

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 12, 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; Joan LeBeau, Mitchell Austin, Urban Design; Jason Ciaschini, 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.

PROCLAMATION/PRESENTATIONS

John Lloyd, Jr. Day

Mayor Keesling presented the proclamation to Mr. John “Johnny” Lloyd, Jr.

City Manager Kunik read a 2007 poem entitled “The Legend of Johnny Lloyd”.

Mr. Lloyd spoke about his 44 year career with the City, his positive attitude and personal successes which were benefits of having love in his heart and many good people in his life.

Introduction of Board/Committee Member Nominees

Messrs. Dave Perkins and John Forr introduced themselves as nominees for the Burnt Store Isles Canal Advisory Committee.

Messrs. Don Kidwell and John Boswell introduced themselves as nominees for the Planning Commission.

PUBLIC HEARING AGENDA

Quasi-Judicial Public Hearings

City Attorney Levin advised SV-02-17 was presented as a quasi-judicial hearing; however, vacations were legislative actions, adding it was necessary to modify Code provisions to further clarify the process.

City Clerk Smith swore in participants providing testimony this date.

AP-01-17 - Appeal of Administrative Decision of the Zoning Official per the City Code of Ordinances, Chapter 26-16.2., regarding new construction of a single-family residence, Punta Gorda Code, Chapter 26, Article 7 Architectural Provisions, Section 7.3 Building Style.

LEGAL: A tract or parcel of land lying and being in block 51 of the town platted Trabue now known as Punta Gorda, Florida according to the map or plat thereof on file and recorded in plat Book 1, Page 1 of the public records of Charlotte

County Florida. Which tract or parcel is more particularly described as follows: Commencing at the northeasterly corner of Block 51 in the town platted Trabue now known as Punta Gorda, Florida; thence south 48°05'01" west along the southerly right of way of Olympia Avenue, a distance of 209.27 feet to the point of beginning; thence continuing southwesterly along said line, a distance of 91.16 feet; thence south 41°54'59" east, a distance of 90.00 feet; thence north 48°05'01" east, a distance of 91.17 feet thence north 41°55'21" west, a distance of 90.00 feet to the point of beginning; A/K/A: 913 W Olympia Avenue, Punta Gorda, Florida.

City Attorney Levin read the request by title, outlining the specific criteria required in City Council's consideration of the request.

Ms. Lisa Hannon, Interim Zoning Official, displayed a site plan for the proposed single-family residence and entered the staff report into the record by reference. She explained staff was unable to approve a mixed vernacular style home as proposed; however, approval of the Appeal of Administrative Decision was recommended by Urban Design staff and the Board of Zoning Appeals (BZA). She reported the BZA further recommended City Council consider amending City Code, Chapter 26, Article 7, to allow greater flexibility in terms of varied architectural style and the addition of the vernacular "Mid-Century Modern." She noted the applicant had requested a waiver of the \$500 application fee, adding the BZA voted to deny same.

Ms. Patti Pate, applicant, presented her appeal summary, as delineated within the agenda materials, contending the cross vernacular was a difference of only 5%. She stated the "modern farmhouse" design was officially recognized by Southwest Florida's School of Architecture Design, opining the design was aesthetically pleasing, a good fit for the neighborhood and would maintain the character of the historic neighborhood. She requested approval in order to avoid further delays in construction or a total redesign of the home, opining a fee waiver was appropriate.

Mr. Mitchell Austin, Urban Design Planner, explained a provision in Chapter 26, Article VII, provided for staff's flexibility in interpreting and applying architectural provisions; however, it was very specific in prohibiting even minor deviations in a mix of architectural styles.

Councilmember Matthews inquired if the Building Department had approved the plans.

Ms. Hannon replied their review was related to building and structural codes as opposed to architectural elevations, building placement, setbacks or site plans.

Mr. Frank LePore, BZA member, advised Board members had recommended approval of the request since the architectural features requested were within the specific criteria allowed in the district, adding the Board did not recommend a waiver of fees due to the considerable amount of time spent on the request by staff.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Mayor Keesling disclosed she met with the applicant regarding their timeline for designing the home, adding she was generally not in favor of mixed vernaculars as some styles did not blend well. She noted she was in favor of adding the mid-century modern, however, timing did not allow for a Code change prior to this hearing.

Councilmember Prafke also disclosed she had met with the applicant. She acknowledged City Code did not provide flexibility, recommending additional latitude be provided to staff and the application fee be waived.

Councilmember Wein concurred, pointing out the applicant had worked diligently to amend construction plans according to zoning constraints. He recommended moving forward as easily and expeditiously as possible without the penalty of a fee.

Councilmember Matthews recommended approval of the request, acknowledging the applicant's additional difficulties and cost in designing their home. She opined planning errors were made on both sides, thus, fees should be split.

Councilmember Cummings recommended adding the vernacular and approval of the request without cost to the applicant.

Councilmember Prafke **MOVED** approval of AP-01-17, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of a fee waiver associated with AP-01-17, **SECONDED** by Councilmember Wein.

MOTION CARRIED UNANIMOUSLY.

Councilmember Prafke **MOVED** to allow staff more flexibility in approving a mix of vernacular for proposed structures.

City Attorney Levin advised same would require an ordinance amendment.

MOTION DIED FOR A LACK OF A SECOND.

Councilmember Prafke **MOVED** approval of drafting a Code amendment to allow staff more flexibility in approving a blend of vernaculars, **SECONDED** by Councilmember Matthews.

MOTION CARRIED UNANIMOUSLY.

Councilmember Prafke **MOVED** to include mid-century modern as an approved vernacular, **SECONDED** by Councilmember Wein.

MOTION CARRIED UNANIMOUSLY.

SE-03-17 - A request by Iris Consulting Group, LLC, agent for Raymond Allen & Sandra Marleau, property owners, for a Special Exception pursuant to Chapter 26, Section 16.8, Punta Gorda Code, to allow an assisted living facility with a memory care unit to be located in a General Multi-Family zoning district, as is permitted by Special Exception approval per Chapter 26, Section 3.5(f)(13), Punta Gorda Code, on property zoned General Multi-Family 15 Units per acre (GM-15), and addressed as 156 Madrid Boulevard.

City Clerk Smith swore in participants providing testimony on the item.

City Attorney Levin read the request by title.

Ms. Hannon displayed an overhead of the subject property, as delineated in the agenda material, briefly reviewing staff's findings and conclusions as they related to the criteria necessary for the granting of a Special Exception. She advised the Urban Design Division, Development Review Committee and Planning Commission recommended approval of SE-03-17, adding the Burnt Store Isles Civic Association had submitted a letter of support.

Mr. Jeff Leitner, applicant's representative, advised the development was designed to be as compatible as possible with the surrounding neighborhood and would have a minimal impact on traffic.

Mr. Ian Milne, President of the Burnt Store Isles Association, spoke in favor of the proposal.

Mr. Bill Leach supported the project as a benefit to the neighborhood.

Mr. LePore, speaking as the Department of Health Administrator, recommended approval of the project as more such facilities were needed to address the aging population in the area.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Mayor Keesling pointed out if the building use changed, it would be necessary to amend the Special Exception.

Councilmember Prafke disclosed she had met with the developer, opining the facility would fit well within the community. She then **MOVED** approval of SE-03-17, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

SV-02-17 – A Resolution of the City Council of the City of Punta Gorda, Florida, vacating a portion of a 10 foot wide east/west direction alley as illustrated on Harvey’s Subdivision of Block 30 containing 887.5 square feet; and a portion of a 10 foot wide east/west direction alley, as illustrated on Harvey’s Subdivision of Block 30 containing 72.5 square feet 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 advised the opening or closing of City streets was a legislative action as opposed to quasi-judicial, thus, any testimony provided on the item did not need to be sworn. He then read the resolution by title.

Ms. Hannon displayed an overhead of the subject property, as delineated in the agenda material, entering the staff report into the record by reference, stating the applicant submitted this request in order to clear title to the property. She confirmed the area in question was not currently being used, adding two structures encroached on a portion of the alley in question. She concluded staff recommended approval of SV-02-07.

Mayor Keesling called for public comment.

Ms. Cheryl Thomas, applicant, confirmed she desired to have the property vacated in order to clear title for a future sale.

Councilmember Wein **MOVED** approval of SV-02-17, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

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

MOTION UNANIMOUSLY CARRIED.

B. Legal Department

1. Invoice of Persson & Cohen, P.A. for services rendered in June 2017.

Note: New Business was heard prior to discussion on Budget.

Citizen Comments – Regular Agenda Items Only

There were none.

NOTE: New Business was heard after the Consent Agenda.

BUDGET

A Resolution of the City Council of City of Punta Gorda, Florida, approving the issuance of a purchase order and/or agreement with Playmore Recreational Products and Services for construction of the Gilchrist Park Playground not to exceed the approved FY 2017 budget of \$500,000; authorizing the City Manager to execute the agreement on behalf of the City; and providing an effective date.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

Appropriation for Contingent Legal Services

City Manager Kunik noted a number of legal issues required the transfer of an additional \$20,000 to the Legal Services account.

Councilmember Matthews inquired if funds within the current budget were sufficient.

Ms. Macalle Finkle, Paralegal, reported the annual sum had previously been reduced from \$175,000 to \$150,000; however, the extra \$25,000 would remain in the event current legal challenges continued past October 1, 2017.

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

MOTION UNANIMOUSLY CARRIED.

Employee Security: City Hall, City Hall Annex, Fire Station 1, and Public Works/Utilities Campus

City Manager Kunik stated a plan would be developed to be phased over the course of two to four years, adding a proposal would be submitted for the initial year prior to approving the budget.

Councilmember Prafke inquired if consulting a security expert could validate the security measures as proposed.

City Manager Kunik stated members of the Police Department provided input on implementation.

Mr. Phil Wickstrom, Human Resources Manager, spoke regarding the employee security project, advising physical changes to the buildings such as modifications to doors, office dividers and walls would be made during the initial stage. He acknowledged if approved, it would be wise for an expert to evaluate the proposed measures.

City Manager Kunik declared the goal was to reach a happy medium where buildings were inviting while employees were also provided a safe environment, acknowledging changes needed to be made.

Discussion ensued with consensus to move forward.

A Resolution adopting a proposed millage rate for the City of Punta Gorda, Florida, for Fiscal Year 2017/2018 and setting a date, time and place of public hearing to consider the adoption of the tentative millage rate and proposed budget.

City Attorney Levin read the resolution by title.

Ms. Kristin Simeone, Financial Analyst noted the proposed millage rate of 3.1969 mills balanced the budget for Fiscal Year (FY) 2017/2018 using additional reserves, continued funding of paving and drainage programs and maintained all current service levels.

Councilmember Prafke commented the City's budget philosophy was an inverse of how budgets were established in the business environment, questioning whether the City was spending as conservatively as possible and if the millage rate should be decreased as property values increased.

Mayor Keesling pointed out Council's decisions were made to match revenues with expenditures, and the long running practice of using reserves was no longer being utilized.

Councilmember Cummings opined the budget was established appropriately. He pointed out a proposed referendum on homestead exemptions would impact the City significantly; therefore, he cautioned against lowering the millage rate.

Councilmember Wein declared staff and Councilmembers had done well to maintain the current millage rate for the fifth consecutive year while maintaining the high level of service expected by residents. He then **MOVED** approval of the resolution adopting a millage rate of 3.1969, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Purchase of four Mack/McNeilus 25CY Refuse Trucks from Steele Truck Center of Naples, FL.

City Manager Kunik advised the recommended vendor's bid was second lowest in price; however, their proposal was deemed the most cost effective in terms of durability and safety.

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

MOTION UNANIMOUSLY CARRIED.

Approval of Contract Change Order #1 to Tetra Tech, Amendment #4, for Additional Services Related to the Extension of the Construction Contract for the Deep Injection Well.

Councilmember Matthews **MOVED** approval of the change order, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Note: City Council recessed and reconvened as the Burnt Store Isles Canal Maintenance Assessment District at 11:01 a.m.

BURNT STORE ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

A Resolution adopting a tentative levy of annual special assessment for the Burnt Store Isles Canal Maintenance Assessment District for Fiscal Year 2017-2018; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Simeone announced the public hearing would be held on September 6, 2017 at 5:01 p.m. in City Council Chambers. She explained the Burnt Store Isles Canal Advisory Committee recommended approval of the proposed decreased assessment of \$555 for FY 2017/2018.

Mayor Keesling called for public comment on the resolution, confirming there was none.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of the resolution, adopting the proposed assessment of \$555, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Note: The Burnt Store Isles Canal Maintenance Assessment District adjourned and reconvened as the Punta Gorda Isles Canal Maintenance Assessment District at 11:04 a.m.

PUNTA GORDA ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

A Resolution adopting a tentative levy of annual special assessment for the Punta Gorda Isles Canal Maintenance Assessment District for Fiscal Year 2017-2018; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Simeone explained the Punta Gorda Isles Canal Advisory Committee recommended approval of maintaining the current assessment rate of \$550 for FY 2017/2018.

Mayor Keesling called for public comment on the resolution, confirming there were none.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of the resolution adopting the proposed assessment of \$550, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Note: The Punta Gorda Isles Canal Maintenance Assessment District adjourned and reconvened as the City of Punta Gorda Lot Mowing Assessment District at 11:06 a.m.

CITY OF PUNTA GORDA LOT MOWING ASSESSMENT DISTRICT

A Resolution adopting a tentative levy of annual special assessment for the City of Punta Gorda Lot Mowing Assessment District for Fiscal Year 2017-2018; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Simeone stated the proposed resolution set the tentative levy of the mandatory lot mowing program assessment at \$165 which represented an increase of \$5 over the previous year.

Mayor Keesling called for public comment.

Mr. Bill Leach opined the fee was much less than customary, questioning if the City was losing money by providing the service and if a higher assessment should be considered.

City Manager Kunik explained fees must be commensurate with the cost to implement the program.

Councilmember Prafke recommended an increase for those lots which included sidewalks due to the extra labor required to trim grass along the edges.

Councilmember Cummings opined the program helped ensure neighborhood landscapes were well-groomed, cautioning against giving participants a reason to withdraw from same.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval the resolution adopting the proposed assessment of \$165, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Note: The City of Punta Gorda Lot Mowing Assessment District adjourned and City Council reconvened at 11:11 a.m.

Mayor Keesling called for public comment on remaining agenda items.

Mr. Gary Skillicorn, Punta Gorda Isles Civic Association (PGICA), commended Mr. Ray Rose's unselfish dedication to the City, extending an invitation to his memorial service scheduled for July 16, 2017. He advised the PGICA adamantly opposed any increase to building height but supported the variance process for any deviation to same.

Mr. Joe Comeaux disputed the statement that all members of the PGICA objected to revising building height, adding he was unaware of any poll taken on the issue.

Mr. Kendall Ellingson urged City Council to retain the current fifty foot height limits.

Ms. Kim Devine encouraged City Council to revise height limitations to allow more diversity, maintaining the restrictions prohibited development in the area.

Ms. Patti Allen quoted statistics on population growth in Florida and Punta Gorda, opining the City's development standards were outdated. She implored members to revisit the Land Development Regulations to achieve the desired balance of residential and commercial properties.

Ms. Sarah Desrosiers stated City Council should do whatever was necessary to allow medical marijuana dispensaries in Punta Gorda.

Ms. Glennis Reed requested City Council vote no on allowing marijuana dispensaries, pointing out federal law prohibited same. She warned against Punta Gorda becoming a magnet for drug users. She then questioned the term 'stories' as a method of measuring building height.

Ms. Chrissie Salazar, Drug Free Punta Gorda, stated she was in favor of banning dispensaries and objected to associating same with pharmacies.

Mr. Leach objected to allowing marijuana dispensaries. He stated he did not want to see eight story buildings or the use of "stories" as a definition of height.

Mr. Donald Mueller reported one of the reasons he invested in Punta Gorda was the absence of high rise buildings, urging City Council to disallow same.

UNFINISHED BUSINESS

Discussion of Zoning Regulations for Medical Marijuana Treatment Center Dispensing Facilities.

Ms. Joan LeBeau, Urban Design Manager, explained recent legislation required the City to either ban dispensaries or allow them without the ability to impose local regulations other than those in effect for pharmacies. She suggested if dispensaries were permitted, the Medical Overlay (MO) district could be expanded to include same.

Mayor Keesling expressed a preference to not include large pharmacies such as CVS or Walgreen's within the MO district.

Ms. LeBeau speculated dispensing facilities would be similar to a doctor's office.

Councilmember Wein supported the use of medical marijuana to cancer patients, expressing opposition to State law and the absence of home rule control.

City Attorney Levin opined the intent was for dispensaries to be treated as pharmacies. He advised Punta Gorda Code would require an amendment to allow stand-alone pharmacies or dispensaries within the medical overlay district.

Councilmember Cummings opined recent regulations handed down by the State were untenable, pointing out over 70% of voters approved the use of medical marijuana. He requested the issue be deferred until dispensaries were otherwise established within a reasonable distance to determine how to fill the need locally. He supported the ability to regulate such a facility by way of zoning regulations.

City Attorney Levin warned against imposing additional restrictions on dispensaries that were not equally applicable to pharmacies, advising if City Council took no action, current law would allow dispensaries to be located in all areas which permitted pharmacies.

Councilmember Wein advised a ban this date would not prevent additional discussion at a later time, stating a preference for allowing dispensaries in a controlled manner.

Mayor Keesling voiced displeasure at denying what was approved by referendum as well as the State's preemption of local zoning regulations, pointing out the State was limiting the number of licenses issued statewide.

Councilmember Prafke noted action was taken to ban dispensaries in Charlotte County, speculating Punta Gorda may become the magnet for such facilities if approved. She opined recent action was a further attempt to erode home rule; however, she favored a ban on dispensaries until such time the issue could be evaluated.

Councilmember Cummings contended it was irresponsible to take part in denying medicine to patients in need.

City Attorney Levin reiterated a delayed decision would legally allow dispensaries under current Code while a ban could include a sunset provision, allowing time for additional legislation and to determine the direction members wished to take.

Councilmember Wein **MOVED** to ban medical marijuana dispensaries with a sunset provision of one year, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin stated staff would draft an ordinance, adding City Council could revisit the issue at any time without vetting by the Planning Commission, irrespective of the sunset date. He added an emergency ordinance could be drafted, without the requirement of a second reading.

Consensus was to draft an emergency ordinance.

Continued Discussion of Height Restrictions in the City Center Zoning District.

Mr. Austin displayed a PowerPoint presentation, as delineated within the agenda material, explaining building height was limited in all districts to 60 feet above Base Flood Elevation (BFE), which could be significantly higher than existing grade, adding certain features such as rooftop amenities were excluded from height measurements. He noted height in the City Center zoning district was regulated both as a minimum of 2 stories of habitable space or 26 feet, and a maximum of 50 feet. He pointed out the City had regulated building height since at least 1958, briefly reviewing the history. He reviewed the special approval process, reporting a 5 story building would typically consist of 70 feet or more according to conventional construction methodology. He explained the rationale for building height limitations included good urban design to create public space along street frontages and spatial relationships between buildings, with consideration for existing street widths and a pedestrian experience, which included design considerations for streets, buildings and sidewalks. He suggested if additional height was allowed in lieu of a variance, certain methods were considered if benefitting the urban environment or improving the pedestrian experience, such as additional sidewalk width, multiple windows and doors, architectural detail, additional public seating and canopies for protection from sun and rain. He suggested an option for granting an additional story could be increasing the building's setback. He presented two options for allowing a 5 story building as either a 10 foot setback across an entire block face with a dedicated public access easement, or a contiguous, 8 foot wide canopy.

City Attorney Levin inquired if the required canopy was directly related to any impact caused by additional height.

Mr. Austin responded the effect of increased height was mitigated by being less visible. He then explained the provisions under which a six story building would be allowed as meeting both of the requirements of a five story building, plus a building footprint of one half of a platted City block. He noted for a seventh floor, all previously mentioned requirements must be met plus an additional ten foot setback, adding requirements for an eighth floor included a mid-block, public access easement across the span of the

lot along with a public or semi-public courtyard space with seating, landscaping and decorative amenities.

Note: Mayor Keesling left the meeting at 12:45 p.m. and returned at 12:47 p.m.

City Manager Kunik requested City Council direction on drafting new regulations for the City Center District or continued discussions, noting developers were having a difficult time with the required second floor buildout. He pointed out infill properties still existed in the district and two viable projects had been proposed; however, it had yet to be determined if moving forward under current regulations was feasible.

Councilmember Prafke voiced support for continued discussions with additional public input, opining innovative solutions were necessary to retain the historic character of the community.

City Attorney Levin advised a self-created hardship was invalid as a basis for a variance, adding a developer could not be required to provide a public benefit in order to gain additional advantage, unless necessary to ameliorate an impact caused by the development. He questioned the requirement of a courtyard in constructing an eight story structure.

Mr. Austin replied it was to provide additional open space in order to break up the mass of the building.

City Attorney Levin stated to defend a lawsuit, expert testimony would be necessary to prove the building mass was a detriment to the public.

Councilmember Wein opined Council was responsible for establishing reasonable rules for development, voicing support for additional conversation. He suggested the City should accept a one story building with a desirable façade, adding if a master plan was submitted for an eight story development on the City Marketplace property which included the desired ambiance, he would be in favor or same.

Councilmember Cummings contended requiring an additional floor without a planned need added considerable cost. He displayed photos of historic buildings in the City, pointing out Punta Gorda had always been a vibrant town with a robust economy, noting tall buildings were not uncommon in the past. He opined the tax base needed a commercial portion of 25% to continue offering the services to which residents had become accustomed, suggesting it was time to seriously consider changes as presented by staff.

City Attorney Levin voiced concern without specific limitations such as height and setbacks in the City Center District, one undesirable building would generate complaints from the community with demand to prohibit same.

Councilmember Cummings offered to share photographs taken in Tokyo, Japan where streetscapes effectively disguised undesirable building appearances.

Councilmember Matthews acknowledged the need to relax the Code to attain what was desired; however, she was not in favor of allowing eight story structures. Discussion ensued regarding acceptable height limits.

Councilmember Matthews requested staff provide renderings of five, six and seven story buildings for Council's consideration.

City Attorney Levin suggested consideration for using a daylight plane ordinance, explaining it was a proven method commonly used to step back taller buildings, ensuring adequate sunlight and air in areas with increased building heights, where height was limited according to the size of the property.

Mr. Austin requested legal clarification regarding any additional restrictions to the fifty foot height limit as subject to violating provisions of the Burt Harris Act.

City Attorney Levin declared a provision could be written to address the vested rights of those owners affected by same.

Consensus was to continue discussions for specific recommendations prior to staff drafting an ordinance change.

Councilmember Matthews requested staff bring back the original City Marketplace proposal as an example of an approved, large scale development.

NEW BUSINESS

Event Permit: 17-143315; Punta Gorda Block Party; April 28, 2018; Downtown Punta Gorda

Ms. Gussie Baker distributed information regarding the history of the block party and contributions made to the City by the event organizer.

Councilmember Matthews reported she had met with the Block Party Committee and provided a review of same to City Council, suggesting the event application be submitted early for planning and permitting purposes and recommending business owners on Marion Avenue be notified early in the planning process. She concluded the City should continue with the Block Party.

Mayor Keesling confirmed there was no public comment on this item.

Councilmember Matthews **MOVED** approval of the event permit, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Note: Budget discussions were held after New Business.

RECOMMENDATION FROM CITY OFFICERS

CITY ATTORNEY

Fishermen's Village Litigation Update

City Attorney Levin reported recent discussions may lead to a settlement outside of court.

BOARDS AND COMMITTEES

Councilmember Matthews stated she was happy to see new applicants express an interest in volunteering, suggesting candidates who had not previously served should be given preference in order to maintain vibrancy within the various committees.

Announcement of Vacancies

Utility Advisory Board

Board of Zoning Appeals Alternate

Building Board (2)

Historic Preservation Advisory Board alternate

City Clerk Smith announced the vacancies.

Nominations

Planning Commission

Councilmember Prafke **NOMINATED** all interested parties.

Board of Zoning Appeals

Councilmember Matthews **MOVED** to nominate and appoint Messrs. Frank LePore and Edward Zapke to the Board of Zoning Appeals, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Appointments

Punta Gorda Isles Canal Advisory Committee

Voting forms were distributed.

City Attorney Levin announced Mr. Jake Dye received the most votes and was thus appointed to the Committee.

Board of Zoning Appeals

City Clerk Smith stated the item had been addressed under nominations.

Burnt Stores Isles Canal Advisory Committee

Voting forms were distributed.

City Attorney Levin announced Mr. John Forr received the most votes and was thus appointed to the Committee.

POLICY AND LEGISLATION

City Manager Kunik stated a contractor desired to purchase a business location in the Highway Commercial district; however, zoning regulations prohibited company

vehicles from being parked, or stored, on the property. He opined this was another instance whereby staff was unable to accommodate a viable request.

City Attorney Levin inquired if options such as fencing or screening were available.

Ms. Hannon replied outdoor storage was defined as “the storage of goods, products or vehicles, by their owner or on a commercial basis for others, outside of a permanently constructed building”.

City Attorney Levin advised this particular issue may be resolved by an interpretation, opining outside storage should be items such as machinery, materials, or detached trailers. He advised he would discuss the issue with staff.

Appointment of Council Member to Architectural/Landscape Committee for Agape Senior Living Facility

Councilmember Matthews offered to serve.

Mayor Keesling expressed concern in that Councilmember Matthews had voted to deny Agape’s recent request.

Councilmember Matthews explained her concern was the size of the building; however, it was a desirable amenity and she wished to assist with accommodating same in the community.

COUNCILMEMBER COMMENTS

WEIN: Announced he would not be available for the August 23, 2017 meeting.

PRAFKE: Stated the newly remodeled Publix would reopen soon.

- Reported she was assisting with the Founder’s Day event.
- Announced Mr. Austin had proposed a mural for the Harborwalk underneath the U.S. 41 southbound bridge.

CITIZENS COMMENTS

Mr. Bob Miller commended Punta Gorda’s progress subsequent to Hurricane Charlie.

ADJOURN

The meeting was adjourned at 2:09 p.m.

Mayor

City Clerk