



City Council Agenda

CITY OF PUNTA GORDA, FLORIDA

326 West Marion Avenue, Punta Gorda, FL 33950

February 17, 2010

*****ANNOTATED AGENDA*****

CITY COUNCIL

Harvey Goldberg, Mayor
William F. Albers, Vice-Mayor
Don McCormick, Councilmember
Charles Wallace, Councilmember
Lawrence J. Friedman, Councilmember

CITY OFFICIALS

Howard Kunik, City Manager
David Levin, City Attorney
Sue Foster, City Clerk

NOTE: Anyone wishing to address the Council on any agenda item may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak once on each subject up to a maximum of three minutes.

**9:00 AM CALL TO ORDER
 INVOCATION
 PLEDGE OF ALLEGIANCE**

I. PROCLAMATIONS/PRESENTATIONS

A. Proclamations

B. Presentations

1. Introduction of Board / Committee Nominees
2. 10 Year Service Award – John Smith, Plans Examiner/Inspector
3. 15 year Service Award- Teri Tubbs, Zoning Official

PRESENTED

II-A. QUASI-JUDICIAL PUBLIC HEARINGS

1. **AV-02-09** - Request for an Administrative Variance, per City Code Chapter 26, Section 16.10(l), on an existing single family structure located at Block 235, Lot 111, Punta Gorda Isles Section 15-Replat, a/k/a 3310 Tripoli Blvd, Punta Gorda, Florida, to allow an existing side yard setback of 5.7 feet instead of 7.5 feet as required by City Code Chapter 26, Article 3, Section 3.4(g)(3); and to allow an existing driveway with a side yard setback of 3.3 feet from the South side property line instead of 6 feet as required by City Code Chapter 26, Article 10, Section 10.3(h)(12).

APPROVED

2. **V-04-09** – Request for a variance to the Land Development Regulations per Section 16-

16.10, of the City Code to allow an existing swimming pool and deck to have a rear yard setback of 6.2 feet instead of 20 feet as required per City Code Section 26-3.13.(d); and to allow the wooden steps that extend to the seawall cap instead of having a maximum 5 foot encroachment into the required yard as allowed per City Code Section 26-8.14.(f); and to allow the existing swimming pool deck to have a side yard setback of 4.73 feet at the closest point on the south side of the property instead of 7.5 feet as required by City Code Section 26-3.4(g)(3); and a variance to allow an existing 24.82 foot street yard setback on the existing single family residence instead of 25 feet as required by City Code Section 26-3.4(g)(2). And, a request to allow a new screen enclosure be constructed over the existing swimming pool deck with an existing non-conforming rear yard setback of 6.2 feet instead of 20 feet as required by City Code Section 26-3.13.(d); and to allow the new screen enclosure to have a non-conforming side yard setback of 4.73 feet at the closest point, instead of 7.5 feet as required by City Code Section 26-3.4(g)(3). LEGAL: Block 72, Lot 8, Punta Gorda Isles Section 7 of the Public Records of Charlotte County, Florida. A/K/A 841 Pamela Drive, Punta Gorda Florida

Continued from December 16, 2009
APPROVED

3. **V-01-10** – Request for a variance to the Land Development Regulations per Chapter 26, Article 16, Section 16.10, of the City Code to allow a newly constructed attached garage to have a side yard setback of 3.8 feet at the closest point instead of 5 feet as required by City Code Chapter 26, Article 3, Section 3.7(g)(3); and to allow a newly constructed driveway to have a side yard setback of .9 feet at the closest point instead of 5 feet as required by City Code Chapter 26, Article 10, Section 10.3(h)(12). LEGAL: Block 76, Lot 8 & 9, City of Punta Gorda of the Public Records of Charlotte County, Florida. A/K/A 503 McGregor St, Punta Gorda Florida

APPROVAL OF GARAGE
DENIAL OF DRIVEWAY

4. **V-02-10** – Request for a variance to the Land Development Regulations per Chapter 26, Article 16, Section 16.10, Punta Gorda Code, to allow an existing ground sign to remain in place for the multi-tenant commercial building located at 212 W. Virginia Avenue instead of removing said ground sign, which would otherwise be required by Chapter 26, Article 11, Section 11.4(e)(7)(c), Punta Gorda Code upon the installation of three (3) new façade signs as proposed by the Applicant. (A prior variance was granted to allow the existing ground sign to be 30 square feet in area instead of 16 square feet in area as permitted; and to allow the ground sign to be 9’8” in height instead of a maximum of 5 feet in height as permitted by City Code.) LEGAL: Block 44, Lots 9-10, PUG of the Public Records of Charlotte County, Florida. A/K/A 212 West Virginia Avenue, Punta Gorda Florida

CONTINUED TO 3/3/2010

II-B. PUBLIC HEARINGS

1. **ZA-18-09** – 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, amending Subsection 11.3., Permitted Signs; amending Sub-Subsection 11.3(h) Incidental Signs, to allow certain incidental signs which are regulated by Florida Statutes to comply with minimum statutory requirements; adding Sub-Subsection 11.3(h)(6) exempting permit requirements for incidental signs in residentially zoned districts; providing for conflicts and severability; and providing an effective date.

First Reading
Continued from December 16, 2009
APPROVED AS AMENDED

2. **ZA-01-10** – 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, amending Subsection 3.13., SRO, Special Residential Overlay District, amending Sub-Subsection 3.13.(p) Temporary Buildings, adding a prohibition for above ground swimming pools in the SRO zoning districts; providing a definition for above ground swimming pools; providing for conflict and severability; and providing an effective date. **First Reading**

APPROVED AS AMENDED

3. **SRC-01-09** – A request by Richard Cavalieri, as agent for Punta Gorda Housing Authority, for approval of the final plat for Gulf Breeze Apartments. Short Legal: 06 41 23 P-1 – That part of the SE ¼ of the SE ¼ lying south of ACL RR right-of-way west of Cooper Street less four 1 acres tracts fronting on Rail Road on Cooper Street Side. Containing 12.13 acres, more or less.

Continued from December 16, 2009

And

APPROVED

A Resolution of the City Council of the City of Punta Gorda, Florida approving the “Gulf Breeze Apartments” Final Plat for the property more particularly described on Exhibit “A” attached to this Resolution; partially accepting the dedication of easements and road improvements shown on the plat; authorizing the Mayor and City Clerk to execute the plat; authorizing the City Clerk to forward this Resolution and the original final plat to the Circuit Court Clerk for recording at the applicant’s expense; and providing an effective date.

APPROVED

II-C. ORDINANCE/RESOLUTION (No Public Hearing Required)

1. A Resolution of the City Council of the City of Punta Gorda, Florida, requesting the Governor of Florida, through executive order or other powers available under the law, to activate all available state and local emergency and relief resources and mechanisms for the benefit of homeowners impacted by imported drywall, including but not limited to requesting immediate federal assistance through the Federal Emergency Management Agency or other agency of the United States Government; and providing an effective date.

APPROVED

III. CONSENT AGENDA

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If a member of the Council desires discussion, that item(s) will be removed from the Consent Agenda and considered separately.

A. CITY CLERK

1. Approval of Minutes:

- a. Regular Meeting of February 3, 2010

APPROVED

- b. Town Hall Meeting of February 4, 2010

APPROVED

B. FINANCE DEPARTMENT

1. Contract award to Bonness Inc. of Port Charlotte, FL for West Retta Esplanade Improvements **APPROVED**

C. CITY ATTORNEY

1. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., from January 12, 2010 through February 9, 2010 **APPROVED**
2. Statements of Martella Law Firm, P.L. for services rendered in December 2009 and January 2010 **APPROVED**

D. POLICE DEPARTMENT

1. Grant approval Request – Byrne/JAG Law Enforcement Grant (OSSI Resource Monitors) **APPROVED**
2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement between Charlotte County and the City of Punta Gorda for the lease of digital in-car video equipment; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date **APPROVED**

E. GROWTH MANAGEMENT DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution 2811-09 and establishing the fees for permits issued by the Fire Prevention Division **APPROVED**

REGULAR AGENDA

IV. UNFINISHED BUSINESS

- A. Noise Abatement around Hounds on Henry Dog Park **PARK HOURS TO BE ENFORCED WHILE ALTERNATE SITES ARE RESEARCHED**

V. NEW BUSINESS

- A. Discussion regarding watercraft storage permits being used on a consecutive basis **DIRECTION PROVIDED TO STAFF TO REQUIRE 2 DAYS BETWEEN PERMITS**

VI. RECOMMENDATIONS FROM CITY OFFICERS

- A. City Manager
 - 1. Discussion of agenda items for March 12, 2010 Joint Meeting with Charlotte County Board of County Commissioners
- B. City Attorney
- C. City Clerk

VII. BOARDS AND COMMITTEES

- A. Announcement of Vacancies
 - 1. Building Board – Alternate **ANNOUNCED**
 - 2. Historic Preservation Advisory Board **ANNOUNCED**
 - 3. Code Enforcement Board – Alternate **ANNOUNCED**
 - 4. General Employees' Pension Board **ANNOUNCED**
- B. Nominations
 - 1. Code Enforcement Board – Alternate **ALL PARTIES NOMINATED**
- C. Appointments
 - 1. Board of Zoning Appeals **ROBERT SWEEN APPT.**
 - 2. Planning Commission – Alternate **CHARLES THOMAS APPT.**
 - 3. Police Officers' Pension Board **DAVID ROBERTSON APPT.**
 - 4. Punta Gorda Isles Canal Advisory Committee **DAVID MCBRIDE APPT.**

VIII. POLICY AND LEGISLATION

- A. Mayor
- B. Councilmember Comments

IX. CITIZENS' COMMENTS

NOTE: Anyone wishing to address the Council may do so at this time. Those who choose to speak must state their name for the record. Citizens will be allowed no more than three (3) minutes to express their opinion.

X. ADJOURNMENT

At public hearings, any member of the audience who wishes to speak will be recognized and heard.

If a person decides to appeal any decision made by the City Council, such person will need a record of proceedings, and for such purpose the person may need to ensure that a verbatim record of proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, special accommodations may be made by contacting the Office of the City Clerk at (941) 575-3369.