



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, AUGUST 17, 2011 9:00 A.M.**

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

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

Fishermen's Village Pirates Fest

Mayor Goldberg presented the proclamation to Commodore Pirate Curry. He then mentioned the charity baseball game between the Punta Gorda Police and Fire Departments, held the previous weekend, recognizing both organizations. He reported the Fire Department was the victor.

Charlotte County Youth Sports Complex Feasibility Analysis

Mayor Goldberg introduced Charlotte County Commissioner, Mr. Stephen Deutsch. Mr. Deutsch explained there was a desire to bring jobs and activities for children to Charlotte County, mentioning the possibility of bringing a Cal Ripken baseball program to the Murdock Village area. He commented on the Stone Crabs and Rays ball teams who played in the area. He stated the Ripken program attracted people from all over the Country, which would provide an economic stimulus to the entire area. He reported meetings had been held between the principals of the Ripken program and the proposed waterpark toward working together. He stated a feasibility study was necessary, adding the Ripken group had agreed to fund half of the \$70,000 cost. He stated the wide scope of the study would assist other programs. He spoke with regard to all area entities working together as same proved to be beneficial to all. He noted of the \$36,000 needed for the study, Southwest Engineering had pledged \$5,000, ECEC had pledged \$5,000 and the Punta Gorda Airport had pledged \$7,000. He then

requested a financial contribution from the City, adding same would send a message that everyone was working cooperatively toward what was beneficial for the entire County. He then introduced Ray Sandrock, Charlotte County Administrator, and Chris Evans.

Mr. Evans stated a meeting was held one year prior with the Ripken group wherein the concept for the waterpark was presented, adding subsequent meetings had been held as design was underway. He explained Ripken's financial commitment to the Stone Crabs was a major reason they desired bringing their program to Charlotte County. He reiterated the economic impact. He stated the other Ripken facilities could only be utilized a portion of the year, thus having a southern location was attractive to the principals. He mentioned meetings with State departments with regard to assistance in bringing the program to Charlotte County.

Councilmember Albers commented the program appeared to be an excellent opportunity to Charlotte County, supporting the County Commission's actions. He then stated the City of Punta Gorda already paid taxes to Charlotte County, thus he could not support requiring residents to pay twice.

Councilmember Wallace voiced support of the project, adding he felt the creation of jobs was necessary. He stated he felt the City should assist, adding as the City was 10% of the County, he felt a 10% donation was appropriate.

Councilmember Wallace **MOVED** approval to provide \$3,572 in assistance, **SECONDED** by Councilmember Keesling.

Councilmember Keesling stated her son had attended a Ripken camp, adding same was a major league experience provided by an outstanding organization. She pointed out she and her husband flew to Baltimore with their son for one week, thus it was obvious those attending provided economic stimulus to the area where the program was held. She stated competitive sports for youth was a major economic stimulus for the areas where the tournaments were held.

Mayor Goldberg commented favorably toward competitive sports for the area youth, adding the City was a part of the County, thus the City's name should be on the program as being supported. He recalled funds remained from the defunct Enterprise Punta Gorda which could be utilized, adding the request was minimal.

Councilmember Friedman pointed out there were several programs in Charlotte County which were supportive by both the City and the County such as Cooper Street Recreation Center and Charlotte Harbor Environmental Center. He opined this program was worthy as an economic support. He suggested the City contribute 20% of what the County provided rather than 10% of the entire amount.

Councilmember Wallace stated he preferred to maintain his suggested amount.

Mr. Deutsch commented the amount was not as important as the message the City was participating. He stated the County Commission would be voting on a contribution the following week, adding he felt they would contribute whatever remained to fund the study.

VOTING AYE: Wallace, Keesling, Friedman, Wallace.

VOTING NAY: Albers.

MOTION CARRIED.

PUBLIC HEARINGS

GA-18-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 20, "Streets and Sidewalks", Punta Gorda Code, by adding a new Section 20-10, prohibiting the use of motorized vehicles on city sidewalks and bike paths; providing for exemptions; providing for enforcement and penalties for violations; providing for conflict and severability and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title. He stated 20-10(a) would be amended to include the word "to" and 20-10(c) would be amended to replace "Police Department" with "City".

Mayor Goldberg called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

ZA-09-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, Punta Gorda Code, known as "The Land Development Regulations", amending Article 8, Section 8.5, Subsection (b), re-establishing the permitted fence heights in single family residential zoning districts outside of the Special Residential Overlay District; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Mayor Goldberg called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Friedman **MOVED** approval, **SECONDED** by Councilmember Keesling.
MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

GA-10-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, "Boats, Docks and Waterways", Article 1, Section 6-6(c)(4)(d), Punta Gorda Code, requiring all new boat docks or slips to be used for the berthing of boats on a long-term basis and the conversion of existing docks or slips to be used for the berthing of boats on a long-term basis in the Burnt Store Isles Subdivision (PGI Section 15) to have boat lifts or davits; requiring the recording of a restrictive covenant for the construction of new boat docks or slips which are not to be used for the berthing of boats on a long-term basis; adding a grandfather provision for existing boat docks and slips; 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.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of August 10, 2011

B. Public Works Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving an Interlocal Agreement between City of Punta Gorda and Charlotte County for construction of sidewalks on Aqui Esta Drive; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date.

C. Utilities Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the License Agreement Between The City Of Punta Gorda And Seminole Gulf Railway, LP; and authorizing execution of the agreement by the Mayor.

NEW BUSINESS

Provisions for the City of Punta Gorda General Employees' Defined Contribution Retirement Plan.

City Manager Kunik advised representatives from ICMA were present, adding they would manage the plan once parameters were agreed upon by City Council.

Mr. Gabriel Alba, ICMA, advised they were a not for profit mutual fund company which dealt solely with the public sector. He added they were able to provide assistance based upon what governments around the Country were doing.

Mr. Kerry Scaglioni, ICMA, stated he was on the team which educated governments with regard to plan design.

Mr. Dave Drury, Finance Director, stated staff had recommendations toward the policy, stating a 5 year vesting was recommended as same was the vesting period for the current plan as opposed to a stepped plan.

Consensus of members was to agree.

Mr. Drury then recommended a minimum contribution of 5% of base wage and overtime by the employee. He explained same was the minimum necessary to provide a full retirement plan.

Councilmember Albers stated he felt a lower minimum such as 2% may be more appropriate for entry level employees, adding encouragement to increase same over the years as salary increases occurred could be provided.

Mr. Alba stated Florida Retirement System had a 3% minimum, suggesting same be considered in this case.

Mr. Scaglioni stated consideration of the length of employment and rates of return had been considered when deriving the 5% contribution.

Mayor Goldberg agreed with the 3% contribution.

Councilmember Friedman stated as it was apparent the City's intention of changing to a lesser retirement plan was not done in the best interests of the employee, he felt a lower contribution was warranted.

Consensus of members was to require a 2% contribution.

Mr. Drury then inquired as to the City's matching contribution.

Councilmember Albers suggested a 100% match up to 5%, with a ½% contribution up to a maximum contribution of 7 ½%.

Consensus of members was to agree with same.

Mr. Scaglioni stated the average contribution was 10%, with the division between employee and employer varying.

Councilmember Friedman inquired if the change to defined contribution (dc) plans was being made only for new employees.

Mr. Alba responded affirmatively, adding there were some entities that were offering a buy-out from those employees who were in a defined benefit (db) plan.

Councilmember Friedman stated some areas were allowing employees to place additional funds into the plan above the percentage contribution.

Mr. Drury stated that had been included in staff's suggestion, adding there were Statutory limits.

Consensus of members was to approve same.

Mr. Drury then stated staff recommended employees in the db plan be allowed to transfer to the dc plan, based upon the contribution rates of the db plan.

Mr. Scaglioni explained same was based upon regulatory laws as same must be equivalent so as not to discourage employees from doing so.

Councilmember Friedman questioned why an employee would switch from db to dc, adding if there was no reason, same should not even be offered.

Mr. Alba stated it was generally due to the portability and ability to control the investments themselves. He acknowledged it was not a large number.

Councilmember Keesling asked if an employee in the db DROP plan could join the dc plan.

Mr. Drury responded in the negative.

City Manager Kunik stated employees should have the option, adding newer employees may wish to do so.

Councilmember Albers commented the more people who switched to the dc plan, the harder it would be to meet the requirements of the remaining db plan. He voiced opposition in allowing same unless it was only for db members who were not vested.

Mr. Scaglioni responded most employees who transferred were non vested members.

Mr. Drury countered the Pension Board Attorney voiced concern same was discriminatory to vested members.

Discussion ensued with regard to funding liabilities of the db plan should members switch to dc.

Consensus of members was to offer same to non vested members with a cutoff date to make the transfer.

Mr. Drury advised the transfer would be the employee's contribution plus 3 ½% interest, adding an individual actuarial statement would be required prior to allowing the employee to make the change.

Councilmember Friedman stated he felt in hindsight, non vested members should have been required to switch to the dc plan as not doing so did not alleviate the funding burden to the City for maintaining the db plan.

Mr. Scaglioni stated some entities were going to a hybrid pension plan with a lower multiplier for the db plan and a dc plan for all new employees.

Mr. Drury then stated loans from the dc plan were allowed per regulation.

Consensus of members was to allow same and to require the payback to include interest.

Mr. Drury then stated an enrollment period was suggested to limit changes to the contribution rate, confirming changes could be made either to reduce or increase the contribution. He then stated staff had suggested 60 as the normal retirement age.

Mr. Alba stated 60 was the average age.

Councilmember Albers inquired why same was required as the employee took their funds with them if they left employment.

Mr. Alba stated the retirement age was used for vesting purposes, as in a member would be vested at 5 years of employment or 60 years of age.

Councilmember Albers reiterated he did not feel a retirement age was necessary.

Consensus of members was to utilize the age 60 if required, and if not, to eliminate the retirement age clause.

Councilmember Keesling clarified cities were reducing the db plan and allowing employees to participate in the dc plan in the hybrid plans being used in some areas.

Request by the Punta Gorda Historical Society to shut down portions of roadways utilized during the relocation of the Quednau/Hindman House to the History Park and a \$50.00 application fee refund.

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

MOTION UNANIMOUSLY CARRIED.

Identification of City Registered Contractors During a State of Emergency

Mr. Dennis Murphy, Growth Management Director, stated due to past issues with the many out of town contractors who arrived following Hurricane Charley, the Building Board had recommended that the City develop a placard that could be displayed on the contractor's dashboard which indicated their City registration information. He added doing so would provide easily seen information of licensed contractors while at the job sight.

Mayor Goldberg voiced approval.

Councilmember Albers agreed, adding he felt it should be required at all times rather than only following an emergency.

Ms. Mary Fleenor, Building Board Chairman, stated the Board had been concerned with staff's ability to monitor same on a regular basis, citing the example of a contractor who allowed his license to lapse but maintained the placard in his truck. She stated one method of monitoring same was to change colors of the placard on an annual basis.

Mr. Murphy stated under normal situations, staff was able to monitor contractor licensing; however, in an emergency there was an influx of new contractors coming in to work. He advised building inspectors were aware of who was or was not permitted and worked with Code Enforcement toward monitoring same.

Mr. Burrage, Building Board, stated he had suggested same based upon a news article wherein a county was issuing color coded licenses to the various types of contractors. Consensus of members was to approve the drafting of an ordinance to institute same. **Councilmember Keesling** recommended an education process for the public so as to inform them of the program.

Discussion regarding the intent of Chapter 9A-12(a), visual blight.

Ms. Teri Tubbs, Zoning Official, explained a complaint had been made related to a recycling bin, which was properly screened from street level, but was visible from a neighbor's second floor. She noted the code did not take anything other than ground level views into consideration, thus staff was seeking direction as to whether an amendment to indicate "at grade" was necessary to clarify the situation. She stated the Land Development Regulation (LDR) Committee recommended not making the change. City Manager Kunik stated staff recommended amending the ordinance.

Councilmember Friedman concurred with staff's recommendation.

Consensus of members was to direct staff to amend the ordinance.

Discussion regarding permitted uses in the Highway Commercial (HC) Zoning District.

Ms. Tubbs stated the code was presently written to allow any commercial use in the HC district, adding there were some commercial uses that may not be desired. She advised she had reviewed what was permitted in 2005 prior to the regulations being amended, adding some clarification would be necessary.

Councilmember Keesling confirmed any change would not be retroactive.

Ms. Tubbs responded existing uses would be an existing nonconforming use should an amendment prohibit that type of use.

Mayor Goldberg commented the list was fairly comprehensive; however, it was possible another use may be desired that had not been considered. He suggested verbiage to include the permitted accessory uses, prohibited uses and structures and special exceptions, thus allowing all other uses.

Ms. Tubbs stated anything that would be prohibited would have to be denoted in the code, explaining any broad definition would not allow uses not listed to be denied.

Councilmember Albers stated eliminating the allowed uses may pose a problem if something staff was aware of was not listed in the prohibited uses in that it would have to be permitted.

Ms. Tubbs then asked members with regard to the internet cafes wherein sweepstakes prizes were one should be included as an indoor amusement use.

Councilmember Albers commented it seemed that many residents were very happy with that type of business, thus it should be included.

Councilmember Friedman stated he did not feel helipads or wireless communication towers should be allowed with conditions as same should require City Council approval.

Ms. Tubbs responded the first condition for wireless towers was Council approval. She recommended helipads require a special exception.

Consensus of members was to direct staff to prepare an ordinance with the suggested changes.

Discussion regarding architectural provisions for the required screening of mechanical equipment for properties located outside of the Special Residential Overlay District.

Ms. Tubbs advised when the overlay district was created, regulations for new construction required screening of mechanical equipment either on the roof or at grade, adding the intent was basically related to the historic district as historically there were no air conditioners. She displayed photos of various air conditioning units, recommending screening be required for air conditioners so as to screen the view from the street.

Discussion ensued with regard to methods of enclosing air conditioning units on the roof, so as to screen the view from regular grade.

Consensus of members was to direct staff to amend the ordinance for clarification and to request the LDR committee review adding the Special Residential District to the regulations.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reminded members of the email explaining a proposed improvement to the Aquí Esta swales and sidewalk rails, asking if members supported same prior to staff working with the Southwest Florida Water Management District (SWFWMD) for permitting.

Consensus of members was to direct staff to move forward.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (2)

City Clerk Foster announced the vacancies.

Historic Preservation Advisory Board Alternate

City Clerk Foster announced the vacancy.

Utility Advisory Board

City Clerk Foster announced the vacancy.

Waterfront Development Advisory Committee

City Clerk Foster announced the vacancy.

Nominations

Board of Zoning Appeals.

Councilmember Friedman **MOVED** to nominate and reappoint Mr. Bauman, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

CITIZENS' COMMENTS

Mr. Louie Desguin, Punta Gorda Historical Society, thanked members for waiving the permit fee for relocation of the historic house, adding with that amount they had raised \$58,000 thus far. He asked if any future permitting fees associated with the relocation such as building or fire inspection could be waived as well. He also asked for the use of a City dumpster to clean up the vacating site following the move. He explained their goal was to raise \$150,000 which would include the \$86,000 relocation and renovation costs.

City Manager Kunik advised some City staff would be required to assist with the relocation, requesting Council's support to allow Public Works employees to assist with grading and clearing the vacating site. He advised he would provide a cost estimate for same.

Ms. Patti Allen, Fishermen's Village, thanked members for their support of the Pirates Festival this date, providing a description of same. She stated same would prove to be an economic asset during the slow tourism period.

The meeting was adjourned at 11:03 a.m.

Mayor

City Clerk