

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 6, 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; Deputy Clerk Welch

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.

PUBLIC INPUT

Mr. Tim Ritchie, March Against Mosaic, requested City Council adopt an ordinance banning phosphate mining, speaking against Mosaic's mining practices.

PROCLAMATIONS / PRESENTATIONS

Legislative Update City Lobbyist

Mr. Jerry Paul, City Lobbyist, provided a summary of the prior legislative session, noting the City received a \$1 million appropriation for the Boca Grande Drainage Project. He stated approximately 200 bills passed of the 3,000 bills filed, indicating appropriations were difficult due to recovery from the pandemic. He anticipated the upcoming session may not see as much legislation passed, remarking redistricting was likely to be occupy legislators for a large part of the session. He opined appropriations for local governments would be favorable, noting the Charlotte County delegation meeting was scheduled for November 10, 2021.

Mayor Matthews thanked Mr. Paul for his work securing the Drainage Project appropriation.

Councilmember Prafke questioned if water quality would continue to be a major issue for the legislature.

Mr. Paul replied same would be increasingly important.

Councilmember Prafke inquired as to a bill from the prior session which would prohibit municipalities from regulating the appearance of buildings, noting the City was in the process of adopting a form-based code.

Mr. Paul replied there had been a preemptory provision in a bill. He stated he did not believe the bill had passed; however, he would confirm same. He then recalled the home-based business bill passed, explaining it defined home-based businesses and limited what municipalities could regulate.

Councilmember Carey questioned if the City could still prohibit commercial vehicles from parking in driveways.

Mr. Paul replied businesses were still required to abide by sign regulations, indicating he would provide additional information.

City Attorney Levin stated he believed the intent was to allow a business to operate at a home so long as there was no outward appearance of a business; therefore, the signage restriction prohibiting commercial vehicles with signage from being parked in driveways would continue to be viable.

Mr. Paul noted communities desiring stricter standards could address same through homeowners' association processes and deed restrictions.

Mayor Matthews anticipated the septic-to-sewer conversion would be a part of the City's legislative agenda.

Mr. Paul noted the legislature had debated using PACE funding to allow homeowners to finance septic-to-sewer conversion. He stated statewide, there were probably septic-to-sewer conversion projects waiting to be done in the amount of \$3 to \$4 billion dollars.

Ms. Adele Higgins introduced herself as a nominee for the Code Enforcement Board.

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

PUBLIC HEARING AGENDA

Quasi- Judicial and Legislative

None.

ORDINANCES / RESOLUTIONS

No Public Hearing Required

A Resolution of the City Council of the City of Punta Gorda, Florida, approving a pre- annexation agreement with Jones Loop Road, LLC for the property generally described as 9511 Mac George Street, as further described in Exhibit "A" attached hereto and incorporated herein; and a portion of the property generally described as 9298 Mac Ever Street, as further described in Exhibit "B" attached hereto and incorporated herein; authorizing the Mayor to execute the agreement; and providing for an effective date.

City Attorney Levin read the resolution by title.

Ms. Lisa Hannon, Zoning Official, displayed a map of the properties, noting its annexation would eliminate two enclaves and related ordinances for annexation, comprehensive Plan amendment and rezoning would follow.

Councilmember Prafke clarified the subject properties were a portion of the Terra Cap property annexed in 2014.

Mayor Matthews commented the property was originally to be commercial; however, a major residential complex was proposed. She opined commercial development was desperately needed.

City Attorney Levin explained the goal was to fill in a gap through annexation.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida amending the budget for the fiscal year beginning October 1, 2021 by providing for supplemental appropriations in the amounts identified in Exhibit A; providing for severability if any parts hereof are declared invalid; providing for reading by title only; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Kristin Simeone, Finance Director, explained most of the items were discussed at the prior meeting, noting there was a net decrease in revenues and expenditures of \$2,790,244 due to return of Florida Department of Transportation (FDOT) Local Area Partnership (LAP) grant funding in the amount of \$2,911,214.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

- 7.a Approval of Minutes: Regular Meeting of September 22, 2021
- 7.b Approval of Minutes: Budget Public Hearing of September 22, 2021
- 7.c Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through September 28, 2021
- 7.d Invoice of Persson, Cohen & Mooney, P.A. for legal services rendered in September 2021
- 7.e A Resolution of the City of Punta Gorda, Florida, approving the mutual aid agreement between the City of Punta Gorda Police Department and the Florida Department of Corrections; authorizing the City of Punta Gorda Chief of Police to execute the agreement on behalf of the City.

- 7.f A resolution of the City of Punta Gorda, Florida, approving the mutual aid agreement between the City of Punta Gorda Police Department and the Florida Department of Children and Families; Authorizing the City of Punta Gorda Chief of Police to execute the agreement on behalf of the city.
- 7.g Deed of Gift - Charlotte County Historical Society - Fertilizer Plant Historical Informative Marker

REGULAR AGENDA

US Bike Route 15 - Southwest Florida Extension Proposal

Mr. Mitchell Austin, Principal Planner, noted the project had been presented to the Bicycle and Pedestrian Advisory Committee of the Charlotte County/Punta Gorda Metropolitan Planning Organization (MPO) as well as the Technical and Citizens Advisory Committees of the MPO.

Ms. Patty Huff, Adventure Cycling Association (ACA), provided an overview of the United States Bicycle Route System (USBR) and ACA, explaining ACA was working with local governments and the Florida Department of Transportation (FDOT) to connect USBR 15, which ran from the state line with Georgia, from its current end in Madison, Florida, to USBR 1 in Miami-Dade County. She reiterated the plans had been presented to the MPO, noting the proposed route connected to segments of City streets and the Punta Gorda Pathways. She reviewed the benefits of the USBR designation, requesting Council consent to designation of the proposed route, which was required for FDOT's approval.

Councilmember Carey expressed reservation regarding the portion of the route along Airport Road, requesting an alternate be found.

Ms. Huff confirmed there was not a bicycle path along the entirety of Airport Road.

Mayor Matthews agreed the road was not safe for a bicycle route, suggesting instead the route cut across Piper Road to Jones Loop Road and back to US 41.

Councilmember Profke acknowledged bicycling could bring in tourism, noting there were already four routes designated in the City. She suggested the route make use of bike routes within the City to get the experience of the historic district, noting experienced cyclists understood how to co-exist with vehicles.

Ms. Huff indicated ACA would take Council's comments into consideration, especially the desire to bring cyclists into the City.

Mr. Austin added the MPO Technical Advisory Committee had discussed that drawing cyclists into the City's historic district and neighborhoods was desirable as an economic development tool, indicating staff could work with ACA to identify a safe and efficient route which would not interfere with traffic.

Councilmember Prafke stated there were long distance cyclists and those who wanted to experience the area, questioning the ACA's objective.

Ms. Huff responded there was interest in experiencing small communities, adding if Council wanted to recommend the best routes, the group would gladly work with them. She stated there was no rush as this was a long-term process.

Councilmember Cummings suggested the primary route should remain as proposed with an alternate business route leading people into the City.

Ms. Huff clarified only one route could be designated on the map; however, the City's website could provide information on alternate bicycle routes.

Mayor Matthews reiterated Airport road was not safe for the project nor would it provide a flavor of the City, adding a safer route than Jones Loop would be coming straight down US 17 to US 41 and then through the City.

Councilmember Prafke opined there were safe ways to navigate through the City without interfering with traffic.

Mayor Matthews noted Charlotte County approval would also be required as the proposed route passed in and out of the City into the County.

City Attorney Levin inquired why a resolution was necessary for FDOT and what legal obligations would the City be assuming as a partner with the ACA.

Ms. Huff responded FDOT was the central agency which received all the information and worked with the US bike route system to determine the designations, adding FDOT wanted a document from the jurisdiction to confirm they had reviewed and approved the route. She stated no maintenance or signage was required, confirming there was no financial commitment required of the City.

Councilmember Carey inquired as to the number of cyclists who would use the route.

Ms. Huff responded there was little data on usage, estimating approximately 2,000 cyclists were coming through the area at this time.

Councilmember Carey voiced concern there were more pedestrians than cyclists in the City, questioning why the City should participate.

Ms. Huff replied cycling was becoming more popular and most cyclists on the road were considerate of pedestrians.

Councilmember Prafke stated cycling was becoming more popular, adding the cyclists coming into the City would be more interested in enjoying the experience and would be compatible with the City's route.

Mayor Matthews concluded ACA should work with staff to determine a safe route and return with a resolution.

Councilmember Miller expressed an interest in working with Mr. Austin on the bike route.

Discussion to repeal Chapter 25 - Vehicles for Hire

City Attorney Levin explained the City recently received an inquiry regarding operation of a taxi business which had prompted review of Punta Gorda Code Chapter 25, suggesting the ordinance be repealed unless there was a need to regulate vehicles for hire.

Mayor Matthews inquired if taxis had to register with anyone else.

Police Chief Pam Davis replied the Charlotte County's Community Development Department had a detailed process for permitting taxis, adding the Community Development Department recommended a permit be obtained from the County only. She pointed out if the business had a physical location in the City, normal process would be followed with the business having to provide a copy of their County permit.

Councilmember Carey MOVED to repeal Chapter 25 of the Punta Gorda Code, SECONDED by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

SWFL Regional Resiliency Compact: Next Steps

Mr. Austin recalled prior discussion at the October 7, 2020, City Council meeting, explaining one Councilmember and one staff member had been requested to attend the first operational meeting of the Southwest Florida Regional Resiliency Compact (Compact) to ensure a common understanding of its mission and a commitment to participate. He indicated staff would attend virtually, inquiring as to who would represent Council.

Mayor Matthews opined the Compact was redundant, questioning the purpose and the end goal. She confirmed Ms. Joan LeBeau, Urban Design Director, would represent staff, expressing preference not to designate a member of Council until the Councilmembers-Elect were sworn in.

Councilmember Cummings stated he had offered to attend but only to determine the purpose and mission.

Councilmember Prafke expressed concern as to what participating communities would be asked to do.

Mr. Austin indicated other jurisdictions had expressed similar concerns, stating the upcoming meeting should help address same. He stated staff's interest was in anything that could benefit the City.

Councilmember Carey questioned if Ms. Jennifer Hecker, Coastal and Heartland National Estuary Partnership (CHNEP), had been invited to attend, reiterating the concern there was overlap with the work of the Policy Committee.

Mr. Austin replied the CHNEP program area and the Compact's program area were different; however, was a significant area of overlap in terms of Charlotte and Lee Counties but Collier County was not part of CHNEP's area.

Mayor Matthews suggested there may be justification for combining the Regional Planning Council and Compact which could allow them to establish a purpose and a goal.

Mr. Austin confirmed Ms. Hecker would be attending the first Compact meeting. He concurred combining the two entities was a good direction to pursue.

Councilmember Cummings concurred, noting the RPC's focus was resiliency.

Mayor Matthews confirmed Mr. Austin, Ms. LeBeau, Ms. Hecker and Councilmember Cummings were would be attending the first meeting of the Compact.

Charter Review Committee

Deputy Clerk Welch announced a timeline of activities related to the Charter Review Committee (CRC) had been provided, offering to answer any questions.

Mayor Matthews suggested Charter Review Committee members be selected after the Council's reorganization meeting.

Councilmember Prafke concurred. She suggested advertising for at-large members. Discussion ensued with consensus that there were sufficient names submitted to Councilmembers at this time and no advertisement was necessary.

Deputy Clerk Welch confirmed the CRC member selection would be held at the first meeting in November 2021.

BOARDS / COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (2 regular and 2 alternate)

Code Enforcement Board (2 alternate)

Planning Commission

Deputy Clerk Welch announced the vacancies.

Nominations

Code Enforcement Board (2 regular)

Deputy Clerk Welch indicated Council could nominate one or more individuals if they desired.

Councilmember Prafke **MOVED** to reinstate Mr. Roland Ericsson to the Code Enforcement Board as well as to nominate and reappointment him through the next term which ended in 2024, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** to nominate and appoint Ms. Adele Higgins to the Code Enforcement Board, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Appointments

Punta Gorda Isles Canal Advisory Committee.

Voting forms were distributed.

Deputy Welch announced Mr. Timothy Sullivan received the most votes and was thus appointed to the Committee.

REPORTS FROM CITY OFFICERS

Ms. Melissa Reichert, Assistant City Manager, stated there had been no disconnect with the City Manager during his absence. She then congratulated the Punta Gorda In Bloom committee and all those involved for winning the America in Bloom award.

City Attorney Levin provided a brief litigation update, noting the sale for the Belaire Court Code Enforcement lien foreclosure was conducted the previous week, and as there were no bidders, the City now owned the property which was valued at approximately \$200,000. He reported staff was awaiting the Court to enter the Order of Taking for the Boca Grande Drainage Project properties, adding he was uncertain as to the delay but would follow up on same. He stated a meeting would be held regarding the Shoreline Foundation litigation, adding there was a non-binding arbitration set for some time in November. He noted discovery was still ongoing but hoped some sort of resolution would be reached in the near future. He stated there were approximately 30 days before the brief was due from the appellants in the code enforcement orders for the Sign Code that were on appeal.

Councilmember Carey stated the Belaire property was still rat infested.

City Attorney Levin stated once the City had title to the property, action could be taken.

POLICY AND LEGISLATION

MATTHEWS: Announced she had distributed invitations to the Air Show reception, inviting Councilmembers to participate.

MILLER: Stated it had been a well-run meeting but appreciated when there were fewer complex subjects to be discussed.

CAREY: Voiced appreciation to staff for keeping things going smoothly during the recent crises.

CUMMINGS: Announced two events to be held next week included the International Cultural Heritage Festival at Fishermen’s Village on October 16, 2021 and the International Air Show at the Punta Gorda Airport on October 16-17, 2021.

PRAFKE: No comment.

Mayor Matthews announced Halloween was coming up and the City would be holding the annual event in the Annex Parking Garage, asking residents to donate candy if they were interested in contributing candy for the trick-or-treaters. She stated it would be a fun event, noting there would also be street closures including Marion Avenue to make it safe for the children.

The meeting was adjourned at 10:54 a.m.

Mayor

Deputy Clerk