

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

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

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Rick Keeney, Public Works; Charles Pavlos, 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. Carlo Gargiulo, followed by the Pledge of Allegiance.

**PROCLAMATION/PRESENTATIONS**

**Day of Remembrance Proclamation**

**Vice Mayor Matthews** presented the proclamation, which was accepted by Mr. Carlo Gargiulo with special comments and the ringing of a ceremonial bell in remembrance of the lives lost as a result of the September 11, 2001 terrorist attacks.

**Employee Appreciation Proclamation**

**Mayor Prafke** presented the proclamation, which was accepted by City Manager Kunik. Incoming City Manager Murray read into the record those public comments received via email: Ms. Sally Mere requested events be allowed to proceed with safety precautions in place provided the Governor lifted attendance restrictions. Messrs. Grant Burns, Tim Layton, Fred Fox, John Chalifoux, James Round, Neal Singer and Frank Desguin and Meses. Bonnie Chalifoux, Sandy Brandt, Sherry Britt, Sandie Tate and Carlene Zeches objected to placing restrictions on boat and RV parking on property located in the Neighborhood Residential (NR) zoning district. Ms. Patricia Niles commented on development in the downtown.

Ms. Cathy Getz objected to placing restrictions on boat and RV parking in the NR zoning district.

Ms. Sally Mere reiterated her request to allow events to be held.

Mr. Frank Conti displayed photographs of homes and boats parked in the NR zoning district, objecting to parking restrictions for same.

Ms. Kate Conti read Punta Gorda's Mission Statement.

**Introduction of Board/Committee Member Nominees**

None.

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

## PUBLIC HEARINGS

GA- 09- 2020 - An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters' Retirement System, as adopted by Ordinance 879- 87 and as subsequently amended, is hereby further amended to provide for compliance with Chapter 2019- 21, Laws of Florida; repealing all ordinances in conflict herewith, providing for severability, and providing for an effective date.

GA- 09- 2020 - An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters' Retirement System, as adopted by Ordinance 879- 87 and as subsequently amended, is hereby further amended to provide for compliance with Chapter 2019- 21, Laws of Florida; repealing all ordinances in conflict herewith, providing for severability, and providing for an effective date.

### FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, explained the amendment brought the System into compliance with State laws, noting approval of same had been recommended by the Firefighters' Pension Board.

**Mayor Prafke** called three times for public comment.

Councilmember Matthews **MOVED** to close the public hearing, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Matthews **MOVED** approval of GA-09-2020, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

GA- 11- 2020 - An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 10, "Yard Waste and Solid Waste", Article II, "Solid Waste", amending Section 10- 11 increasing the monthly fee for removal and disposal of solid waste and curbside recycling services; providing for conflict and severability and providing an effective date.

### FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Finkle explained recycling rates were set by contract, noting monthly fees were being increased to meet fiscal obligations. She stated refuse rates were increasing \$0.10 for residential and approximately 0.8% for commercial, adding residential curbside recycling was increasing by \$0.50. She stated if approved, the new rates would go into effect on October 1, 2020.

**Mayor Prafke** called three times for public comment.

Councilmember Matthews **MOVED** to close the public hearing, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Matthews **MOVED** approval of GA-11-2020, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**AX- 01- 2020 An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, a total of 3.16 +/- acres being a portion of Section 17, Township 41 South, Range 23 East, Charlotte County, Florida, more particularly described in the boundary surveys attached hereto, and addressed as 3086 and 3078 Cooper Street, in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this Ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

Councilmember Matthews **MOVED** approval of AX-01-2020, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

**CP- 01- 2020 An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Intensity Industrial/County (LII/COUNTY) to Light Industrial/City (LI/CITY) for 3.16 +/- acres being a portion of Section 17, Township 41 South, Range 23 East, Charlotte County, Florida, more particularly described in the boundary surveys attached hereto, and addressed as 3086 and 3078 Cooper Street; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

Councilmember Matthews **MOVED** approval of CP-01-2020, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

**Z-01-2020 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 3.16 +/- acres being a portion of Section 17, Township 41 South, Range 23 East, Charlotte County, Florida, more particularly described in the boundary surveys attached hereto, and addressed as 3086 and 3078 Cooper Street, from its current Charlotte County zoning classification of Industrial General/County (IG/COUNTY) to City of Punta Gorda zoning classification Special Purpose/City (SP/CITY); providing for conflict and severability; and providing an effective date.**

**SECOND READING**

Councilmember Cummings **MOVED** approval of Z-01-2020, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

Mr. Bob Cox, applicant, thanked City Council for approval of the request.

**CONSENT AGENDA**

**Councilmember Cummings** pulled Item B2 for discussion.

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

**MOTION UNANIMOUSLY CARRIED.**

**ITEM B2:** City Attorney Levin read the resolution by title.

**Councilmember Cummings** inquired as to enforcement of mullet fishing.

Police Chief Davis explained the additional enforcement was related to illegal mullet fishing such as cast netting, adding complaints were received same had been occurring at night.

Councilmember Cummings **MOVED** approval of Item B2, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of August 19, 2020
2. Approval of Minutes: Special Meeting of August 21, 2020
3. Approval of Minutes: Regular Meeting of August 26, 2020

B. Police Department

1. Application for FY 2019 Edward Byrne Memorial Justice Assistance Grant (JAG-D)
2. A Resolution of the City Council of the City of Punta Gorda, Florida, accepting grant funding from the Charlotte County Marine Advisory Committee (MAC) under the Boater Revolving Fund Grant Program to fund the Police Department's Enhanced Law Enforcement Activities Program; authorizing the Chief of Police to administer the grant on behalf of the City; and providing an effective date.

3. A Resolution of the City Council of the City of Punta Gorda, Florida, accepting grant funding from the Charlotte County Marine Advisory Committee (Mac) under the Boater Revolving Fund Grant Program to fund the Police Department's Derelict Vessel Removal Program; authorizing the Chief of Police to administer the grant on behalf of the City; and providing an effective date.

## BUDGET

### **Payroll Tax Deferment Discussion**

Ms. Kristin Simeone, Finance Director, explained President Trump issued an Executive Order allowing employers to defer withholding and payment of the employee's portion of the Social Security tax between September 1, 2020 through December 31, 2020, noting the employer would then need to collect the amounts deferred between January 1, 2021 and April 31, 2021. She drew members' attention to a September 2, 2020, memorandum to the City Manager, as delineated in the agenda material, which outlined reasons the City might not want to participate in the deferment.

**Councilmember Carey** pointed out the deferment was for the social security portion of the tax.

Discussion ensued regarding several negative aspects related to implementing the deferment.

Councilmember Cummings **MOVED** to reject implementation of the payroll tax deferment, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

### **Gilchrist Park/Harborwalk Phase II Remaining Improvements Discussion**

Mr. Mitchell Austin, Chief Planner, displayed a PowerPoint presentation, as delineated in the agenda material, noting Area II Phase A - Harborwalk Construction was underway (Harborwalk; landscape; lighting; walkway connections; stormwater management). He stated remaining improvements were included in the design for Area II Phase B - Park and Retta Construction (Retta Esplanade parking, intersection treatments and royal palms; parking lot at Gilchrist Street and at playground; walkway connections; landscaping). He noted design costs were \$132,662 with construction costs for Phase A of \$1.2 million. He stated the total project cost for Phases A and B was \$2.6 million with \$1.347 million having been expended after completion of Phase A. He stated the cost for the engineering modification for Phase B was \$25,000 with construction costs of \$2.2 million. He stated currently the unfunded amount was approximately \$950,000, noting potential funding sources included undesignated 1% Sales Tax, General Fund and Park Impact Fees. He stated staff had been requested to provide options for reducing project costs, noting parking was the largest expense. He

displayed a graphic depicting five segments of diagonal parking on West Retta Esplanade, stating elimination of same would save a net amount of approximately \$600,000. He then displayed a graphic depicting three parking lots for Gilchrist Park, noting the potential net cost savings of eliminating same was \$734,400. He stated it was possible to mix and match segments and lots for elimination, noting Council had previously expressed concern regarding the need for sufficient parking at Gilchrist Park.

**Councilmember Miller** opined it made financial sense to install the three large parking lots rather than the on-street parking.

Mr. Austin suggested the engineer could be asked to include each parking segment as an add option on the plans, explaining actual costs could then be obtained from contractors during the bid process. He pointed out costs would be different at the actual time of construction.

**Councilmember Matthews** stated adequate parking must be provided for the Boat Club, opining it was necessary to construct all three parking lots as well as to revisit the east end of Gilchrist Park where some parking spaces had been lost. She stressed it was necessary to identify funding and complete the project.

**Councilmember Carey** commented 62 spaces was not adequate.

**Councilmember Cummings** voiced concern too much parking in the middle of the Park eliminated green space, recalling the consultant suggested parking be included on the east and west ends of the Park rather than the middle.

**Mayor Profke** questioned the necessity of improving the lots at Gill Street and the playground and/or removing the parking lot between the tennis and pickleball courts if there was diagonal parking along West Retta Esplanade, opining money could be saved if that was not necessary. She agreed parking for the boat club should be provided.

Mr. Austin explained the existing parking lots did not meet current engineering standards. He pointed out there were only five spaces in the lot between the tennis and pickleball courts, noting same consumed much green space and was inefficient. He stated it might be possible to improve the existing parking lots; however, the engineer had not been in favor of same as grade and elevation changes were needed to meet the requirements of the stormwater management permit.

**Mayor Profke** stated the parking lot might be inefficient but it would save money to leave it in place.

**Councilmember Carey** suggested if the lot was to be retained it should be improved in order to protect the Park.

**Councilmember Matthews** reiterated the entire project should be completed, adding it should be done correctly to avoid problems such as flooding.

**Councilmember Miller** opined parking lot 3 should be maximized; however, there was insufficient information available to make a determination this date.

**Councilmember Matthews** stated parking lot 1 was essential to access the gazebo.

**Mayor Prafke** questioned the need for parking lot 2, pointing out the additional parking on West Retta Esplanade would provide enough parking to allow that area to be freed up as green space.

Discussion ensued regarding the parking segments along West Retta Esplanade.

**Mayor Prafke** requested parking lot 2 be separated into two parts.

Incoming City Manager Murray suggested members submit their remaining questions to staff, adding answers and additional information would be provided for a future discussion.

Mr. Austin offered to provide a more comprehensive breakdown of the cost figures for the next discussion.

**NOTE: A short break was called at 10:51 a.m.**

#### **NEW BUSINESS**

##### **Recreational Vehicle and Boat Parking in the Non- SRO**

Ms. Lisa Hannon, Zoning Official, stated staff had been requested to present information regarding a possible change to the Punta Gorda Code regarding the parking of recreational vehicles and boats/trailers in the Neighborhood Residential zoning district, explaining the Special Residential Overlay zoning district had strict regulations regarding such parking while the NR zoning district was less restrictive.

Discussion ensued with consensus not to make any changes.

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

##### **CITY MANAGER**

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

Ms. Melissa Reichert, Communications Manager, presented the update, as delineated in the agenda material.

**Mayor Prafke** inquired whether it was possible to provide guidance on the City's website for residents experiencing issues with vacation rental properties.

Ms. Reichert stated residents could contact the Police Department if any ordinances were being violated.

Chief Davis acknowledged residents might be reluctant to contact the Police Department; however, it was their job to respond to such calls, pointing out residents could remain anonymous when they made a complaint.

Ms. Reichert offered to work with Ms. Hannon to develop information for the website.

### **COVID- 19 Event Discussion**

Ms. Hannon explained an event organizer had asked whether the City could move forward with event permit applications, requesting City Council direction regarding same.

A lengthy discussion ensued with consensus not to move forward with the review or approval of any event permit applications for October 2020 at this time but to review the issue on a monthly basis.

**Mayor Prafke** stated it was important to be consistent rather than picking and choosing which events could be held as doing so put staff and City Council in an awkward position. She mentioned the City's mandatory mask ordinance expired October 6, 2020, suggesting a discussion be included on the September 23, 2020 agenda.

**Councilmember Matthews** requested staff provide an updated list of events the next time it was reviewed, suggesting the DRC review of the proposed Christmas Festival event be moved to a later meeting date.

City Attorney Levin advised making decisions based on an organization's perceived value to the community versus another organizations value in terms of allowing the use of the City's public facilities. He stated having a consistent policy, such as relying on an order from the governor put the City on the firmest legal ground. He stated Council's discussion had been constructive and appropriate under the circumstances, opining revisiting the matter on a monthly basis was a good idea. He suggested waiting to see what the governor did but even then, City Council had the ability to make a decision based on local circumstances.

Incoming City Manager Murray offered to invite Mr. Joseph Pepe, Department of Health, to provide another update at the September 23, 2020 meeting.

### **CITY ATTORNEY**

No comment.

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Board of Zoning Appeals (Alternate)

Building Board - Alternate

Code Enforcement Board

City Clerk Smith announced the vacancies.

### **POLICY AND LEGISLATION**



**PRAFKE:** Announced the Budget Public Hearing would be held at 5:01 pm later this date.

**MATTHEWS:** Requested clarification of the 50% occupancy rule versus 50 people rule. City Manager Kunik explained the 50% occupancy referred to occupancy loads for indoor establishments, while the 50 people rule referred to outdoor events and was related to how many people could congregate at one time.

**CITIZENS COMMENTS**

None.

The meeting was adjourned at 11:58.

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Mayor

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City Clerk