



Regular City Council Meeting
CITY OF PUNTA GORDA, FLORIDA
Council Chambers
August 18, 2010, 9:00 a.m.

CITY COUNCIL

Harvey Goldberg, Mayor

William 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. PROCLAMATION/PRESENTATIONS

A. Proclamations

B. Presentations

1. Introduction of Board/Committee Nominees

2. Police 2010 Jammers Youth Basketball League Recognition

PRESENTED

II. COMMUNITY REDEVELOPMENT AGENCY

- A. Roll Call
- B. Approval of Minutes
 - 1. Regular CRA Meeting of August 4, 2010 **APPROVED 7-0**

C. Other CRA Business

- 1. Discussion of Commercial Lease with Creative Circle, LLC for a ceramic studio and retail space in Herald Court Centre **APPROVED AS MODIFIED 7-0**

CHAIRMAN AUTHORIZED TO SIGN

- 2. Request by Florida Gulf Coast University to allow signage that is not in conformance with the Uniform Sign Plan as was approved for Herald Court Centre and a request for public information directional signage.

**SIGNS APPROVED FOR FGCU
ENTRY & COURTYARD; DENIED FOR
GARAGE ENTRY & TOWER 7-0**

D. Citizen Comments

E. Commissioner Comments

III -A. PUBLIC HEARINGS

- 1. **CCSP 01-10** -Petition for special permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to install one (1) 2' x 13' angled concrete finger dock and six (6) dolphin piles at Lot 8, Block 1, Section 1, AKA 160 Donna Court and Lot 7, Block 1, Section 1, AKA 1870 West Marion Avenue, Punta Gorda, Florida 33950

DENIED 4-0

- 2. An Ordinance of the City of Punta Gorda, Florida, amending Chapter 24, Code of Ordinances, City of Punta Gorda, Florida, titled "Trailers and Trailer Parks", correcting the reference to Chapter 518, Florida Statutes; amending Chapter 24, Article I, Section 24-1, Code of Ordinances, City of Punta Gorda, Florida to provide a new definition for the term trailers; amending Chapter 24, Article I, Section 24-2, Code of Ordinances, City of Punta Gorda, Florida relating to time and use restrictions for parking trailers on public streets; amending Chapter 24, Article I, Section 24-3, Code of Ordinances, City of Punta Gorda, Florida relating to parking of detachable trailers on public streets; amending Chapter 24, Article I, Section 24-4, Code of Ordinances, City of Punta Gorda, Florida relating to interference with traffic; amending Chapter 24, Article I, Section 24-6, Code of Ordinances, City of Punta Gorda, Florida relating to use of trailers for office or business purposes; amending Chapter 24, Article I, Section 24-7, Code of Ordinances, City of Punta Gorda, Florida relating to application of provisions to trailers within the Special Overlay District and on commercially zoned property; providing for conflict and severability; and providing an effective date.

First Reading

APPROVED AS AMENDED 5-0

- 3. An Ordinance of the City of Punta Gorda, Florida, amending Chapter 14, Code Of Ordinances, City of Punta Gorda, Florida, regarding "Noises" by amending Section 14-4, "Application", providing allowances for normal and customary operation of various

electrical or mechanical equipment, limiting the hours that such equipment may be operated, providing limits to the application of noise regulations, and providing for uses that may occur at all hours; providing for conflict and severability; and providing an effective date.

First Reading

APPROVED AS AMENDED 5-0

4. **ZA-11-10** -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 16, Application Review and Approval Requirements, amending Section 16.3, Application for Certificate of Appropriateness; amending Subsection 16.3(e) decisions on Certificate of Appropriateness applications providing for decision-making by the Zoning Official in the event the Historic Preservation Advisory Board fails to hold a required meeting; providing for conflict and severability; and providing an effective date.

First Reading

**DENIED 5-0; STAFF TO MAKE PROVISIONS
FOR 2 ALTERNATE MEMBERS**

5. **ZA-13-10**– An Ordinance of the City of Punta Gorda, Florida, amending, Chapter 26, Code of Ordinances, City of Punta Gorda, Florida, known as "The Land Development Regulations", amending, Chapter 26, Article 8, Section 8.10, Code Of Ordinances, City of Punta Gorda, Florida section relating to the parking of trucks, trailers and travel trailers, correcting an outdated reference and scrivener's error therein; clarifying prohibitions against the parking of certain vehicles on the right-of-way within residentially zoned property; clarifying prohibitions against overnight parking in non-residential zoning districts; providing exemptions from the parking prohibitions; allowing for the issuance of a temporary use permit to authorize parking otherwise prohibited; providing for conflict and severability; and providing an effective date.

First Reading

APPROVED 5-0

III -B. QUASI-JUDICIAL PUBLIC HEARINGS

1. FV-02-10 – Grant a variance, pursuant to City of Punta Gorda, Florida Code of Ordinances, Chapter 26, Article 14, Section 14.11, to allow limited occupation of the display area only as depicted in exhibit A, for the sole use as an Artist's Atelier, of the Herald Court Centre which is in an existing structure located at Block 33, Lots 11 through 19, PUG, a/k/a, 117 Herald Court, Punta Gorda, Florida. This variance is to allow for limited use only as stated in this variance.

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

APPROVED 5-0

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

1. An Ordinance of the City of Punta Gorda, Florida, amending Chapter 20, Code of Ordinances, City of Punta Gorda, Florida, "Streets & Sidewalks", amending Section 20-4, "Newsracks", to correct scrivener errors and clarify existing regulations; providing for conflict and severability; and providing an effective date. **Second Reading**

APPROVED 5-0

IV. 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'S DEPARTMENT

1. Approval of Regular City Council Meeting Minutes of August 4, 2010

APPROVED 5-0

2. A Resolution of the City Council of the City of Punta Gorda, Florida, disbanding the 2010 Charter Review Committee and providing an effective date.

APPROVED 5-0

B. GROWTH MANAGEMENT DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, supporting the Southwest Florida Regional Planning Council's (SWFRPC) application for the Sustainable Communities Regional Planning Grant Application under the Federal Sustainable Communities Initiative and establishing a Working Partnership Agreement with Public, Private, Non-Profit, and Civic Organizations for a Regional Plan for Sustainable Communities; and authorizing the Mayor to execute a Letter of Support to the Southwest Florida Regional Planning Council's (SWFRPC)

APPROVED 5-0

C. POLICE DEPARTMENT

1. Investigative and Evidence Fund

APPROVED 5-0

D. LEGAL DEPARTMENT

1. Statement of John A. Makhholm, P.A. for services rendered in July 2010

APPROVED 5-0

2. Statement of Martella Law Firm, P.L. for services rendered in July 2010

APPROVED 5-0

REGULAR AGENDA

V. UNFINISHED BUSINESS

- A. Henry Street at Marion Avenue -Traffic Safety

APPROVAL OF STAFF RECOMMENDATION 5-0

- B. Discussion of Charlotte County-Punta Gorda Metropolitan Planning Organization (MPO) Board Composition

DIRECTION TO PROCEED WITH PETITION TO GOVERNOR TO MODIFY THE COMPOSITION OF MEMBERS

- C. Employee Pension Plans-Discussion regarding research for making changes to the three pension plans for future employees

APPROVAL OF EXPENDITURE FOR STUDIES

VI. NEW BUSINESS

- A. Discussion regarding a change in the hours for the sale of alcoholic beverages.

DIRECTION TO STAFF TO AMEND ORDINANCE TO PROVIDE FOR THE SAME HOURS ON SUNDAY AS OTHER DAYS

- B. Magdalena Drive and Bal Harbor Boulevard Projects -Timing of Projects

MAGDALINA WORK TO FOLLOW COMPLETION OF AQUI ESTA; BAL HARBOR DELAYED UNTIL AFTER EASTER

- C. Request from Old Punta Gorda, Inc. to amend the permitted uses as outlined in the Lease for History Park

DIRECTION TO STAFF TO AMEND LEASE

- D. Request by Smuggler's Enterprises for a reduction in fees for the 'Haunting on the Harbor' 3-day event in Laishley Park -October 29 – 31, 2010, set-up begins October 26 and continues until October 28. **APPROVED 5-0**

VII. RECOMMENDATION FROM CITY OFFICERS

- A. City Manager

- B. City Attorney

- C. City Clerk

- 1. Appointment to Tourist Development Council **CHRIS EVANS APPT.**

VIII. BOARDS AND COMMITTEES

- A. Announcement of Vacancies

- 1. Board of Zoning Appeals **ALL VACANCIES ANNOUNCED**

- 2. Building Board Alternate

3. Burnt Store Isles Canal Advisory Committee
4. Code Enforcement Board
5. Code Enforcement Board
6. Historic Preservation Advisory Board
7. Utility Advisory Board

B. Nominations

1. Board of Zoning Appeals **ALL PARTIES NOMINATED**

IX. POLICY AND LEGISLATION

- A. Mayor
- B. Council Member Comments

X. 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.

XI. 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.

