



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 19, 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

Fire Prevention Week

Councilmember Albers presented the proclamation to Mr. Rob Hancock, Fire Chief.

Helen Wrobbel Day

Councilmember Wallace presented the proclamation, which was accepted by Ms. Helen Wrobbel.

AARP Charlotte Chapter 80 Day

Councilmember Friedman presented the proclamation.

Ms. Tess Canja, Chapter President and Mr. Jim Stevens, Chapter Vice President accepted same.

Florida City Government Week

Councilmember Keesling read the proclamation.

Introduction of Albert Joerger, Governing Board Member - Southwest Florida Water Management District (Sarasota)

Mayor Goldberg introduced Mr. Joerger.

Mr. Joerger provided a brief description of SWFWMD's relationship with Punta Gorda.

Introduction of Board/Committee Member Nominees

Mr. Herman Novak introduced himself as a nominee for the Charlotte County Marine Advisory Committee.

Mayor Goldberg then presented a plaque to Councilmember Friedman, recognizing his years of service on the City Council. He also presented Mrs. Delphine Friedman with a bouquet of flowers, stating she had earned same for standing behind her husband during his time on City Council.

Councilmember Friedman stated it had been an honor and a pleasure to serve, voicing his pride in the manner in which the City had evolved, largely as a result of citizen participation.

Mayor Goldberg moved the following item forward on the agenda.

UNFINISHED BUSINESS

Request by Charlotte County Public Schools to revisit the False Alarm Ordinance

Mr. Douglas Whittaker, Charlotte County School Superintendent, stated their request was to have the schools removed from enforcement of the false alarm ordinance, acknowledging the large number of false alarms in past years. He advised the number had dropped greatly at this time; however, the size and number of buildings comprising the school campus made their situation much different than other commercial structures. He commented on the inequity of comparing their campus, which had hundreds of alarms to a structure with only one alarm. He advised they were willing to work with the City and the Police Department in an effort to continue decreasing the number of false alarms, adding each school would be held accountable. He reiterated his request to remove the schools from enforcement of the ordinance.

Mayor Goldberg explained the ordinance had been amended to focus on the costs to the City when responding to false alarms, adding same also removed officers from patrol during the time required to respond. He acknowledged the improvement by the school district, adding he felt the high school was unique in the number of buildings, exterior doors and alarms. He stated the campus had been treated as one entity rather than by individual buildings.

Councilmember Wallace stated he agreed with eliminating enforcement for the schools.

City Manager Kunik stated staff did not recommend eliminating enforcement, but rather to administer the ordinance by individual buildings rather than as a whole.

Councilmember Albers stated he did not wish to exempt the schools, adding the goal was to reduce the number of false alarms. He voiced support of considering each building individually.

Councilmember Friedman stated the objective was to reduce the number of false dispatches as same were costly and removed officers from their patrol. He voiced objection with amending the ordinance to preclude fines as same was apparently

gaining the attention to false alarms as was desired. He stated he did not feel the buildings should be considered separately as one employee was in charge of all buildings.

Councilmember Keesling pointed out Charlotte High had a larger number of key holders. She inquired as to the County's policy related to schools.

Police Chief Butch Arenal stated the County's fine structure was stricter than the City's, adding they considered the schools by building and worked on a six month cycle.

Councilmember Keesling inquired if Chief Arenal felt using individual buildings would help.

Chief Arenal responded affirmatively, adding same would also target problem buildings so the issue could be addressed.

Councilmember Wallace concurred.

Mr. Whittaker pointed out the large number of entrances, adding the school also allowed community groups to utilize the facilities.

Councilmember Albers voiced support in considering buildings individually.

Councilmember Friedman pointed out there had been 23 false alarms in 4 months, stating he did not feel it mattered whether the alarms came from one or more buildings as they all removed officers from doing their jobs. He voiced objection to amending the ordinance as it may remove the incentive for the school to work toward reducing false alarms.

Consensus of members was to direct staff to amend the ordinance to consider separate buildings.

City Attorney Levin advised the fines previously levied had been brought before the Code Enforcement Board for lack of payment, adding same had been continued to provide for this discussion. He requested direction from City Council as to whether to continue the code action or if the fines could be waived.

Councilmember Friedman stated same should continue through the code process as the case was based upon violations of the ordinance as same existed at that time. He voiced uncertainty as to whether City Council could interfere with the workings of the Code Enforcement Board.

Discussion ensued with regard to procedures related to the Code Enforcement Board.

Mayor Goldberg stated he felt the Code Enforcement Board should hear the case.

Consensus of members was to agree with same.

QUASI-JUDICIAL PUBLIC HEARINGS

CCSP 02-11 - petition for special permit under the provisions of Section 6-6(j) of the Punta Gorda Code of Ordinances to install one (1) 4' x 27' angled concrete

finger dock and one (1) four post boat lift at Lot 15, Block 148, Section 12, AKA 5000 Useppa Court, Punta Gorda, FL 33950. Owner / Petitioner: Douglas Knipe

Continued from September 21, 2011

City Clerk Foster swore in all participants.

Mr. Rick Keeney, Public Works Director, displayed an overhead of the location and proposed construction, as delineated in the agenda material, explaining a portion of the dock and lift would exceed the 45 degree angle. He stated the Punta Gorda Isles (PGI) Canal Advisory Committee (CAC) had continued their public hearing to allow the applicant the opportunity to present an alternative configuration prior to their making a recommendation to City Council. He explained the revised petition required a special permit due to the fact the dock protruded more than 10' waterward and was outside the 45 degree angle as was a portion of the boat lift, adding while staff recommended denial, the PGI CAC had recommended approval of the request.

Mayor Goldberg questioned the reason for staff's recommendation.

Mr. Keeney stated staff did not feel same would be compatible with neighboring properties nor was it in harmony with the intent of the ordinance.

Councilmember Albers inquired if an elevvert lift on the existing dock would suffice.

Mr. Keeney expressed uncertainty.

Mr. Rob Parr, Parr Marine, stated the bend to the canal prohibited construction of a full size dock or an elevvert lift as the boat could not be navigated into same due to the corner of the seawall. He stated the canal configuration even prevented use of a piling to tie off the boat as same would be outside the 45 degree angle.

Councilmember Keesling asked how far the proposed finger dock would exceed the 45 degree angle.

Mr. Parr responded it was five feet, adding same was necessary to reach the stern of the boat.

Mayor Goldberg inquired if the finger dock could be shortened or the lift located closer to the seawall to maintain the 45 degree area.

Mr. Parr stated the only options for same would be to back the boat in or to have an aluminum walk platform. He mentioned the number of rocks in the canal in the subject area, stating same also impeded the ability to navigate to the lift safely.

Discussion ensued with regard to dock construction on the adjacent lots.

Mr. Parr reiterated the bend in the seawall caused a unique situation for this property.

Councilmember Friedman disagreed, stating the property owner was aware of same when the property was purchased. He stated the ordinance was written to prevent the ends of canals from being crowded with structures and to maintain safe navigation.

Councilmember Albers stated he felt the impact on the adjacent properties was the most important issue, adding without assurance that they approved of the request, he was unsure if same would be appropriate.

Mr. Tracy Nelson, 5006 Useppa Court, distributed information to Councilmembers, as delineated in the agenda material, stating he owned the home adjacent to the property. He stated construction of the proposed finger dock would limit his and the other adjacent property owner's ability to navigate to their existing docks. He pointed out the petitioner had many code violations on their property, thus he was concerned approval of the request would provide the opportunity for additional code violations.

Councilmember Keesling inquired if the petitioner lived in the house.

Mr. Parr replied they lived there at times, adding they owned other properties as well.

Councilmember Albers pointed out a lift could be constructed on the existing dock which would only require two pilings to be locating outside of the 45 degree area.

Mayor Goldberg pointed out the photo denoted a for sale sign on the property, opining the petitioner may wish to construct the lift to make the property more attractive for sale.

Mr. Parr expressed uncertainty with regard to same, adding he had been informed the petitioner's boat was in storage as same could not be left in the water, thus the request for a lift.

Councilmember Friedman commented the adjacent property had enough seawall that could be used to install an additional lift, which would most likely be near the property line.

Councilmember Wallace pointed out the existing dock was serviceable.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Albers **MOVED** denial based on the criteria as stated by staff, **SECONDED** by Councilmember Keesling.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of October 5, 2011

B. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for services rendered in September 2011
2. Invoices of Farr Law Firm for services rendered in September 2011
3. Invoice of Henderson Franklin Attorneys at Law for services rendered in August & September 2011

NEW BUSINESS

Discussion regarding New Operation Cooper Street Electric and Janitorial Services

Councilmember Wallace stated while he understood the City's policy on donations to charities, he did not view New Operation Cooper Street as a charity. He asserted the City had an obligation to serve the community as well as being responsible for the safety and welfare of the citizens which included children and the elderly. He commented Cooper Street had expected to receive the same grant funding they had for the past five years, which was not awarded this year resulting in a loss of \$220,000 from their budget. He urged members to consider funding the utilities and a portion of the janitorial services as same was a City owned community center. He mentioned the programs provided by Cooper Street, adding there was a huge volunteer base which helped to keep the center running.

Councilmember Albers pointed out that was not the direction that members had taken, adding this was the third year this request had been made. He voiced support of Cooper Street, acknowledging the steps they had taken to reduce their budget. He questioned where the City would find funds for an unbudgeted request such as this.

Councilmember Friedman stated it appeared Cooper Street's fallback position was always to come to the City for a funding solution, questioning what other funding was being sought by Cooper Street. He inquired if the School Board had been approached for funding as they were the largest taxing authority in Charlotte County. He concluded there were alternatives for seeking funds.

Mr. Craig Brandon, Cooper Street, explained there were a number of concerns, one of which was the funding difficulties. He explained Cooper Street served the entire County, adding the majority of families being served were low or no income families. He pointed out low income elderly people were also served by the facility. He spoke of the City's responsibility to the children.

Councilmember Keesling noted the funds listed in the agenda material related to fund raising, inquiring as to what was being done.

Mr. Brandon responded an annual dinner was held as well as several activities at Cooper Street Recreation Center throughout the year. He stated the center's location prevented a great deal of fund raising as it was not located on a major thoroughfare.

Ms. Carol Neberline stated she was in charge of fund raising, stating the amount of funds being raised had been reduced each of the three years she had been involved. She stated as Cooper Street was a City property, the utility bills should be paid by the City on a permanent basis.

Councilmember Albers stated it should have been included during budget preparation, adding he would support paying the utility bills for this year to assist the program.

Ms. Grace Nurse stated they were unable to charge fees for the past five years due to a condition of grant funds they had received. She stated they were attempting to find additional funds since the loss of their grant funding. She stated they were working to be self sustainable; however, they were asking the City to continue to assist with the program.

Mayor Goldberg confirmed the janitorial service was being handled in-house.

Ms. Nurse responded families were assisting staff with same.

Councilmember Friedman pointed out the City contributed funds through the budget process, as well as their portion of taxes paid to the County. He pointed out the City was only two weeks into the budget year, adding the request should have been made during the budgeting process.

Ms. Nurse stated she did not know they would not receive the grant funding until September, adding other funding had been reduced as well.

Mr. Isaac Thomas spoke of the importance of the programs, adding Cooper Street had requested funding from the School Board on numerous occasions with no success. He stated the Trabue Woods Community was assisting with various aspects; however, he would like the City to assist if they fell short in raising the necessary funds. He stated he felt the utility bills should be included in the City's budget on a permanent basis.

Councilmember Albers **MOVED** to pay this year's utility bills from the reserve account, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

Legislative Updates Affecting the City's Comprehensive Plan & Plan Amendment Process

Ms. Joan LeBeau, Chief Planner, displayed a PowerPoint presentation, as delineated in the agenda material, stating many of the changes were in the City's favor as growth management had been streamlined and state review had also been eliminated on many aspects. She provided a brief explanation of each of the changes, as delineated in the agenda material, noting many projects would no longer be required to go through the Development of Regional Impact (DRI) process. She noted financial feasibility was no

longer required, adding Capital Improvements could be denoted as either funded or unfunded.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Herald Court Centre Parking Sign Revisions

City Manager Kunik explained when the Wayfinding signs were installed, the “Free Parking” signs were removed, adding the Wayfinding signs could be altered to denote parking was free.

Consensus of members was to approve same.

Employee Health/Wellness Center Update

City Manager Kunik stated interviews were being scheduled with the four entities who submitted a proposal, adding a staff committee would review same in order to make a presentation to City Council.

Mayor Goldberg questioned the time frame.

City Manager Kunik responded with uncertainty as same would be based on the information received.

BOARDS AND COMMITTEES

Announcement of Vacancies

Firefighters' Pension Board

City Clerk Foster announced the vacancy.

Historic Preservation Advisory Board

City Clerk Foster announced the vacancies.

Punta Gorda Isles Canal Advisory Committee

City Clerk Foster announced the vacancy.

Nominations

Punta Gorda Isles Canal Advisory Committee

Councilmember Friedman **NOMINATED** all interested parties.

Appointments

Charlotte County Marine Advisory Committee

Voting forms were distributed.

City Attorney Levin announced Mr. Herman Novak had received the most votes and would therefore be recommended for the City’s seat on the Charlotte County Marine Advisory Committee.

POLICY AND LEGISLATION

GOLDBERG: Announced the ribbon cutting of the Shreve Street Multi-Use Recreational Trail (MURT) to be held at 1:30 p.m. this date.

- Thanked Councilmember Friedman for his years of service to the community.

KEESLING: Thanked Councilmember Friedman for his service.

- Mentioned the Southwest Florida Regional Planning Council was interviewing candidates for the Executive Director position.

ALBERS: Expressed appreciation to Councilmember and Mrs. Friedman.

FRIEDMAN: Mentioned for once, the City Clerk, City Manager and City Attorney would have more tenure than any Councilmember, adding he had enjoyed his time on Council.

CITIZENS' COMMENTS

Mr. Jay Buckley, Waterfront Development Advisory Committee (WDAC), recalled discussion from the previous meeting with regard to the Laisley Park Marina, adding he had researched information with regard to purchasing a pump-out boat prior to the required purchase in two years. He stated the WDAC had passed a motion to recommend same.

Councilmember Albers stated same would not satisfy the Department of Environmental Protection's (DEP) requirements.

City Attorney Levin stated he had spoken with DEP who may allow use of a pump-out boat; however, alternatives for increasing water circulation would most likely be required as well. He added he would have more information to present at the next Community Redevelopment Agency (CRA) meeting.

Mr. Thomas thanked Councilmember Friedman for his assistance through his years of serving.

The meeting was adjourned at 11:26 a.m.

Mayor

City Clerk