



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, NOVEMBER 5, 2008 9:00 A.M.**

COUNCILMEMBERS PRESENT: Friedman, Albers, McCormick, Wallace, Goldberg

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.

REORGANIZATION OF CITY COUNCIL

Oath of Office

City Clerk Foster swore in Councilmembers Goldberg, McCormick and Wallace.

Election of Mayor

Councilmember Goldberg **NOMINATED** Councilmember Friedman, **SECONDED** by Councilmember Albers.

Councilmember Albers **MOVED** to close nominations, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

Mayor Friedman was then elected by acclamation.

MOTION UNANIMOUSLY CARRIED.

Election of Vice-Mayor

Councilmember Albers **NOMINATED** Councilmember Goldberg, **SECONDED** by Councilmember Wallace.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Albers **MOVED** to accept the election of Councilmember Goldberg, **SECONDED** by Councilmember Wallace.

Councilmember Goldberg presented Councilmember McCormick with copies of Architectural Digest and Florida Design so that he may carry on the duties previously undertaken by former Councilmember Smith-Mooney.

PROCLAMATION/PRESENTATIONS

Good Shepherd Local Government Day

Mayor Friedman presented the proclamation to Mrs. Condos and her students.

Charlotte Symphony Orchestra Week

Mayor Friedman presented the proclamation, which was accepted by Ms. Juanita Hauk, Conductor, Ms. Darlene Ward, Board President, and Ms. Chari Stanley-Leitch, Executive Director.

Tidewell Hospice and Palliative Care Month

Mayor Friedman presented the proclamation
Ms. Kelly Carr and Ms. Jo Benson accepted same.

Defeat Diabetes Month

Mayor Friedman presented the proclamation to Mr. Andy Mandell, Defeat Diabetes Foundation Executive Director.

Mr. Mandell spoke of his walk around the country to raise awareness for diabetes treatments.

Introduction of Board / Committee Nominees

Ms. Jeneen Weiler announced she was seeking appointment to the Revitalization Committee, stating it would be an honor to serve the City in this capacity.

Mr. Michael Strunk announced his desire to be reappointed to the Punta Gorda Isles (PGI) Canal Advisory Committee.

David Hilston, Urban Design – 10 Years of Service

City Manager Kunik presented Mr. David Hilston, Urban Design Manager, with a plaque in honor of his ten years of service to the City.

Mr. Dennis Murphy, Growth Management Director, spoke of Mr. Hilston's excellent service to the City.

Mayor Friedman announced Ms. Dianne Bettman wished to make a presentation.

Ms. Bettmann then presented an ice tea maker to the Police Department for use in their new Community Policing Substation located at Gulf Breeze Apartments.

Economic Development - Don Root, Charlotte County EDO Director

Mr. Root provided a detailed description of the Charlotte County Economic Council, stating the office served the entire County in an effort to bring jobs to the area. He explained their work was performed with many partners, noting project development and the Enterprise Charlotte Foundation were key components. He stated the Economic Council was formed to bring economic development into the County, adding private enterprise was included in the process. He advised the City of Punta Gorda was a part

of the product that was being offered to companies in an attempt to attract them to the area. He reported the board would meet on a monthly basis.

Councilmember Goldberg inquired as to regionalism.

Mr. Root responded an economic region was being developed to include six counties, adding a consultant had been hired to develop a branded identity for the regional area. He stated same was being undertaken due to the small size of Charlotte County, allowing the entire region to be considered when competing for businesses.

Southwest Florida Intermodal & Logistics Center Project - Jeff Weiler, Weiler Engineering

Mr. Weiler displayed a PowerPoint presentation, as denoted within the agenda material, announcing the project was a community effort. He stated the facility was located in an area to provide for rail, truck and air transportation due to its location in US 17 and Interstate 75 as well as the rail tracks and Charlotte County Airport. He reported the project was a part of the County Comprehensive Plan and recognized by the State as being needed. He summarized the types of cargo that would be processed through the transfer center. He then spoke of the public/private partnerships, noting same included assistance from the City with regard to the sewer portions of the project. He noted the project would create 300 jobs for the facility which would be combined with additional jobs at the airport, noting ultimately same would add \$27,000,000 to the economy. He concluded with a description of the transportation and safety benefits and a cost/benefit analysis.

Councilmember Goldberg opined the project was a sensational opportunity for the area, noting the City would provide any necessary endorsements during the funding and permitting process.

Councilmember Wallace inquired if the County would assist with funding.

Mr. Weiler responded in the negative. He noted the airport had indicated they were willing to participate as a public partner. He concluded while the project was within the County it was more beneficial to the City.

Councilmember Wallace requested the project be considered during annexation planning.

Councilmember McCormick inquired as to the City's participation with utilities.

Mayor Friedman explained that portion of the project was designed and awaiting funding.

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

PUBLIC HEARINGS

An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 23 of the City Code of Ordinances, "Traffic", Section 23-10(a), to prohibit certain truck traffic on Royal Poinciana; providing for conflict and severability and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title

Mayor Friedman called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

An Ordinance of the City of Punta Gorda, Florida, amending Chapter 23 of the City Code of Ordinances, "Traffic", Article II "Parking Areas", Section 23-13, "Parking on Municipally Owned Parking Lots and in City Marina, Laishley Park and Ponce De Leon Park" by amending Subsection (c) to provide for limited public parking in boat trailer only parking areas; providing for conflict and severability and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Mayor Friedman inquired if members agreed with amending the ordinance to indicate 4:00 p.m. rather than 5:00 p.m.

Consensus of members was to agree.

Mayor Friedman called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

City Attorney Levin pointed out the time was not specified in the ordinance, but rather Council's direction to the City Manager would facilitate same.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida adopting a Citizen Participation Plan.

City Attorney Levin read the resolution by title.

Mayor Friedman called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, adopting a Residential Anti-Displacement And Relocation Assistance Plan.

City Attorney Levin read the resolution by title.

Mayor Friedman called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

A Resolution of the City Council of the City of Punta Gorda, Florida, approving and accepting the Hazard Mitigation Grant from the State of Florida, Division of Emergency Management (FEMA), authorizing the City Manager to execute agreements and contracts; and providing an effective date.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

CP-06-08 - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map (FLUM), 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 and as more particularly described on Exhibit "A" attached to the Ordinance; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title, noting the typographical error in the second paragraph had been corrected. He reported the correct legal description was also included.

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

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. SECOND READING

City Attorney Levin read the ordinance by title, noting the same corrections had been made to this ordinance as to the previous.

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

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. SECOND READING

City Attorney Levin read the ordinance by title.

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

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, Special Residential Overlay District, SRO, 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. SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY 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. SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Albers **MOVED** approval of the Consent Agenda, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes
 - a. Regular Meeting of October 15, 2008
 - b. Town Hall Meeting of October 27, 2008

B. LEGAL DEPARTMENT

1. Monthly Litigation Report
2. A Resolution of the City of Punta Gorda, Florida, approving the Multi-Jurisdictional Traffic Task Force Voluntary Cooperation Mutual Aid Agreement; authorizing the Mayor and City Manger to sign the agreement; and providing an effective date.
3. A Resolution of the City of Punta Gorda, Florida, approving the Public Waterways Designation Agreement; authorizing the Mayor to sign the agreement; and providing an effective date.
4. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., through September 30, 2008.
5. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., through October 28, 2008.

C. FINANCE DEPARTMENT

1. City of Punta Gorda Identity Theft Prevention Program

D. GROWTH MANAGEMENT

1. Interlocal Agreement between Charlotte County and the City of Punta Gorda for Geographical Information Support (GIS) services.
2. Exchange of Easements with Fishermen's Village.

E. UTILITIES DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida, requesting a utility easement from the Board of Trustees of the Internal Improvement Trust Fund, and authorizing Greeley and Hansen, LLC to act as agent preparing application materials.

UNFINISHED BUSINESS

Options for Economic Development Incentives

Ms. Susan Schoettle-Gumm provided a PowerPoint presentation, as delineated in the agenda material, providing a detailed review including appropriate policy goals for growth in local business to increase local jobs, tax base growth, economic diversity and value added business. She noted the options generally fell into the following categories: tax abatement/exemption; monetary incentives; impact fee deferral and state programs, providing a detailed description of each category and their requirements.

Consensus of members was not to entertain tax abatement/exemption based upon the need to have a referendum prior to utilizing that option.

Ms. Schoettle-Gumm continued her review of the monetary incentives, impact fee deferrals and state programs, providing details and suggested requirements for each option. She concluded the options available to the City would be to attract new or retain current business by forgivable loans or grants, noting same could be maximized by coordinating with Charlotte County. She concluded assistance to businesses could improve access to state programs.

City Manager Kunik reminded members an incentive program existed within the CRA area; however, funding was not available until future receipts of Infrastructure Sales Surtax (ISS) funds. He stated impact fee deferrals could be undertaken, while the state programs were contingent on coordination with the County.

Councilmember Wallace professed his preference to considering the state programs as he did not feel additional monetary assistance should be considered at this time.

Mayor Friedman confirmed members were not interested in tax abatement/exemption or monetary incentives.

Councilmember Wallace inquired if the programs were required to be advertised or if they could be used on a case by case basis.

Ms. Schoettle-Gumm responded there was no requirement; however, same was an inducement if it was advertised.

Discussion ensued with regard to matching funds for the state programs.

Consensus of members was to pursue the state programs.

Mayor Friedman inquired as to impact fee deferral.

Councilmember Goldberg opined it was an area to consider with careful review of previously stated business intentions so as not to be considered as free funding.

Mayor Friedman stated there were certain types of smaller businesses addressed in the Chesapeake Study that were desired, suggesting that be a requirement.

Councilmember Goldberg recalled Mr. Root had indicated there were tools the City had for attracting businesses, noting an impact fee deferral program could be one of them.

City Manager Kunik pointed out same would require an ordinance amendment.

Consensus of members was to direct staff to prepare a listing of alternatives for consideration by members and to include a sunset date.

Councilmember Goldberg mentioned the Punta Gorda Chamber of Commerce had a list of desired businesses, requesting they be involved in the process.

NEW BUSINESS

Appeal of Local Business Tax Receipt (LBTR) Fee for the Downtown Merchants' Association (DMA) Farmer's Market

Mayor Friedman drew members' attention to the staff recommendation asking if members disagreed with staff's recommendation.

Councilmember Wallace stated while he didn't feel strongly about the subject, he believed it should be possible to have a different classification than Flea Market as he did not like the thought of Flea Markets showing up all around town. He then pointed out the few hours per week the Farmer's Market was open, asking if it was possible to amend the fee structure.

Mayor Friedman pointed out the funds were minimal, thus he did not believe precedent should be broken.

Ms. Mary Moette, Downtown Merchants' Association, stated they were requesting a break on the fee.

Councilmember Goldberg pointed out the Merchants' Association was paying the licensing fee and were charging the individual vendors \$20 per week to participate, noting at that rate, the Merchants' Association would break even after three weeks.

Discussion ensued with regard to the charges being levied by the Merchant's Association.

Mayor Friedman opined the established fee was not onerous.

Councilmember McCormick pointed out the fee paid for staff's administrative time to process same.

Ms. Moette asserted the vendors were being charged the \$63 license fee on top of their weekly fee.

City Clerk Foster advised the Downtown Merchants' Association was charged \$63 per vendor for one LBTR, stating if the vendors were being charged again, it was by the Merchants' Association rather than the City.

Councilmember Albers **MOVED** to deny the appeal, **SECONDED** by Councilmember Goldberg.

VOTING AYE: McCormick, Goldberg, Albers, Friedman.

VOTING NAY: Wallace.

MOTION CARRIED.

Tourism Bureau Appointment – Discussion

Councilmember Albers noted the Tourist Development Council (TDC) had been represented by two elected officials of the City since inception based upon a Statutory requirement for same. He announced Ms. Becky Bovell, TDC Director, had indicated City Council could send a representative in lieu of one of the elected official seats. She advised Mr. John Perez, Wyvern Hotel, had expressed an interest in filling this position, requesting City Council take action as desired.

Consensus of members was to allow Mr. Perez to represent the City for the seat previously held by former Councilmember Smith-Mooney.

City Council Discussion of Park Rental Fees

Mr. Dennis Murphy, Growth Management Director, reminded Council of the improvements to the Laishley Park amenities which would be coming on line within the next few months, stating both City staff and Marina Park had begun to receive requests to rent the various amenities along with the open space. He mentioned the larger bathroom facilities and two open air pavilions would provide much needed features to Laishley Park while saving event coordinators time and money on preparations. He drew Council's attention to a proposed fee schedule, as denoted within the agenda material, stating same was designed through the efforts of both staff and Marina Park. He pointed out the revised schedule encouraged as well as required mid- to large-scale events to be held at Laishley Park as same was more suited to those types of events. He requested Council's direction for staff to amend the event manual accordingly.

Councilmember Wallace asked if it was possible to amend the manual to reduce the number of attendees in Gilchrist Park from 1,000 as same was too many for the size of the park.

Consensus of members was to agree with a limit of 500 attendees.

Mr. Murphy added the price structure was such that it would be less expensive in Laishley Park due to the need to rent portable toilets in Gilchrist Park.

Mayor Friedman confirmed same would be self policing.

RECOMMENDATIONS FROM CITY OFFICERS

CITY MANAGER

Performance Objectives – Fiscal Year (FY) 2009

Mayor Friedman drew members' attention to the list, asking if members agreed with same.

Consensus of members was to accept same.

City Manager Kunik reminded members of the grand opening celebration for Fire Station #2 this afternoon.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals – Alternate

City Clerk Foster announced the vacancy.

Utility Advisory Board

City Clerk Foster announced the vacancy.

Planning Commission (2)

City Clerk Foster announced the vacancies.

Nominations

Revitalization Committee

Councilmember Goldberg **MOVED** to nominate and appoint Ms. Janeen Weiler, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

Appointments

Punta Gorda Housing Authority

Voting forms were distributed.

City Attorney Levin advised Mr. John Murdock had received the most votes and was therefore appointed to the Punta Gorda Housing Authority (PGHA).

Punta Gorda Isles Canal Advisory Committee

Voting forms were distributed.

City Attorney Levin advised Mr. Michael Strunk had received the most votes and was therefore reappointed to the Punta Gorda Isles Canal Advisory Committee.

POLICY AND LEGISLATION

FRIEDMAN: Requested an update and overview of the Aqui Esta project within the next month or two to include the schedule, detours and other aspects so as to advertise same to make the area residents aware.

CITIZENS' COMMENTS

Ms. Bettman stated anyone with extra Christmas decorations could donate same to the Housing Authority.

The meeting was adjourned at 11:55 a.m.

Mayor

City Clerk