

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, NOVEMBER 18, 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 Murray; City Clerk Smith

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

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

**Mayor Matthews** announced Mr. Joseph Pepe would arrive shortly to provide an update on the COVID-19 pandemic. She confirmed there were no citizen comments either via email or in person.

**PROCLAMATION/PRESENTATIONS**

**Juan Ponce de Leon Conquistador Day**

**Mayor Matthews** presented the proclamation, which was accepted by Mr. Lindsay Harrington and the Royal Order of the Juan Ponce de Leon Conquistadors.

**Introduction of Board/Committee Member Nominees**

None.

**PUBLIC HEARINGS**

**GA- 12- 2020 An Ordinance of the City of Punta Gorda, Florida, amending the Punta Gorda Code, Chapter 9, "Public Nuisances", Article II, "Mandatory Lot Mowing Program", Section 9- 7, "The Program", by adding a new Subsection (s) requiring vacant lots be free of debris and in serviceable condition; providing for conflict and severability; and providing an effective date.**      **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, explained the proposed ordinance required property owners of undeveloped lots in the Lot Mowing Program to maintain the property in a serviceable condition at all times, noting lots which accumulated debris or developed uneven grades including holes and ruts posed a safety hazard and could not be mowed by the contractor. She displayed several photographs of properties with deep ruts and large amounts of landscape debris.

Ms. Lisa Hannon, Zoning Official, stated the intent of the ordinance was to address vacant lots with ruts, noting there was currently no language in Punta Gorda Code which addressed deep ruts which were not associated with exposed soil. She noted

property owners were responsible for maintenance of their properties under Florida Statutes, Chapter 162.

**Councilmember Prafke** opined there should have been a discussion prior to presentation of an ordinance, expressing concern out-of-state property owners might not be aware of damage done to their properties by others. She acknowledged there was an issue, speaking against taking action which could be viewed as unfriendly.

**Councilmember Carey** inquired as to the normal reaction of a lot owner when they were told their lot was not serviceable.

Ms. Hannon replied there had been few incidents, and they were typically addressed following notification of the property owner. She noted the City required contractors to restore vacant lots which were used during construction on an adjacent lot, noting the City had expended substantial funds on drainage improvements and staff was attempting to ensure those were maintained.

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

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**Mayor Matthews** opined contractors were abusing vacant lots, and the City's lot mowers were creating ruts in some cases especially after a heavy rain. She opined the City should not implement such a heavy-handed ordinance at this time, adding property owners should not be penalized for the ruts until they were given a reasonable opportunity to fix the problem, if one existed.

**Councilmember Miller** inquired if penalties could be imposed.

Ms. Hannon replied the Code Enforcement Board could do so.

**Councilmember Prafke** stated there were many causes for the ruts, questioning whether the City could proactively act to assist in repairing the ruts within the lot mowing program as part of the fee.

**Mayor Matthews** stated there were so few properties involved, it was inappropriate to implement a City-wide code for same.

**Councilmember Cummings** agreed.

**Councilmember Carey** inquired as to staff's discussions in developing the ordinance.

Ms. Finkle provided an overview of the development of the proposed ordinance, which began with a previous Code case, stating staff was concerned about repairing vacant lots in the program as part of the fee, noting there were many lots not in the program whose owners might expect the City to also repair their rights-of-way.

City Manager Murray voicing concern regarding charging or penalizing property owners for repairs to damage caused by others, suggesting the enforcement mechanism needed to penalize those responsible for the damage. He stated in the absence of any proof, the question was how to repair the lots so they could still be serviced if it was at no fault of the property owner.

**Mayor Matthews** stressed it was not appropriate to penalize property owners who were not responsible for damage being done by contractors and mowing companies.

City Attorney Levin explained the City's goal was to ensure all lots were maintained appropriately regardless of whether they were in the lot mowing program, stating ultimately it was the property owners' responsibility to maintain their lot whether it was developed or not. He acknowledged absent owners of vacant lots might not be aware of activities on their lot; however, the burden to maintain the property remained on them unless the City made a determination it would fund repair of all damage absentee owners faced. He stated five days for compliance might be a short period of time; however, a longer period of time to achieve compliance resulted in a longer period of time until mowers could service the property. He reviewed the process which enabled the Code Enforcement Board to address violations and impose fines, stating a starting was needed in order to address the problem. He acknowledged the ruts were likely caused by someone other than the property; however, there needed to be some way of dealing with the problem, and this ordinance had seemed the simplest way to do so.

**Councilmember Prafke** suggested staff perform further research to determine if this was a pervasive issue and how to remedy same within the program, which may include a fee increase, adding it could make entering the lot mowing program more compelling if this was a benefit.

**Councilmember Miller** concurred, adding alternatively the City could develop a methodology for making the repairs for a fee.

**Mayor Matthews** voiced concern the proposed ordinance would result in property owners installing a plethora of "no trespassing" signs.

**Councilmember Carey** inquired if property owners were told they had to maintain their lot in certain condition if they were part of the lot mowing program.

Ms. Hannon replied it was implied.

Councilmember Prafke **MOVED** denial of GA-12-2020, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**Mayor Matthews** announced Mr. Joseph Pepe, Florida Department of Health (DOH) in Charlotte County, had arrived.

Mr. Pepe provided an update on COVID-19. He stated the daily COVID numbers were increasing globally and locally, adding Charlotte County's numbers were also spiking with more than 50 cases in one day the previous week and 42 the previous day. He reported the median age of cases was 56, with significant transmission in those between 55 to 74 who were out and socializing in the community. He stated household spread also resulted in more children testing positive, especially older teenagers who were more mobile, projecting there would be 70 new cases this month which would exceed the previous month's numbers. He stated the message for the upcoming holidays was to be safe when shopping or engaging in other holiday related activities. He noted hospitalizations had increased as had the number of cases in intensive care, adding most hospitalizations involved older patients due to underlying health issues. He stated there was an uptick in the overall number of cases involving workers in long term health care facilities, adding the Department had intervened with infection control visits which resulted in a drastic correction, along with the overall surveillance that was happening, clarifying long term care facilities had the ability to do more testing and rapid response which had helped that situation. He then displayed a graph of call analytics for social stressors which indicated the psycho-social/economic impact of the pandemic, stating the Department continued to monitor and attempt to mitigate the impact of the social stressors, noting drug overdoses and alcohol use had increased as the outbreak progressed. He stated the community was stressed and it was necessary to work as a medical community through social service organizations as well as the clinical side of things in order to embrace being a trauma-informed community and that continuity of care, which a strategic priority for the Health Department. He stated the team continued to do contact tracing and extended funding through June 2021 to support those efforts. He reported progress continued to be made in COVID treatments, adding they were prepared for a vaccine delivery late in the last quarter of this calendar year; however, it would be in limited dosing due to supply and demand. He stated the Department was poised to work with the hospitals and the infrastructure to reach the most vulnerable to protect them. He stated the Department was in the process of developing strategies related to vaccine availability and distribution channels.

**Councilmember Cummings** inquired if the acuity of cases had increased.

Mr. Pepe replied while hospitalizations had increased as a function of the volume of cases, survival rates had increased.

**Councilmember Miller** inquired if therapeutics were readily available.

Mr. Pepe replied convalescent plasma and Remdesivir were while newer therapeutics were in the process of being distributed at this time.

**Councilmember Carey** noted several states were implementing controls to slow transmission in their communities, inquiring whether Florida intended to do so.

Mr. Pepe replied people were fatigued with COVID-19 restrictions, adding if everyone followed the Centers for Disease Control and Prevention's guidelines, transmission would slow. He stated the message was for people to hang on a while longer as a vaccine was forthcoming, and treatments continued to improve. He opined the local response had a greater impact than federal- or state-level response. He noted the DOH continued to provide information and education to assist businesses.

**Councilmember Miller** inquired as to recommendations on how to safely enjoy the holidays.

Mr. Pepe responded symptomatic individuals should stay home and seek medical care and everyone should continue to follow guidelines related to hygiene and social distancing. He expressed concern holiday stress could be increased due to the financial impacts of COVID, adding more to the holiday than maxing out credit cards, speaking in favor of remembering the holidays were about more than spending money.

**Mayor Matthews** voiced concern regarding restaurants telling workers they were not required to wear a mask because there was no mandate, noting the City's ordinance remained in place until April 2021.

Mr. Pepe opined the duration of the pandemic had led to fatigue and failure to continue to follow guidelines. He stated those issues could be referred to the DOH, noting they were working with the Department of Agricultural and Consumer Services to address issues at restaurants.

City Attorney Levin requested Mr. Pepe convey his desire for Governor DeSantis to rescind his executive order which preempted local municipalities' ability to enforce their ordinances.

Mr. Pepe agreed to pass along the message. He stated there was fear about the safety of a vaccine, adding much education remained to be done.

**Mayor Matthews** announced Mr. Jerry Paul, City lobbyist, would address City Council next.

**NOTE: GA- 14- 2020 was heard following discussion of the Legislative Agenda.**

**GA- 14- 2020 - An Ordinance of the City of Punta Gorda, Florida, amending the Punta Gorda Code, Chapter 23, "Traffic", Article I, "In General", Reserved Section 23- 5, to adopt traffic regulations prohibiting left turns at the Cooper Street and E.**

**McKenzie Street intersection during certain times of day; providing for conflict and severability; and providing an effective date.** **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Finkle explained the proposed ordinance prohibited motorists traveling north on Cooper Street from turning left onto East McKenzie Street between 7:45 a.m. to 8:15 a.m. and 2:45 p.m. to 3:15 p.m. from Monday through Friday, noting regulation of the traffic flow would alleviate bottlenecks created by traffic back-ups during the morning drop off and afternoon pickup at Sallie Jones Elementary School and would improve safety for motorists and pedestrians traversing the area. She stated the Police Department was requesting approval and installation of a new traffic sign at a proposed cost of \$100.

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

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED** by Councilmember Miller.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Prafke **MOVED** approval of GA-14-2020, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**GA- 15- 2020 An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the general provisions of Chapter 17, "Public Utilities", Punta Gorda Code, to increase monthly utility rates, decrease water system connection fees, increase wastewater system connection fees, and adopt other miscellaneous charges associated with the provision of water and wastewater services within the Punta Gorda Utility Service Area; providing for conflict and severability; and providing an effective date.** **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Kristin Simeone, Finance Director, explained the proposed ordinance was based on the recent rate study and recent Council discussion, noting it adopted new rates, fees and charges associated with the provision of water and wastewater services, noting the proposed rates would become effective January 1, 2021 with the exception of the wastewater system connection (impact) fees which would become effective 90 days after adoption of the ordinance.

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

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Prafke **MOVED** approval of GA-15-2020, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

Ms. Simeone announced the final public hearing would occur at second reading on December 2, 2020.

**QUASI- JUDICIAL PUBLIC HEARINGS**

**V- 02- 2020 – A request by Warren R. Ross, Esquire, authorized agent for Donald D. and Diane M. Soukup, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a rear yard setback of 6.2 feet at its closest point instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, in order to construct a new screen enclosure on an existing non-conforming pool deck, constructed in 1974, for a single- family residence located in a General Single- family zoning district. LEGAL: Punta Gorda Isles Section 14, Block 174, Lot 6 A/K/A: 951 Don Juan Court, Punta Gorda, Florida Charlotte County Parcel Id: 412213153013**

City Attorney Levin swore in the participants and read the variance by title.

Ms. Hannon entered the staff report denoted in the agenda material into the record by reference. She provided a detailed explanation of the applicants' request and outlined staff's findings and conclusions. She reviewed the criteria which must be met in order for a variance to be approved, noting there were no special circumstances or conditions which concerned the property; however, strict and literal enforcement of the zoning regulations regarding setbacks created an undue hardship in that the installation of the screen enclosure would not be permitted. She stated the applicant had provided two letters of support from neighbors and two letters regarding the benefit of the applicant's pool use from medical professionals. She concluded the Development Review Committee, Punta Gorda Isles Canal Advisory Committee, the Board of Zoning Appeals and staff recommended approval of the request with the conditions that no expansion of the pool deck be permitted and that a proper building permit be required prior to construction and installation of the enclosure.

**Mayor Matthews** confirmed the pool was non-conforming at the time of construction in 1974, inquiring whether the fence would be removed if the screened enclosure was installed.

Ms. Hannon replied with uncertainty.

Mr. Warren Ross, applicant's representative, commented the variance application was supported by clear evidence, including documentation from medical professionals in support of the pool screen enclosure.

Mr. Donald Soukup stated there was currently a chain link fence, noting the enclosure would keep out various animals and provide additional safety.

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

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Prafke **MOVED** approval of V-02-2020 with the conditions recommended by staff, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**GA- 13- 2020 - An Ordinance of the City of Punta Gorda; amending the City of Punta Gorda General Employees' Retirement System, restated pursuant to Ordinance 1922- 19, amending Section 1, Definitions; amending Section 2, Membership; amending Section 6, Benefit Amounts and Eligibility; amending Section 7, Pre-Retirement Death; amending Section 10, Optional Forms of Benefits; amending Section 14, Maximum Pension; amending Section 15, Minimum Distribution of Benefits; amending Section 18, Domestic Relations Orders, Exemption from Execution, Non- Assignability; amending Section 23, Re-Employment after Retirement; repealing all ordinances in conflict herewith and providing an effective date.**

**SECOND READING**

Councilmember Carey **MOVED** approval of GA-13-2020, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

Councilmember Prafke **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 November 4, 2020
- B. Legal Department
  - 1. Invoices of Persson & Cohen, P.A. for legal services rendered in October 2020
  - 2. Invoices of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through November 12, 2020



- C. Finance Department
  - 1. Approval of Contract Change Order 6 to Amendment 25, Harborwalk Phase II to Weiler Engineering Corporation.
- D. Urban Design Division
  - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing the recurring submission of a grant application to the Florida Department of Environmental Protection Clean Vessel Act Grant Program for the operation, maintenance and repair of the Laishley Park Municipal Marina Pumpout Vessel; authorizing the City Manager to sign applications and funding agreements, and administer the grants on behalf of the City; and providing an effective date.
- E. Police Department
  - 1. A Resolution of the City of Punta Gorda, Florida, accepting a grant funding from the State of Florida Department of Transportation under the Subgrant for Highway Traffic Safety Program for the "Think Before You Drink" Campaign (Subgrant No. G1R66); ratifying the certificate of acceptance; and providing an effective date.

#### **BUDGET**

No items.

#### **UNFINISHED BUSINESS**

No items.

#### **NEW BUSINESS**

**NOTE: Discussion of Legislative Agenda was heard prior to GA- 14- 2020.**

#### **Discussion of City Priorities and Requests for 2021 State Legislative Agenda**

Mr. Paul reported the organizational session of the legislature was held the previous day, noting lobbyists were meeting. He stated he would focus on the legislative calendar, delegation and agenda as well as City Council visits to Tallahassee. He reviewed the calendar, noting the 60-day legislative session began March 3, 2021. He stated prior to that date during Committee Weeks, which would begin in January, local officials met with their legislators, which would happen in Charlotte County on December 10, 2020, at the Punta Gorda Isles Civic Association. He stated the deadline to submit requests to make a presentation was December 4, 2020, adding the individuals who would present needed to be identified. He stated typically the Mayor and City Manager did so; however, same needed to be confirmed.

**Mayor Matthews** confirmed same.

Mr. Paul provided a brief overview of the Committee Weeks, which typically occurred over 5 to 6 weeks beginning in January, suggesting Councilmembers might want to

visit Tallahassee at some point during that time or during the first or second week of the Legislative Session if the Capitol remained locked down. He expressed uncertainty whether the Florida League of Cities' (FLC) Rally Days would be cancelled, noting City Council was typically represented at the event. He stated meetings at the Capitol could be scheduled for that time if Council desired. He noted the Legislative Session would commence following the Committee Weeks and would last approximately 60 days, after which processes like establishing cooperative funding agreements or drafting ordinances could begin as necessary. He then provided a brief overview of the members of Charlotte County's delegation. He stated he spoke with Representative Michael Grant, Majority Leader of the House of Representatives, about funding for the City's Boca Grande drainage project and a possible strategy for same; however, he explained there would be fewer dollars available in the State budget for local projects.

**Councilmember Cummings** opined the City's inclusion of the Boca Grande project on the Local Option Sales Tax list could increase the chance of receiving State funding.

Mr. Paul stated the State's position was that local taxes should pay for projects that primarily benefited localities, adding it was necessary to show a statewide impact to obtain funding, which he felt could be done for this project.

**Councilmember Prafke** suggested it might be preferable for Councilmembers to visit during Committee Weeks, suggesting identification of common ground for discussions prior to meetings with legislators.

Discussion ensued regarding tailoring talks with legislators to the specific impacts of legislation within the local community as well as the value and difference in messaging emanating from the FLC.

**Mayor Matthews** suggested the City's legislative agenda items include the Boca Grande drainage project, septic-to-sewer conversion project and a major overhaul of the Wastewater Treatment Plant.

**Councilmember Prafke** stated the City might not be ready to request funding for the septic-to-sewer conversion project, suggesting including the preservation of City Hall as it was on the National Historic Registry and in dire need of restoration.

Mr. Paul stated the City Hall project might be better addressed with grant funding. He noted the Boca Grande project was already on the list for presentation to the delegation. He suggested the septic-to-sewer conversion project be pushed out when more funds were available for water projects. He then questioned if the City had authorized Property Assessed Clean Energy Programs (PACE) and if same worked well.

**Councilmember Cummings** responded the City had experienced no issues.

Mr. Paul inquired if authorizing payment of the homeowner's portion of the septic-to-sewer conversions through PACE was desired.

**Mayor Matthews** stated Council could consider same, noting the project was in the beginning stages.

Mr. Paul offered to discuss the matter further with the City Manager.

City Attorney Levin stated he was researching legislation related to the septic-to-sewer issue and the City's ability to serve areas outside of City limits, noting tweaking a Statute might allow the City greater flexibility. He indicated he would provide recommendations to City Council in the future.

**Councilmember Prafke** clarified City Attorney Levin was referring to the City's inability to add an assessment to an individual's tax bill without first obtaining the County's approval.

Mr. Paul stated a local bill might address that issue and would involve a separate process, offering to work with the City Attorney regarding same.

**Mayor Matthews** inquired as to other recommendations for the legislative agenda, noting City Council typically supported the FLC's and Charlotte County's legislative priorities.

City Manager Murray concluded City Council could finalize the legislative agenda at the December 2, 2020, meeting.

**NOTE: A short break was called at 10:54 a.m.**

**NOTE: First Macedonia Church Event was heard following Consent Agenda.**

**First Macedonia Church Weekly Food Distribution Event - Request for In-Kind Service**

Ms. Hannon explained First Macedonia Church (Church) had requested the City provide the required maintenance of traffic plan (MOT) for closure of East Charlotte Avenue from Milus Street to Martin Luther King Boulevard as an in-kind service for its weekly event on Tuesdays from 8 a.m. to 3 p.m. She noted the closure cost was \$86.70 each week.

**Councilmember Carey** noted the Church was meeting a community need, speaking in favor of approving the request.

**Councilmember Prafke** confirmed the farmer's market on Taylor Street performed their own MOT, questioning if the Church could do so.

City Manager Murray responded staff viewed this as a service to the community.

Councilmember Cummings **MOVED** approval of the request, **SECONDED** by Councilmember Miller.

**MOTION UNANIMOUSLY CARRIED.**

**RECOMMENDATION FROM CITY OFFICERS**

**CITY MANAGER**

City Manager Murray thanked Councilmembers for their cooperation in seating rearrangements.

**CITY ATTORNEY**

No comments.

**BOARDS AND COMMITTEES**

**Announcement of Vacancies**

Board of Zoning Appeals Alternate (2)

Building Board - Alternate

General Employees' Pension Board

Utility Advisory Board

City Clerk Smith announced the vacancies.

**POLICY AND LEGISLATION**

**MATTHEWS:** Noted Council would participate in the parade on Saturday, November 21, 2020, wishing everyone a happy Thanksgiving.

**MILLER:** None.

**CAREY:** Stated for those attending the weekend's Veterans Day events, masks saved lives.

**CUMMINGS:** Commented positively on the Welcome Home Vietnam Veterans event.

**PRAFKE:** Wished everyone a happy Thanksgiving and an enjoyable time at the Vietnam Veterans Welcome Home events going on during the week.

**CITIZENS COMMENTS**

None.

The meeting was adjourned at 11:30 a.m.

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Mayor

\_\_\_\_\_  
City Clerk