

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, DECEMBER 6, 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, 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**

**15 Year Service Award – Tom Jackson, Utilities Director**

City Manager Kunik presented the award to Mr. Jackson.

**Introduction of Board/Committee Member Nominees**

Mr. Sam Hoagland introduced himself as a nominee for the Board of Zoning Appeals.

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

**PUBLIC HEARINGS**

**GA-07-17 An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 7, “Building Regulations”, by amending Article I, “Building Board”; amending Section 7-3, Powers and Duties; amending Section 7-3.1, Penalties, Restitution, Fines and Costs; Article II, “Building Contractors”; amending Section 7-12, Application and Fees for a Certificate of Competency; amending Section 7-13, Action Against Certificate Holders; and amending Article III, “Building Codes and Regulations”; amending Section 7-31, Additions, Amendments and Modifications to Building Code; amending Section 7-32, Violations of Building Code and Penalties; amending Section 7-35, Building Numbering; amending Article V, Floodplain Management Code, Chapter 1, Administration; adding a new Section 101.6, Disclaimer of Liability; amending Article V, Floodplain Management Code, Chapter 2, Definitions; amending Section 202, Definitions; Article V, Floodplain Management Code, Chapter 3, Flood Resistant Development; amending Section 307.8, nonstructural Fill in Coastal High Hazard Areas (Zone V); providing for conflict and severability; and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Mr. Randy Cole, Building Official, explained the proposed amendment deleted unnecessary and out-of-date provisions and included revisions to make the language consistent with County regulations as well as State and Federal laws. He announced the second paragraph in Section 7-31 (b) should be revised to read, "In addition to the above requirement, containers that are full shall be emptied."

**Councilmember Matthews** inquired if it was acceptable to pile dirt on top of a dumpster in the event of an emergency, such as a hurricane.

Mr. Cole replied he would be open to any solution which accomplished the purpose, pointing out there was no enforcement provision for same prior to this proposed amendment.

**Mayor Keesling** called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Prafke **MOVED** approval of GA-07-17 as amended, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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

**MOTION UNANIMOUSLY CARRIED.**

B. City Clerk's Department

1. Approval of Minutes: Workshop Meeting of November 8, 2017

2. Approval of Minutes: Regular Meeting of November 15, 2017

C. Legal Department

1. Invoices of Allen, Norton & Blue, P.A. for services rendered in October 2017

2. Invoices of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through December 1, 2017.

3. Invoice of Persson & Cohen, P.A. for services rendered in November 2017

#### Citizen Comments – Regular Agenda Items Only

Ms. Sheila Jaeger spoke regarding the Harborwalk West plans, objecting to extending the current walkway at the same width.

Ms. Julie McGillivray distributed photographs of various park amenities, as delineated in the agenda material, noting same could enhance Gilchrist Park while working within the existing design.

Mr. Norm Ashworth, Code Enforcement Board Chair, objected to the settlement offer from Winter Park Dodge.

Ms. Nina Shuman commented regarding the lack of restrooms in Gilchrist Park.

Mr. Burt Jones spoke regarding seawall failures and subsequent land erosion in Pompano Inlet, voicing concern large tour boats displaced large quantities of water.

Mr. Bob Fritz suggested the posted speed in the Burnt Store Isles (BSI) perimeter canals should be “no wake” rather than “minimum wake”.

## **BUDGET**

### **Progress Report on Capital Improvement Projects**

Urban Design, Public Works, Fire, Police, Information Technology and Utilities Department staff presented progress reports on Capital Improvement Program (CIP) projects, as delineated in the agenda materials.

**Councilmember Matthews** inquired as to a schedule for the swale drainage improvements for Punta Gorda Isles.

Mr. Mark Gering, City Engineer, replied work was not yet completed in BSI, adding staff would work on developing a schedule.

City Manager Kunik stated the Taylor Street right-of-way (ROW) paver project was not included in the current CIP, questioning whether City Council was amenable to utilizing sales tax revenue to move forward with the improvements.

Discussion ensued regarding the condition of the referenced area on Taylor Street with consensus to move the project forward.

**Councilmember Matthews** suggested including the area in front of the Historic County Courthouse.

**Councilmember Wein** inquired whether the construction bid for the Groundwater Reverse Osmosis (RO) Water Treatment Plant (WTP) would include equipment, noting there was market upward pressure.

Mr. Jackson replied Wharton Smith would price out the membranes as well as all of the pumps and hardware with the bid in January 2018.

**Councilmember Wein** inquired as to hardening the RO WTP for use as a shelter during an emergency.

Mr. Jackson replied it would be considered.

**Councilmember Wein** suggested the City donate retired laptops and tablets to the Homeless Student and Gap Fund of Charlotte County, adding a formal presentation regarding same would be made at a future City Council meeting.

**NOTE: A Short break was called at 10:32 a.m.**

### UNFINISHED BUSINESS

#### Harborwalk Area II – Final Construction Plan Development

Mr. Austin displayed a PowerPoint presentation of the Harborwalk at Gilchrist Park, noting Area II extended from Gill Street to Berry Street. He explained it was necessary to create a phased plan which included completed portions of the project as well as modifications for constructability, Americans with Disabilities Act (ADA) accessibility, maximized parking and recreational amenities. He briefly reviewed the modifications to the Harborwalk, special intersection treatments, parking and recreational amenities which would include a vendor cart location.

City Manager Kunik confirmed members desired to maintain the 20 foot width for the Harborwalk, noting the width accommodated multiple uses. He confirmed members were also amenable to extending the diagonal parking as far as possible.

**Councilmember Prafke** suggested retaining the two off-street parking areas near the tennis and pickleball courts to prevent parking on the West Retta Esplanade ROW in front of residences.

**Councilmember Matthews** confirmed the existing pickleball courts would remain in Gilchrist Park, agreeing it was necessary to retain the off-street parking.

Discussion ensued regarding maximizing parking.

Mr. Austin stated it was possible to provide a double-loaded parking aisle across the front of the existing Bayfront Center. He clarified staff would work to maximize parking in the area while reserving a footprint for a new boat club building.

City Manager Kunik cautioned against disturbing the parakeets. He then stated it was necessary to preserve as much landscaping as possible.

**Councilmember Prafke** spoke regarding the need for shade structures and enhanced landscaping.

City Manager Kunik explained staff would present a design for the core of Phase II, adding enhancements could be added at that time.

**Councilmember Matthews** requested the next City Manager's report include a synopsis of the Phase I improvements.

**Councilmember Wein** suggested community groups be allowed to make suggestions and provide funding for desired park accoutrements.

**Mayor Keesling** requested City Council be provided a timeline for when the plans would be completed. She suggested staff explore parking surface options which allowed drainage, thereby eliminating the need for more storm water facilities.

### **NEW BUSINESS**

#### **Boat Speeds in Punta Gorda Canals**

Mr. Mark Gering, City Engineer, explained erosion related to seawall failures had heightened concern regarding boat speed and the resulting wake in the canals. He explained current regulations and City signage. He displayed an aerial view of the channel markers within Ponce de Leon Inlet, Pompano Inlet, Bass Inlet, Gilchrist Landing and Laishley Park, pointing out which areas were “no wake” versus “minimum wake”.

**Councilmember Wein** commented it could be difficult to maintain no wake in Pompano Inlet, explaining to maintain control of a large boat with a strong northeast wind required a speed of at least four knots.

City Attorney Levin advised the City could not install signs in the canals without approval from the Florida Fish and Wildlife Commission. He stated the informational signs on upland private properties were allowed but were not enforceable. He provided the regulatory definition of “no wake” and “minimum wake”, noting in either instance, an operator was permitted to maintain a speed which would allow them to maintain control of the vessel; therefore, enforcement could be difficult. He stated the City had no authority to regulate speed in order to protect property or to prohibit boating in certain waterways. He described regulations implemented by Broward County with regard to violations of no wake and minimum wake rules. He concluded additional public education could be beneficial.

Discussion ensued regarding speeding and enforcement.

Interim Police Chief Jason Ciaschini advised the marine volunteers had limited authority to enforce City Code. He explained enforcement was a challenge due to the volume of canals in the City, adding it was necessary to determine priorities for the Department’s resources.

**Mayor Keesling** suggested additional signage be posted on private property.

City Manager Kunik advised the local tour boat company had adopted procedures to minimize impact in the canals. He then reported staff had received notification from the Federal Emergency Management Agency (FEMA) indicating the City could remove an item from its claimed damages without repercussions. He added property owners would be allowed to repair their seawall at their own expense; however, they would be required to use City seawall panels.

Mr. Gering voiced concern regarding contractors requesting an extra panel for the end of each property where there was a vacant lot. He inquired if the property owner would be required to pay for the seawall panels.

City Manager Kunik replied the property owner would bear the entire expense and not be eligible for any reimbursement from the City, adding repairs must comply with the City's guidelines and construction standards. He confirmed members were amenable to moving forward. He stated staff would work with the City Attorney to develop any language necessary, such as a hold harmless agreement.

**Mayor Keesling** clarified the property owner would pay the City for the seawall panels, noting the City would issue a permit for seawall construction.

Mr. Gering stated according to Mr. Cole the permit fee was \$100, adding the Building Division would ensure seawall inspections were conducted.

City Manager Kunik stated staff would devise a plan for moving forward.

City Attorney Levin advised property owners who took advantage of the opportunity to replace their own seawall at their own expense would not receive an adjustment to any future assessment and language related to same should be included in any documents signed by the property owner.

#### **Discussion of Policies and Rental Fees for Gilchrist Park**

Ms. Lisa Hannon, Zoning Official, reported numerous requests for rentals at Gilchrist Park had been received, adding staff wished to ensure policies and rental fees were in place when the Park re-opened. She displayed an aerial view of the rentable areas and briefly reviewed the proposed policies and rental fees, as delineated in the agenda material, offering to answer questions.

**Mayor Keesling** voiced concern regarding the "exclusive use" language, recommending closure of the public areas, including the Harborwalk, be prohibited during events.

Ms. Hannon stated language could be included to prohibit closing the Harborwalk.

**Mayor Keesling** confirmed there was no minimum rental.

**Councilmember Matthews** inquired as to enforcement of exclusive use when people were already using the park.

Ms. Hannon replied information regarding rentals was posted within the park, adding renters were advised to contact the non-emergency police number for assistance if people refused to leave; however; those situations were extremely rare.

**Mayor Keesling** confirmed members were amenable to prohibiting closure of the Harborwalk during events in Gilchrist Park.

## RECOMMENDATION FROM CITY OFFICERS

### CITY ATTORNEY

#### Offer of Settlement – 1601 Tamiami Trail (Winter Park Dodge, Inc.)

City Attorney Levin confirmed there was no representative from Winter Park Dodge present this date. He then explained the referenced property/business had been cited multiple times for various Code violations dating back to March 2016, noting the lien payoff was currently calculated to be approximately \$119,000. He advised the Code Enforcement Board had declined to reduce the fine amount. He drew members' attention to the November 20, 2017, letter from the plaintiff's attorney which contained the property owner's settlement offer of \$10,000, explaining City Council did not have the authority to reduce the fine; however, the settlement offer could be entertained as the City had filed a case in Circuit Court to foreclose on the property to satisfy its liens. He concluded he was obligated to present settlement proposals to City Council for their consideration.

Discussion ensued regarding the settlement offer with Councilmembers voicing concern regarding the continued lack of response from the business owner. Consensus was to decline the settlement offer and move forward with foreclosure.

### BOARDS AND COMMITTEES

#### **Announcement of Vacancies**

Building Board

Building Board Alternate

Utility Advisory Board

Punta Gorda Isles Canal Advisory Committee (2)

Code Enforcement Board Alternate

City Clerk Smith announced the vacancies.

#### **Nominations**

Board of Zoning Appeals Alternate

Councilmember Matthews **MOVED** to nominated and appoint Mr. Hoagland, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### **Appointments**

Charlotte County Marine Advisory Committee

City Attorney Levin announced Mr. John Welsh had received the most votes and was thus nominated to serve as the City's representative.

## POLICY AND LEGISLATION

**CUMMINGS:** Inquired as to allowing temporary access to the pavilion for the guitar army participants without allowing them to park on the grass.

Discussion ensued with consensus not to make any changes.

**MATTHEWS:** Stated she had received citizen complaints regarding the early start time for construction activity, questioning whether a change to a later time could be discussed at a future City Council meeting. She offered to forward the complaints to the City Manager for distribution to Councilmembers.

**Mayor Keesling** voiced concern a time change would be a disservice to the construction industry, opining issues could be resolved through the Builder's Association on a case-by-case basis.

**Councilmember Prafke** stated she would be interested in staff's recommendations for addressing issues at specific locations.

**Councilmember Matthews** interjected the ordinance was amended to reflect an earlier start time due to the amount of construction necessary following Hurricane Charley, noting the start time was previously 7:00 a.m.

**Mayor Keesling** questioned whether the later start time would include marine construction, opining same could be detrimental to the City's seawall repair efforts.

**PRAFKE:** Announced a Pickleball lesson would be provided at the South County Regional Park later this date.

## CITIZENS COMMENTS

Ms. Kathy Goetz questioned why the Gilchrist Park design could be adjusted to accommodate the Pickleball Courts but not the guitar army.

Ms. McGillivray suggested the City create a parks and recreation board.

Mr. Gary Skillicorn voiced objection to additional diagonal parking in front of Gilchrist Park as it reduced available park land, requesting parking only be allowed on the grass for "surge" needs.

Ms. Betsy Ostein stated parking was being accommodated for the playground so that children did not have to dodge vehicles which were parking on the grass, requesting "children playing" signs be posted in the area.

The meeting was adjourned at 12:24 p.m.

---

Mayor

---

City Clerk