



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JULY 1, 2010 9:00 A.M.**

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

**COUNCILMEMBERS EXCUSED:** Goldberg

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

**Acting Mayor Albers** called the meeting to order at 8:30 a.m.

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

**PROCLAMATIONS/PRESENTATIONS**

**10 Year Service Award - Rob Lewandowski, Fire Department**

City Manager Kunik presented the award to Mr. Lewandowski.

Mr. Rob Hancock, Fire Chief, spoke of Mr. Lewandowski's years with the department.

**15 Year Service Award - Tracy Quintana, Public Works**

City Manager Kunik presented the award to Ms. Quintana.

Mr. Rick Keeney, Public Works Director, spoke of Ms. Quintana's years with the City.

**30 Year Service Award- Roy Noble, Fleet Maintenance**

City Manager Kunik presented the award to Mr. Noble.

Mr. Tom Jackson, Utility Director, spoke of Mr. Noble's years with the City.

**NOTE: Councilmember McCormick arrived to the meeting at 8:37 a.m.**

**PUBLIC HEARINGS**

**An Ordinance of the City of Punta Gorda, Florida, amending Chapter 10, Code Of Ordinances, City of Punta Gorda, Florida, "Solid Waste, Yard Waste, Public Nuisances", Article II, "Solid Waste"; amending Section 10-3.1, "Definitions"; amending Section 10-4.2, "Recycling Bins"; amending Section 10-7, "Disposal"; amending Section 10-8, "Unlawful Acts"; amending Section 10-9. "Fees for Removal and Disposal - Generally"; providing for conflict and severability; and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title, explaining same had been revised to provide enforcement of the unlawful acts by citation rather than the customary Code Enforcement method.

**Acting Mayor Albers** called three times for public hearing.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

#### **QUASI-JUDICIAL PUBLIC HEARINGS**

**FV-02-10 – Grant a variance, pursuant to City of Punta Gorda, Florida Code of Ordinances, Chapter 26, Article 14, Section 14.8, to allow limited occupation of the display area of the Herald Court Centre for use as an Artist’s Atelier which is in an existing structure located at Block 33, Lots 11 through 19, PUG, a/k/a , 117 Herald Court, Punta Gorda, Florida, for a FEMA variance of three feet to allow the structure to be 6.0 feet above mean sea level, instead of 9.0 feet above mean sea level, the required base flood elevation for the property. Legal: Block 33, Lots 11 through a portion of Lot 19, and vacated adjacent vacated alley, PUG, as recorded in Plat Book 1, Page 21 of the Public Records of Charlotte County, Florida. A/K/A: 117 Herald Court, Punta Gorda, Florida**

**WITHDRAWN**

**Acting Mayor Albers** advised the variance request had been amended and was scheduled to be heard on August 18, 2010.

#### **ORDINANCE/RESOLUTION**

##### **No Public Hearing Required**

**A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing the City Manager to enter into a Local Agency Program (LAP) Agreement with the Florida Department of Transportation for hardscape improvements located on Olympia Avenue between US 41 northbound and US 41 southbound within the City of Punta Gorda, Florida; and providing an effective date.**

City Attorney Levin read the resolution by title.

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

**MOTION UNANIMOUSLY CARRIED.**

**ZA-09-10 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, City of Punta Gorda, Florida Code of Ordinances, known as “The Land Development Regulations”, Article 11, Sign Standards, amending Section 11.1. Purpose and Intent; amending Subsections 11.2 (a)(1), (a)(2), and (a)(3), adding**

Subsections 11.2 (h), (i), and (j); amending Section 11.3, Subsections 11.3(c), (d), (f), (g), (k), (l), (o), and (p), regarding permitted signs; amending Section 11.4 regarding projecting and suspended signs; repealing the sunset provisions of Ordinances 1562-08 and 1573-08; amending Section 11.6 prohibited signs and devices adding 11.6 (j), (k), (l), (m) and (n); adding Section 11.12 definitions; amending Chapter 26, Article 19, Section 19.3. deleting definitions for signs and renumbering accordingly; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

#### CONSENT AGENDA

**Councilmember Friedman** pulled item C-1, commenting he felt with the amount of taxes being paid to the School Board, the agreement should be weighted more in favor of the City. He suggested future negotiations consider the fact that the City should not bear the bulk of funding the School Resource Officers. He suggested same be discussed at a future meeting.

Councilmember Friedman **MOVED** approval of the consent agenda, **SECONDED** by Councilmember McCormick.

**MOTION UNANIMOUSLY CARRIED.**

#### **A. CITY CLERK**

1. Approval of Minutes: Regular Meeting of June 16, 2010

#### **B. FINANCE DEPARTMENT**

1. Contract award to Weiler Engineering Corp of Port Charlotte for Design/Engineering services for Linear Park Phase 4 (Shreve Street Multi-Use Recreational Trail)

#### **C. POLICE DEPARTMENT**

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving an Agreement between the School Board of Charlotte County, Florida and the City Council for the City of Punta Gorda, Florida regarding the School Resource Officer Program for the term July 1, 2010 through June 30, 2011; authorizing the Mayor to execute the Agreement on behalf of the City; and providing an effective date.

#### **D. GROWTH MANAGEMENT DEPARTMENT**

1. A Resolution of the City of Punta Gorda, Florida, authorizing the City Manager to approve revisions to City of Punta Gorda Parks & Recreation Master Plan Design Standards

**E. LEGAL DEPARTMENT**

1. Statements of the Farr Law Firm for services rendered in May 2010
2. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., from June 10, 2010 through June 28, 2010

## UNFINISHED BUSINESS

### Discussion regarding Above Ground Pools and Kiddie Pools in the Special Residential Overlay District

Mr. David Hilston, Urban Design Manager, explained when Ordinance 1629-10 was adopted, kiddie pools were restricted to lanais or decks, adding no clear definition of kiddie pool was included. He provided options for defining same as well as the Florida Residential Building Code's definition, as delineated in the agenda material. He further explained a request had been made to locate a swimming pool on the grass for safety reasons, noting same would remain for only a limited time such as 72 hours. He requested direction from members.

**Acting Mayor Albers** recalled prior discussions which resulted in prohibiting kiddie pools on the grass, stating he was not in favor of changing same.

**Councilmember McCormick** commented not all homes had lanais.

Mr. Hilston recalled the concern related to larger pools.

**Acting Mayor Albers** stated a definition of kiddie pools was necessary.

Consensus of members was to maintain the prohibition of locating kiddie pools on grass and to define kiddie pools.

Councilmember Wallace **MOVED** to utilize the second definition, as delineated in the agenda material, **SECONDED** by Councilmember McCormick.

**MOTION UNANIMOUSLY CARRIED.**

## NEW BUSINESS

### City of Punta Gorda Comprehensive Plan 2025, Evaluation and Appraisal Report (EAR) Presentation

Ms. Joan LeBeau, Chief Planner, displayed a PowerPoint presentation, stating adoption of an EAR was required by the State once every seven years, basically providing an assessment of the Comprehensive Plan. She explained an EAR was the principle process for updating local comprehensive plans, adding it reflected changes in local conditions. She continued an EAR would include State policies on planning and growth management and evaluate how the community had addressed major planning issues through implementation of its Comprehensive Plan. She noted the EAR also suggested how the Comprehensive Plan should be revised to address community objectives, reflecting changing conditions and trends and account for changes in State requirements. She advised a Comprehensive Plan must be "fluid" in order to be of benefit. She announced the community's role was critical to the entire process in order to identify major issues, citing "no safe pedestrian crossing on U.S. 41" as an example. She provided a brief review of the following elements of the Comprehensive Plan:

Future Land Use; Transportation; Recreation & Open Space; Conservation & Coastal Management; Capital Improvements. She mentioned the Conservation and Coastal Management Elements may be separated, adding staff would also address climate adaptation. She announced public workshops would be held on July 15, 2010.

**Councilmember Wallace** complimented staff, stating focusing on the downtown area and annexation was important.

**Councilmember McCormick** commented on the focus toward agricultural uses.

**Charlotte County-Punta Gorda Metropolitan Planning Organization (MPO) Project Priority List FY 2015/2016**

City Manager Kunik drew members' attention to the list, as delineated in the agenda material, stating while submission of the list did not obligate the City to fund the projects, Council approval to include them on the MPO five year project list was being requested.

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

**MOTION UNANIMOUSLY CARRIED.**

**Fiscal Year 2011 Budget Discussion**

City Manager Kunik advised the information would be updated based upon recent information regarding property values. He then displayed a PowerPoint presentation, as delineated in the agenda material, providing an overview of the general fund and utility budgets, stating the other funds were balanced at this time. He stated the general fund, assuming the same millage rate and a 10% reduction in property values would realize no gap in revenues. He displayed a graph denoting various reductions in taxable value and the necessary millage rate, stating the Property Appraiser had indicated a decrease of 8.4%. He stated to provide funding for paving an additional mill levy of .1531 would be necessary. He then advised if an interlocal agreement was not in place for the City's allocation of the 6 cent gas tax a mill levy would be necessary to replace the loss of \$120,000. He then proposed a millage rate of 2.6996, with .1531 for paving, stating based on that policy, the millage rate could be 2.7683 for fiscal year 2011. He stated same was 2.5% above the current rate and provided for the five year paving program. He stated the roll forward rate would be 2.9725 which was 8.4% over the current millage rate, thus the proposed rate would bring in less tax revenue than the previous year. He then displayed a chart denoting the effect of the proposed millage rate on various property owners, noting many would be at parity which would provide for a decrease in taxes. He advised all charts would be updated to reflect the recent property tax values. He stated consideration must be given toward the gas tax

interlocal agreement, decrease in property tax collections due to foreclosure, and the large decrease in values within the Community Redevelopment Agency (CRA) area.

**Acting Mayor Albers** inquired if members were willing to consider Advanced Life Support (ALS) with the ability to use the roll forward millage rate to gain additional revenues, adding same could be commenced at one station.

**Councilmember Friedman** suggested members be provided with the costs for same for consideration. He then stated utilizing an additional \$100,000 from reserves would enable levying a lower millage rate while maintaining a five percent reserve. He estimated 80% of property owners would realize a decrease in taxes.

**Councilmember Wallace** supported the use of reserves, asking how the interlocal agreement would be realized.

City Manager Kunik responded a list of County roads within the City had been provided and amended by the City, stating discussions would be undertaken with County staff toward approval of same.

**Councilmember Wallace** stated if the agreement came to fruition, the funds should be utilized for the City's paving program so as not to increase the millage rate for same.

**Councilmember McCormick** stated he felt citizens approved of the increased millage for paving as same was of value.

City Manager Kunik then addressed the utility budget, stating operating costs had been reduced, resulting in a balanced budget. He reported the number of employees at the end of 2011 would be reduced to 265, noting most reductions were through attrition. He concluded updated charts would be provided prior to the next meeting, wherein a tentative millage rate would be set.

**Councilmember McCormick** stated he had heard comments toward the lack of maintenance and upkeep of certain landscaped areas, asking if same should be considered.

City Manager Kunik acknowledged the loss of employees in those areas.

**Councilmember Friedman** suggested the use of outside contractors for some areas, noting same would be less costly than increasing the number of employees. He noted members had focused on not compromising the quality of life or level of service when making budget cuts.

**Councilmember McCormick** requested funding be provided to address the maintenance issues.

City Manager Kunik then mentioned the 14.2% decrease in property values in the CRA area, noting staff's proforma considered a 5% decrease. He stated staff would be looking into the cause of same and ensuring new construction had been included. He

stated if the decrease were accurate, \$266,000 in funding would be lost if the millage rate remained the same.

**Councilmember Friedman** opined the impact would relate to new projects which would have to be delayed.

### **RECOMMENDATIONS FROM CITY OFFICERS**

#### **CITY MANAGER**

City Manager Kunik reported Charlotte County's Neighborhood Stabilization Program options, a presentation by the Punta Gorda Boater's Alliance and the inclusion of an option to renew for the Subway lease would be added to the July 7, 2010 agenda.

#### **CITY CLERK**

#### **Designation of Voting Delegate for Florida League of Cities' Annual Conference**

Consensus of members was to nominate Councilmember Wallace as the voting delegate and Vice Mayor Albers as alternate.

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Building Board Alternate

City Clerk Foster announced the vacancy.

Planning Commission Alternate (2)

City Clerk Foster announced the vacancies.

Punta Gorda Isles Canal Advisory Committee

City Clerk Foster announced the vacancy.

#### **Nominations**

Building Board (2)

Councilmember Friedman **MOVED** to nominate and appoint Mr. Howard and to continue the remaining vacancy, **SECONDED** by Councilmember Wallace.

#### **MOTION UNANIMOUSLY CARRIED.**

Historic Preservation Advisory Board

Councilmember Friedman **MOVED** to nominate and appoint Mr. Bower, **SECONDED** by Councilmember Wallace.

#### **MOTION UNANIMOUSLY CARRIED.**

#### **Appointments**

There were none.

### **POLICY AND LEGISLATION**

**ALBERS:** Commented on the proposed two day watering schedule proposed by the Southwest Florida Water Management District (SWFWMD) which changed the denoted

days which people had become accustomed to, suggesting those days be maintained with an addition of a second day.

Consensus of members was to concur.

City Manager Kunik advised same would be placed on the City's website to inform citizens.

### CITIZENS' COMMENTS

Mr. Jay Buckley, Boater's Alliance, voiced displeasure at the reluctance of members to hear the Boater's Alliance presentation. He advised members had been told to make their presentation at the end of the previous meeting, wherein they were told they would have to wait to get on the agenda. He commented on the economic gains which could be realized from changes to the Harborwalk plans being proposed by the boater's alliance.

Discussion ensued with regard to the public discussions and workshops held during the formation of the Harborwalk plans.

**Acting Mayor Albers** suggested the Boater's Alliance presentation be heard prior to the 60% plan presentation by Weiler Engineering.

Mr. Buckley offered the Alliance's assistance in seeking grant funds.

Mr. John Chalifoux inquired if future year millage rate increases would be necessary to replace the reserve funds being proposed for budget balancing this year.

**Councilmember Friedman** responded affirmatively; however, the economic situation and budget expenditures being less than proposed would temper same.

Mr. Chalifoux asked if the Swimming Pool Safety code had been considered when requiring kiddie pools to be located on the lanai.

**Acting Mayor Albers** advised the ordinance indicated all State Codes must be followed.

Ms. Teri Tubbs, Zoning Official, explained the Building Code did not come into effect with pools of less than 24 inches.

Mr. Ray Rose recalled a discussion in previous years where a concern was raised that reducing the millage rate affected the future ability to increase same should it become necessary.

**Councilmember Friedman** responded affirmatively, adding same related to the tax revenues.

Discussion ensued with regard to budgeting options.

Ms. Kim Byrne commented Ms. Tubbs had assisted her with regard to the kiddie pool issue; however, she felt the regulation was somewhat extreme. She spoke of the poor economy, stating the option of above ground pools should be considered for those

who could not afford in-ground pools. She requested other options besides screened lanais be considered for kiddie pools.

City Attorney Levin stated the ordinance did not specify screened lanais, but rather a screen or deck meeting setback requirements.

Ms. Tubbs reiterated a kiddie pool did not meet the definition of swimming pool per the Building Code thus screening or fencing would not be required, nor was it required by the City's ordinance.

**Acting Mayor Albers** recalled members approved requiring a kiddie pool or spa to be located on a screened lanai.

Ms. Tubbs acknowledged same was discussed; however, the end result allowed screening or fencing.

City Attorney Levin reiterated the ordinance was silent with regard to screening or fencing.

**Councilmember Friedman** stated he felt the lanai requirement was for privacy so as not to have the pool located on the lawn, adding he did not feel screening was necessary.

Councilmember Friedman **MOVED** to amend the ordinance only to define kiddie pools, **SECONDED** by Councilmember McCormick.

**MOTION UNANIMOUSLY CARRIED.**

The meeting was adjourned at 10:21 a.m.

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Mayor

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City Clerk