

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MAY 5, 2021, 9:00 A.M.**

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

**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. Carlo Gargiulo, followed by the Pledge of Allegiance.

Ms. C. J. Metcalfe introduced herself as a nominee for the Donation Review Committee, briefly providing information on her background and experience.

Ms. Nanette Warren mentioned a flooding issue in the historic district which resulted from new construction and the new building codes, opining it was creating a "swimming pool" effect where the back of her property was inaccessible during the rainy season due to standing water. She questioned if City Council was willing to share in the cost of work in the area of 724 West Olympia Avenue, clarifying the block concerned was bordered by West Olympia Avenue, Berry Street, Chasteen Street and the Trabue alleyway.

City Manager Murray commented staff was aware of the issue and a meeting was held with property owners to investigate solutions. He then read into the record a letter from Mr. Bob Sifrit on behalf of the Historic Punta Gorda Civic Association's Board of Directors in support of the request to relocate a building to 415 East Virginia Avenue and requesting City Council develop a policy regarding such requests.

**PROCLAMATION/PRESENTATIONS**

**National Day of Prayer**

**Mayor Matthews** presented the proclamation, which was accepted by Pastor Bob Carlson.

**Community Action Month - Read Only**

**Councilmember Prafke** read the proclamation into the record.

**Citizens' Academy Graduation**

**Mayor Matthews** congratulated the graduates of the 2021 Citizens Academy.

**Introduction of Board/Committee Member Nominees**

No further introductions.

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

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**A Resolution of the City Council of the City of Punta Gorda, Florida assigning certain City officers and employees with the duty to promote the general business and industrial interests of the City and to maintain certain information confidential and exempt from the provisions of Section 119.07(1), Florida Statutes and Article I, Section 24(1), Florida Constitution, pursuant to the terms, conditions, and limitations of Section 288.075, Florida Statutes, and providing an effective date.**

City Attorney Levin read the resolution by title only.

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

**Councilmember Carey** inquired as to the name of the entity.

City Manager Murray replied same had not been identified. He stated staff was researching a competitive Florida partnership grant to assist the community in utilizing its assets, noting various concepts and organizations were being explored to promote these interests. He concluded staff would return to request Council's approval to apply for the grant.

City Attorney Levin stated designating a named group would create a committee in essence, opining same would require more structure and allow less flexibility.

City Manager Murray noted State Statute indicated this type of group could only be created in the absence of a specific, formal entity.

**Councilmember Prafke** inquired as to the need to identify specific staff members.

City Attorney Levin replied same was a statutory requirement, adding it should be made clear not everyone within the City would have the privilege of the exemption.

Ms. Geri Waksler, Charlotte County Economic Development Partnership (EDP), Immediate Past President, expressed excitement for the establishment of this entity and offered the EDP's assistance.

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

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

**MOTION UNANIMOUSLY CARRIED.**

- A. City Clerk's Department
- 1. Approval of Minutes: Regular Meeting of April 21, 2021

- B. Urban Design Division
  - 1. Maypole/Merry-Go-Round Pole Preservation
  - 2. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Coastal & Heartland National Estuary Program accepting an amendment to Agreement #4600004237 with the South Florida Water Management District for implementation of the South Lee County Watershed Initiative Project; authorizing the City Manager to sign the change order and administer the funding on behalf of the City; and providing an effective date.

### **BUDGET**

**A Resolution of the City Council of the City of Punta Gorda, Florida, approving a developer's agreement with LP Promotions, LLC for a wastewater force main extension along Riverside Drive; authorizing the Mayor to sign the Agreement; and providing an effective date**

City Attorney Levin read the resolution by title only.

Mr. Steve Adams, Utilities Engineering Manager, stated the developer's agreement was for a wastewater force main extension to the proposed project at Palm Breeze RV Resort, explaining the City had previously upgraded the facility to accommodate the force main extension for construction of the Calusa Creek community as well as the never-completed Palmetto Plantation project. He stated the developers of the Palm Breeze RV Resort were amenable to constructing the force main extension as a developer-contributed project, which would also make wastewater service available to other existing package plants on Riverside Drive.

City Manager Murray noted the lift station which had been upgraded was underutilized due to lack of development in the area, stating the force main extension would allow the lift station to be used as intended. He opined the extension could be valuable to the communities with existing package plants as there could be initiatives to mitigate point-source discharges in the future. He explained the force main extension would be paid for with funds budgeted for a 20-inch force main on Henry Street as that project was not ready to commence, adding staff would return with a request to fund the Henry Street project again at a late date.

Mr. Chuck Pavlos, Utilities Director, stated the developer would design and construct the entire project, explaining the City would reimburse 75% of the project's cost as the Palm Breeze RV Resort would only account for 25% of the total flows.

**Councilmember Cummings** noted the Jones Edmunds Septic-to-Sewer Study indicated this area was as significant as Charlotte Park to Charlotte Harbor's water

quality, opining investing in a septic-to-sewer project better positioned the City to request assistance from the State.

**Councilmember Carey** inquired whether certain entities along Riverside Drive were interested in connecting to the City's utilities.

**Councilmember Prafke** responded the same project had been presented to City Council in a different fashion in the past, wherein the communities would have been required to connect to the system; however, the project did not move forward due to objection from the communities. She concurred with City Manager Murray's and Councilmember Cummings' comments.

Discussion ensued regarding the benefits and limits of the proposed force main project, with Mr. Adams confirming the project had not been designed as a regional septic-to-sewer project and an additional force main project would be necessary to service individual residences in the area in the future.

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

**MOTION UNANIMOUSLY CARRIED.**

#### **UNFINISHED BUSINESS**

None.

#### **NEW BUSINESS**

##### **21- 161984 - Memorial Day Veterans Race, May 31, 2021, Laishley Park**

Ms. Lisa Hannon, Zoning Official, explained the event organizers were requesting to close one lane of northbound US 41 during the one-day event, noting the maintenance of traffic (MOT) plan had been approved by Public Works, briefly describing the route. She stated City Council's approval was required in order to submit the Florida Department of Transportation permit application.

**Mayor Matthews** questioned how long the northbound lane of US 41 would be closed to traffic.

Ms. Karen Borrego replied the closure would begin at 5:30 a.m. and remain closed until the race finished.

**Mayor Matthews** confirmed runners on the 10-kilometer path would utilize the sidewalk on the west side of the bridge on the return trip.

Councilmember Prafke **MOVED** approval of the permit request for Event Permit 21-161984, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

## **Request to Relocate Historic Structure from 509 Gill Street to 415 Virginia Avenue**

**Councilmember Cummings** explained the request to relocate the structure to a property owned by the Bernice Russell Community Development Corporation (BRCDC), where it would serve as an expansion to the Blanchard House Museum (Museum). He noted the legislature had approved \$30 million in expedited grant funding for Florida facilities which highlighted the contributions, culture and history of African Americans. He stated the donation of the home by the builder and the contribution for the relocation would constitute matching funds so that an equal amount could be obtained for the structure's full restoration. He recalled a number of structures had been lost through eminent domain proceedings in 1968, opining same had led to decay of the business district along present-day Martin Luther King Boulevard. He suggested relocation of the historic structure would also provide a gathering place for the community and restart economic development in the area. He stated \$10,000 had been raised to augment the City's contribution and the Cleveland family would make a donation as well. He explained the Museum operated under an earned-income business model which allowed it to avoid dependence on grant funds, adding the relocated structure would do so as well by operating as a restaurant. He spoke in favor of valuing the City's historic structures, concluding the project would be fully funded once the structure was moved.

**Councilmember Miller** stated he was in favor of preserving historic buildings; however, he was concerned City Council was being asked to spend large sums of money without an opportunity to evaluate the home to determine the actual cost. He inquired whether the grant funding would cover the City's costs.

**Councilmember Cummings** replied the City could apply for the same grants. He explained the City was being requested to pay for the cost to relocate the home, adding the BR CDC was willing to repay the City over time.

**Mayor Matthews** questioned if Councilmember Cummings had an interest in the property where the structure would be placed.

**Councilmember Cummings** clarified he had no connection to the property.

**Councilmember Prafke** stated preserving history was important; however, the City had no procedure nor any funding to relocate structures. She voiced dissatisfaction City Council was being asked to take action so close to the date the house was eligible for demolition despite discussions of the structure beginning in November 2020. She pointed out there was no assurance of funding for the preservation project. She recalled City Council had expended \$200,000 to convert properties owned by the BR CDC on East Virginia Avenue from a failed business venture into affordable housing,

opining the area was not viable for business. She expressed uncertainty whether the structure in question had any historic significance.

**Councilmember Carey** inquired if the group approached Charlotte County for assistance, noting the history community felt Mr. Cleveland was more closely associated with the County.

**Councilmember Cummings** replied in the negative; however, the State had been approached. He pointed out the funding source only became available as of April 26, 2021. He clarified the house belonged to Mr. Cleveland's mother, Ms. Joyce Cleveland, who was a long-serving City Clerk. He asserted the City had a responsibility to restore the architectural integrity of the area east of US 41 given its past involvement in the destruction of homes there through eminent domain proceedings. He reiterated possible funding sources needed to restore the home had been identified.

**Councilmember Prafke** pointed out the Governor had not yet signed the grant funding program previously mentioned. She then stated she was not responsible for previous Councils' actions.

**Councilmember Carey** recalled the Sales Tax Committee was approached by not-for-profit organizations; however, they were told the City could not set aside funds for their projects. She questioned if this project should be treated similarly.

City Attorney Levin responded in general the City had the legal ability to donate funds for charitable purposes.

**Councilmember Carey** noted there was a procedure for projects to be reviewed by Urban Design; however, staff had been unable to obtain information from the organization.

**Councilmember Cummings** indicated the builder had been working with Urban Design.

**Councilmember Carey** expressed uncertainty whether the project would receive grant funding based on the BR CDC's limited available capital for the project.

**Mayor Matthews** reiterated the City did not have a funding source for such projects, voicing concern it was not reasonable to request funds in the middle of a fiscal year. She expressed concern the building could not be moved due to its poor condition. She agreed any actions by past Councils did not set precedent for current decisions. She noted there had been a 45-day period before the building was eligible to be demolished, expressing concern this item appeared only a few days before the end of the 45-day period. She concluded it was not prudent for the City to move the building.

**Councilmember Cummings** reiterated the BR CDC was willing to repay the City for the funds needed to relocate the structure.

**Mayor Matthews** expressed uncertainty the City would recoup the funds, citing the example of the apartments which were renovated for the BRDCD.

**Councilmember Cummings** explained there had been no agreement for the City to be reimbursed; however, the City benefitted in that its affordable housing needs were being met.

**Councilmember Miller** commented decisions could not be made based on promises, adding more information was needed. He voiced concern staff was not involved.

Councilmember Cummings **MOVED** to create a means to be able to fund the balance of the cost to relocation of the house beyond what was raised by the community.

**MOTION DIED FOR LACK OF A SECOND.**

**Mayor Matthews** expressed concern funds were needed not just to move the house but also to renovate same and convert it into a restaurant.

**Councilmember Cummings** stated the BRDCD would pay for those projects, adding the City was being asked for funding for the relocation only.

**Councilmember Prafke** recommended staff develop a procedure which could include a way to evaluate relocation projects as well as a way to establish a fund and evaluate whether public funds could be used for the project.

**Councilmember Carey** suggested a portion of impact fees could be used to set up a reserve for historical buildings where applicants could request grant funding. She stated if this had been brought to City Council with more information and funding sources, she might have been able to support same. She concluded the City did not have the funds.

**Councilmember Cummings** inquired whether City Council would consider support of the relocation if he identified a funding source which required municipal participation. City Attorney Levin confirmed Councilmember Cummings was asking if City Council was willing to support the project if the grant source required the City to be a non-funding sponsor.

Councilmember Cummings **MOVED** to return with the project, potentially in an emergency meeting, to consider non-financial sponsorship, **SECONDED** by Councilmember Miller.

**Councilmember Miller** noted the property owner had the right to demolish the structure on May 10, 2021.

**MOTION UNANIMOUSLY CARRIED.**

**Councilmember Prafke** questioned if a procedure should be established to consider relocation projects in the future.

**Councilmembers Cummings** and **Miller** expressed support for same.

City Manager Murray noted there were models for evaluation of requests from non-profit organizations.

### **RECOMMENDATION FROM CITY OFFICERS**

#### **CITY MANAGER**

None.

#### **CITY ATTORNEY**

City Attorney Levin reported (with regard to the Vlcko case) the Second District Court of Appeals affirmed the Circuit Court's finding the complaint was barred by the statute of limitations on behalf of the City; therefore, same was concluded. He then announced the Shoreline Foundation case was still moving towards a possible trial, stating he would provide additional information once the discovery phase was completed.

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Board of Zoning Appeals Alternate (2)

Code Enforcement Board – Alternate

City Clerk Smith announced the vacancies.

#### **Nominations**

Donation Review Committee

Councilmember Prafke **MOVED** to nominate and appoint Ms. C.J. Metcalfe, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

#### **Appointments**

Utility Advisory Board (2)

Councilmember Prafke **MOVED** to appoint Messrs. David Abderhalden and Charles "Scott" Howells, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

### **POLICY AND LEGISLATION**

**MATTHEWS:** Announced the City's request for \$1 million for the Boca Grande Drainage Project only required the Governor's signature for approval, thanking the legislature for their support.

**MILLER:** None.

**CAREY:** None.

**PRAFKE:** Questioned if the City should change its requirement for masks to be worn in City facilities to a preference for same as the governor had stated individuals could not be required to wear a mask.



City Attorney Levin explained from a legal perspective, the Governor's executive order was not artfully drafted. He stated the executive order applied to political subdivisions, noting the City was a municipal corporation; therefore, the executive order did not apply to the City. He indicated the City's home rule powers would allow the City to regulate the use of its facilities so long as the requirements of the Sunshine Law were maintained.

**Mayor Matthews** expressed preference to maintain the status quo, noting many of the individuals currently hospitalized with COVID-19 had been vaccinated.

**CUMMINGS:** Invited everyone to attend a day of Celtic music sponsored by the Cultural Heritage Center and Fishermen's Village on May 15, 2021, from 12:00 p.m. to 4:00 p.m., adding the opening of a Youth Museum at the History Park in September 2021 would be announced at the event.

**CITIZENS COMMENTS**

No further comments.

The meeting was adjourned at 10:57 a.m.

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Mayor

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