

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

COUNCILMEMBERS PRESENT: Carey, Cummings, Kuharski, Lockhart, 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

CALL TO ORDER

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 presentations would be made prior to Public Input.

AGENDA APPROVAL

1) PUBLIC INPUT

1.a Anyone wishing to address the Council on any matter must state their name for the record. Each person will be allowed to speak once on each item up to a maximum of three minutes.

Mr. Gene Murtha, Punta Gorda History Center, spoke in support of the AC Freeman House Restoration, adding the History Center was an archive that was bursting at the seams and was interested in partnering with the City to utilize the AC Freeman House museum for displays. He concluded the History Center's experience in fundraising and supporting historical organizations enabled them to partner with the City on the project moving forward.
Mr. Ralph Accardi stated he was unable to find information on the form based codes, requesting assistance.

1.b Those wishing to introduce themselves as nominees for a board or committee may do so at this time. Those who choose to speak must state their name for the record.

Mr. Todd Helt, City GIS Analyst, introduced himself as a nominee to serve on the Charlotte County Veteran's Council.

NOTE: Proclamations/Presentations were heard prior to Public Input.

2) PROCLAMATIONS / PRESENTATIONS

2.a Mayor's Ambassador Award
Exhibits:
Cover Page

Mayor Matthews presented the Mayor's Ambassador Award to Ms. Mindy Abair.

2.b [Shop Charlotte Month](#)

Exhibits:

[Cover Page](#)

[Shop Charlotte Month](#)

Councilmember Cummings presented the proclamation, which was accepted by Mr. Bob White, Charlotte County Chamber Executive Director.

2.c [Christmas Parade Day](#)

Exhibits:

[Cover Page](#)

[Christmas Parade Day](#)

Mayor Matthews presented the proclamation, which was accepted by Mr. White.

2.d [National Farm-City Week](#)

Exhibits:

[Cover Page](#)

[National Farm-City Week](#)

Councilmember Lockhart presented the proclamation, which was accepted by Mr. Lindsay Harrington, National Farm Bureau.

NOTE: Public Hearing Agenda was heard following Public Input.

3) PUBLIC HEARING AGENDA (Quasi-Judicial and Legislative)

None.

4) [ORDINANCES / RESOLUTIONS \(No Public Hearing Required\)](#)

4.a [SV-01-2021 Resolution of the City of Punta Gorda, Florida, declaring its intent to consider vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East; also described as a portion of Orange Road a/k/a Mac Dine Road; and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; requesting a recommendation from the Planning Commission; and fixing a date of a public hearing thereon.](#)

Exhibits:

[Cover Page](#)

[SV-01-2021 Resolution intent to vacate](#)

[Presentation](#)

City Attorney Levin read the resolution by title.

Mr. Mitchell Austin, Principal Planner, provided historical information with regard to the Loop annexation area, noting its Development of Regional Impact approval was rescinded by Charlotte County in 2011, thereby allowing the City to annex a large undeveloped parcel. He explained annexation of several properties was accomplished between 2014 and 2018, noting annexation of several additional

smaller parcels was pending. He reviewed completed development applications for the area, noting there were 87.7 acres remaining for development. He confirmed some development would be residential.

Discussion ensued regarding the remaining acres, appropriate uses, and density units as well as transfer density units (TDUs) available.

Ms. Geri Waksler, Jones Loop LLC representative, opined there was a need for the additional residential development and there would be a demand for some sort of commercial services in the area.

Mayor Matthews inquired how many TDUs were given to the parcel when it was annexed.

Mr. Austin replied 122 units were granted in 2014.

Mayor Matthews inquired how many TDUs were still needed.

Ms. Waksler replied approximately 80 units, clarifying same would be transferred through the County's TDU process.

City Attorney Levin stated to be legally correct, the resolutions being presented this date set the stage for wiping clean the recorded plats, adding there was still a process and so it was not necessarily a foregone conclusion.

Ms. Waksler stated it would be presented to City Council in a carefully choreographed order.

Councilmember Cummings stated it was necessary to accommodate both the residential and commercial needs, speaking in favor of a proper blend of development which would ensure amenities were available for residents.

Councilmember Cummings **MOVED** approval of the resolution of intent for SV-01-2021, **SECONDED** by Councilmember Kuharski.

MOTION UNANIMOUSLY CARRIED.

- 4.b SV-02-2021 A resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; requesting a recommendation from the Planning Commission; and fixing a date of a Public Hearing thereon.

Exhibits:

Cover Page

SV-02-2021 Resolution intent to vacate

Presentation

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

- 4.c A Resolution of the City Council of the City of Punta Gorda, Florida, as Local Host Agency for the Coastal & Heartland National Estuary Partnership, Accepting the Amendment to Agreement 19C00000002 From the South West Florida Water Management District to Extend the Timeline of the Agreement; Authorizing the City Manager to Sign the Amendment and Administer the Timeline Change on Behalf of the City; and Providing an Effective Date

Exhibits:

Cover Page
Agreement - 19C00000002 First Amendment
Resolution CHNEP-SWFWMD Amendment

City Attorney Levin read the resolution by title.
Councilmember Carey **MOVED** approval of the resolution, **SECONDED** by Councilmember Lockhart.

MOTION UNANIMOUSLY CARRIED.

- 4.d A Resolution of the City Council of the City of Punta Gorda, Florida, reaffirming its policy with regard to taking action on non-agenda items; providing for consideration of non-agenda items only after approval by a majority plus one of a quorum of Council and to do so only for stated reasons; and providing an effective date.

Exhibits:

Cover Page
Resolution re non-agenda items 2021

City Attorney Levin read the resolution by title.
City Manager Murray noted the agenda was published on Friday prior to the meeting, voicing concern the policy would prevent amendments from being made.
City Clerk Smith explained the intent of the resolution was to prohibit action being taken on non-agenda items once the Council meeting began rather than to prohibit the agenda from being amended.
A lengthy discussion ensued regarding the timing of the agenda being published, with consensus no amendments should be made any later than the Monday morning prior to the Council meeting (48 hours in advance) and must be completed prior to any agenda briefings.

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

MOTION UNANIMOUSLY CARRIED.

- 4.e A Resolution of the City Council of the City of Punta Gorda, Florida, reaffirming Resolution 1132-95 and formally adopting its Rules of Conduct, and providing an effective date.

Exhibits:

Cover Page
Resolution Rules of Conduct 2021

City Attorney Levin read the resolution by title.
Councilmember Carey **MOVED** approval of the resolution, **SECONDED** by Councilmember Kuharski.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin recalled a previous incident related to a sitting Councilmember, adding as insignificant as the resolution might seem and as common sense as it might be, it was important to have the policy adopted as a resolution.

- 4.f A resolution of the City Council of the City of Punta Gorda, Florida, changing the dates of its regularly scheduled Council meetings for July, August and December, 2022.

Exhibits:

[Cover Page](#)

[Meeting Date Changes Reso 2022](#)

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

5) **CONSENT AGENDA**

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

MOTION UNANIMOUSLY CARRIED.

- 5.a Approval of Minutes: Regular Meeting of November 3, 2021

Exhibits:

[Cover Page](#)

[November 3, 2021, Minutes](#)

- 5.b 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 Highway Safety and Motor Vehicles; Authorizing the City of Punta Gorda Chief of Police to execute the agreement on behalf of the city.

Exhibits:

[Cover Page](#)

[Resolution](#)

[Memorandum of Understanding](#)

[Contract - HSMV-0727-16](#)

[Contract Amendment - HSMV-0727-16](#)

[Annual Certification Statement](#)

- 5.c Disposition of Forfeited Property

Exhibits:

[Cover Page](#)

[Forfeiture Fund Transfer 2021](#)

[Youth Academy](#)

- 5.d A resolution of the city council of the City of Punta Gorda, Florida, as local host agency for the Coastal & Heartland National Estuary Partnership (CHNEP), accepting funding from the Florida Department of Environmental Protection for implementing the fiscal year 2022 CHNEP Work Plan and budget; authorizing the City Manager to sign the grant agreement and administer the grant on behalf of the city; and providing an effective date.

Exhibits:

[Cover Page](#)

[Resolution for CHNEP funding from FDEP FY 2022](#)

[SD012 Grant Agreement](#)

- 5.e Invoice of Allen, Norton & Blue, P.A. for legal services rendered in September 2021
Exhibits:
[Cover Page](#)
[Invoice #155968 in the amount of \\$875.00](#)
 - 5.f Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through November 10, 2021
Exhibits:
[Cover Page](#)
[Invoice #298758 in the amount of \\$29,700.00](#)
 - 5.g Invoice of Persson, Cohen & Mooney, P.A. for legal services rendered in October 2021
Exhibits:
[Cover Page](#)
[Invoice #1340 in the amount of \\$1,605.80](#)
 - 5.h Monthly Litigation Report
Exhibits:
[Cover Page](#)
[Monthly Litigation Report](#)
- 6) REGULAR AGENDA
- 6.a [A C Freeman House Rehabilitation Project](#)
Exhibits:
[Cover Page](#)
[AC Freeman Rehabilitation](#)
[Final Evaluation Report AC Freeman House Oct 2021](#)
[AC Freeman CIP](#)

Ms. Julie Ryan, Urban Design Project Manager, provided a brief historical overview of the AC Freeman House building and presented information regarding the Rehabilitation Project, noting a comprehensive building evaluation report had been completed and would be reviewed this date (as delineated in the agenda material) so that City Council could make some decisions regarding moving forward with the architectural design as well as the rehabilitation and construction documents. She explained a complete rehabilitation would include all major systems.

Mr. Austin reported the hazardous material testing uncovered no major issues, noting major systems needing rehabilitation included structure, life safety, heating and A/C, electrical and plumbing as well as the restroom, briefly reviewing the condition of each system and the issues to be resolved. He explained one of the purposes of the rehabilitation project was to get the structure re-listed on the National Register of Historic Places (Register) as it was historically significant to the community.

Ms. Ryan stated the estimated project cost was \$1.1 million with funding sources to include 1% Local Option Sales Tax (Sales Tax), grant funding and matching funds, noting \$208,000 of Sales Tax funds were allocated in 2021 with \$863,000

remaining unfunded at this time. She stated the City's project was still being considered for historic preservation grant funding; however, same would not be awarded until July 2022, noting staff continued to seek out grants and could reapply for the historic preservation grant if not awarded in 2022. She concluded next steps included the design development phase and the construction documents phase.

Mayor Matthews questioned whether grant funding could be used to cover the required matching funds.

Ms. Ryan replied in the negative; however, staff time would be an in-kind service which would contribute toward same.

Councilmember Carey questioned why there was a push to restore the building now if it was not worth preserving five to seven years ago, further inquiring why building occupancy was allowed without the necessary fire and safety systems. Mr. Austin explained as a historic structure, the building was exempt from certain provisions of the Florida Building Code. He stated the condition of the building was a function of the City's budget.

Councilmember Lockhart stressed it was necessary to prevent the City's buildings from falling into disrepair, questioning if there was a fund for rehabilitating historic buildings.

Councilmember Kuharski stated it would not make sense to rehabilitate the building in such a way as to make part of it unusable.

Mayor Matthews inquired whether the property could be sold to a historic organization.

Mr. Austin replied that could be explored, clarifying a conservation easement would be needed to ensure the structure's historic character was maintained.

Councilmember Lockhart inquired if staff had a budget for maintenance going forward.

Mr. Austin replied in the negative, acknowledging same was necessary for all City assets. He added a business plan could be created to generate revenue from the structure following its rehabilitation, noting same could generate maintenance funds.

Councilmember Cummings spoke in favor of fixing the building.

A lengthy discussion ensued regarding a funding source, with Mayor Matthews stressing it was necessary to repair the building.

Councilmember Lockhart stated the building should be rehabilitated in such a way as to generate a revenue stream.

Councilmember Kuharski commented in favor of moving forward with the rehabilitation and adding the structure to the Register again.

Mayor Matthews expressed preference to ensure the building was functional and met all necessary criteria.

Councilmember Carey remarked a procedure or policy was needed to ensure the building's maintenance.

City Attorney Levin confirmed it was not necessary for the building to be rehabilitated before it was accepted onto the Register, questioning if inclusion on the Register would open more grant opportunities.

Mr. Austin replied that was a possibility, noting non-profit foundations might have funds available.

Mayor Matthews inquired as to the application timeframe for inclusion on the Register.

Mr. Austin expressed uncertainty regarding same.

Ms. Ryan advised moving forward with the architectural construction documents would improve the City's grant opportunities, adding the rehabilitation of the structure would not begin for six to nine months.

Mayor Matthews confirmed there was consensus to move forward.

City Manager Murray clarified consensus was to move forward with the architect's recommendations which staff supported, inquiring as to State requirements which could increase costs.

Mr. Austin stated if the City was to receive State grant funds, the State Historic Preservation Office would review the City's plans to ensure the structure's historic and architectural integrity were not adversely impacted, noting the Office was more particular than the City, so there could be associated costs.

NOTE: A short recess was called at 10:53 a.m.

6.b Sick Leave cash out upon separation

Exhibits:

[Cover Page](#)

[Sick Leave cash out memo](#)

Mr. Jeff Payne, Human Resources Manager, stated currently City employees gained no benefit from accrued sick leave when they left employment, reviewing the proposed benefit's eligibility requirements for full-time regular employees. He noted 50% of an employee's unused sick leave could be cashed out for a maximum of 200 hours or \$2,000, concluding the anticipated annual expense was \$12,000 to \$14,000 based on the prior five years.

City Manager Murray clarified the program could be funded with the salary associated with the open position until it was filled.

Councilmember Kuharski questioned if people would be incentivized to come to work when they were sick.

City Manager Murray explained over a 10 year period only 3 days had to be saved each year in order to reach 200 hours, adding the intent of the policy was to incentivize employees to save some sick time.

Mayor Matthews noted the policy lacked language to indicate whether employees would receive either the greater or lesser benefit amount, confirming current employees would be eligible for the benefit.

Councilmember Carey confirmed this policy was common in government settings.

Discussion ensued regarding employees' sick time and the current policy.

Councilmember Lockhart **MOVED** approval of the proposed policy for sick leave cash out, **SECONDED** by Councilmember Kuharski.

MOTION UNANIMOUSLY CARRIED.

6.c Charter Review Committee

Exhibits:

[Cover Page](#)

[Resolution 3211-16](#)

[01-06-2016 Excerpt re Charter Review Committee](#)

Deputy Clerk Welch explained it was necessary for City Council to select two at-large members, noting district representatives were appointed by each Councilmember and did not require a vote. She distributed voting forms, then

announced Ms. Donna Peterman and Mr. Bill Leach had been selected to serve as the two at-large members.

6.d [Council Travel Policy](#)

Exhibits:

[Cover Page](#)

Mayor Matthews expressed a desire for requests for travel to be brought before City Council in order to promote transparency.

Councilmember Cummings stated he did a lot of travel for the City but the City only paid for the Florida League of Cities events. He opined Council should not deliberate on whether members should attend conferences, indicating Councilmembers could share information when they return.

Mayor Matthews stressed it was important for Council to know when a Councilmember would attend an event so that there was an opportunity for messages to be conveyed on behalf of Council.

Councilmember Carey expressed a desire to know when her fellow Councilmembers attended events.

Councilmember Lockhart clarified it would not be a voting situation but rather a disclosure opportunity, suggesting new Councilmembers might benefit from the information.

Mayor Matthews requested a report from members on their service board interactions, confirming members could announce their attendance at upcoming conferences during Councilmember Comments.

7) [BOARDS / COMMITTEE](#)

7.a [City Council Services Boards and Committees 2021-2022](#)

Exhibits:

[Cover Page](#)

[Council Service Boards Intent \(Description\) 2021](#)

[Council Board Preferences FY 2022](#)

Deputy Clerk Welch confirmed there was consensus to appoint Mr. Helt to serve on the Charlotte County Veteran's Council.

Councilmember Cummings **MOVED** approval of appointment of Mr. Helt to serve on the Charlotte County Veteran's Council, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

7.b [Announcement of Vacancies: Punta Gorda Housing Authority](#)

Exhibits:

[Cover Page](#)

[Getz Resignation](#)

Deputy Clerk Welch announced the vacancy.

7.c [Announcement of Vacancies: Board of Zoning Appeals \(2 alternate\)](#)

Exhibits:

[Cover Page](#)

Deputy Clerk Welch announced the vacancies.

7.d [Announcement of Vacancies: Code Enforcement Board \(2 alternate\)](#)

Exhibits:

[Cover Page](#)

Deputy Clerk Welch announced the vacancies.

7.e [Appointments: Historic Preservation Advisory Board \(2 regular\)](#)

Exhibits:

[Cover Page](#)

[Colbert Resume](#)

[Gamblin Resume](#)

[Perry D Resume](#)

Voting forms were distributed.

Deputy Clerk Welch announced Ms. Valerie Colbert and Mr. Brad Gamblin had received the most votes and were thus appointed to the Board.

7.f [Nominations: Board of Zoning Appeals \(1 regular\)](#)

Exhibits:

[Cover Page](#)

[Valdes Resume](#)

Councilmember Carey **MOVED** to nominate and appoint Mr. Stephen Valdes, **SECONDED** by Councilmember Cummings
MOTION UNANIMOUSLY CARRIED.

7.g [Nominations: Planning Commission \(1 regular\)](#)

Exhibits:

[Cover Page](#)

[Comeaux Resume](#)

Councilmember Lockhart **MOVED** to nominate and reappoint Mr. Joseph Comeaux, **SECONDED** by Councilmember Cummings.
MOTION UNANIMOUSLY CARRIED.

8) [REPORTS FROM CITY OFFICERS](#)

8.a **City Manager**

No reports.

City Attorney

No reports.

City Clerk

No reports.

9) COUNCIL MEMBER COMMENTS

9.a **Mayor**

MATTHEWS: Wished everyone a Happy Thanksgiving.

- Announced Light Up The Night would occur on December 3, 2021; the Christmas Parade would occur on December 11, 2021; and the Budweiser Clydesdales would be in town on December 16, 2021.

- Noted Florida Legislative Days would take place on February 8 and 9, 2021, requesting Councilmembers inform her if they were interested in attending so the lobbyist could arrange meetings with legislators.

- Voiced concern regarding the lack of email access for two days during the prior week, requesting a policy be established to avoid a similar situation.

- Reported FPL had resumed work on removing duplicate poles.

Councilmembers

KUHARSKI: Wished everyone a Happy Thanksgiving.

CAREY: Thanked staff for their responsiveness.

LOCKHART: Inquired whether citizens could obtain budget information throughout the year.

Ms. Kristin Simeone, Finance Director, replied in the affirmative.

CUMMINGS: Stated topics discussed at the Legislative Conference included pre- and post-disaster management, sustainability, and American Rescue Plan Act funding, adding he was connecting the City Manager with individuals involved with the Florida Municipal Investment Trust.

ADJOURNMENT

Mayor

City Clerk