

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MAY 15, 2019, 9:00 A.M.**

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

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

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

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

**Mayor Prafke** requested to change the order of the agenda by moving up the discussion regarding noise to follow the Consent Agenda.

Consensus was to do so.

**PROCLAMATION/PRESENTATIONS**

**Memorial Day**

**Councilmember Matthews** presented the proclamation, which was accepted by Mr. Gary Butler, Executive Director, Military Heritage Museum.

**National Public Works Week**

**Councilmember Wein** presented the proclamation, which was accepted by Ms. Hope Petkus, Public Works Department.

**2019 State Legislative Session**

Mr. Jerry Paul provided a detailed recap of the 2019 State Legislative Session, noting the main focus of the budget included Hurricane Michael relief, water quality and increased school funding. He reported 197 bills were passed on to the Governor for approval, including a bill which provides a cost recovery mechanism through the Public Service Commission for utilities to fund the hardening of and undergrounding of their electric lines.

**Mayor Prafke** inquired if FPL would recover the cost on a per community basis or across the board for all ratepayers.

Mr. Paul replied across the board within the individual utility area.

City Manager Kunik explained if the Governor signed the bill, and the Burnt Store Isles project met the Public Service Commission's criteria, the cost to underground the electric lines could be borne by the entire rate base of the utility.

**Councilmember Carey** inquired as to the motivation for the State to pre-empt local government regulations.

Mr. Paul responded when government became so big and so dominant over people's lives that it prompted citizens to become politically active, the legislature reacted, noting they sometimes overreacted.

**Mayor Profke** voiced disappointment legislators took such a broad approach rather than requesting local input on issues.

Mr. Paul stated during the debates on the preemption bills, a common refrain from some legislators was that the legislature created local government; thus, the State decided the relative power between what was delegated to the municipality and what was done at the State level, adding the debate centered around the extent to which the State preempted certain laws to the state level to avoid creating a patchwork of 67 counties and 300 municipalities where people moving throughout the state could not tell what the laws were in each community. He opined the current legislature generally believed in less government, more property rights and reigning in government when they believed it was over-reaching.

**Introduction of Board/Committee Member Nominees**

None.

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**Citizen Comments - Ordinances/Resolution Items Only**

None.

**Z-01-19 - An Ordinance of the City Council of Punta Gorda, Florida, rezoning approximately 0.88+/- acres of property, generally described as 200 West Henry Street, Punta Gorda, Charlotte County, Florida, and being more particularly described in Exhibit "A" attached hereto, from its current zoning classification of Planned Unit Development (PUD) to Neighborhood Residential 15 Units Per Acre (NR- 15); providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Cummings **MOVED** approval of Z-01-19, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

A. Citizen Comments - Consent Agenda Items

None.

Mr. Mitchell Austin, Planner, provided a brief description of the 1931 Barron G. Collier Bridge dedication plaque.

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

**MOTION UNANIMOUSLY CARRIED.**

- B. City Clerk's Department
  - 1. Approval of Minutes: Regular Meeting of May 1, 2019
- C. Legal Department
  - 1. Invoices of Persson & Cohen, P.A. for services rendered in March & April 2019
- D. Urban Design Division
  - 1. Accept Historic Bridge Plaque - Helen Shirley - Bronze dedication plaque
- E. Police Department
  - 1. Requested Operational and Voluntary Cooperation Agreement between the Punta Gorda Police Department and the North Port Police Department
  - 2. Application for Department of Justice, Bureau of Justice Assistance FY 2019 Body-Worn Camera Policy and Implementation Program

**Citizen Comments - Regular Agenda Items Only**

Mr. Steve Lineberry stated he obtained 4,400 signatures on a Facebook petition from people who wanted to keep the music alive in Punta Gorda.

Mr. Mike Riley spoke in favor of retaining the music.

Mr. Bill Aiken announced a parade, ceremony and music fest would be held on March 28, 2020, for surviving Vietnam veterans. He encouraged Council to find the funds to finish Veterans Park which would be in the spotlight.

Mr. John Chalifoux stated it was not his intention to ban music in the downtown, adding self-policing was no longer working because there were now many more establishments offering live music. He requested the noise ordinance be revised to make it enforceable in order to protect the City's residents and to prepare for future business growth in the downtown.

Mr. Lee Richardson stated most complaints regarding loud music were made by Mr. Chalifoux but were often unsubstantiated. He stated music drew people to local establishments.

Mr. Dick Carr, Vietnam Wall of Southwest Florida, stated a much needed parking area had been completed, requesting City Council make funding available to finish the Vietnam Veterans Park prior to the March 2020 event.

Mr. Gary Marty questioned why loud music was being discussed due to one individual's complaint.

Ms. Justine Falkes stated she lived in the downtown area, adding she enjoyed the restaurants and the music; however, she had made occasional complaints. She suggested the volume be turned down after 10:00 p.m. during the week.

Mr. Mike Colden voiced opposition to making any changes to the current ordinance, opining live music attracted people to the City.

Mr. Nickolai Shadows suggested the City could build noise barriers.

Mr. Jodi Belcher and Ms. Karen Rowbottom voiced concern curtailing the music would be harmful to the business community.

Mr. Andrea Duresia thanked Council for information shared in their newsletters.

Mr. Max Doyle, Ms. Joanna Palmer and Mr. Chris Burtchee opined Punta Gorda was a destination City due to the entertainment options.

Ms. Cheryl Maymon, Sunloft Center Property Manager, stated there were no complaints about the downtown music from tenants.

Ms. Susan (last name not provided), stated sound limitations on the bands performing at Deans South of the Border was strictly enforced, suggesting everyone work together to resolve the issue.

Ms. Angela Hazen, Angela's Café Italiano, stated music was important to their business.

Mr. Allen Caplan asserted the music was louder due to improved sound systems, adding listening to 110 decibels for one half hour would damage the ears; thus, it was necessary to be responsible.

Ms. Amanda Martis stated she lived in the downtown, noting most residents of the downtown lived there for the entertainment.

Mr. Bill Dryburgh stated the restaurants and bars with the live music were good for Punta Gorda.

Mr. Bruce Laishley stated the City had a vibrant downtown, opining a simple phone call to a business owner was preferred over the complexity of additional rules.

Mr. John Berry, Ice House Pub, stated his business depended upon all of the live music and events in the downtown.

Ms. Rita Beech voiced concern regarding cutting off the music at a certain time, adding the crowd regulated the volume.

Ms. Martha McKenzie, Punta Gorda Days, Inc., spoke in support of the businesses and the music, adding they wanted to ensure the public/visitors enjoyed Punta Gorda and wanted to come back.

Mr. Don Hurlsen suggested residents upgrade windows and doors to shut out the noise, commenting Florida's PACE program might be of assistance for same.

Mr. Patti Allen, Fishermen's Village, stated music was a part of Fishermen's Village and the downtown, opining it was not necessary to address the issue.

Mr. Michael Haymans stated the Punta Gorda Chamber did not support any changes to the current noise ordinance, adding working with the business owners informally and continuing a dialogue with them was preferred.

Mr. Jerry Presseller concurred with Mr. Haymans' comments.

Ms. Janice Chupka stated she enjoyed the music but had small children and had concerns regarding noise levels on school nights; however, a phone call had been sufficient to remedy the problem each time.

**NOTE: The discussion of loud music was heard prior to Budget.**

### BUDGET

#### **Appropriation of FY 2018 Bullet Proof Vest Partnership (BVP) Funds**

City Manager Kunik explained the City had been awarded \$11,529.20 in Fiscal Year 2018, adding it was necessary to appropriate the funds.

Councilmember Matthews **MOVED** approval of appropriation of the funds, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### **Veteran's Park Phase II Improvements**

City Manager Kunik stated staff had developed some planning numbers for completing the remainder of Veterans Park and recommended doing the entire project at one time with one contractor for economies of scale, adding sections could be prioritized in order to complete the most important ones prior to March 2020.

Mr. Mitchell Austin, Urban Design, displayed the Veterans Park Planning Cost Estimate, as delineated in the agenda material, reviewing the project phases and subphases, noting the initial planning cost amounted to \$540,000. He stated \$70,000 in private funds had been committed; thus, the City's cost would be \$470,000. He reiterated staff recommended funding all Phase II improvements as a single construction project to maximize construction efficiencies and minimize park disruption.

City Manager Kunik stated funds from the Laishley Park Marriage Point sales tax project could be transferred to the Laishley Park Veterans Park project, noting \$500,000 had been set aside for Marriage Point as a planning figure. He stated Public Works had much of the Phase II design completed; however, it was necessary to go through the bidding process.

Councilmember Cummings **MOVED** approval of moving forward as recommended by staff, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

## **FY 2020 Budget Status Update for Sanitation, Building, Marina, and Gas Tax Funds**

Ms. Kristin Simeone, Finance Director, briefly reviewed the Budget Status for the Sanitation, Building, Marina and Gas Tax Funds. She reviewed the Sanitation Fund pro forma, noting the proposed rate for Fiscal Year (FY) 2020 was \$22.62, which reflected an increase of \$0.42 due to an increase to the recycling contract. She explained rate changes were tentatively proposed for FY 2021 through FY 2023.

Councilmember Wein **MOVED** approval of moving forward with the sanitation rate increase, **SECONDED** by Councilmember Matthews.

### **MOTION UNANIMOUSLY CARRIED.**

Ms. Simeone then displayed the Building and Marina Fund Proformas, noting no rate change was proposed for either program. She reported the City would receive Five Cent Gas Tax funds of \$266,000; therefore, a General Fund Ad Valorem Transfer in the amount of \$459,000 was needed to balance the Paving Program. She reviewed the Six Cent Gas Tax Fund Proforma, noting FY 2020 – FY 2024 would be balanced with use of reserves.

## **UNFINISHED BUSINESS**

### **1% Local Option Sales Tax Committee**

Ms. Melissa Reichert, Communications Manager, inquired as to Council's designee to serve on Charlotte County's Sales Tax Committee.

**Mayor Prafke** recalled Councilmember Matthews had already been selected.

Ms. Reichert inquired as to Council's District representatives.

Discussion ensued regarding district nominations, with consensus to publish a notice in the Weekly Report and other media for Districts 3 and 5.

Ms. Reichert inquired as to a Council designee for the City's Sales Tax Committee.

Consensus was for Councilmember Carey to serve.

## **NEW BUSINESS**

### **City of Punta Gorda Historic District Initiative Engineering Infrastructure Analysis presented by Infrastructure Solution Services**

Mr. Mark Mueller, Infrastructure Solution Services (ISS), presented the referenced Engineering Infrastructure Analysis, as delineated in the agenda materials. He defined the limits of the study, noting same was a unique blend of neighborhood commercial, residential and community facilities. He stated the purpose of the study was to review the infrastructure, most specifically focusing on sidewalks, drainage and lighting, and to provide recommendations/solutions along with a magnitude of cost to be used as a tool as the City moved forward with improvements as well as to guide the Capital Improvement Program (CIP). He reviewed the process for data acquisition, field

investigation, GIS integration and public involvement, noting an evaluation matrix was established to guide the analysis and help prioritize critical needs. He drew members' attention to the Final Infrastructure Analysis, briefly reviewing same, noting the opinion of construction costs to complete the improvements amounted to approximately \$1.25 million; however, the average cost per segment was \$25,000. He stated since the City's limited annual budget of \$50,000 only met about 5% of the overall need, it was necessary to consider how to obtain additional funding through the CIP or from external sources; therefore, ISS's summary of prioritization ranking recommended the City focus on segments which had a safety component. He reviewed the recommendations for sidewalks and accessible ramps, drainage and lighting. He noted a summary of the overall report was provided to serve as a guide for the City to use along with the CIP or when coordinating future design projects.

City Manager Kunik stated if City Council wanted to move forward, staff recommended providing the report to the Sales Tax Committee, noting there were also grant opportunities which staff could pursue.

**Councilmember Cummings** opined the lighting situation was urgent.

Police Chief Davis stated she had inspected the area of Milus Street and Ida Avenue and agreed it was dark, noting sections of the sidewalk were uneven.

City Manager Kunik suggested identifying the cost for lighting just for that area and prioritizing same.

Mr. David Hilston, Chief Planner, reported FY 2019 funds were depleted.

**Councilmember Cummings** asserted residents had been waiting for 30 years for these improvement, stressing funds needed to be appropriated.

**Councilmember Wein** agreed, adding it was a matter of safety and health.

**Mayor Prafke** suggested using FY 2019 Sales Tax funding, noting available funds exceeded project costs.

City Manager Kunik pointed out several projects had not yet been sent out to bid, noting there was also a significant deficit for the Boca Grande Drainage Project.

**Mayor Prafke** opined due to the timeframe to design and bid the lighting project, it would not be ready for construction until FY 2020, noting \$50,000 would be available.

**Councilmember Cummings** commented the cost would likely exceed \$50,000.

City Manager Kunik suggested pushing forward with the design for the lighting portion.

**Councilmember Wein** questioned whether it would be possible to reallocate unused thatching funds towards the lighting project.

**Mayor Prafke** stated she was not amenable to same.

**Councilmember Cummings** interjected he was in favor as the issue was crucial and had long been delayed.

Mr. Rick Keeney, Public Works Director, stated Ida Avenue would be repaved in the near future, noting funds had been allocated to address the sidewalk issues at that time.

**Councilmember Wein** inquired as to requesting staff to identify some potential areas that could be addressed in this manner.

**Councilmember Cummings** suggested funding could be discussed after the target areas were identified.

City Manager Kunik stated using the ISS report, staff would develop a cost estimate for lighting in the Milus Street/Ida Avenue area for presentation at the June 5, 2019, meeting.

**Mayor Profke** confirmed Council agreed to forward the ISS report to the Sales Tax Committee.

**NOTE: The discussion of loud music was heard prior to Budget.**

#### **Discussion of Loud Music in the Central Business District**

City Manager Kunik clarified the agenda item was requested by a resident of the Historic District, adding it was for discussion rather than an ordinance change. He stated music in the Central Business District was a vital part of the City and was not being shut down.

**Note: Citizen Comments noted above.**

Discussion ensued with Council deciding to make no changes to the current noise ordinance but rather to reconvene the group of business owners that offer music in the downtown to discuss self-monitoring of noise levels and determine what, if any, changes should be made to better address concerns from residents in the nearby residential areas.

City Manager Kunik agreed to coordinate reconvening the group.

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

**NOTE: Approval of the CAFR was heard after Historic District Initiative Engineering Infrastructure Analysis.**

#### **Approval of the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2018**

Ms. Simeone explained the CAFR was a comprehensive report of all the financial activities during Fiscal Year 2017/2018, noting the auditor had issued a clean opinion on the audit report and there were no prior year audit comments to be addressed. She concluded staff was seeking City Council's approval of same.



Councilmember Wein **MOVED** approval of the CAFR as presented by staff, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**RECOMMENDATION FROM CITY OFFICERS**

**CITY MANAGER**

City Manager Kunik reported a total of \$15.2 million had been received for seawall repair reimbursements.

**CITY ATTORNEY**

**Attorney- Client Session (closed to the public):**

**18- 001018- CA - CITY OF PUNTA GORDA, A CITY IN THE STATE OF FLORIDA vs. CERTAIN LANDS UPON WHICH SPECIAL ASSESSMENTS ARE DELINQUENT, NAMELY 1601 TAMIAMI TRAIL, PUNTA GORDA, FL 33950**

City Attorney Levin announced the shade meeting had been cancelled, explaining additional research was needed to ensure no conflict of interest for the attorney. He concluded the meeting would be rescheduled.

**BOARDS AND COMMITTEES**

**Announcement of Vacancies**

Planning Commission Alternate

Police Officers' Pension Board

City Clerk Smith announced the vacancies.

**Nominations**

Historic Preservation Advisory Board

City Clerk Smith requested Ms. Adrienne Andreae be considered for nomination.

**Councilmember Matthews** nominated all interested parties.

**Appointments**

Punta Gorda Housing Authority (2)

Voting forms were distributed.

City Attorney Levin announced Ms. Cathy Getz and Ms. Melody Washington were appointed.

**POLICY AND LEGISLATION**

**PRAFKE:** Announced she would be the keynote speaker at the Unity Around the Lake event on Friday at 6:00 p.m. at South County Regional Park, inviting Councilmembers to participate.

**CUMMINGS:** Invited everyone to attend the Emancipation Day Celebration at the Blanchard House Museum on Saturday from 10:00 a.m. to 1:00 p.m.

- Stressed it was important to support the Bread of Life Mission.

**MATTHEWS:** Reported FDOT took action on the Aqui Esta Drive and U.S. 41 intersection, the traffic light at Bermont Road and U.S. 31 had been activated with work being done on the permanent roundabout, and Carmalita Street intersection improvements were moving forward.

**CAREY:** No comments.

**WEIN:** Agreed with Councilmember Cummings' comments, noting there many homeless students in Charlotte County.

- Announced the Run to the Wall would be held on Sunday, May 26, 2019.

**CITIZENS COMMENTS**

None.

The meeting was adjourned at 12:28 p.m.

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Mayor

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City Clerk