

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, NOVEMBER 6, 2019, 9:00 A.M.**

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

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

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

Invocation was given by Mr. Carlo Gargiulo, followed by the Pledge of Allegiance.

PROCLAMATIONS/PRESENTATIONS

Farm City Week

Councilmember Matthews presented the proclamation, which was accepted by Mr. Lindsay Harrington.

GIS Day

City Manager Kunik presented the proclamation, which was accepted by Mr. Todd Helt, City GIS Analyst.

Lung Cancer Awareness Month

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

Lighting of the Village - Festival of Lights

Mayor Prafke presented the proclamation to Ms. Patti Allen, Fishermen's Village.

America Recycles Day

Councilmember Cummings presented the proclamation, which was accepted by Mr. John Miller.

Outgoing Councilmember Appreciation Plaque

Mayor Prafke presented Councilmember Wein with a commemorative plaque and spoke regarding his contributions to the City.

Ms. Rachel Keesling and Mr. Gary Skillicorn thanked Councilmember Wein for his service.

Introduction of Board/Committee Member Nominees

The following individuals introduced themselves as nominees for the listed boards: Ms. Donna Peterman - Historic Preservation Advisory Board; Greg Andrulonis - Police Officers' Pension Board; Mr. Mark Kuharski, Punta Gorda Isles Canal Advisory Committee (CAC); Mr. Rick Daugherty - Burnt Store Isles CAC.

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

PUBLIC HEARINGS

A Resolution of the City Council of the City of Punta Gorda, Florida, accepting the Plan Punta Gorda 2019 Citywide Master Plan; and providing an effective date.

City Attorney Levin read the resolution by title.

Mr. Victor Dover, Dover, Kohl & Partners (DKP), explained City Council could revise sections of the Citywide Master Plan as desired.

Ms. Luiza Leite, DKP, reviewed the Master Plan process to date and presented an overview of the Final Draft, as delineated in the agenda material, noting the "Big Ideas" were 1) Make downtown a vibrant and attractive place, 2) celebrate Charlotte Harbor and welcome more boating, 3) diversify housing types, 4) fully embrace walking and biking and 5) encourage strategic commercial development. She summarized the changes since the draft plan had last been reviewed, as delineated on pages 23-24 of the presentation, speaking briefly regarding the economics and future demand for boating. She stated DKP recommended properly balancing commercial and residential development in the downtown, noting the realistic demand through the year 2030 for new retail space was approximately 150,000 square feet (sf) while the demand for office/commercial was up to 250,000 sf. She pointed out annexation could help the tax split between commercial and residential; however, annexation came with costs. She explained the potential for development on Jones Loop Road, as delineated on pages 32-38 of the presentation, noting same included a focus on commercial development to the east and predominantly residential to the west. She drew members' attention to pages 43-52, providing a brief overview of the top 10 implementation items, noting a revision to the City's Comprehensive Plan and Land Development Regulations were the natural next steps in the process.

Ms. Nancy Johnson commented the City's main role was to consider the development tools.

Ms. Sheri Lenore stated City Council should accept rather than adopt the Master Plan.

Mr. John Welsh asserted the Boater's Alliance had never promoted upland facilities in Gilchrist Park, nor was the group included in any discussion regarding a compromise.

Ms. Gussie Baker stated Charlotte Harbor was a bay.

Mr. Martha Bireda recommended City Council accept the Plan, stressing the importance of focusing on historic preservation, diversity in housing options and preserving the City for future generations.

Mr. Stas Matias asserted downtown businesses were struggling to remain open during the off season, adding more downtown residents were needed along with additional businesses paying into the tax base.

Mr. Bob Fritz voiced concern the Master Plan as proposed would not improve the tax ratio of residential (88.7%) to commercial (11%).

Ms. Betsy Blaustein encouraged acceptance of the Plan.

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

MOTION UNANIMOUSLY CARRIED.

Discussion ensued regarding citizen participation in the process.

Councilmember Carey inquired where the City would get its commercial base, given its limitations.

Mr. Dover responded the deliberate targeting and promotion of more year-round residents was beneficial, adding it was impossible to prevent the snow-bird phenomenon; however, a focus on development types, building types and housing types that would be especially attractive to people who wanted to make a year-round commitment would help with seasonality. He stated commercial, storefront type services followed customers, adding due to seasonality, more rooftops were necessary in order to achieve the necessary balance. He concluded other seasonal communities had successfully marketed themselves as year-round destinations.

Ms. Leite stated according to DKP's economist, it was necessary to improve diversity and work on calibrating the density controls to attract more full-time residents who might choose to live downtown and patronize businesses year-round, adding it was a long-game strategy and would be done in conjunction with a marketing and economic development strategy that actively sought to recruit more businesses but also to market the City during the off season. She stated the quality of life recommendations were another way for the economic development professionals to sell the town.

Councilmember Cummings stated this was the only time in the City's history where there were not a significant number of residents living downtown, noting only 9% of the City's workers lived in the City. He pointed out people spent their earnings where they lived.

Councilmember Matthews opined many items in the Plan were not feasible; however, revising the Land Development Regulations and adopting form-based codes should be done immediately.

Mayor Prafke stated she was having trouble relating the data to the community. She pointed out the developers of Jones Loop did not visualize that area as a traditional

neighborhood but rather as an opportunity for mixed-use commercial, voicing concern regarding imposing unnecessary restrictions where developers had plans for the future.

Councilmember Wein stressed the Plan was a starting point for the future, adding Punta Gorda had maintained its character and charm despite reinventing itself over the years.

Councilmember Cummings **MOVED** approval of the Resolution accepting the 2019 Citywide Master Plan, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Note: A short break was called at 11:16 a.m.

Mayor Prafke requested to move up discussion of the Consent Agenda.

Consensus was to do so.

NOTE: GA- 08- 19 was heard following the Consent Agenda.

GA- 08- 19 An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 23, "Traffic", Subsection 23- 7 and Chapter 20, "Streets and Sidewalks", Subsection 20- 10 (a) to permit golf carts on the Tidal Creek Bridge; amending Chapter 23, Punta Gorda Code, by adding a new Section 23- 8 to permit golf carts on a portion of West Retta Esplanade; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

City Manager Kunik stressed the proposed amendment was staff-initiated and would allow low-speed golf carts to cross over the tidal creek bridge. He displayed a photograph of the bridge, providing a brief history of its use. He stated staff had developed options to allow low-speed golf carts to travel between Fishermen's Village parking and the former IMPAC site, opining same provided a valuable service. He stated carts would have to be properly equipped according to State Statute, adding signage could be adopted indicating the operation of golf carts was allowed in a designated area. He stated this alternative transportation for this area would not be an impediment to safety.

Ms. Pam Davis, Police Chief, explained after researching the various options, staff believed the regular golf cart designed for sport/recreational, which could not exceed 20 miles per hour (mph), would not cause a safety issue, noting the carts would be required to yield to bicycle and pedestrian traffic. She concluded there were few cars travelling in that area.

Mr. John Chalifoux asserted this was a bad idea and a safety hazard, adding it merely helped Fishermen's Village.

Mr. Jerry Fallon requested a requirement that golf cart headlights always be on for visibility.

Ms. Wendy Mueller opined 20 mph was too fast for such a narrow area.

Ms. Patti Allen stated Fishermen's Village had established rules for golf cart drivers to proceed at walking speed and to yield to pedestrians, adding she was amenable to the carts being retrofitted in order to comply with any restrictions imposed. She confirmed Fishermen's Village was willing to put its logo on the carts, pointing out golf cart traffic was limited.

Mr. John Nanny stated rather than make an exception for one commercial establishment, the City should consider golf carts City-wide.

Mr. Gene Pawlowski stated there were things that could be done to make the situation as safe as possible for the public, including signal lights on the golf carts.

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

MOTION UNANIMOUSLY CARRIED.

City Manager Kunik reiterated his previous comments, noting it was also necessary for bicyclists to be careful in the area of the tidal creek bridge.

Discussion ensued regarding golf carts and bicycles crossing the tidal creek bridge.

Councilmember Wein **MOVED** approval of GA-08-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments - Ordinances/Resolution Items Only

None.

GA- 06- 19 - An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters' Retirement System, as adopted by Ordinance 879- 87 and as subsequently amended, is hereby further amended to provide for purchase of credited service for up to 5 years of prior firefighter service; repealing all ordinances in conflict herewith, providing for severability, and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-06-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

GA- 07- 19 - An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters' Retirement System, as adopted by Ordinance 879- 87 and as subsequently amended, is hereby further amended to provide for expanded investment opportunities; repealing all ordinances in conflict herewith, providing for severability, and providing an effective date. **SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-07-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NOTE: Consent Agenda was heard prior to GA- 08- 19.

CONSENT AGENDA

Citizen Comments - Consent Agenda Items

None.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of October 16, 2019

C. Legal Department

A Resolution of the City Council of the City of Punta Gorda, Florida, ratifying Punta Gorda Police Department Enforcement Procedure 528.01 relating to the investigation and removal of derelict vessels; authorizing the City Manager to enter into an Administrative Law Judge Services Contract with the Florida Division of Administrative Hearings; and providing an effective date.

D. Urban Design Division

1. Event Permit: 19-155212; Punta Gorda Block Party; Downtown Punta Gorda; April 25, 2020

2. A Resolution of the City Council of the City of Punta Gorda, Florida, adopting updates to the City of Punta Gorda Title VI/Non-Discrimination Policy and Plan; authorizing execution and implementation of the policy and plan; providing an effective date.

E. Police Department

1. A Resolution of the City of Punta Gorda, Florida, accepting a subgrant award from the Florida Department of Law Enforcement under the Edward Byrne Memorial Justice Grant (JAG) Program for the Specialty Team and Technology

Improvement Project (Subgrant No. 2020-JAGC-CHAR-2-Y5-010); ratifying the certificate of acceptance; and providing an effective date.

Citizen Comments - Regular Agenda Items Only

Ms. Lenore commented favorably on the use of form-based codes.

Ms. Paula Williams commented there was no City Code related to boat lift canopies.

BUDGET

ADA Ramp at US 41 SB to Harborwalk Project Funding Discussion

Mr. Austin explained the Americans with Disabilities Act (ADA) Transition Plan, which included a schedule of projects for implementation, including the referenced project, were required to remain eligible for federal grant funding. He recalled City Council had directed staff to borrow funds from the referenced project to produce a series of smaller, higher priority projects within the Plan. He stated this year a portion of the funds allocated for the referenced project were intended as reimbursement for the loan; however, staff was currently exploring alternative funding options with the Florida Department of Transportation (FDOT), noting those options might produce the project more quickly. He stated given that information, staff was recommending the project be re-prioritized as unfunded in order to qualify for FDOT funds. He stated an updated Transition Plan project would be presented at the November 20, 2019, City Council meeting. He then confirmed staff had discussed with FDOT the possibility of this project being folded into another project.

Councilmember Wein **MOVED** to reprioritize the ADA Ramp project as unfunded, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Request to Negotiate Specific Authorization under the existing Master Services Agreement with Dover Kohl & Partners to produce Comprehensive Plan changes and revised Land Development Regulations based on recommendations included in the PLAN Punta Gorda 2019 Citywide Master Plan

Councilmember Wein stated it would behoove the City to begin development of form-based codes, suggesting negotiations proceed with DKP for same.

Councilmember Matthews agreed; however, she opined the City's initial focus should be on the Flex Commercial Corridor, Downtown Flex and Downtown.

Councilmember Cummings suggested including the Downtown Neighborhood Center.

Councilmember Wein agreed.

Mayor Prafke stated Flex Commercial should include Jones Loop.

Consensus was to include same.

Discussion ensued regarding the process for the Master Service Agreement and negotiating change orders.

Councilmember Matthews requested a recap of expenses incurred as a result of the Master Plan.

Mr. Austin agreed.

Councilmember Cummings requested the entire Historic District be included in the rewrite of the LDRs.

Mayor Prafke inquired whether staff preferred all revisions be made at the same time for consistency throughout the Code, but with priorities established for where to begin.

Mr. Austin responded it was easier to administer regulations that were the same, adding form-based codes were markedly different from traditional zoning. He stated if City Council was more comfortable with initially looking at form-based codes for specific areas, staff was prepared to move forward with implementation and doing so in a seamless manner.

Mayor Prafke suggested Punta Gorda Code Chapter 26 (LDRs) needed to be consistent so that the language could be more easily read and understood.

Mr. Austin stated it was possible to rewrite the LDRs to make them easier for the average person to read.

Mayor Prafke inquired if the Flex Commercial Corridor was intended for areas closer to the interstate or whether another column was needed for such a different area type.

Mr. Austin responded universal form-based codes often contained special districts with different development types.

Councilmember Cummings stressed the entire City should benefit from the code revisions.

City Manager Kunik summarized staff would negotiate a contract with DKP for City Council review that would include Comprehensive Plan changes, form-based codes, and LDRs with priorities being Traditional Neighborhood, Flex Commercial Corridor, Downtown Flex, Downtown, Jones Loop Road and Downtown Neighborhood Center.

Discussion of Structural Boat Covers.

Mayor Prafke explained a resident brought forward the idea of structural boat covers, noting both the Punta Gorda Isles (PGI) Canal Advisory Committee (CAC) and Burnt Store Isles (BSI) CAC approved moving the idea forward. She stated this was consistent with efforts to become an age friendly community.

Ms. Macalle Finkle, Paralegal, displayed several examples of structural boat covers, explaining some were not currently permitted by City Code. She stated if City Council

desired to allow the structural boat covers, criteria for same must be established, noting the covers must not impede boat limitation lines.

Mr. Bill Drummond explained the specifics of the boat cover he would like to purchase, opining it did not interfere with his neighbors' use of their property.

City Attorney Levin stated the common element in the three examples provided was the structure associated with the cover, reiterating the structures were not permitted. He advised if City Council desired to amend the Code, staff needed direction regarding how much structure would be permissible.

Councilmember Carey voiced concern regarding some of the options, objecting to the use of boat lift covers.

City Attorney Levin advised the City could not place limitations on manufacturers or products, adding it would be necessary to describe with specificity what would be permissible.

Councilmember Matthews stated additional input from the community was necessary, voicing objection to moving forward at this time.

Councilmember Wein stated he would not be in favor of any structure above the rail of the lift.

Mayor Prafke agreed.

Discussion ensued regarding structural boat covers versus boat lift covers with a request that staff conduct more research with presentations to be made to the Punta Gorda Isles Civic Association and the Burnt Store Isles Homeowners Association to obtain community input.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Evaluation

Councilmember Matthews **MOVED** approval of a 4% increase for the City Manager, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CITY ATTORNEY

No comment.

CITY CLERK

City Clerk Evaluation

Councilmember Carey **MOVED** approval of a 4% increase for the City Clerk, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Code Enforcement Board - Alternate

Board of Zoning Appeals - Alternate (2)

City Clerk Smith announced the vacancies.

Nominations

Punta Gorda Isles Canal Advisory Committee

Councilmember Matthews nominated all interested parties.

Historic Preservation Advisory Board (3)

Councilmember Wein **MOVED** to nominate and appoint Ms. Donna Peterman, Ms. Julie Price and Mr. Mike Wooster, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Appointments

Burnt Store Isles Canal Advisory Committee (3)

Voting forms were distributed.

City Attorney Levin announced Messrs. Rick Daugherty, Mike McIntosh and Charles Longenbarger had received the most votes and were thus appointed to the Committee.

POLICY AND LEGISLATION

PRAFKE: Announced she would be attending the Florida League of Cities Advocacy meeting in Estero, Florida and would attend the FLC Legislative Conference in Orlando the following week.

- Commented on the past year serving as Mayor and outlined some of the projects discussed and/or completed, thanking Councilmembers for their support and assistance during her tenure.

CUMMINGS: Thanked Councilmember Wein and Mayor Prafke for their service.

MATTHEWS: Thanked Councilmember Wein for his service.

- Reported FDOT was apologetic regarding the I-75 signage, noting completion was anticipated no later than the end of March 2020.

- Announced FDOT had approved the turn arrow at US 41 and Aqui Esta Drive to head northbound onto US 41, adding the County had sent the installation out to bid.

CAREY: Commented on the positive impression that was made by the City on the United States Air Force Thunderbird team.

WEIN: Spoke regarding his tenure as Councilmember.

CITIZENS COMMENTS

Ms. Allen thanked City Manager Kunik for the comment about bicycles on the tidal creek bridge, adding Fishermen's Village had shared in the cost for mangrove

trimming to create better visibility in that area. She thanked Councilmember Wein for his service.

Mr. Bob Talley stated there was a need to regulate exterior residential lighting. He offered to assist with writing regulations for structural boat covers. He opined Charlotte County would request assistance from the City related to housing as a result of the Sunseeker project.

Ms. Williams explained their company's canopies were attached to the boat lift, adding the company was required to submit engineering reports to the County for each one.

The meeting was adjourned at 12:59 p.m.

Mayor

City Clerk