



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 15, 2008 9:00 A.M.**

COUNCILMEMBERS PRESENT: Friedman, Albers, Wallace, Goldberg, Smith-Mooney

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Dennis Murphy, Growth Management; Kathy Dailey, City Manager's Office; Butch Arenal, Police; Robert Hancock, Fire; City Attorney Levin; City Manager Kunik; City Clerk Foster

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

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

Mayor Friedman announced the dates and locations of the upcoming town hall meetings.

PROCLAMATION/PRESENTATIONS

Jack Mooney Day

Mayor Friedman presented the proclamation to Mr. Mooney, noting same was done in jest to recognize Councilmember Smith-Mooney's last City Council meeting prior to her retirement.

Plaque to Councilmember Smith-Mooney

Mayor Friedman presented the plaque to Councilmember Smith-Mooney, citing her 12 years of service to the City.

PUBLIC HEARINGS

CP-06-08 - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from Low Density Residential/County (LDR/County) to Professional Office /City (PO/City) on property generally described as 24368 Airport Road as more particularly described on Exhibit "A" attached to the Ordinance providing for conflict and severability; and providing an effective date. **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Joan LeBeau, Chief Planner, explained the amendment followed a previous annexation of the property and would provide a neighborhood retail center which

included offices and residential. She concluded staff and the Planning Commission recommended approval with an amendment to the ordinance to indicate the property size as 4.5 acres.

Mayor Friedman called three times for public comment.

Councilmember Albers **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg **MOVED** approval as amended, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

ZA-04-08 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as the Land Development Regulations, Article 12, Landscaping Standards, Section 12.3., General Provisions, adding Subsection (n) Artificial Turf, providing criteria for Application Process; providing Minimum Criteria for Materials; providing for Maintenance Requirements; providing for Inspections; providing Replacement Criteria and Requirements; providing for Responsibility of Property Owner if damaged or removed due to work on abutting public properties; providing for conflict and severability and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Teri Tubbs, Zoning Official, explained the proposed ordinance had been reviewed by the Land Development Regulations Committee and the Planning Commission; however, while drafting same, staff had found many areas where safeguards were necessary. She stated same provided for a very restrictive ordinance, thus the Planning Commission recommended same be rewritten to provide for artificial turf by special exception only. She concluded staff concurred with the Planning Commission.

Mayor Friedman called three times for public comment.

Councilmember Albers **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

Mayor Friedman inquired if members agreed with the suggested redraft.

Consensus of members was to concur.

Mayor Friedman then asked if the recommended conditions were agreed to with responses as follows:

- Single family residential use only – opposed
- Limited to 40% coverage – opposed

- Detailed site survey – agreed
- Letters of no objection from contiguous property owners – covered by public hearing notification
- Sample of proposed turf, minimum tufted weight of 56 ounces and natural green color to be provided with application – agreed
- Permit to expire at end of warranty and require replacement – opposed, to be addressed through normal code enforcement process
- Permit to be recorded – agreed
- Maximum of six test properties to be allowed turf adjacent to seawall in City right-of-way (ROW) to determine acceptability – not necessary
- Landscape inspection required after installation – agreed
- Monitoring of installation around existing trees and installation to withstand sufficient wind load – agreed/code enforcement
- Prohibition of rubber, sand or other weighting or infill material – agreed/code enforcement
- Turf to remain unfaded green, free of dirt, mud, stains, weeds, debris, tears, holes and impressions with edges not coming loose – agreed/code enforcement
- Replacement of damaged turf to be completed within 60 days – agreed/code enforcement
- Artificial turf next to seawall to be pinned behind seawall – agreed/code enforcement
- Turf to be separated from flower beds by concrete, bender board or other barrier – opposed to specific barrier/code enforcement
- Property owner responsible for required maintenance near seawall or ROW within 60 days at property owner’s expense – agreed
- City shall not be liable for any damage to turf or other items placed in the ROW or adjacent to seawall - agreed

Mayor Friedman asked if members had any other recommendations.

Councilmember Smith-Mooney confirmed a sample would be presented to members.

Councilmember Goldberg clarified the artificial turf would be permitted up to the seawall and in the swale.

Ms. Tubbs responded same would be allowed, adding staff would determine instances where it would present a problem during the special exception process.

Councilmember Albers confirmed the City would not be responsible for any damage that occurred during seawall or utility repairs.

City Attorney Levin advised the ordinance would have to be rewritten and advertised, thus the proposed ordinance should be denied.

Councilmember Albers **MOVED** denial, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

ZA-07-08 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as “The Land Development Regulations”, Article 11, Sign Standards, Section 11.3. Permitted Signs, Subsection (m) Real Estate Signs, amending Paragraphs (2) and (3) adding provision for On-Premises Open House Signs; creating a new Paragraph (4) adding provision for Off-Premises Open House Signs on developed private property; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained the proposed ordinance was City-wide, stating the Planning Commission had recommended the open house signs be permitted seven days a week as opposed to weekends and holidays.

Councilmember Wallace inquired if the proposed ordinance was restricted to only residential properties.

Ms. Tubbs responded in the negative.

Mr. Bill Dryburgh, Board of Realtors, acknowledged they would like to have a resolution to this issue; however, with the economic situation it seemed as if too many restrictions were being imposed. He mentioned initiatives within Charlotte County to spur home sales. He spoke in objection to the designated sign, noting no other areas required same. He stated the sign presently utilized by area realtors was standard in the industry.

Mayor Friedman stated the ordinance simply designated the size of the sign rather than requiring a specific sign.

Councilmember Wallace asked Mr. Dryburgh’s opinion as to the weekend/holiday restriction.

Mr. Dryburgh responded some homeowners desired more open houses.

Councilmember Wallace **MOVED** to close the public hearing, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg stated in the current economy, he did not agree with imposing a restriction to weekends/holidays only. He recommended allowing same seven days a week during the specified hours.

Consensus of members was to concur.

Mayor Friedman then asked if members agreed with allowing the sign size as suggested by Mr. Dryburgh, noting same would be three square feet.

Consensus of members was to approve same.

Councilmember Goldberg then asked the association to monitor the hours the signs were in place so as not to cause neighboring properties to object to allowing too many signs.

Ms. Karen Robb noted the association would encourage realtors to piggyback directional signs so as not to use too many.

Mayor Friedman further requested the association to notify members signs were not permitted in the public right-of-way (ROW).

Councilmember Smith-Mooney inquired if members wished to approve the ordinance with a review in six months to ensure sign pollution did not occur, adding the ordinance would sunset in two years.

Councilmember Albers opined same would be a code issue, noting staff would advise members if it became a problem.

City Attorney Levin clarified there was a question as to the constitutionality of singling out a particular sign; however, the proposed ordinance could be justified by recognizing the extraordinary economic circumstances.

Councilmember Wallace **MOVED** approval as amended to allow the larger sign and permit same seven days a week, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

ZA-08-08 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as “The Land Development Regulations”, Article 3, Regulating Districts, Section 3.13, SRO, Special Residential Overlay District, Subsection (s) Real Estate Signs, clarifying signs are for residential property; adding provision for a second real estate sign to be located waterside or golf course side; adding a provision for an On-Premises Open House Sign; adding a provision for Off-Premises Open House Signs on developed property; providing for conflict and severability; and providing an effective date. **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained the proposed ordinance was specific to the special residential overlay districts due to the need to clarify the smaller signs were for residential properties. She stated a second sign was proposed on the water or golf course side of the property, adding the remainder of the ordinance mimicked the previous ordinance.

Mayor Friedman confirmed members wished to make the same changes as were made during the previous ordinance.

Mr. Howard Elkins, Burnt Store Isles (BSI) Association, objected to the seven day per week condition due to the proliferation of signs within the neighborhood. He opined realtors should recognize they would need to work harder due to the economy.

Mr. Don McCormick, Punta Gorda Isles (PGI) Civic Association, reported they also did not agree to allowing signs seven days per week. He reminded members the smaller sign size was initially proposed to promote a stable community.

Councilmember Goldberg **MOVED** to close the public hearing, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Councilmember Albers commented members had agreed to seven days a week on the previous ordinance in absence of comments from BSI and PGI; however, having heard same, he now had concern based upon those two organizations representing 65-70% of the City's population.

Councilmember Goldberg reminded members the directional signs could only be erected on private, developed property with permission of the property owner, opining same would provide a restriction to a large proliferation of signs.

Councilmember Wallace concurred.

Mr. Elkins commented the open house signs could proliferate.

Mayor Friedman reiterated the signs could only be used during the specified hours.

Discussion ensued with regard to size of signage.

Mayor Friedman recalled members had previously agreed with weekends/holidays only. He confirmed the opinions of Messrs. Elkins and McCormick were representative of the associations.

City Attorney Levin repeated his comments regarding the unique nature of the ordinance.

Councilmember Goldberg stated he did not recall a survey of the PGI Civic Association.

Mr. McCormick responded a special meeting had been held following notice to members wherein the signs were discussed, adding at that time the proposal limited the number of days and size of the sign.

Mayor Friedman reopened the public hearing.

Mr. Dryburgh commented he had attended the meeting which was not well attended, thus it was evident the membership was not opposed.

Mr. Tom Carroll opined it was good to see members taking the interest of the residents under consideration, suggesting the ordinance be tabled to allow the associations to perform a survey of their members.

Mayor Friedman stated as the proposed amendments were a significant change, same should either be approved as written or continued to the next meeting to allow a survey of residents' opinions.

Councilmember Wallace reiterated same would be self policing, adding he felt same should be moved forward.

Councilmember Albers countered this represented only the special residential districts and their representatives had advised as to members' opinions. He recommended the ordinance be approved with the large sign size and restricted to weekends/holidays.

Mr. Bill Hughes, BSI, commented signs would be located in the ROW in many cases which would be a code violation. He further stated if the signs were allowed for seven days from 11:00 a.m. to 5:30 p.m., code enforcement officers would not be working at that time and the signs would remain up overnight.

Mr. Ray Rose stated allowing signs seven days per week would allow a property owner to place a sign that indicated "Open House on Saturday" everyday.

Councilmember Albers **MOVED** to close the public hearing, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg advised the signs were only allowed on the day of the event.

Councilmember Albers **MOVED** approval as amended to allow the larger directional sign, **SECONDED** by Councilmember Smith-Mooney.

VOTING AYE: Albers, Smith-Mooney, Wallace, Friedman.

VOTING NAY: Goldberg.

MOTION CARRIED.

Mayor Friedman inquired as to the effect of this decision on the previous ordinance.

Ms. Tubbs responded the previous ordinance governed areas outside of the special residential districts, thus there would be no effect.

Discussion ensued with regard to same with a decision to treat the entire City as a whole.

Councilmember Albers **MOVED** to reconsider ZA-07-08, **SECONDED** by Councilmember Smith-Mooney.

VOTING AYE: Albers, Smith-Mooney, Friedman.

VOTING NAY: Goldberg, Wallace.

MOTION CARRIED.

Councilmember Albers **MOVED** approval as amended to allow the larger directional sign on weekends and holidays, **SECONDED** by Councilmember Smith-Mooney.

Councilmember Goldberg opined same was interfering with free trade and enterprise.

VOTING AYE: Albers, Smith-Mooney.

VOTING NAY: Goldberg, Wallace, Friedman.

MOTION DENIED.

Councilmember Wallace **MOVED** approval as amended to allow the larger directional sign seven days per week, **SECONDED** by Councilmember Goldberg.

VOTING AYE: Goldberg, Smith-Mooney, Wallace, Friedman.

VOTING NAY: Albers.

MOTION CARRIED.

ZA-12-08 – An Ordinance of the City of Punta Gorda, Florida, amending Section 26-11.3(k)(6) of the City Code of Ordinances requiring removal of political signs within five (5) days after an election, excepting those candidates who progress from the general election primary to the general election; adding a new Subsection 26-11.3(k)(7), of the City Code of Ordinances providing allowance for the erection of political signs relating to candidates and issues the day after the general election primary when there are more than forty-five (45) days between the general election primary and general election; providing for conflict and severability and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained same was as directed by members to provide for quicker removal of signs and equitable display of signs for all candidates. She advised staff and the Planning Commission recommended approval.

Mayor Friedman stated he felt the proposed ordinance was too lenient as he had recommended only opponents of successful primary candidates would be allowed to erect signs immediately following the primary.

Consensus of members was to agree.

Councilmember Goldberg **MOVED** to close the public hearing, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg **MOVED** approval as amended, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

QUASI-JUDICIAL PUBLIC HEARINGS

City Clerk Foster swore in all participants for the following quasi-judicial proceedings.

CCSP-06-08 – Petition for Special Permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to install one four post boat lift at Lot 1, Block 12, Section 4, a/k/a 98 Sabal Drive, Punta Gorda, Florida 33950. Owner/Petitioner: William & Laura McDonnell

City Attorney Levin presented the request for boat lift.

Mr. Rick Keeney, Public Works Director, displayed an overhead of the location and proposed construction, as delineated in the agenda material, stating the two outer pilings were outside of the 45 degree area. He noted while staff recommended denial, the PGI Canal Advisory Committee recommended approval based upon the neighbor's testimony that they had no objection.

Mr. Rob Parr, Parr Marine Construction, stated the property was unique due to the canal configuration. He advised a boat had been docked at the property for over six years; however, it was time for a new lift. He reported there was no manner of approaching the property for parallel docking, but rather it was necessary to back the boat in as was presently being done. He maintained neither neighboring property would be impeded by same as demonstrated by the lack of objection.

Councilmember Goldberg **MOVED** to close the public hearing, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg opined the proposal was a creative method of addressing the unusual shape of the canal.

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

SE-04-08 – A Special Exception request by Charlotte County Habitat for Humanity, as required per Section 26-3.9.(F)(5), Page 26-20, of the City Code of Ordinances to allow a new single family residence to be constructed at 318 E. Virginia Ave, in the City Center zoning district, per the provisions of Section 26-16.8., on Page 26-190. Legal Description: Parcel ID# 412306412008, A/K/A 318 E. Virginia Ave., Punta Gorda, FL. (Legal description available at the Urban Design Division by calling (941) 575-3372, or City Hall Annex, 126 Harvey Street, 3rd Floor, Punta Gorda, FL 33950.

Ms. Tubbs stated the request was required due to the mixed use requirement of the zoning district, adding single family homes were allowed by special exception. She stated there had been a single family home located on the property previously.

Councilmember Wallace **MOVED** to close the public hearing, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Councilmember Wallace **MOVED** approval, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Z-05-08 - An Ordinance of the City of Punta Gorda, Florida, rezoning property described on Exhibit "A", commonly know as 24368 Airport Road, from Agricultural Estates/County (AE/County) to Planned Employment Center/Neighborhood Center/City (PEC/NC/City); providing for conflict and severability; and providing an effective date. **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Tubbs explained the rezoning would provide for development of neighborhood center uses, noting the Planning Commission and staff recommended approval.

Councilmember Smith-Mooney **MOVED** to close the public hearing, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Councilmember Albers **MOVED** approval, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Albers pulled item C-1, stating while the proposed agreement addressed the frequency of events, it did not address the noise which was what drew complaints from neighboring property owners. He requested staff address same from a noise abatement view rather than frequency as he felt the events served the community well.

Mayor Friedman concurred.

Consensus of members was to pull item C-1 for further review by staff.

Councilmember Albers **MOVED** approval of the remainder of the consent agenda, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes: Regular Meeting of October 1, 2008

B. LEGAL DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, approving the Maintenance Memorandum of Agreement and authorizing the Mayor of the City of Punta Gorda to sign the Agreement
2. Statements of the Farr Law Firm for services rendered through September 30, 2008.

3. Statement of Allen, Norton & Blue, P.A. for services rendered through September 30, 2008.

C. GROWTH MANAGEMENT

1. Agreement between the City of Punta Gorda and Bove Company regarding special events held on private property of the Vivante Clubhouse, 92 Vivante Blvd.

NOTE: A break was called at 10:36 a.m.

UNFINISHED BUSINESS

Road Sign Reduction Plan Revisions

City Manager Kunik advised two additional sign locations were under review, stating one was the restriction on trucks in Burnt Store Meadows (BSM). He explained there was no ordinance regulating same, asking if members wished to remove the signs or adopt an ordinance prohibiting truck traffic. He further stated there were two “Share the Road” signs on Deborah Drive which staff recommended maintaining; however, a resident had requested same be removed.

Councilmember Albers recommended the two signs in BSM be retained by adoption of an ordinance.

Mayor Friedman noted there was a sign on Tripoli prohibiting truck traffic, asking if an ordinance regulated same.

Mr. Elkins responded the sign remained to prevent trucks, asking staff to retain the sign.

Mr. Keeney added an ordinance existed to regulate those signs.

Mayor Friedman requested that ordinance be amended to add the BSM location.

Councilmember Goldberg explained the request to remove the “Share the Road” signs could be facilitated by relocating same closer to the Bal Harbor Boulevard/Deborah Drive intersection.

Mayor Friedman pointed out as the City was referenced as a pedestrian and bicycle friendly area, the signs could be located at each turn from one roadway to another to designate the bicycle route rather than mid-block.

Mr. McCormick pointed out there was no procedure for appealing the removal of a sign, adding Mr. Brady had requested the 30 mph sign that was removed should be replaced on Aqui Esta between Coronado and Bal Harbor. He explained Mr. Brady felt same would be even more necessary once the road was widened.

Mayor Friedman recalled members had decided to locate one speed limit sign on each roadway coming off of US 41 into residential neighborhoods.

Consensus of members was to direct the City Attorney to draft an ordinance for the truck signs and to relocate the bicycle signs.

Mr. Dom Mileto, BSM Association, thanked members for their assistance.

NEW BUSINESS

“Think Thursday” Initiative

City Manager Kunik reported the initiative was intended to generate local commerce and spur business, noting the themes were as follows: pet Thursday, fun day, Gallery Walk and history orientation. He explained two recommendations would require approval by City Council, noting the first was to adopt an ordinance to allow pets in outdoor dining areas as permitted by the Florida Statute. He stated the other recommendation was to allow dogs in Gilchrist Park on either one Thursday per month or all Thursdays during the music events. He recalled members had previously determined not to allow dogs in the park as they were currently allowed in Lashley Park and the dog park.

Councilmember Wallace opined same was a good initiative and should be supported. He commented one Thursday per month for dogs in the park would provide a good test of same.

Councilmember Goldberg stated he felt permitting dogs in outdoor dining areas was a good idea with the safeguards as required by Florida Statutes. He noted it would be the requirement of participating restaurants to comply with same.

Councilmember Albers requested a definition of outdoor dining.

City Attorney Levin agreed to research same.

Councilmember Smith-Mooney stated same had been occurring for some time when a restaurant allowed it. She questioned who would enforce any regulations.

City Attorney Levin explained the State Department of Health prohibited all except assistance animals from dining areas while the Florida Statute had allowed same in outdoor dining areas until July 1, 2009 as a test case. He noted if same were not renewed, the previous legislation would return.

Councilmember Smith-Mooney suggested waiting until that time.

Councilmember Albers inquired if the City adopted an ordinance, if they would be the enforcing party.

City Attorney Levin responded affirmatively.

Councilmember Albers stated he felt it should be the decision of the business owner whether to do so or not.

Councilmember Wallace recommended it be made clear that restaurants could opt out if they desired.

City Attorney Levin stated the ordinance would require anyone wishing to participate to apply for a permit and comply with the regulations.

Councilmember Goldberg pointed out there were many restaurants with some type of outdoor dining, thus it would be an individual business decision.

Councilmember Albers reiterated outdoor dining must be defined.

Ms. Patti Allen, Fishermen's Village, stated they had been allowing leashed dogs for the past four years and were very much in favor of formalizing an ordinance.

Ms. Marilyn Thorndycraft voiced support of the proposals; however, she expressed concern for people with allergic reactions. She inquired if the restaurants would be required to notify patrons that animals were present.

Mayor Friedman advised signs would be required.

Ms. Cindy Murphy, Pies and Plates, spoke in favor of the proposals. She noted the downtown businesses had been polled as to whether they were interested in a dog themed Gallery Walk with a positive response.

Consensus of members was to direct staff to determine a definition of outdoor dining, to perform a quick poll of the qualifying restaurants to determine interest and if same existed to draft the ordinance.

Mayor Friedman then addressed the proposal for Gilchrist Park, asking for comments.

Councilmember Wallace expressed his support of one Thursday per month.

Councilmember Albers voiced opposition, stating two parks in the City allowed dogs, which he felt was sufficient. He stated he had requested information from residents with the majority opposing same.

Councilmember Goldberg stated members had previously decided not to allow dogs in Gilchrist Park, noting when the improvements were completed in Laishley Park, it would be an even better venue for events. He concluded by recommending Gilchrist Park remain dog free.

Mayor Friedman stated he did not feel it appropriate to allow dogs for certain days per month, adding the provisions being made presently for dogs were adequate.

Councilmember Smith-Mooney opined she felt same could be problematic.

Ms. Murphy thanked members for considering the dining issue as same was the most important issue to businesses.

Mr. John Wright, Punta Gorda Chamber of Commerce, commented the initiative would be presented to the Development Review Committee (DRC) with a requirement for event insurance holding the City harmless.

Mayor Friedman inquired why same would be required.

Mr. Wright explained most of the event occurred within individual business locations.

City Manager Kunik responded insurance would not be required for same.

Ms. Tubbs explained the event permit application required same for all events, thus Mr. Wright had been advised to request a Council waiver.

City Manager Kunik recommended the event be handled as was the annual Holly Days event, noting unless an individual business wished to place a tent outside of their business, as an example, no permits would be required.

Councilmember Albers complimented the organizers on the initiative.

Mayor Friedman confirmed the consensus not to allow dogs in Gilchrist Park.

Infrastructure Sales Surtax (ISS) Implementation Plan

City Manager Kunik drew members' attention to the proposed list of projects, as delineated in the agenda material, noting costs and revenues were estimates at this time. He provided a brief review of the various projects and their associated priority on the list, noting the main priorities were to construct the Public Works/Utilities Campus and Waterfront Development.

Mayor Friedman explained the objective was not to determine time frames or funding amounts, but rather to understand the various projects to enable staff to prepare a final list with associated costs. He asked members to consider bonding or requesting a loan to enable the priority projects to be accomplished in a shorter time frame. He then stated he felt Waterfront Development, Linear Park and Rails to Trails were related, asking staff to prepare a cost estimate and time line for the Best Western portion, east end of the Harborwalk, Linear Park from Shreve Street to the Train Depot, from the Train Depot to the east end of Harborwalk, Rails to Trails from the southern portion of the City to the Train Station and from the Train Station to the County line along the railroad ROW if same were to be funded by a loan.

Councilmember Goldberg spoke in favor of borrowing or bonding a portion of the anticipated funds to accelerate the projects.

City Manager Kunik expressed some concern with the current interest rates.

Councilmember Smith-Mooney spoke favorably toward a park in the south side of the City.

Mayor Friedman suggested same be discussed during the town hall meeting. He then asked members if there were any additions or deletions to the list.

Councilmember Albers voiced concern with regard to the Blanchard Museum as he did not see how it complied with the ISS regulations as same was not the City's structure.

Discussion ensued with staff to provide further information.

City Manager Kunik asked members for approval to issue the request for proposals (RFP) for the Harborwalk design.

Consensus of members was to approve.

FY 2009 Police Fleet Purchases and Canine Proposal

Mr. Butch Arenal, Acting Police Chief, displayed a PowerPoint presentation, as delineated in the agenda material, stating the objective was to find a unique plan to provide service.

NOTE: Mayor Friedman left the meeting at 11:57 a.m.

Mr. Arenal continued the objectives were for cost effectiveness, use of limited resources, fuel use reduction, diversified service delivery, focus on customer service and implementation of a police canine program.

NOTE: Mayor Friedman returned to the meeting at 11:59 a.m.

Mr. Arenal stated the components of the plan were two police motorcycles, T3 series personal electric mobility vehicle, four police sedans and a canine program, providing a brief review of each aspect, as delineated in the agenda material. He then detailed the cost implementation plan, noting same included grant funds, ISS funds and repurposing of existing equipment. He concluded by stating the objectives of the plan would be met with inception of the four options.

Mayor Friedman inquired why the canine program had been stopped.

Mr. Arenal stated there was a handler/dog issue at the time as the handler stated the dog was not performing while trainers stated there were handler issues. He expressed uncertainty as to why the former Police Chief determined to discontinue the problem totally.

Mayor Friedman inquired as to the impact on personnel, as in an additional officer for canine duty.

Mr. Arenal explained an existing officer would be utilized as a canine officer on the night shift while a motorcycle officer would be utilized on the day shift and not included in the shift rotation.

Mayor Friedman countered it would amount to one officer less in each squad.

Discussion ensued as to shift configurations.

Councilmember Wallace opined the public would view the T3 as a toy, adding with new cars, motorcycles and a dog it would be perceived as expending too many funds.

Councilmember Smith-Mooney concurred.

Mayor Friedman asked for comments regarding the motorcycles.

Councilmember Albers inquired if the two motorcycles would replace two cars.

Mr. Arenal responded it would replace one car.

Councilmember Albers inquired what equipment could not be transported on the motorcycle.

Mr. Arenal responded all the required equipment could be carried; however, a prisoner could not be transported.

Mayor Friedman stated he was unsure if the noise of a motorcycle in residential areas would be accepted by the public. He questioned the need for same due to the relative small area being patrolled.

Mr. Arenal stated the motorcycles were at no cost and were more fuel efficient than a car.

Councilmember Wallace pointed out the motorcycles would be utilized during daytime hours only.

Mayor Friedman reiterated he did not feel same was necessary.

Councilmember Goldberg stated he did not feel the public perception would accept purchase of the T3 vehicle. He opined it would be seen as a novelty.

Councilmember Wallace stated he could not justify both the T3 and motorcycles.

Councilmember Smith-Mooney stated she did not see a great deal of use for T3 vehicles in Punta Gorda.

Mr. Arenal stated he felt the T3 provided more operational flexibility than a bicycle.

Mr. McCormick pointed out the savings provided from the proposal both in cash outlay and fuel costs. He pointed out the T3 would be beneficial when the linear park was completed, concluding he supported the proposal.

Councilmember Wallace stated the discussion was based solely on budgetary concerns.

Mr. Peter Chamik asked what vehicle would be provided for the motorcycle officer during the rainy season. He pointed out the canine handler would be taken off the streets for training for a period of time, thus reducing staffing. He then stated not all police departments provided a car for every officer, noting the cars were rotated every three to four years and were utilized on all shifts.

Mr. Ray Rose complimented Mr. Arenal in finding creative solutions to service delivery, adding he did not feel the decision should be made on perception concerns. He pointed out the T3 and canine brought the officer down to the street level rather than solely responding to calls from an air-conditioned car. He pointed out the T3 would be useful in patrolling the parking garage when completed.

Councilmember Wallace commented he felt the price estimate for the four cars was excellent.

Further discussion ensued with regard to the T3 with a consensus to delay purchasing same at this time.

Mayor Friedman then asked for a consensus regarding Motorcycles.

Councilmember Albers inquired why the proposal included two motorcycles when only one car was being replaced.

Mr. Arenal responded the pool motorcycle allowed multiple officers to be trained.

Mayor Friedman stated training could occur when the motorcycle officer was off duty.

Councilmember Goldberg pointed out the fact that a car being replaced by the motorcycles amounted to an approximate \$10,000 savings.

Consensus of members was to approve the motorcycle portion of the plan and the purchase of four sedans.

Mayor Friedman then asked for discussion of the canine program.

Councilmember Goldberg asked for a comparison between a canine program and the requests for assistance from Charlotte County.

Mr. Arenal responded it was difficult to quantify; however, a canine would be very beneficial to the City and could provide assistance to the County if necessary. He acknowledged there would be training time involved. He explained presently officers only called for County assistance when absolutely necessary, adding with a local canine, the dog would be utilized more frequently.

Councilmember Wallace questioned whether the timing was right to add the expense.

Councilmembers Albers and Goldberg pointed out it was a limited amount of funds.

Councilmember Goldberg inquired as to the forfeiture monies.

Mr. Arenal responded he could research those figures, adding they were in the process of requesting RFPs for a new forfeiture attorney as the City had been expending a great deal in legal fees.

Consensus of members was to approve the canine program.

Discussion of City Council's annual evaluation of City Manager's performance

Mayor Friedman drew members' attention to the evaluations and summary, asking how they would like to address same.

Councilmember Albers recommended a \$4,000 one time bonus to be deposited into the City Manager's deferred compensation account in lieu of a salary increase.

Councilmember Albers **MOVED** approval of same, **SECONDED** by Councilmember Smith-Mooney.

MOTION UNANIMOUSLY CARRIED.

Discussion of City Council's annual evaluation of City Clerk's performance

Mayor Friedman drew members' attention to the evaluations and summaries, inquiring as to the desired action.

Councilmember Goldberg stated based upon the salary comparison provided and the City Clerk's performance, he proposed an increase to \$80,000.

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals - Alternate

City Clerk Foster announced the vacancy.

Revitalization Committee

City Clerk Foster announced the vacancy.

Nominations

Police Officers' Pension Board

Councilmember Goldberg **MOVED** to nominate and reappoint Mr. Ford, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Historic Preservation Advisory Board

Councilmember Smith-Mooney **MOVED** to nominate and reappoint Ms. MacGibbon and Ms. Schmidt, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Housing Authority

Councilmember Smith-Mooney **NOMINATED** all interested parties.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Isles Canal Advisory Committee

Councilmember Smith-Mooney **NOMINATED** all interested parties.

MOTION UNANIMOUSLY CARRIED.

Appointments

There were none.

POLICY AND LEGISLATION

FRIEDMAN: Reminded those in attendance of the town hall meetings to be held October 27, 2008 and October 29, 2008 at 6:30 p.m. at the Burnt Store Presbyterian Church and PGI Civic Association, respectively.

GOLDBERG: Inquired as to what fund search and seizure monies were deposited into. Mr. Dave Drury, Finance Director, responded dependent on whether same was court ordered which could be utilized for ongoing search and seizure procedures or not court ordered where the item was sold at auction and the funds deposited in the general fund. He noted there were seizures by the FBI which carried more restrictions and reporting back to the FBI.

SMITH-MOONEY: Commented it had been a pleasure to serve on City Council for the past 12 years, adding the residents of the community had been a joy to work with. She thanked all for the opportunity to do so.

The meeting was adjourned at 1:34 p.m.

Mayor

City Clerk