestion fitting within the parameter of State Statute, acknowledging City Attorney Levin seemed to be confident it did so.

Councilmember Cummings suggested the PGHA simply ask if an individual appointed by Council was a Section 8 landlord, adding if so, Council would then appoint another individual.

City Attorney Levin stated he had no legal objection to same, provided the City was not required to investigate the truth of the individual's answer.

City Clerk Smith recommended maintaining the current application process through the nominations phase, adding the Clerk's Office could provide nominee information to the PGHA, which could then take the nominees through its process and advise the City which applicants were qualified for appointment.

Ms. Helber countered the PGHA Board also did not wish to declare someone qualified but rather declare such individual was not eligible if that was the case.

City Attorney Levin asserted the PGHA would have to determine whether or not an appointee was qualified, suggesting the process could be termed “pre-qualification.”

Mayor Keesling recommended Ms. Helber consult with the PGHA attorney.

Ms. Helber noted the City Clerk’s Office currently required PGHA appointees to sign an Oath of Office, which indicated appointees would comply with State and Local Laws; however, that Oath was not complete enough for the PGHA. She stated the PGHA could adopt an additional oath for new appointees.

City Attorney Levin pointed out State Statute required compliance with Federal laws, opining the better approach would be for the Oath to be created and administered by the PGHA. He voiced concern the Oath proposed by PGHA went beyond simply the requirement for an appointee to comply with Federal law if there was a deficiency in the City’s oath, which did not mention Federal law.

Ms. Helber concluded she would meet with the PGHA Attorney regarding the pre-qualification process described by the City Clerk.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board Alternate

City Clerk Smith announced the continuing vacancy.

Punta Gorda Isles Canal Advisory Committee

City Clerk Smith announced the continuing vacancy.

Utility Advisory Board

City Clerk Smith announced the vacancy.

Nominations

Building Board Alternate

Councilmember Matthews **MOVED** to nominate and appoint Mr. Charles Brox, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Board of Zoning Appeals

Councilmember Prafke **MOVED** to nominate and appoint Mr. Ed Weiner, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Housing Authority

Consensus was to place the PGHA nominations on hold in light of Council’s earlier discussion.

Appointments

Code Enforcement Board Alternate

Voting forms were distributed.

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

Planning Commission Alternate

Voting forms were distributed.

City Attorney Levin announced Ms. Susan Hill had received the most votes and was thus appointed to the Commission.

POLICY AND LEGISLATION

KEESLING: Announced the Police Department had waterproof stickers which were useful for placement on residents' kayaks for identification.

Councilmember Prafke suggested advertising same in the Weekly Highlights Report.

CITIZENS COMMENTS

Mr. John Jolly spoke regarding water control structures.

The meeting was adjourned at 12:39 p.m.

Mayor

City Clerk