



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

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

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

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

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

PROCLAMATION/PRESENTATIONS

Introduction of Board/Committee Nominees

Mr. Charles Council introduced himself as a nominee for Board of Zoning Appeals (BZA) and Code Enforcement Board (CEB).

Ms. Carol Perry introduced herself as a nominee for the BZA and CEB.

2012 Combined World Disabled Sailing Championships - Brian Gleason

Mr. Gleason stated Charlotte Harbor was chosen to host the 2012 Disabled Sailing World Championships, a ten day event to be held at Laishley Park. He drew members' attention to the press release, as delineated in the agenda material, mentioning the value of exposure to the area. He then provided a brief background of the disabled sailing organization, adding the event would be a large undertaking, requiring much assistance from the community. He anticipated approximately 250 participants, adding he had been told the event could generate \$400,000 in direct spending. He requested authorization to hold the event in Laishley Park and to have the event fees waived.

Mayor Goldberg inquired if the Charlotte County Tourism Bureau would be actively promoting the event.

Mr. Gleason responded affirmatively.

Mayor Goldberg inquired as to the area in Laishley Park that would be needed.

Mr. Gleason responded the pavilions, the area near same for parking and an area for storage pods. He expressed uncertainty as to whether the grass areas would be

necessary, adding it may be necessary to have storage areas for the large containers that housed the equipment.

Mayor Goldberg asked if the launching facilities would be from the boat ramp or the seawall.

Mr. Gleason responded one class would launch from the Charlotte Harbor Yacht Club while others would be launched with a portable lift from the end of the Laishley Park dock or a piling mounted lift. He advised same would be determined based upon cost.

Mayor Goldberg stated the rental costs for the pavilions and community room were nominal; however, rental costs for the park were much higher.

Councilmember Wallace spoke in favor of the event.

Councilmember Wallace **MOVED** to direct staff to develop the costs of sponsorship.

Motion **DIED** for lack of **SECOND**.

Discussion ensued with regard to exposure from the event.

Mayor Goldberg asked when a plan would be developed that would denote specifically what areas of the park would be necessary and the amount of the City's involvement that would be required.

Mr. Gleason stated his board would be meeting soon, adding a preliminary walkthrough of the park showed it may be necessary for temporary floating docks as the elevation of the park's docks were not optimal for the necessary access.

Mayor Goldberg pointed out usage of marina slips must be considered as it would be during the busy season.

Mr. Gleason suggested some of the tenants could be moved to the east mooring field during the event if construction of same was completed. He then mentioned the area near the pump-out station and day docks.

Councilmember Albers opined the event had great potential; however, much more information was necessary. He reminded members there were many other large organizations that put on events in the park, thus members must be careful about waiving fees for one organization.

Mr. Gleason stated he felt the difference in this event was that it met one of the City's strategic goals.

Councilmember Friedman suggested the request be added to a future agenda when additional information was available. He voiced opposition in waiving fees, adding he felt sponsorship of a certain amount of funding was more appropriate. He stated an alternate option was to develop criteria to be considered when requests were made to have fees waived.

Mayor Goldberg concurred with the use of criteria for future requests.

Mr. Gleason then introduced members of the board.

Mayor Goldberg mentioned various factors to be considered such as liability, safety and security.

Mr. Gleason stated additional insurance would be purchased for the event.

Ms. Becky Bovell, Charlotte County Tourism Director, stated they had been working for many years to establish Charlotte Harbor as a venue for sporting events, adding the proposed event demonstrated the success of those efforts. She expressed the Tourism Bureau's support of the proposed event.

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

ORDINANCE/RESOLUTION

No Public Hearing Required

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.

SECOND READING

City Attorney Levin read the ordinance by title.

NOTE: Councilmember McCormick returned to the meeting at 9:59 a.m.

Ms. Teri Tubbs, Zoning Official, reported a citizen had inquired if the ordinance would make it illegal to park along Ponce de Leon Parkway as same was the practice when the boat trailer spaces were all occupied. She stated it would cause same to become illegal, displaying a proposed amendment to exempt Ponce de Leon Parkway from the ordinance.

Mayor Goldberg voiced support of same.

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

MOTION UNANIMOUSLY CARRIED.

Consensus of members was to place signs on the side of the roadway with the sidewalk, prohibiting parking of trailers.

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. **SECOND READING**

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

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. **SECOND READING**

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Albers pulled item B-1.

City Manager Kunik stated the intent of the item was to provide assistance to staff to properly create space plans for the parks and facilities, explaining same would include placement of equipment and stages for events. He stated if approved, the consultant

would be hired to develop appropriate layouts for each park and facility and to survey the City's fee schedule in comparison to other areas.

Councilmember McCormick recalled his site plan for a previous event which worked well, adding a subsequent event was not as successful. He voiced support of the proposition.

Mayor Goldberg inquired if this would be a service offered to the event organizers or if it would be the required layout.

Mr. Dennis Murphy, Growth Management Director, stated it would be dependent on the condition of the park from previous events. He commented it was hoped to have multiple layouts that would conform to various types of layouts. He stated same was also to protect the grass areas within the parks.

Discussion ensued with regard to repetitive use of the parks and the damage to grass areas.

Councilmember Albers opined same could be done in-house.

Councilmember Friedman questioned the value, recalling times when staff did not utilize what was provided by a consultant.

Mr. Murphy reiterated staff did not feel they had the expertise to undertake this project.

Mayor Goldberg stated he felt the Development Review Committee (DRC) did a good job of reviewing event applications, commenting on the many various types of events.

Councilmember McCormick reiterated he felt the various layouts that would be provided would be a useful tool.

Councilmember Albers questioned whether staff could provide the information.

Councilmember McCormick responded they had not done so in the past, reiterating there were so many event types that the information would be useful.

Mr. Chris Evans, Marina Park, questioned the funding.

City Manager Kunik responded same was estimated at approximately \$6,000.

Mr. Evans stated if Council did not approve the funding, he felt staff, the DRC and his organization could work together to provide several options for Laishley Park. He acknowledged same was a large amount of money to expend for same.

City Manager Kunik pointed out the proposal was for all City parks and facilities.

Councilmember Albers reiterated same should be done in-house.

Councilmember Albers **MOVED** to deny Item B-1, **SECONDED** by Councilmember Wallace.

VOTING AYE: Friedman, Albers, Wallace, Goldberg.

VOTING NAY: McCormick.

MOTION CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Friedman then advised the legal costs had increased over the past few years to be in the \$190,000 range annually. He stated he felt it was owed to the tax payers to consider the increase. He then mentioned the delay in some legal issues which occurred in an attempt to meet the budget. He then suggested the following choices; accept the current costs for legal counsel; require the City Attorney to expedite work regardless of the cost or to examine the current provision of a part time attorney with consideration of a full time attorney. He stated he felt members should give consideration to any of the options in order to provide prudent fiscal management. He stated if members concurred, a discussion should be added to the upcoming agenda.

Mayor Goldberg clarified the costs mentioned included CRA.

Councilmember Albers stated there were instances when a larger legal issue was delayed by day to day work, adding he felt members should be informed of same. He suggested the use of a priority list which included the estimated amount of time to complete the work. He stated that was his only concern, opining the City had been provided with good legal assistance. He mentioned a list that had been prepared previously of certain items that would be eliminated from the attorney's work load, suggesting same be revisited to determine if there were additional items.

Mayor Goldberg spoke of the valuable legal assistance provided by the City Attorney; however, he felt it prudent to evaluate the budget expenditures.

Councilmember McCormick acknowledged the expenditure was somewhat large; however, legal service was based upon priorities set by City Council.

Councilmember Wallace stated he felt there was merit in having a full time in-house attorney.

Councilmember Friedman repeated his suggestion to discuss various options and the associated costs.

City Attorney Levin provided an overview of his services, adding he could work with the City Manager to better prioritize his work load.

Consensus of members was to add a discussion of legal costs and possible alternatives to a future agenda.

A. CITY CLERK'S OFFICE

1. Regular Meeting of August 18, 2010

B. GROWTH MANAGEMENT DEPARTMENT

1. Consultant/designer to complete space plans for the City's parks and various public facilities.

C. LEGAL DEPARTMENT

1. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., from June 28, 2010 through August 23, 2010
2. Statement of John A. Makhholm, P.A. for services rendered in July 2010
3. Statement of Martella Law Firm, P.L. for services rendered in July 2010
4. Monthly Litigation Report

UNFINISHED BUSINESS

Discussion regarding Sewage Pump-out Boat and Clean Vessel Act Grant Application

Mr. Jay Buckley, Waterfront Development Advisory Committee (WDAC) member, drew members' attention to the agenda material, stating the proforma should include \$4,000 for the peristaltic pump as same was preferred. He then provided detail on specifications he felt the City should look for. He opined publication of the boat's availability would assist with the City being known as a boating destination. He then mentioned various grant funding opportunities, including funds for maintenance and operation. He stated other areas were operating the vessel two to three days per week for two to three hours a day. He concluded the City would receive the boat at no cost based upon the anticipated grant funds.

Mayor Goldberg recalled Council had decided not to purchase a pump out boat until required by the Department of Environmental Protection (DEP). He asked what had changed since that time.

Mr. Buckley stated he felt what had changed was the publicity as a boating destination.

Councilmember Friedman responded same had been indicated previously.

Councilmember Wallace recalled it had been mentioned the grant funding may not be available if the purchase were delayed.

Councilmember Friedman opined there was no way of knowing same.

Councilmember Wallace mentioned all four beaches in the County were closed the previous weekend because of contaminated water, stating he felt the City should take a leadership role in protecting the harbor.

Councilmember Albers recalled the idea of a pump out boat initiated with Best Western's plan to construct a pump out facility, which was planned at least five years in the future. He stated the idea the arose to utilize a boat in lieu of a fixed facility as same could service their marina and the west mooring field, adding the City felt same

was a good idea and if grant funding were available, the City could partner with them. He maintained the City had no idea of how widely used the east mooring field would be, thus he felt it was premature to consider purchasing the boat at this time. He reiterated the cost to move the boat around the harbor must also be considered, adding there were pump out facilities at Laishley Park and Fishermen's Village which were available to the public.

Discussion ensued with regard to timing of the west mooring field.

Councilmember Friedman stated he also did not feel anything had changed since the previous discussion regarding purchase of the boat. He stated pumping on the Charlotte Harbor side of the harbor was not the City's responsibility and should not be used to justify the purchase of same.

Ms. Patti Allen, Fishermen's Village, clarified they had added dingy docks when their marina was reconstructed in hopes the mooring field would be located in front of their facility. She stated there had been intent to include one during construction; however, funds were not available for same.

Mr. Tom Cavanaugh mentioned the thousands of boats in the Punta Gorda canal system which did not have a convenient place to pump out, opining the City should take initiative on a clean canal system and harbor.

Councilmember McCormick stated he would support Councilmember Wallace's desire to move ahead, adding the City had a nationally recognized harbor that should be protected.

Councilmember Albers reiterated the need for the pump out boat had not yet been demonstrated.

Councilmember Wallace suggested members revisit the topic when the east mooring field was constructed and use could be determined.

Consensus of members was to await completion of the east mooring field to determine the need for same based on usage.

Mr. Buckley recommended the City apply to the Marine Advisory Committee (MAC) for a grant for the west mooring field.

Discussion ensued with regard to the possible costs and locations of same, with a consensus to direct staff to research same.

Ms. Allen reiterated if the City constructed a mooring field in front of Fishermen's Village, they would manage same.

Mayor Goldberg asked if members were interested in applying the MAC for funding for the west mooring field.

Councilmember Albers stated the remaining funding was not available, thus he did not feel the grant should be applied for at this time.

Mayor Goldberg opined same would demonstrate if other funding would be available to the City.

Discussion ensued with a consensus for staff to discuss the mooring field with Best Western to determine whether the agreement the City had with them was still viable and to hold further discussions on same.

NOTE: A short break was called at 11:43 a.m.

Evaluation & Appraisal Report Update

Ms. Joan LeBeau, Chief Planner, reported a scoping meeting was held with the Department of Community Affairs (DCA) and other State agencies on August 10, 2010 to discuss the list of major issues identified by citizen input and staff, which would be included in the Evaluation and Appraisal Report (EAR). She advised the list would be submitted to DCA and would be the basis of the EAR which was due on December 1, 2011. She drew members' attention to the list, requesting authorization for submittal to DCA.

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

MOTION UNANIMOUSLY CARRIED.

Discussion regarding permitted fence materials in all residential districts to include the Special Residential Overlay District.

Ms. Tubbs drew members' attention to the photographs of various fence styles and materials, as delineated in the agenda material, seeking direction as to acceptable options. She stated staff recommended the following: all picket in aluminum, wrought iron, vinyl or finished wood which could have a scalloped top providing no point exceeded 4' in height; shadowbox fence material; post and rail; lattice; vinyl coated chain link; finished metal fencing; decorative post with rope or plastic chain and decorative bamboo. She further stated staff recommended welded wire when constructed as part of a permanent fence, regular chain link in rear yards and not visible from any public right-of-way and stockade fencing in areas outside of the Special Residential Overlay (SRO) district.

Councilmember Albers inquired if the shadowbox fencing was preferred by the citizen input.

Ms. Tubbs responded she had included same as an option.

Consensus of Council was to direct staff to prepare an ordinance permitting those items recommended by staff, with exception of shadowbox and lattice fence.

Application to Florida Department of Environmental Protection (FDEP) for Variance for Total Dissolved Solids (TDS)

City Attorney Levin stated he had reviewed the draft application staff had prepared as directed to not engage in any permitting or design work until demand necessitated construction of a reverse osmosis (RO) plant; however, upon review of the Florida Administrative Code (FAC), he felt DEP would require more specific information prior to accepting the request. He advised he had met with the DEP attorney who has suggested a meeting with DEP staff to devise a schedule demonstrating how and when the City would come into compliance with the State's requirements. He suggested an alternative route by applying for a Drinking Water Exemption under FAC.

Councilmember Friedman inquired if a variance was better than an exemption.

City Attorney Levin opined an exemption might provide more latitude as economics could be considered and same could be granted for a longer term.

Consensus of members was to authorize staff to work with DEP staff toward either a variance or an exemption.

NEW BUSINESS

Contract award to Maddox Construction Company of Fort Myers, FL for the renovations of the Laishley Park Community Room.

City Manager Kunik explained quotes had been requested for installation of a dropped ceiling with acoustical tiles, adding the cost for the project would be \$9,210 to be paid from the marina fund and completion would be within 15 days. He requested direction whether to proceed with the lowest bidder to perform the work.

NOTE: Councilmember McCormick left the meeting at 12:08 p.m.

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

MOTION UNANIMOUSLY CARRIED.

NOTE: Councilmember McCormick returned to the meeting at 12:10 p.m.

Review of FY 2011 Strategic Plan Objectives

City Manager Kunik drew members' attention to the input provided, as delineated in the agenda material, stating same could be reviewed this date or members could review same and provide comment for future consideration. He stated once a final list was drafted, he could provide a time line and costs for consideration.

Councilmember Albers suggested the City Manager remove operational issues from the list as same did not belong in a strategic plan, adding members could then review the remaining items.

City Manager Kunik inquired if there were any items members had questions about and would like to discuss this date.

Consensus of members was to await the final list from the City Manager for consideration.

Mayor Goldberg stated he had met with several businessmen who had proposed the City compile a short term committee of local business managers to focus on the City Marketplace and U-Save properties to determine if there were any actions that could be taken to spur development of those properties. He stated it may be possible for same to be explored and brought back for consideration.

Councilmember Albers expressed uncertainty as to what could be done as both properties were privately owned.

Mayor Goldberg stated he felt the feasibility of a committee could be explored and brought back for consideration.

Consensus of members was to add same to the list to be prepared by the City Manager for consideration.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

NovusAGENDA Public View Demonstration

Ms. Liz Meneely, IT Manager, displayed the website for the electronic agenda program, stating same had been purchased to improve the agenda preparation process. She stated IT had been approached by staff with regard to the inefficiencies of the previous process, adding various programs were investigated and Novus Agenda was selected and purchased. She then demonstrated the various features of the program.

Mayor Goldberg inquired when same would be active.

Ms. Meneely responded she was working to link same to the current agenda page.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board - Alternate

City Clerk Foster announced the vacancy.

Burnt Store Isles Canal Advisory Committee

City Clerk Foster announced the vacancy.

Historic Preservation Advisory Board

City Clerk Foster announced the vacancy.

Utility Advisory Board

City Clerk Foster announced the vacancy.

Nominations

Board of Zoning Appeals

Councilmember Friedman **NOMINATED** all interested parties.

Code Enforcement Board (2)

Councilmember Friedman **MOVED** to nominate and appoint Mr. Charles Council and Ms. Carol Perry, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Appointments

Board of Zoning Appeals

Voting forms were distributed.

City Attorney Levin announced Mr. Murtha had received the most votes and was therefore appointed to the Board of Zoning Appeals.

POLICY AND LEGISLATION

WALLACE: Advised the Florida League of Cities had requested he serve on their intergovernmental committee, noting same would entail a few meetings in Orlando.

Consensus of members was to approve same.

Councilmember Wallace mentioned the current hurricane season, requesting an update on the City's preparedness. He then stated representatives of Cooper Street Recreation Center would attend the budget public hearing with regard to their payment of utilities and janitorial services.

Councilmember Albers spoke of the community service provided by Cooper Street, adding it was necessary for them to become self supporting. He suggested the City pay the electric bill, cancel the current cleaning contract and require that they provide their own janitorial services. He added he felt a plan should be provided within four months to demonstrate how they were going to become self sufficient.

Councilmember Wallace pointed out the facility was a City owned building.

CITIZENS' COMMENTS

Mr. Steve Fabian commented on the Blue Mass to be held at Sacred Heart Church for public safety personnel at 4:00 p.m. on September, 11, 2010.

The meeting was adjourned at 12:48 p.m.

Mayor

City Clerk