

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MARCH 17, 2021, 9:00 A.M.**

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

**COUNCILMEMBERS EXCUSED:** Miller

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Rick Keeney, Public Works; Charles Pavlos, Utilities; Jeff Payne, 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.

City Manager Greg Murray read an emailed comment from Ms. Patti Allen in support of Learn to Sail's request.

**Mayor Matthews** called for public comment.

Ms. Linda Wein asked for Council support of the request for a new Christmas tree.

Ms. Pat Niles expressed appreciation for City Council and City Attorney David Levin, requesting residents be kept informed of Council's proceedings and a level playing field be provided for residents and developers.

Ms. Jackie Johnson asked for Council support of the purchase of a new Christmas tree and the tree lighting festival.

Ms. Beth Magnin introduced herself as a nominee for the Historic Preservation Advisory Board.

Ms. Allen spoke in favor of the request for the new Christmas tree.

Ms. Kenley George asserted City Council only had the authority to regulate signs in the rights-of-way and people should be able to decide what or how many signs they could have on their property. She stated dead foliage along Marion Avenue should be addressed. She voiced concern multiple accidents had occurred in the area of Fishermen's Village, suggesting additional signage might be needed in that area.

**PROCLAMATION/PRESENTATIONS**

**ARCHway Institute for Addictive Diseases and Co-Existing Mental Health Disorders Day**

**Mayor Matthews** presented the proclamation, which was accepted by Mr. Dan Stuckey.

**Introduction of Board/Committee Member Nominees**

No additional nominees.

**Mayor Matthews** recalled City Council had voiced concerns regarding abandoned utility poles as a result of Florida Power & Light's (FPL) hardening project, announcing Ms. Charlotte Miller of FPL wished to share an update on the issue.

Ms. Miller explained the purpose and process of hardening, noting after the new poles were installed, other utilities transferred their lines to the new poles. She stated crews were working diligently to remove poles, noting 95 double poles had been removed since August 2020, with 40 additional poles removed since March 5, 2021, and 165 more poles scheduled for removal. She stated FPL was in the process of transferring facilities on 18 poles and Comcast was working on 121 poles, adding once that work was complete, FPL would schedule the removal. She recalled Council had voiced concern regarding the lack of communication with residents; however, FPL sent letters/email to customers regarding hardening projects in their area, assuring Councilmembers that FPL was working to enhance communication with customers as well as the City to provide more information and a better understanding of the process and what to expect. She recalled Mayor Matthews had shared concerns regarding needed repairs and issues with vegetation, adding she welcomed feedback from anyone experiencing those issues as FPL desired to correct same. She offered to meet with the City on an ongoing basis, perhaps weekly or bi-weekly, to provide updates and to address all concerns.

**Councilmember Prafke** noted a hardening project was taking place in Burnt Store Isles (BSI), noting the BSI Homeowners Association (HA) had voiced concern regarding a lack of information and anything that could be done to improve same would be appreciated.

Ms. Miller stated she understood the frustration and was committed to providing better communications, adding she would follow up regarding Comcast transfer of wires to the new poles. She reported FPL anticipated hardening in BSI would be completed by the end of April 2021; however, that timeframe did not include pole removal. She stated she would communicate same to the BSI HA President.

**Mayor Matthews** stressed it was important for FPL to restore sites after pole removal.

Ms. Miller concurred, explained the white stones around the base of the poles were installed to strengthen the poles as they were setting. She agreed it was necessary for FPL to restore sod and restore landscaping

**Mayor Matthews** expressed support for having a weekly meeting and a desire to be involved, noting City Manager Murray had agreed to participate as well.

**Councilmember Carey** opined customers who were unaware of the project likely received their bill electronically and did not read the information provided in that format, suggesting additional outreach through the homeowners' associations.

Ms. Miller concurred.

**Mayor Matthews** suggested providing information to the City Manager and Councilmembers who could then share with the community via newsletters.

Ms. Miller agreed.

**Councilmember Cummings** inquired who to contact regarding dangerous tree limbs in the downtown area.

Ms. Miller responded she could be contacted, and she would share same with the vegetation crew. She noted while FPL conducted a regular trimming program, some vegetation was fast growing, adding same would be addressed if FPL was notified.

**Councilmember Profke** suggested distributing information in the NextDoor application could address much of the incorrect information which circulated in the community.

City Manager Murray confirmed the Public Utilities Commission letter would be tabled for now.

**Councilmember Profke** requested a letter be sent to Comcast informing them the City would send a letter to the Public Utilities Commission if they continued to be unresponsive.

City Manager Murray agreed.

Mr. Joseph Pepe, Department of Health, Charlotte County, provided an update on COVID-19 cases, noting the positivity rate had decreased to 5.73%. He stated the recent data showed a downward trend in the number of cases and fatalities, which he attributed to infection control measures and vaccination efforts. He stressed infection control worked and was a standard practice for the medical community. He then provided information on vaccination efforts, noting the County had vaccinated 63% of the over-65 community. He stated 83,556 doses had been administered to date, which was significant progress for a community of 180,000, thanking all of the various groups who had been part of the large community effort. He opined it was premature to discuss eliminating the mask ordinance, voicing hope the community could have a "maskless" July 4, 2021, celebration.

**Mayor Matthews** inquired as to access to pop-up sites.

Mr. Pepe explained pop-up sites were not the only sites but rather were part of a mix of efforts, noting there were approximately 30 points of presence in Charlotte County, which included targeted communities. He clarified the DOH did not preclude others

from participating, explaining the challenge was to plan for the number of vaccines to bring and to ensure safety for the community. He stated the DOH's goal was to work their way around the community, adding communities were encouraged to reach out. He stated the DOH did not wish to create panic or overcrowding, adding it was preferable to have a controlled environment.

**Mayor Matthews** inquired as to people who were refusing to get vaccinated.

Mr. Pepe replied he was in favor of providing all the information and letting individuals making their own decision, stressing he was strongly in support of vaccination as were most physicians. He stated if individuals did not intend to get vaccinated, they should take protective measures to remain healthy.

**Councilmember Cummings** cited an example of the Emerald Pointe community taking care of themselves and then reaching out to assist others.

Mr. Pepe stated supply of the vaccine had accelerated dramatically with approximately 10,000 to 13,000 vaccinations being administered each week, opining as people completed the vaccine series, immunity would result in significant improvements.

**Councilmember Carey** inquired as to variants.

Mr. Pepe replied the DOH was aware of four cases, explaining random sampling, surveillance and testing was part of the national surveillance effort. He stated there were no new variants that were outside the protection of the vaccine, noting the faster vaccines were distributed, the better protection everyone would have.

City Attorney Levin inquired if a fully vaccinated individual could transmit the virus.

Mr. Pepe replied a fully vaccinated individual carried a low viral load and was not likely to transmit the virus.

### **ORDINANCE/RESOLUTION**

#### **No Public Hearing Required**

**GA- 01- 2021 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 the SECURE Act; repealing all ordinances in conflict herewith, providing for severability, and providing for an effective date.**

#### **SECOND READING**

City Attorney Levin read the ordinance by title, noting this was the second reading.

Councilmember Prafke **MOVED** approval, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**A Resolution of the City Council of the City of Punta Gorda, Florida, urging the Florida Legislature and Congress to establish Florida's Emancipation Day as a State Holiday.**

**Councilmember Carey** stated she was uncomfortable asking for the day to be declared a state holiday.

**Councilmember Cummings** clarified there was no financial impact and no request for a paid state holiday, noting the intent was to ensure May 20 was Emancipation Day.

City Attorney Levin suggested a modification of the language in the resolution to remove the words "as a state holiday" and revise Section I to read, "the City of Punta Gorda does hereby support State legislation and urges the Florida Legislature to establish May 20 as Florida's Emancipation Day".

Councilmember Prafke **MOVED** approval of the resolution as amended, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

City Attorney Levin advised the resolution title would also be amended.

**CONSENT AGENDA**

Councilmember Carey **MOVED** approval of the Consent Agenda, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

- A. City Clerk's Department
  - 1. Approval of Minutes: Regular Meeting of March 3, 2021
- B. Legal Department
  - 1. Invoice of Persson & Cohen, P.A. for legal services rendered in February 2021
  - 2. Invoice of Allen, Norton & Blue, P.A. for legal services rendered in February 2021
  - 3. Invoices of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through March 10, 2021

**BUDGET**

No items.

**UNFINISHED BUSINESS**

**Harborwalk West Phase II Area 2b**

Mr. Mitchell Austin, Principal Planner, reported staff had received 90% design plans, which were being reviewed by City staff. He briefly reviewed the project schedule, noting construction was anticipated to begin in September 2021 and finish in late April/May 2022.

**Mayor Matthews** announced the Military Heritage Museum's major fundraiser would be held at the Bayfront Center in late September 2021.

Mr. Austin stated it would be necessary to keep important events such as that in mind. **Councilmember Cummings** indicated lighting along the tidal bridge area was a safety issue, acknowledging there was no electricity in that area.

City Manager Murray estimated it would cost approximately \$25,000 to install lighting there.

Police Chief Pam Davis agreed lighting was needed for safety.

Discussion ensued with consensus to include the lighting.

**Councilmember Prafke** voiced concern regarding the excessive speed of bicycles on the Harborwalk.

Police Chief Davis stated volunteers patrolled the Harborwalk and advised individuals to slow down and be cautious of pedestrians, explaining it was difficult to enforce speed. She opined motorized vehicles should not be on the Harborwalk, adding the definition of motorized bicycles needed to be reviewed. She suggested educating the community with regard to expectations for the Harborwalk was needed.

**Councilmember Prafke** questioned if approval of the 90% design plans was needed.

Mr. Austin replied in the negative, explaining the bid award would return to City Council with an add alternate included in the presentation.

City Manager Murray noted the add alternate addressed the intersection treatments, suggesting City Council provide formal direction to include lighting in the area discussed if desired.

**Councilmember Carey** suggested proceeding provided there was a discussion regarding the intersections.

City Manager Murray stated the intersections would have to be approved separately.

**Councilmember Prafke** voiced concern regarding a box truck crossing over the curb and parking on the Harborwalk to unload, suggesting bollards be installed in the area where the sidewalk connected to the Harborwalk near the Boat Club on the West Retta Esplanade side.

Mr. Austin confirmed the change could be made with the change order for the lighting.

## **NEW BUSINESS**

### **New Christmas Tree Proposal**

Ms. Macalle Finkle, Paralegal and City liaison to the Tree Lighting Committee (Committee), introduced Ms. Cathy Getz, Committee member.

Ms. Getz presented cost and funding information for the new Christmas Tree. She stated the only infrastructure needed was internet service for control of the LED lighting and music, noting the Comcast quote for same was \$2,243.

Ms. Jackie Johnson explained internet was needed to control the colored lights and perform updates to the controller from an off-site location.

**Councilmember Carey** inquired if a seasonal internet service was available.

Ms. Getz replied same might be available to the City. She then requested the proceeds from the auction of the old tree pay for the internet service and future improvements.

**Mayor Matthews** confirmed the Committee would continue fundraising, suggesting the City could gift the old tree to the Committee.

**Councilmember Prafke** voiced support for same.

**Mayor Matthews** suggested some of the City's Christmas decoration fund be used toward the overall cost or for cameras.

**Councilmember Prafke** expressed favor for covering the music component and internet connection.

City Attorney Levin indicated there were options for the City to gift the tree, requesting to do some research before providing a definitive answer; however, he stated a viable solution would be found. He stated the City could fund the music and the internet if desired. He pointed out the Committee was not a 501(c)(3) non-profit, suggesting the City donate the tree to the Board of Realtors who could then provide it to the Committee.

Councilmember Prafke **MOVED** to cover the cost of the music and internet.

**Mayor Matthews** suggested waiting until all costs were known.

City Attorney Levin clarified the City could provide funding for the limited infrastructure if desired and then determine how to proceed with the tree.

Ms. Finkle noted funds could be included as a line item in the budget each year.

Councilmember Cummings **SECONDED** the motion.

Ms. Getz requested the City contact Comcast.

**Mayor Matthews** reiterated the current budget's line item for Christmas decorations could possibly fund the cost.

**MOTION UNANIMOUSLY CARRIED.**

### **Learn to Sail Floating Dock Expansion Request**

Mr. Mitchell Austin, Principal Planner, stated representative of the Learn to Sail program (Program) contacted City staff in late 2020 with a proposal to expand the floating docks, explaining the opening of the Harborwalk's second phase had revealed space and timing conflicts occurring in that area due to the popularity of the Program and the Harborwalk.

Mr. Bob Brasher, Learn to Sail, Inc., explained the operations of the program. He explained the sailing program was currently using the Harborwalk for rigging,

launching, landing and de-rigging the sailing vessels; however, they had moved several trailers to another site and were attempting to minimize that use. He requested the existing floating docks be expanded to alleviate the safety issues caused by using the Harborwalk. He explained adding docks within the boat basin would require engineering design, permitting and construction, noting the Program was prepared to incur all the costs if the City was willing to sign and submit the permits as the property owner and consider execution of a long-term lease agreement for the basin facilities. He stated the Program was a benefit to the community, opining same promoted the City as a recreation destination.

**Councilmember Prafke** inquired as to the configuration of the dock expansion.

Ms. Brasher stated the basis was approximately 13,000 square feet and the docks would use approximately 1500 square feet.

**Mayor Matthews** stated there was no lease agreement for the docks to be located on City property, adding the City had permitted floating docks only when the Program was in session; however, the Program made an agreement with the Boat Club to attach the floating docks to the permanent dock. She stated the City owned the permanent dock but was only recently named as additional insured. She voiced concern there was nothing to secure the docks in strong winds to prevent damage to the permanent dock. She stated there were limitations on the linear footage of docks within the basin based on the permit from the Florida Department of Environmental Protection (FDEP). She voiced concern regarding potential liability for the City as well as the Harborwalk being blocked while the boats were being rigged. She concluded she was in favor of the Program but was hesitant to approve the request due to her concerns.

Mr. Brasher stressed the docks were only installed after permission was obtained from the City and the necessary paperwork was processed. He explained the docks were low profile and were secured by an 18-foot pole which was built to withstand hurricanes, noting there was a 10-foot extension which could rise with surge tides and the docks would be secured with chains to prevent them from blowing away.

Mr. Austin explained staff recommended entering into negotiations for a long-term lease, suggesting the request could be addressed in phases. He stated City Council could choose to proceed with the lease negotiation only at this time, with the floating dock expansion addressed at a later date.

**Councilmember Prafke** stated the City had a responsibility to make the Harborwalk as safe as possible, pointing out some concerns had already been addressed. She suggested the City should negotiate a lease to provide an optimal situation.



**Councilmember Carey** agreed most of the issues had been addressed, opining the Program was acting in good faith, and she was more comfortable with the request at this time.

**Councilmember Prafke** inquired as to approval of the Program's Marine Advisory Committee grant.

Mr. Brasher responded August 2021 with payment in October 2021. He confirmed the floating dock expansion could not proceed until funding was received. He then recounted difficulties in gaining FDEP's approval for permitting docks.

City Attorney Levin inquired as to the definition of "long-term" with regard to the lease.

Mr. Brasher expressed a preference for a 10- or 15-year lease.

City Attorney Levin stated FDEP's exemption determination dated to 2019 found the bottoms were not State-owned submerged lands; thus, he would be comfortable with a 10-year lease.

Discussion ensued regarding the history of the sailing programs at the Bayfront Center.

**Mayor Matthews** expressed a preference to proceed by drawing up a long-term lease agreement clarifying responsibilities.

Mr. Austin suggested the lease agreement could be structured to address the rights and responsibilities related to permitting and other aspects of the floating docks so that permitting and construction of the docks could begin once the lease was approved.

Councilmember Prafke **MOVED** approval of the floating dock expansion proposal with the stipulation a lease be drawn up first, with construction to follow, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

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

##### **CITY MANAGER**

City Manager Murray noted the week of March 15-19, 2021, was Government Finance Professionals Week, thanking Finance staff for their service.

##### **CITY ATTORNEY**

City Attorney Levin informed Councilmembers the draft lease agreement for Learn to Sail would address many scenarios which hopefully would not occur, expressing optimism the document would protect all parties' interests.

## CITY CLERK

City Clerk Smith questioned if City Council desired to continue reading only one proclamation on a first-come, first-served basis, suggesting any additional proclamations could be included on the Consent Agenda. She explained although the proclamations on the Consent Agenda would not be read, they would be signed by the Mayor and forwarded to requestors.

**Councilmember Carey** questioned if it was time to increase the number of proclamations read at each meeting.

**Mayor Matthews** suggested allowing one external and one internal (staff) proclamation each meeting.

Consensus of Council was to schedule up to one external and one internal proclamation for reading with any additional proclamations being included on the Consent Agenda.

## BOARDS AND COMMITTEES

### **Announcement of Vacancies**

Board of Zoning Appeals Alternate (2)

Utility Advisory Board

General Employees' Pension Board

Firefighters' Pension Board

Donation Review Committee

Historic Preservation Advisory Board - 2 Alternates

Burnt Store Isles Canal Advisory Committee

City Clerk Smith announced the vacancies.

**Councilmember Carey** questioned why so many vacancies existed.

Discussion ensued regarding the reasons for the increased number of vacancies, with City Clerk Smith noting vacancies would continue to be advertised in the newspaper.

### **Nominations**

Historic Preservation Advisory Board

Councilmember Prafke **NOMINATED** all interested parties.

Building Board - Alternate

Councilmember Carey **MOVED** to nominate and appoint Mr. Don Tottingham, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

Burnt Store Isles Canal Advisory Committee

Councilmember Prafke **NOMINATED** all interested parties.

## POLICY AND LEGISLATION

**MATTHEWS:** Announced she attended the Southwest Florida League of Cities (SWFLC) meeting the previous week, suggesting the City may wish to write letters of support or opposition regarding certain legislative items. She noted House Bill (HB) 55 and Senate Bill (SB) 284 would regulate the exterior features of buildings, expressing concern same would impact moving forward with the City's Master Plan and Form Based Code.

**Councilmember Prafke** questioned if the bills had been discussed with the City's lobbyist.

City Manager Murray replied City Council's concerns could be relayed.

Consensus of Council was to send a letter.

- Noted the legislature was also attempting to amend the rules related to the regulation of short-term vacation rentals, adding the SWFLC had adopted a resolution regarding same at its meeting. She indicated she would request a copy of the resolution and draft a letter regarding short-term vacation rentals as well.

- Announced the Florida League of Cities' (FLC) conference would be held in person in Orlando from August 12, 2020, to August 14, 2020, noting the FLC desired as many individuals attend as possible. She expressed reluctance to attend, indicating she would wait and see how the situation with COVID-19 changed.

- Pointed out FPL was proposing a moderate increase in fees over the next four years.

**CAREY:** Invited all to attend the Historic Punta Gorda Army Airfield mural dedication the following evening at 5:00 p.m., noting attendees could meet the artist at approximately 4:30 p.m.

**PRAFKE:** Expressed concern regarding the increasing number of burglaries of unlocked vehicles, speaking in favor of exploring additional avenues to promote awareness.

The meeting was adjourned at 11:48 a.m.

---

Mayor

---

City Clerk