

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JUNE 17, 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.

City Manager Kunik read public comments received via email into the record: Mr. Bill Courtney expressed support for installation of a traffic signal at the Home Depot entrance/exit onto Burnt Store Road; Ms. Kelly Gaylord opined funding proposed for the Virginia Avenue complete streets project should be expended elsewhere; Ms. Dawn MacGibbon spoke against extending the moratorium on enforcement of the prohibition against public use of the auditorium at 900 West Marion Avenue; Mr. Bob Fritz voiced concern regarding revising the Comprehensive Plan based on the Citywide Master Plan; Ms. Wendy Mueller stated she would not disagree with the addition of another individual from the minority community to the community interview panel; Mr. Gene Pawlowski offered numerous recommendations regarding expansion and renovation of the Council Chambers; Mr. Burt Cass commented the road in front of the Ice House was aesthetically unappealing.

Mr. Tim Ritchie expressed concern regarding Mosaic's operation.

PROCLAMATION/PRESENTATIONS

None.

Introduction of Board/Committee Member Nominees

None.

ORDINANCE/RESOLUTION

(No Public Hearing Required)

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement with Charlotte County for the South Punta Gorda Heights West Street and Drainage Unit; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Macalle Finkle, Paralegal, explained the Agreement would allow Charlotte County (County) to continue to assess recently annexed City properties within the South Punta Gorda Heights West Street and Drainage Municipal Special Benefit Unit.

Councilmember Cummings **MOVED** approval of the resolution, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Amended and Restated Interlocal Agreement between Charlotte County and the City of Punta Gorda for allocation of Six Cent Gas Tax revenues and continued jurisdiction of certain County roads in the City; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date.

City Attorney Levin read the resolution by title.

City Manager Kunik explained the agreement would provide for distribution of gas tax proceeds at a ratio of 89.02% to the County and 10.98% to the City, which was based on population and could be revised every two years, if requested. He drew members' attention to the list of public roads the City agreed to operate and maintain, as delineated in the agenda material.

Councilmember Matthews **MOVED** approval of the resolution, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Regular Meeting of June 3, 2020
- B. Legal Department
 - 1. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through May 31, 2020.
 - 2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through June 11, 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 and Heartland National Estuary Partnership (CHNEP), accepting funding from the South Florida Water Management District for the South Lee County Watershed Initiative project; authorizing the City Manager to

- sign the funding agreement and administer the funding on behalf of the City; and providing an effective date.
2. Punta Gorda Boat Club Fence
 3. Stanley Smith Horticultural Trust Grant Application

BUDGET

FY 2021 Budget Update - General Construction Fund, 1% Sales Tax Fund, and Unfunded Construction Projects

Ms. Kristin Simeone, Finance Director, displayed the Capital Improvements Program Fiscal Year (FY) 2020/2021 through FY 2024/2025 presentation, as delineated in the agenda material, briefly reviewing the General Construction Fund Schedule of Revenues and Expenditures as well as the projects currently scheduled for funding. She provided a detailed review of funding for the projects in the current extension of the 1% Sales Tax Fund, concluding there was an estimated projected carryover of approximately \$1 million. She then drew Council's attention to the 1% Sales Tax Fund Proposed Extension Request for FY 2020/2021 through FY 2026/2027, noting the tax extension would be on the November 2020 General Election ballot. She explained if the tax was not extended, Council would need to consider projects' prioritization for funding, utilization of other funding sources, delaying projects or increasing the millage rate. She presented the Sales Tax Extension Schedule of Revenues and Expenditures for Proposed FY 2020/2021 through Proforma FY 2024/2025, noting the figures displayed had not been reduced in anticipation of receiving less funds in the coming years. She displayed the list of proposed sales tax projects and the breakdown of funding through FY 2027, briefly reviewing same.

A lengthy discussion ensued regarding the Historic City Hall Preservation and Rehabilitation Project, with Consensus of Council the project was a priority.

Ms. Simeone continued the review, noting the Freeman House, which was currently rented by the County Chamber of Commerce (Chamber), was experiencing a leak and had a crack in the foundation. She stated staff felt the project should be prioritized and completed in its entirety at one time, which might require temporary suspension of the County Chamber's lease.

City Manager Kunik explained staff could ask County Chamber staff to work out of their Port Charlotte office until the historic building was repaired. He concluded a revised proposed project list would be presented at a later date.

Ms. Simeone displayed Other Unfunded Projects which amounted to approximately \$15 million.

City Manager Kunik stated if there was any particular project which City Council did not wish to consider, it could be removed from the list.

Discussion ensued with consensus to remove the Alligator Creek – US 41 Northbound – Pedestrian Bridge II Project, the Visual Arts Center Expansion Project and the Park Kayak Ramp Project as well as to remove the reference to Firestation II from the South Punta Gorda Park Project.

NOTE: A short break was called at 10:21 a.m.

UNFINISHED BUSINESS

PLAN Punta Gorda Citywide Master Plan Comprehensive Plan Revision - Project Update

Mr. Mitchell Austin, Chief Planner, explained the purpose of the City's Comprehensive Plan and how same differed from the Citywide Master Plan. He explained the Comprehensive Plan Update's objective was to revise the City's Comprehensive 2040 Plan's goals, objectives and policies to support selected desired outcomes identified in the Citywide Master Plan. He noted elements under revision included future land use, coastal management, housing, transportation and historic preservation, briefly reviewing the key areas of focus for each revision, as outlined in the agenda material. He reviewed the tentative timeline, which included a final draft in November/December 2020 and final adoption in mid-2021.

A brief discussion ensued regarding review of the plan update and the utility of the Comprehensive Plan.

Extension of Moratorium on Enforcement Related to Public Use of the Auditorium at 900 West Marion Avenue

City Manager Kunik noted staff had requested this item be included on the agenda, reporting staff met with the owners of Fishermen's Village, who had requested a six-month extension of the moratorium waiving enforcement of the provision of the Planned Development Neighborhood ordinance regarding the auditorium being open to the public. He recalled Council indicated use of the auditorium by the Military Heritage Museum (Museum) was a good fit at a prior meeting; however, it was necessary to amend the Planned Development Neighborhood ordinance to allow that use. He concluded staff desired to resolve the issue.

Ms. Patti Allen, Fishermen's Village, apologized for the delay, adding it was not their intent to cause issues for the neighborhood. She stated the Museum continued to use the auditorium for events, noting plenty of parking was available. She stated Fishermen's Village staff would meet with City staff regarding amendment of the ordinance to allow public use of the auditorium by the Museum.

Mayor Prafke inquired as to the timing.

Ms. Hannon stated it could take three to four months due to advertising and other requirements, concluding staff would move forward as quickly as possible; however, staff could not do so until an application was received from the property owner.

Councilmember Matthews opined moving forward with the amendment was critical to the Museum's continued operation.

Councilmember Carey inquired as to including a not-to-exceed timeframe for the moratorium.

City Attorney Levin suggested the moratorium not exceed October 16, 2020.

Councilmember Matthews **MOVED** approval to accept the request with a not-to-exceed date of October 16, 2020, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Mayor Prafke requested the Discussion of Rear Yard Encroachments be heard next as members of the public were present for this item.

NEW BUSINESS

NOTE: Discussion of Complete Street Improvements was heard following Discussion of Rear Yard Encroachments.

Discussion of Complete Street Improvements for E. Virginia Ave. from US 41 North to Nesbit

Mr. Austin explained the location of the project and the existing street configuration as well as possible design details, which included a five-foot sidewalk, decorative lighting to enhance safety and security, high visibility and/or decorative crosswalks, on-street parking and street furniture. He reviewed three options: A - Parallel Parking; B - Diagonal Parking; C - Maximum Parking (combined parallel and diagonal), noting a conservative estimated total project cost of \$950,000, to be funded with 1% Sales Tax funds.

Councilmember Matthews inquired whether land acquisition was necessary.

Mr. Austin replied staff intended to keep the project within the right-of-way; however, adjacent property owners might grant the City easements for the improvements.

Discussion ensued regarding the project and its benefits, with Councilmembers speaking in favor of addressing public safety issues and maximizing parking.

Councilmember Cummings **MOVED** approval of the project with maximized parking for public safety, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

NOTE: Discussion of Rear Yard Encroachments was heard following Extension of Moratorium on Enforcement Related to Public Use of the Auditorium at 900 West Marion Avenue.

Discussion of Rear Yard Encroachments within the Special Residential Overlay District

Ms. Hannon displayed a presentation on encroachments in rear yards, as delineated in the agenda material, explaining three interrelated new home construction trends (creation of uninterrupted views; building above base flood elevation to reduce flood insurance premiums; flat back yards) were at odds with the current Florida Building Code and City Land Development Regulations. She explained a proposed solution was to permit a two-foot wide planter to encroach up to two feet into the required rear yard. She stated planter height would be limited to a maximum of 29 inches lower than the elevation of the adjacent pool deck, patio or structure. She stated in order to prevent steeper rear yard slopes or an increase to the velocity of storm water runoff, which can have the effect of causing erosion and/or place static pressure on the seawalls, structural fill could be limited to a depth of no more than one foot above the crown of the fronting roadway.

Councilmember Carey inquired as to the impact on water flowing toward the seawall.

Mr. Austin replied the maximum slope was governed by the Florida Building Code, adding the proposed change would alleviate the circumstances requiring a steep slope in the backyard, which would require less fill and increase ease of access to boat docks. He explained the planter's height limitation was tied to the adjacent structure to avoid creating an arbitrary elevation from the ground and to avoid allowing structures which could extend 35 feet in the air. He concluded the proposed change was logical and would not block viewsheds more than any other structure.

City Attorney Levin inquired if there was a limitation on structure height within the 20-foot setback.

Mr. Austin replied the Punta Gorda Code allowed a maximum height of 24 inches for non-permanent structures within a required yard.

City Attorney Levin confirmed if the planter were placed outside the 20-foot setback, there would not be a limitation on the planter's maximum height. He clarified the options available to City Council were to maintain the current provisions of the Punta Gorda Code or to amend same to allow a higher structure within the 20-foot setback.

Councilmember Matthews confirmed existing homes would be grandfathered. She then inquired whether it was possible to allow homes to be moved two feet towards the street, opining same was less intrusive.

Mr. Austin responded that modification could be entertained. He pointed out all homes were currently set back 25 feet; thus doing so could change the character of the neighborhood.

Mayor Profke objected to moving homes forward toward the street as it could make neighborhoods seem more crowded.

Discussion ensued with consensus for staff to move forward with an ordinance amendment.

Mr. Jim Sanders commented on construction challenges related to changes to the Florida Building Code and the Federal Emergency Management Agency's (FEMA) Flood Map, stating the proposed changes would alleviate pool construction challenges.

Mr. John Smith, Plans Examiner, spoke at length on the changes to the Florida Building Code and FEMA's Flood Map as well as associated impacts on grade and construction, noting increased grade could contribute to erosion and greater hydrostatic pressure behind the City's seawalls. He explained other methods to address steep slopes were typically rejected as people desired unimpeded views through their screened enclosures, concluding the proposed solution was previously allowed and would alleviate many challenges.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Update on City actions relating to Declared State of Emergency (COVID- 19)

Mr. Holden Gibbs, Operations Chief/Paramedic, provided an update on COVID-19, noting the case rate in Charlotte County remained stable. He cautioned the risk of contracting COVID-19 had not decreased; therefore, social distancing and cleaning guidelines should still be followed. He stated a testing site was available at the Cooper Street Recreation Center on certain dates, briefly reviewing testing recommendations. He indicated hospital capacity remained relatively stable at approximately 60% to 65% occupancy, adding the number of cases in long-term care facilities appeared to be decreasing. He then clarified Phase 2 of the State's reopening plan recommended but did not mandate restaurant servers wear masks.

City Manager Kunik noted the Finance Department was creating a list of expenses which would be submitted to the County in order to receive the City's portion of CARES funding. He stated staff desired for seating in Council Chambers to continue to be limited to 17. He indicated Council would discuss Halloween and the annual tree lighting at a future meeting.

CITY ATTORNEY

City Attorney Levin announced the Circuit Court granted the City's motion for summary judgment dismissing the Vlcko case; however, Vlcko had thirty days to appeal the decision. He then reported the Code Enforcement Board had denied Mr. Douglas Plattner's request for a fine reduction.

CITY CLERK

Donation Review Committee Appointment Confirmations

City Clerk Smith explained the Donation Review Committee (DRC) bylaws called for City Council confirmation of those members of the Historic Preservation Advisory Board who were appointed to serve on the DRC, noting confirmations were necessary for Mr. Brad Gamblin, Ms. Donna Peterman and Ms. Valerie Colbert.

Councilmember Cummings **MOVED** to confirm the appointments as presented, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Florida League of Cities Voting Delegate

City Clerk Smith stated at this time every year, the Florida League of Cities asked each City to designate a voting delegate for the annual business meeting, noting a scaled back annual conference would take place in Orlando at an undetermined location, but with accommodation for business meeting delegates to cast their votes using electronic communications technology.

Consensus of Council was for Mayor Prafke to serve as the voting delegate.

Discussion ensued regarding the Florida League of Cities' annual business meeting.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board - Alternate

City Clerk Smith announced the continuing vacancy.

POLICY AND LEGISLATION

PRAFKE: Announced the Florida League of Cities was accepting nominations for their legislative committees, questioning whether Council desired to remain on the Utilities, Natural Resources, and Public Works Committee and whether another Councilmember was interested in serving on a committee.

- Noted the City's virtual town hall meeting would take place at 10:00 a.m. on Friday, June 19, 2020.
- Questioned if the City Manager interview meetings could begin later in the morning on Monday, June 22, 2020, and Tuesday, June 23, 2020.

Mr. Phil Wickstrom confirmed those meetings could be scheduled to begin at 9:00 a.m. He then noted Ms. Caryn Gardner-Young's request to be excused from the meet and greet.

Discussion ensued regarding the week of the interviews, with Mr. Wickstrom agreeing to ask if Ms. Gardner-Young would attend the meet and greet if everyone wore a mask. Consensus of Council was to decide whether a Thursday, June 25, 2020, meeting would be required during the meeting on Wednesday, June 24, 2020.

- Encouraged everyone to vote for the City in the USA Today 2020 10 Best Readers' Choice Awards in the Best Small Town Food Scene category.

CUMMINGS:

Addition to Community Stakeholder Interview Panel for City Manager Candidates

Councilmember Cummings requested the Community Interview Panel be diversified through the addition of Ms. Martha Bireda due to her expert knowledge of the relationship between cities and police.

Councilmember Matthews expressed opposition to appointing another member so late in the process, pointing out the Historic District Homeowners' Association had changed their representative without Council's confirmation.

Councilmember Carey suggested the addition of Ms. Zelda Smith, commenting positively on her qualifications.

Discussion ensued regarding the replacement of Mr. Craig Ivey with Ms. Dawn MacGibbon as the Historic District Homeowners' Association representative and appointment of an African American member of the community.

Councilmember Miller **MOVED** approval of Ms. Dawn MacGibbon as Mr. Craig Ivey's replacement for the Historic District Home Owners Association's representative on the Community Interview Panel, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Mayor Profke called for nominations for an additional member of the Community Interview Panel to diversity its composition.

Councilmember Cummings **NOMINATED** Ms. Bireda.

Councilmember Carey **NOMINATED** Ms. Smith.

VOTING FOR MS. BIREDA: Cummings.

VOTING FOR MS. SMITH: Carey, Matthews, Miller, Profke.

Ms. Smith was appointed by a majority vote.

MATTHEWS:

Signal Warrant Analysis - Burnt Store Road & Home Depot Entrance

City Manager Kunik reported the County had determined a traffic signal was warranted; however, they did not plan to construct or fund such a traffic signal at this time. He suggested the item return to the Charlotte County-Punta Gorda Metropolitan Planning Organization (MPO) for their consideration, noting if the MPO declined to pursue the project, same would be presented for Council's consideration.

Mr. Austin explained traffic signals could cost upwards of \$1 million, then providing a brief history of the intersection.

Discussion ensued regarding costs and funding.

Mayor Profke stressed the problem had been caused by the Florida Department of Transportation (FDOT); thus, they should be part of the solution.

Councilmember Matthews stated FDOT had already declined to fund the project; however, she agreed to discuss the matter with Mr. Gary Harrell, MPO Executive Director, adding the intersection was a public safety hazard.

- Noted the program advertised in the recent letter from Service Line Warranties of America only covered exterior water lines from the water meter to residents' homes, noting other plans were offered on their website. She recommended residents thoroughly investigate the plans before acting.

MILLER: None.

CAREY: Commented positively on the recent prayer service and protest marches, complimenting Councilmember Cummings for his article in the newspaper regarding the difference between museums and monuments, particularly in relation to the train depot.

CITIZENS COMMENTS

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

The meeting was adjourned at 1:07 p.m.

Mayor

City Clerk