

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MAY 20, 2020, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Carey, Cummings, Matthews, Miller, Prafke

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

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

Invocation was given by Mr. Bill Frank, followed by the Pledge of Allegiance.

Mr. Bill Dryburgh, Board of Realtors, President, requested City Council take no action on the amendment to the sign code so that their members could meet with City staff regarding same.

City Manager Kunik read the following public comments into the record: Mr. Robert Brady and Ms. Karen Brady spoke in favor of permitting parking on only one side of the street throughout the entire Historic District; Mr. Chuck Kersch spoke in favor of decreasing the speed limit on Tripoli Boulevard; Ms. Beverly Brenner opined the issue on Tripoli Boulevard was the volume of traffic rather than speed; Ms. Glennis Reed, Mr. William Day, Mr. Tom des Enfants, Ms. Katherine des Enfants, Mr. Rich Oakley and Ms. Lynn Oakley disagreed with the idea of reducing trash pick-up to once per week; Ms. Sandy Brandt, Ms. Beverly Schue, Ms. Sheila Jaeger, Mr. Marty Blaustein, Ms. Betzy Blaustein, Ms. Laurie Barnett, Ms. Sandy Brandt and Mr. Lou Brancaccio voiced their support of a parking ordinance regulating parking in the Historic District; several individuals submitted an overnight parking proposal regarding the Historic District; Ms. Holly Kirchofer, Mr. Richard Kirchofer, Mr. Don Hearlston and Mr. Gary Skillicorn spoke against restricting parking in the Historic District; Ms. C. J. Metcalfe, Ms. Jenny Anderson, Mr. William Page and Mr. Bill Courtney voiced support for the Punta Gorda Code amendment which would place limitations on canvassing; Mr. Peter Thibeault voiced opposition to the amendment regarding canvassing; Ms. Kelly Gaylord provided a lengthy comment regarding the sign code amendment as it related to murals.

**PUBLIC HEARINGS**

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**GA- 02- 2020 An Ordinance of the City of Punta Gorda, Florida, amending Chapter 15, "Offenses and Miscellaneous Provisions", of the Punta Gorda Code, by**

**amending Section 15- 48, “Control of Access to City- owned, Controlled and Leased Property”, to adopt Facility Rules; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-02-2020, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**GA- 03- 2020 An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 23, “Traffic”, Article I, “General”, Section 23- 6, reducing the speed limit on Tripoli Boulevard between Madrid Boulevard and Monaco Drive in the Burnt Store Isles Neighborhood, and reformatting Section 23- 6 for clarity; providing for conflict and severability and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

**Councilmember Matthews** announced the Metropolitan Planning Organization discussed installation of a traffic signal on Burnt Store Road for truck traffic leaving the shopping center, noting same would complement this ordinance.

**Mayor Prafke** stated while some residents felt the ordinance would not be effective, the Police Department felt it would help and was one step in addressing the problem.

Councilmember Matthews **MOVED** approval of GA-03-2020, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**GA- 04- 2020 An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 23, “Traffic”, Article I, “General”, Section 23- 17, to restrict on- street parking on Gill Street between West Marion Avenue and West Olympia Avenue, and renumbering Section 23- 6 accordingly; providing for conflict and severability and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Cummings **MOVED** approval of GA-04-2020, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**GA- 06- 2020 An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Charter, Article IX, Section 4, to allow a voter to submit by email or otherwise to the circulator of a candidate petition an image of the voter's original signature that may be included as part of the candidate's qualifying petition; providing for conflict and severability and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-06-2020, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

**A Resolution of the City Council of the City of Punta Gorda, Florida, approving amended bylaws of the Punta Gorda Isles Canal Advisory Committee.**

City Attorney Levin read the resolution by title, explaining the Florida Commission on Ethics had rendered an opinion that members of both the Punta Gorda Isles (PGI) and Burnt Store Isles Canal Advisory Committees (CAC) must file a financial disclosure form; therefore, an amendment to the PGI CAC bylaws was required.

Councilmember Carey **MOVED** approval of the resolution, **SECONDED** by Councilmember Miller.

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

Councilmember Matthews **MOVED** approval of the Consent Agenda, **SECONDED** by Councilmember Miller.

**MOTION UNANIMOUSLY CARRIED.**

- A. City Clerk's Department
  - 1. Approval of Minutes: Special Meeting of April 30, 2020
  - 2. Approval of Minutes: Regular Meeting of May 6, 2020
- B. Legal Department
  - 1. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through April 30, 2020.
  - 2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through May 8, 2020.
- C. Urban Design Division
  - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Coastal & Heartland National Estuary Partnership (CHNEP), approving Amendment No. 2 to Agreement No. DH011 with the Florida Department of Environmental Protection for implementing the Lower Charlotte

Harbor Flatwoods Hydrologic Restoration Initiative, Yucca Pens Unity (P&D) project included in the Fiscal Year 2020 CHNEP workplan and budget; authorizing the City Manager to sign the Amendment and administer the contingency funding on behalf of the City; and providing an effective date.

2. AARP Community Challenge Grant Application

**BUDGET**

**Award of Agreement to Wood Environment & Infrastructure Solutions, Inc. of Lakeland, FL for design and permitting of the Warm Mineral Springs Creek Habitat Restoration Project and Appropriation of funds**

City Manager Kunik stated staff was seeking approval of the award and appropriation of the funds.

Councilmember Carey **MOVED** approval of the award of agreement to Wood Environment & Infrastructure Solutions, Inc. of Lakeland, Florida and appropriation of the funds, **SECONDED** by Councilmember Miller.

**MOTION UNANIMOUSLY CARRIED.**

**FY 2021 Budget Status Update for Sanitation, Building and Marina Funds, and Discussion of Boat Trailer Parking Fees**

Ms. Kristin Simeone, Finance Director, provided a budget status update for the Sanitation, Building and Marina Funds, as delineated in the agenda materials, reviewing the proforma and information provided for each fund. She explained staff was proposing an increase of a \$0.10 to the refuse fee and \$0.50 to the recycling fee with a total proposed rate of \$23.22, noting the recommended increase would result in a balanced budget for the Sanitation Fund for Fiscal Year (FY) 2020/2021. She reviewed tentative increases to recycling costs through FY 2024/2025.

**Councilmember Miller** inquired if sanitation's staffing level was expected to be sufficient for the next three years.

Ms. Hope Petkus, Sanitation Supervisor, replied an additional position would be helpful, indicating same might be requested next year.

**Councilmember Carey** questioned at what point recycling costs exceeded benefits.

Discussion ensued regarding the City's recycling program, particularly considerations such as which items could be recycled, consequent cost increases related to increased refuse, recycling as a social responsibility, and the resulting need for larger refuse carts, followed by a discussion regarding the number of refuse pickups per week with consensus to retain the twice per week service.

Ms. Simeone continued her presentation, briefly reviewing the Building Fund, noting same was balanced for FY 2020/2021 with no change in fees proposed. She stated the

Building Department was requesting the addition of a Plans Examiner/Inspector position, confirming City Council was amenable to same. She then presented the Marina Fund, noting operations remained the same and no changes in fees were being recommended; however, special projects included restriping the boat trailer parking area at a cost of \$11,200 and replacing the concrete sidewalk by the storage building at a cost of \$100,000. She then drew members' attention to the community survey results related to boat trailer parking fee rates and permit requirements, briefly reviewing same. She presented several payment options including a pay tube, pay stations and/or a mobile application, reviewing the approximate cost for each as well as revenue estimates.

**Councilmember Matthews** voiced support for the simplest, least expensive payment option, suggesting City residents receive preference for parking and perhaps a discounted rate.

**Councilmember Miller** commented the fee amount and the time required for enforcement should be further researched.

**Councilmember Cummings** opined payment boxes at Boca Grande worked and had the appearance of enforcement.

**Councilmember Carey** questioned what would prevent parking on the grass without paying a fee when the lot was full.

**Mayor Prafke** spoke in favor of the mobile application.

**Councilmember Matthews** agreed, adding permits could also be issued.

Discussion ensued regarding the payment options, with the majority of Council expressing consensus for staff to develop a proposal with the understanding many questions still needed to be answered and with Councilmember Carey expressing reservation regarding this matter.

**NOTE: A short break was called at 10:49 a.m.**

**NOTE: Virtual Town Hall was heard following Discussion Regarding Amendment to City Code, Chapter 15, Section 14- 45: Canvassing.**

### **Virtual Town Hall**

City Manager Kunik recalled City Council had expressed an interest in conducting a virtual town hall meeting. He explained staff conducted research and received a proposal for services offered by Tele Town Hall, as delineated in the agenda material, noting the cost was approximately \$2,000. He inquired whether City Council desired to engage their services, explaining Tele Town Hall would facilitate the process and City staff could attend the meeting from Chambers to accommodate social distancing and be available to answer any questions. He stated another option was to conduct a

Zoom meeting, which would need to be facilitated by staff. He confirmed the initial cost of \$2000 to engage Tele Town Hall would be less for future meetings.

**Councilmember Matthews** suggested using Zoom or another platform to conduct a town hall less expensively.

**Mayor Prafke** commented favorably on Zoom's performance during a similar meeting conducted by another organization.

Discussion ensued regarding the platform to be used and who would moderate and answer questions, with consensus to schedule a virtual town hall meeting for June 19<sup>th</sup> from 10 a.m. to 12 p.m.

### **NEW BUSINESS**

#### **Charlotte High School Class of 2020 Recognition**

Ms. Hannon explained staff received a request from the Charlotte High School principal to place blue and gold ribbons on the light poles along Taylor Street as well as Olympia and Marion Avenues to help honor the 2020 graduating class as the school was unable to hold graduating ceremonies and other activities related to graduation. She stated it was also requested the class be recognized by utilizing the Charlotte Harbor Event and Conference Center (CHECC) changeable copy sign, noting Mr. Jim Finch, CHECC, General Manager, had agreed. She stated the variance granted for the sign limited content to CHECC events and amber alerts; however, Council could allow this use. She stated the principal desired to install the ribbons as soon as possible and had agreed to take responsibility for their timely installation and removal.

**Councilmember Matthews** spoke in favor of allowing placement of the ribbons as well as minimal wording congratulating the class of 2020 as a whole on CHECC's sign, voicing concern cycling through individual names would distract drivers.

Discussion ensued regarding the ribbons and the congratulatory message to be displayed, with consensus to allow a congratulatory message for each Charlotte County high school's senior class and to allow placement of the ribbons.

#### **Nature Park: Serenity Garden**

Ms. Joan LeBeau, Urban Design Manager, explained the PGI Green Thumbs were proposing to install a Serenity Garden at Nature Park East, noting same required City Council and Florida Department of Environmental Protection approval.

**Councilmembers Matthews** and **Carey** and **Mayor Prafke** commented favorably on the PGI Green Thumbs' work at Nature Park.

Councilmember Matthews **MOVED** approval of the Serenity Garden project, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

### **Discussion with Regard to Restricting Parking in the Historic District**

City Manager Kunik explained the City had received a request for an ordinance from the Historic District Homeowners Association to implement a plan which prohibited overnight parking in the area from Harvey Street to Fishermen's Village and Gilchrist Park to West Virginia Street. He stated it was necessary to discuss the physical boundary for the prohibition and whether that included City parks, specific hours for same (suggested 1:00 am to 5:00 am, which was consistent with other City parking hour restrictions) as well as the processes for permits and enforcement. He stated another consideration would be whether to include signage, noting the cost per sign was \$100.

A lengthy discussion ensued with concerns regarding the area bounded by the proposal, references to issues with the homeless, availability of parking for liveboards, whether to institute a permit process and the validity of the survey conducted by the homeowners association, with consensus for staff to draft an ordinance for Council's review.

**NOTE: Discussion Regarding Amendment to City Code, Chapter 15, Section 14-45: Canvassing was heard following Discussion of Proposed Changes to the City's Sign Regulations.**

### **Discussion Regarding Amendment to City Code, Chapter 15, Section 14-45: Canvassing**

City Manager Kunik explained the Burnt Store Isles Association had requested the amendment to address canvassing materials which remained in place for an extended period of time. He stated the City Attorney had issued an opinion regarding the request. He pointed out the City utilized doorknockers to notify residents of work being done in their area for many City projects, explaining a different method of communication would need to be identified if that option was removed. He questioned whether the amendment would be limited to Burnt Store Isles (BSI) or applied citywide.

**Councilmember Cummings** suggested Council adhere to the City Attorney's advice.

**Mayor Prafke** objected to the idea of neighbors removing and holding papers for others, questioning if the City should explore electronic notification systems.

**Councilmember Carey** inquired if this issue was particular to BSI, indicating she had only received one notification on her door.

**Councilmember Cummings** opined City residents relied on hardcopy materials.

**Councilmember Matthews** agreed not all residents could be reached electronically, questioning if an amendment could be limited to BSI.

City Attorney Levin explained he performed an extensive amount of research on this matter, adding the City had an enforceable ordinance prohibiting door-to-door selling. He noted much case law existed on door-to-door canvassing, which was granted substantial First Amendment protection by the Supreme Court. He opined the current provisions of Section 15-45 were consistent with the federal courts' requirements, suggesting the simple solution was to put a sign on the door stating, "No Soliciting". He noted the City had a litter ordinance prohibiting the deposit of unsolicited material at properties. He then acknowledged canvassing materials left at the door of an unoccupied residence could be problematic; however, there were less intrusive ways to address pollution and crime than to require materials be handed to a resident.

Discussion ensued regarding canvassing, with City Attorney Levin recommending placement of "No Soliciting" signs as a solution and City Clerk Smith confirming "No Soliciting" stickers were available from her office.

Ms. C.J. Metcalfe expressed concern regarding canvassing materials blowing into the canal system, then indicating the "No Soliciting" stickers were an acceptable solution. City Attorney Levin reiterated the littering aspect was a separate issue which could be addressed by staff.

**Councilmember Miller** suggested the community should be reminded of enforceable ordinances pertinent to this matter.

Discussion continued, with City Attorney Levin confirming "No Soliciting" signs prohibited canvassing as well.

**NOTE: Discussion of Proposed Changes to the City's Sign Regulations was heard prior to Virtual Town Hall.**

**Discussion of Proposed Changes to the City's Sign Regulations.**

Ms. Lisa Hannon, Zoning Official, provided a presentation on the proposed sign code, as delineated in the agenda material, noting the overall intent was to provide sign standards and requirements which were content-neutral, non-discriminatory and consistent; promoted public health, safety and welfare and simplified the existing code in a way that was a win/win for the entire community. She began with a review of temporary signs, which included A-frame, banners, construction site signs, portable message centers and yard signs.

Discussion ensued with concerns regarding the proposed dimensions and number of yard signs as well as the duration for which signs could be placed.

Ms. Hannon continued the presentation with a review of permanent sign types for commercial and mixed-use areas, including temporary signs and permanent sign types, as delineated in the agenda material. She explained property owners would be



required to obtain permits for signs, including political signs. She noted items still requiring consideration included temporary signage, sign dimensions and Interchange Commercial zoning district sign standards. She stated next steps included revising the current proposal based on Council input, testing changes to verify consistency, presenting a proposal to stakeholders, obtaining public comment and finalizing the draft based on the input received. She concluded the final steps would be the required public hearings and adoption by City Council.

A lengthy discussion ensued regarding the limitation on the number of signs allowed, the requirement and reasoning for sign permits and standards for mural signage, with Councilmembers expressing concern regarding the impact of the proposed revisions on political signs and objecting to the requirement for property owners to obtain a permit for yard signs.

Consensus of Council was to request community feedback on the proposed sign regulations and to inquire how many free-standing signs should be allowed on a parcel, whether to allow the square footage for individual signs to be combined as one larger sign and whether the number of signs allowed should be dependent on a property's size.

**NOTE: City Council adjourned for lunch at 12:33 p.m. and readjusted at 1:00 p.m.**

#### **RECOMMENDATION FROM CITY OFFICERS**

##### **CITY MANAGER**

#### **Update on City action relating to Declared State of Emergency (COVID- 19)**

Fire Chief Briggs provided an update on the COVID-19 statistics and response, opining the City was entering the recovery phase of the pandemic. He reported the Charlotte County branch of the Florida Department of Health was now focused on community-wide testing, noting testing was available by appointment at the Charlotte Sports Park and testing was being performed on all residents and employees of assisted living facilities and nursing homes. He then explained a lag between the data reported by various health organizations accounted for variation in their statistics. He estimated assisted living facilities and nursing homes accounted for approximately 75% of cases in the 33950 zip code. He stated the Fire Department's call volume remained low, adding the number of calls related to COVID-19 symptoms had decreased. He noted 40 to 50 employees continued to participate in some form of telework, adding the Fire Department employees who contracted COVID-19 had returned to work.

**Mayor Prafke** stated residents had questioned why more drive-through testing locations were not available in Charlotte County, explaining a lack of testing kits and staffing had complicated same.

Discussion ensued regarding the availability of drive-through testing locations in Charlotte County.

City Manager Kunik provided an update on the County's actions with regard to reopening, noting the City would follow suit. He indicated Smuggler's desired to hold a Fourth of July celebration, confirming consensus of Council was to not do so. He then stated City buildings could open to the public as early as Monday, June 1, 2020, reviewing the procedures and safety measures currently planned.

**Councilmember Matthews** recognized Mr. Charlie Popp and Mses. Stephanie Stewart, Kate Albers, Carol Tibbals, Melissa Moskaluk and Liz Chudoba for their donation of face masks for City staff.

City Manager Kunik reported revenues were still being monitored, indicating an update would be provided at the July 1, 2020 meeting.

#### **Action Register Quarterly Update**

City Manager Kunik reviewed the Action Register Quarterly Update.

#### **CITY ATTORNEY**

#### **City Attorney Action Register**

City Attorney Levin confirmed there were no questions regarding the register.

#### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Board of Zoning Appeals – Alternate

Building Board – Alternate (2)

Planning Commission (2)

Ms. Macalle Finkle, Paralegal, announced the vacancies.

#### **Nominations**

Building Board

Councilmember Matthews **MOVED** to nominate and reappoint Mr. Charles Brox, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED**

#### **POLICY AND LEGISLATION**

**PRAFKE:** Encouraged residents to shop local to help businesses as they reopened and to continue to engage in activities safely.

**CUMMINGS:** No comments.

**MATTHEWS:** Provided an update from the recent Metropolitan Planning Organization meeting as follows: Charlotte County (County) staff would reach out to the City regarding installation of a traffic signal on Burnt Store Road at the southwest exit driveway from Home Depot; discussion of including the Military Heritage Museum and the Vietnam Wall Memorial on signage on I-75 had not yet produced results, but a County Commissioner had offered suggestions; the tentative plan for immediate improvements to the intersection of Carmalita Street and US 41 was for construction of a straight road with a signal during the 2021/2022 cycle.

**CAREY:** Encouraged everyone to act with kindness in light of the COVID-19 pandemic.

**MILLER:** No comments.

#### **CITIZENS COMMENTS**

Citizens' comments were read into the record at the beginning of the meeting.

The meeting was adjourned at 3:22 p.m.

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Mayor

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City Clerk