

**MINUTES FOR THE REGULAR MEETING OF THE  
CAPE CORAL CITY COUNCIL**

April 17, 2024

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Gunter at 4:30 p.m.

**INVOCATION/MOMENT OF SILENCE** – Councilmember Welsh

**PLEDGE OF ALLEGIANCE** – Councilmember Welsh

**Roll Call:** Mayor Gunter, Councilmembers Carr, Cosden, Hayden, Long, Sheppard, Steinke, and Welsh were present.

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Mayor Gunter inquired if there were any changes to agenda.

City Manager Ilczyszyn requested to add an update on the FEMA Flood Insurance Policy Issue after the Recognition/Achievements and also add it to the next meeting before our May 9<sup>th</sup> submittal of the information for one last update on the topic.

*There were no other changes.*

*Councilmember Steinke moved, seconded by Councilmember Hayden, to adopt the agenda, as amended.*

*Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.*

**RECOGNITIONS/ACHIEVEMENTS**

Community Recognition Award: Cape Christian

City Manager Ilczyszyn recognized Cape Christian who held Serve Day 2024 (video displayed), organizing 1,500 volunteers to provide community service and aid to the local community.

**ADDENDUM: FEMA/NATIONAL FLOOD INSURANCE PROGRAM (NFIP) Update**

City Manager Ilczyszyn provided the following report:

- Two weeks since last Council meeting when a timeline was provided of our response times and notifications to the public with regards to recovery directly after Hurricane Ian
- Progress working with FEMA
- Top priority project is to maintain our CRS rating
- To ensure its success assembled operational team consisting of individuals dedicated to conduct thorough research and execute necessary fieldwork
- Team is working evenings and weekends to take full advantage of the 30 days allotted to us by FEMA
- Have sought assistance of State and Federal legislators to guarantee that we not only adhere to the compliance standards but demonstrate our ongoing commitment to compliance
- Mentioned during our last meeting that in January 2023, we submitted a resource request to the Florida Department of Emergency Management (FDEM) for Building Inspectors or Certified Floodplain Managers to help conduct substantial damage determinations on approximately 1,200 structures.
- Resource Request Details – Display #1

- To this day, these requests have remained unanswered; request closed.
- Display #2 – Just this week FDEM attempted to close this request for help without acknowledging the fact that it went unfulfilled.
- After I expressed my dissatisfaction with this alleged outcome, they offered to, at this time, provide us with a vendor list that could assist us now with our current work. Updated the status of the resource request to indicate "Vendor List Provided" and they provided us with a list of vendors to perform the work.
- We intend to utilize these resources to support our ongoing work on this project, and we are actively working through that list to engage a vendor to assist us, now, on our path to compliance.
- Incurring cost and no reimbursement as after six months since FEMA disaster declaration
- Will continue to work with lobbyists on getting appropriations if available
- Will continue with the work we said we needed help doing and will complete it with the list of resources that we have
- With regards to compliance with the National Flood Insurance Program, during our initial and continued response efforts to recover from Ian, we have utilized FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- Manual that all of our floodplain certified employees utilize in order to maintain compliance with the program
- I think it is important to note that we mentioned this to the FEMA representatives who met with our staff last Thursday, and they confirmed we absolutely should be using this reference guide to remain compliant
- One of the key assertions made by FEMA for alleged non-compliance is we did not perform proactive inspections.
- Display #3 (section 7.5 from FEMA's guidebook) – Damage Assessments for Substantial Damage Determinations
- Communities have choices about how to handle making substantial damage determinations when many buildings have been damaged by a significant event
- 1. They can proactively inspect buildings soon after the event and use available information.
- 2. They can notify owners of the requirement to get permits and then wait for property owners to apply for permits and make substantial damage determinations at that time, following their normal permit review procedures.
- We pointed out to them that their own manual section 7.5 on Damage Assessments for Substantial Damage Determinations states "Communities have choices about how to handle making substantial damage determinations when many buildings have been damaged by a significant event."
- We followed choice #2 post-Ian and when we pointed this out to the FEMA representatives their response to us during that meeting was that they are working on changing that section so that we no longer have the two options.
- They confirmed that the option was in place at the time Hurricane Ian struck, but say they are changing that they are rephrasing it so that communities no longer "have choices" and they went further to say the change, which is not yet in place and was not in place during or post Hurricane Ian, they knew we had options to remain in compliance and we utilized one of those options, FEMA acknowledged it.
- What is important for you to take away from this information is that if we were struck by Hurricane Ian 2.0 tomorrow, we would need 150 2-man teams of building inspectors or 300 full-time equivalent employees just for Cape Coral – not including Lee County or the other municipalities – in order to perform item 1 in FEMA's guidebook. And these resources are not available. So, option two simply cannot be removed. We have placed this issue on an after-action list for May 10<sup>th</sup>.
- On April 11<sup>th</sup> I, along with the Mayor, Lee County and other affected cities had the opportunity to meet with FEMA Regional 4 Administrator, Robert Samaan, and I'm pleased to report that the meeting was both positive and constructive. Robert appeared sincere in his desire to work with Cape Coral and aid us in our path to compliance.
- Display #5 – Robert Samaan, FEMA Region 4 Regional Administrator email

- Each community was granted additional 90 days
- If we are able to provide information in the finding report, we will be able to avoid retrograde and remain in a Step 5.
- One of our key objectives to gain from this meeting was to seek clarification on FEMA's requirements. To this point FEMA has agreed to maintain an open line of communication with city leadership and to facilitate this communication. FEMA has provided us with a designated point of contact who is committed to meeting regularly with our staff. Our hope is that this collaboration will help us address any issues promptly and effectively, help streamline our communications, and help us navigate the process more efficiently.
- This ongoing dialogue will be crucial in ensuring that we remain on track together. We followed up on this meeting with an email to the FEMA Region 4 Administrator to ensure clear communication and documentation of any action items or decisions made.
- These next 22 days are critical for our city staff to stay the course. We are committed to meeting deadlines and fulfilling our obligations. We are actively working to address issues and provide appropriate support and guidance to affected residents.
- Email sent to all Community leaders and on-site FEMA staff was not aware of the extension granted
- Need to continue to make sure that FEMA is working up and down their chain like our Staff and City with open dialogue and communications
- The City has an established process of determining substantial damage for properties and it is comprehensive. I'm going to give you an example of work completed on a property not associated with the properties identified by FEMA in attempt to paint you a picture of just what that work entails:
- A homeowner reached out to the Mayor (Display item 5) Her home was located in the special flood hazard area and damaged by hurricane Ian. The homeowner initially hired a contractor to repair their home.
- In the email the homeowner expressed knowledge of FEMA's decision to retrograde our CRS rating resulting in losing the 25% discount on flood insurance under NFIP; she goes on to express her concerns regarding the "slow process" she experienced with the City's permitting and inspection processes and says that while she understands the importance of compliance, the delay in permitting and inspections hindered her progress to rebuild and caused additional stress and financial burden and likened it to "being hit over and over from the same hurricane". She goes on to say she would like the process to be "streamlined". This proves we were neither allowing unpermitted work, abdicating our responsibility, or being reckless in our enforcement of the 50% rule under the NFIP.
- Display 6 - processes she is referring to in her email - this is an email from our Development Services Director which lists the permitting and inspection dates related to this specific address.
- On April 13, 2023, the contractor applied for a remodel permit.
- On April 17 the permit failed because the application was incomplete, but on April 26 paperwork was complete and the permit passed.
- On June 2, the review was rejected after the SI/SD calculations were performed by City staff and the contractor was notified that this property was subject to the 50% rule – this permit was later voided by the contractor on 7/21/23 because the 50% rule required demolition.
- On July 12, 2023, the contractor applied for a full demolition permit.
- On July 27 the contractor received a full demolition permit.
- And the contractor completed the demolition in November and the demo permit was closed on November 7.
- On November 14, 2023, the contractor applied for a new single-family residence permit.
- The permit failed its initial application on November 20 and again on November 28; however, the permit passed on December 7.
- The initial review failed on January 2, 2024, but passed on January 27, and the single-family residence permit was issued on January 23, 2024.

- Today construction and inspections are currently ongoing.
- All of this started in April.
- FEMA field representatives came by in October and November.
- From the timeline you will see that the demolition was occurring.
- Work that FEMA alleged was unpermitted activity, in fact was a demolition permit, a direct result of the SI/SD done previously on a permit the property owner tried to pull to remodel the home
- The detailed information I have just provided to you is the work of our staff performed post-Ian and independent of FEMA. I want to reiterate that I share this scenario with you to show you that Cape Coral's processes work, are thorough and well-documented. I offer this explanation to illustrate the thoroughness of our review process and the ongoing dedication of our staff. Our commitment ensures that permits undergo all necessary reviews and are issued correctly, even for properties not listed by FEMA.
- Now, I'd like to give you another scenario for one of the specific properties alleged by FEMA as having had unpermitted work after Ian. While I cannot share the address I can speak in generalities about the process and facts regarding the situation. Immediately after posting the NOV/NOH on the property I was contacted by a Councilmember with questions on why this particular property was flagged by FEMA. It was a new construction permit with a dumpster and a permit board.
- FEMA gave us a photo of the home post-Ian taken on or about 10/31 to 11/4/22 without notes or other backup material. The following information is what we have on the property today:
- On January 17, 2024, a permit was applied to demolish the home, driveway, and pool.
- On February 23 the demolition was complete.
- In February a permit was applied to build a new single-family residence in compliance with FEMA's NFIP program at an elevation above base flood elevation.
- On another property also identified by FEMA as having had unpermitted work, again all we have to go on from FEMA is a photo of the home. However, our records show the property actually has had no work, repairs, or renovations. The homeowner of this property is still waiting for insurance claim checks to move forward. The structure will eventually be demolished and rebuilt once the homeowner receives insurance funds.
- I'm providing you with these scenarios to show you the lack of information we are working with regarding FEMA's assertions. A large amount of the work we are doing is putting a magnifying glass on the fact that FEMA lacks supporting documentation and often our work has ended up proving that FEMA's assertions of unpermitted work were incorrect/inaccurate. Does this mean there was not any unpermitted work? The answer is "no" but it certainly is not as bad as it has been made to sound. Rather than working towards compliance, a lot of our work at this time appears to be merely proving that FEMA made some bad assertions to begin with.
- Since we embarked on our path to compliance on April 9, here is a list of items we have completed this far:
- Completed 96 elevation certificates
- Completed 83 physical site inspections
- And posted 207 notices of violations
- All related to the allegations of unpermitted work
- Our staff has always worked proactively, directly after hurricane Ian hit through April 8, 2024.
- City staff approved 214 demolitions since the hurricane, issued 22 stop work orders, issued over 108,000 permits, and completed over 403,000 site inspections
- Just yesterday we had a phone call with Senator Rick Scott, he offered us his support. He told us he has asked for FEMA to be very specific so local officials can know what to do to comply and that his goal is for us to know the regulations and exactly what we need to comply with.
- I explained to Senator Scott the definition of compliance from FEMA remains unclear and we have received vague responses to our questions. We have shown

FEMA their own policy and how we have never fallen out of compliance; that their allegations are unsupported by documentation and/or policy. I further explained that we have placed outstanding FOIA requests with FEMA and the only items we have received are 200 pictures of properties. My main point to the Senator was that I want him to know we seem to be up against an undefined definition of compliance but have been referred to many preferences of FEMA staff.

- Senator Scott said his office is taking this situation seriously and advised that we need direction in writing.
- We appreciate the Senator's support and candor. Our team continues to work diligently around the clock through the May 9 date with a goal of maintaining our CRS rating and current discount in place.

Mayor Gunter thanked the City Manager and Staff for working vigorously to meet the deadlines.

### **APPROVAL OF MINUTES**

Regular Meeting - April 3, 2024

***Councilmember Hayden moved, seconded by Councilmember Steinke, to approve the minutes for the April 3, 2024, Regular Meeting, as presented. Voice Poll: All "ayes." Motion carried.***

### **CITIZENS INPUT TIME**

Heather O'Connell voiced concerns with safety and ADA compliance with changes at Jaycee Park.

John Miehle voiced concern about the work stop red tag her snowbird neighbor received as well as a registered letter from the City to appear on May 1st. He noted a Staff Member had provided a packet on SI/SD which does not apply since this neighbor's roof was replaced at the request of insurance due to its age and not hurricane damage. This neighbor will drive 900 miles to Cape Coral to defend herself against violations which she will not know until she arrives on May 1st. The stop work listed Code 24-0078, passed but not codified yet. He noted she had a permit that was applied for a year after Ian, passed, inspected, and work done. He asked that someone explain this to avoid an unnecessary trip if she did not violate the law.

William Ulrich voiced concerns about prior comments to opposition to Jaycee Park changes and stipend, process of petitions, and mentioned creating a non-partisan permanent referendum group with volunteers in an effort to protect democracy locally.

Art Ober represented Lake Homes at Tarpon Point. He voiced concerns with a notice dated April 3<sup>rd</sup> giving him 30 days to come into compliance with backflow valves. He questioned why this 4-unit complex has to do backflow tests and new Code requirements to do upgrades.

Resident who represented Lake Homes Association at Tarpon Point voiced concerns with the backflow valve replacement issues. He questioned having to pull a permit for this. He noted they pay \$6,000 yearly to comply with requirements. He also mentioned \$64,000 for the buildings to comply with permitting and pipe replacement process whereas the current pipes are working fine. He questioned why they couldn't just replace the backflow valves to comply with EPA requirement.

Sally Flash announced this was National Park Week. She voiced concerns with Jaycee Park improvements and unshaded concrete boardwalk along the river. She suggested placing this item on the November ballot: Do you want the City of Cape Coral to continue with its Jaycee Park Plan? Yes or No.

Laurie Lehmann voiced concerns with changing the City Council meeting to 9:00 a.m. as many cities in the State have 6:00 p.m. meetings such as Clearwater, Jacksonville, Ft. Lauderdale, Marathon, Marco Island, and Lake Mary. She suggested changing the

meeting time to 6:00 p.m. She inquired if the changes to Jaycee Park would be ADA compliant. She questioned why permits were still being issued on the moratorium items for car washes and storage facilities.

Tim Sweeney voiced concerns with the permitting process and engineering document not being certified; there would still be 10-14 days for review.

John Sullivan voiced concerns about Council meetings not available online for prior years, only one year. He intended to use legal means to defeat any Referendum that codifies the stipend.

Kathleen Lopez inquired if any studies have been done on the environment, noise, and financial impacts on the 800 residential units on Beach Parkway. She mentioned her concerns with the destruction of the amenities at the Yacht Club especially the Yacht Club Pool and parking spots along the waterway in Jaycee Park.

Francine voiced concerns with Jaycee Park changes, leave the park alone. She suggested changing the Council meetings to 6:00 p.m.

Don Cord voiced opposition to Jaycee Park and Yacht Club designs. He suggested keeping an open space at the Yacht Club at the site of the former ballroom and mentioned the efforts of petition seekers specific to Jaycee Park.

Anthony Kerr voiced opposition to Jaycee Park redevelopment by the proposed design. He invited Council to join the opposers in a walkaround at Jaycee Park. He requested an updated hurricane plan for the citizens.

Julia Ettari voiced concern about a delay in a Freedom of Information request. She inquired when CRA meetings were held, unable to locate them online. She asked when Town Hall meetings would be held. She expressed concern about permitting processing time.

Dave Kalish voiced concerns on the topics being commented; FEMA and permitting process; Council meeting time change; proposed Council compensation referendum; opposition to stipend.

Patricia Schumacher voiced concerns about Jaycee Park and stipends; citizens are expressing how they want the City represented and what they want accomplished; impact of some of the proposals as it related to community affordability such as increases in rent, insurance; unnecessary spending leads to unnecessary taxation; opposition to pay raise and meeting hours change.

Councilmember Carr left the dais at 5:42 p.m.

Councilmember Long asked for the online availability of information to be addressed.

City Clerk Bruns explained the Ordinances have been published again online, working on the Resolutions, then the Minutes. The public is welcome to place a public records request.

Councilmember Long understood that they would all eventually be brought back online after a change in Statute.

City Manager Ilczyszyn explained there was a redaction of IT cybersecurity concerns.

City Clerk Bruns added that there is a (retention) disposition schedule for videos and audio of two years after meeting minutes are approved; it is not a permanent retention item.

Councilmember Long noted it was a temporary inconvenience, but in time it will all be brought back online. He addressed the question about the Council meeting time change and listed the municipalities that meet at 9:00 a.m.

Councilmember Carr returned to the dais at 5:46 p.m.

Councilmember Steinke acknowledged the submittals received and read. He thanked the Interim DSD Director for helping the citizen with the permit issue. Regarding Town Hall Meetings, there was a first Budget Workshop held, and there are more scheduled.

City Clerk Bruns announced the upcoming workshops scheduled:

- Two Budget Workshops in June, three in August
- Town Hall discussed with Staff today and scheduled for July 26<sup>th</sup>

Councilmember Steinke noted there have been Town Hall meetings relating to progress on design for Jaycee Park and the Yacht Club.

Councilmember Sheppard commented about the obstacles with the permitting process such as a new system, Ian, and COVID. He commended Staff for doing their best. He explained that there was no perfect time for meetings.

City Manager Ilcyszyn commented on the permitting efforts during the past year, making tremendous strides in review timelines and cutting out unnecessary documentation. They work regularly with the CCCIA and the Lee Building Industry Association who monitor our progress.

Interim Development Services Director Grambow explained the following:

- Huge surge in permitting activity in the City over the last 18 months
- Since Hurricane Ian, the City has issued over 108,000 building permits and conducted over 400,000 inspections
- Over the past year, reduced residential review time by 35% and reduced commercial review time by 45%
- Always looking for ways to make progress through our Staffing and resources
- Staff extremely productive

## **BUSINESS**

### **CONSENT AGENDA**

- 1) Resolution 99-24 Award Sole Source to South Florida Emergency Vehicles, LLC for the repair of Sutphen Fire Equipment and authorize Contract #SSPW2488MR, at the unit price labor rates, between the City and South Florida Emergency Vehicles, LLC in the estimated amount of \$299,000; and authorize the City Manager or designee to execute the contract and purchase orders. Department: Public Works; Estimated Dollar value: \$299,000 (Internal Service Fund-Fleet Operations)
- 2) Resolution 102-24 Award Contract #RCP2343JM for Professional Design Services for the Design of Oasis Sports Fields to Avalon Engineering, Inc. for the conceptual plans at a not-to-exceed amount of \$297,054.49; and authorize the City Manager or designee to execute the agreement(s), change order(s), contract amendment(s), renewal(s) and purchase orders; Office: Capital Improvements Projects Division (City Manager's Office); Dollar Value: \$297,054.49; (Parks and Recreation Capital Project Fund)
- 3) Resolution 112-24 Award Bid #BPW2403GL for the Purchase and Delivery of Gasoline and Diesel Fuel to Palmdale Oil Company, Inc. and authorize Contract #BPW2403GL, at the fixed markup price stated on the contract, between the City and Palmdale Oil Company, Inc. for an estimated amount of \$3,000,000 not to exceed budgetary limit; And authorize the City Manager or Designee to execute

the contract and purchase orders; Department: Public Works; Estimated Annual Dollar Value: \$3,000,000; (Internal Service Fund)

- 4) Resolution 114-24 Authorize utilizing Lee County Contract #B220183CMR with Sam Galloway Ford, Inc. for the Service and Repair of Ford Vehicles and approve Contract #PPW2487MR between the City and Sam Galloway Ford, Inc., in the estimated amount of \$199,000; and authorize the City Manager or Designee to execute the contract and purchase orders; Department: Public Works; Estimated Dollar Amount: \$199,000; (Internal Services Fund - Fleet's Operations Account)
- 5) Resolution 122-24 Acceptance of Permanent Utility Easement in a portion of Lot 11, Block 3686, Cape Coral Unit 50, located at 2402 SW 4th Street (also being a portion of Strap #16-44-23-C1-03686.0090) to provide access to and maintenance of future City utility facilities installed at this location associated with the proposed Cape Coral Town Center/Cape Coral Grove Project (SCP22-000012); Department: Public Works / Real Estate; Dollar Value: N/A; (Fund: N/A)
- 6) Resolution 123-24 Approve Contract for the purchase of 1512 NE 24th Avenue (Lots 5 and 6, Block 3510, Cape Coral Unit 47 Part 2) for a future stormwater pond associated with the NE 24th Avenue Widening Project, for the purchase price of \$75,000 plus closing costs not to exceed \$2,500; and authorize the City Manager or designee to execute the contract; Department: Public Works / Real Estate Division; Dollar Value: \$77,500; (Road Impact Fees)
- 7) Resolution 124-24 Approve Contract for the purchase of 1510 NW 23rd Terrace, (Lots 1 and 2, Block 2972, Unit 42, Cape Coral Subdivision) for the expansion of the North Cape Government Complex for additional Public Works facilities for the purchase price of \$25,000 plus closing costs not to exceed \$1,800; and authorize the City Manager or designee to execute the contract; Department: Public Works / Real Estate Division; Dollar Value: \$26,800; (General Fund)
- 8) Resolution 125-24 Approve Contract for the purchase of 1400 NW 23rd Terrace, (Lots 17 and 18, Block 2972, Unit 42, Cape Coral Subdivision) for the expansion of the North Cape Government Complex for additional Public Works facilities, for the purchase price of \$24,350 plus closing costs not to exceed \$1,800; authorize the City Manager or designee to execute the contract; Department: Public Works / Real Estate Division; Dollar Value: \$26,150; (General Fund)

Mayor Gunter asked if anyone had any items to pull.

Councilmember Long pulled 9(A)(2) Resolution 102-24.

There were no other items pulled.

***Councilmember Hayden moved, seconded by Councilmember Steinke, to approve 9(A)(1), 9(A)(3), 9(A)(4), 9(A)(5), 9(A)(6), 9(A)(7), and 9(A)(8), as presented.***

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

Councilmember Long commented about how this would work; would the City build it; who will be responsible for it; priority use agreements; time for citizens versus the school; planned joint meeting with the Charter School Governing Board. He preferred having these aspects resolved before moving forward with spending \$300,000. He clarified he supported moving forward with the Ball Field.

City Manager Ilczyszyn explained they were waiting on holding the joint meeting with the CSGB until we had the design consultant on hand for their participation. He offered making the video and minutes of that meeting available to the contractor if Council desired.



Mayor Gunter questioned if the project was still a Community Sports Athletic Field or a football field to be used only by Oasis High School. He would be comfortable moving forward if it was the former.

Councilmember Cosden understood it would still be a Community Athletic Field. She inquired if Council could approve this and then have that meeting with the CSGB, then go to design.

City Manager Ilczyszyn explained this was the engagement to bring the firm in; design will not start prior to that meeting; meeting would be important for the design professional to understand the programming; geared to school or community still a question. What is the goal we are trying to accomplish?

Councilmember Cosden inquired if there would be a benefit to wait.

City Manager Ilczyszyn responded there was no benefit to wait as the design professional should be involved in the discussion.

Councilmember Hayden commented there was still confusion as to what the project is. He opined the first priority is to Oasis, and it would be available to the community during the summer or late evenings. He suggested waiting, meet with the CSGB, then determine how to move forward.

Councilmember Steinke commented the thought was to serve the community with athletic facilities for other activities other than Oasis football. Engaging with the designer allows us to discuss how we accomplish this. He would be in favor of the consultant.

Councilmember Long was not sure if we still need the design consultant if we are not willing to spend \$9M with Oasis having the majority of the time. Figure out the logistics first.

Mayor Gunter noted a decision would be needed if this would be a Community Facility, Oasis High School Football Field, or a combination of both. Due to a new funding mechanism for the Charter School with \$900K this year and \$13M over the next five years, and if this is going to be the Oasis High School Football Field, they can pay for it. He would totally support it if this will be a Community Athletic Field partnering with Oasis. More discussion needed.

City Manager Ilczyszyn clarified his recommendation for bringing the firm in is based on the assumption that we are building this field. The consultant can come on board while Council figures out the funding mechanisms, ownership, and operations. If there were discussions that this park is not going to be built, he would not recommend spending money on design. In our Asset Management Plan and the funding set aside this year in the budget to perform the design, the entire underpinning of that is that we are moving forward building it.

Councilmember Steinke inquired about the not to exceed amount in the Resolution.

City Manager Ilczyszyn explained the structure for a professional services contract would be an actual as incurred hourly rate with a not to exceed number. He noted the scope could be changed which could lower the cost. The design consultant should be part of the discussion. If this park is open to the public, additional security measures would be needed. If it is not or only a portion of it is, a different design would be used.

***Councilmember Long moved, seconded by Councilmember Cosden, to continue Resolution 102-24 9(A)(2), to such time as a Joint Meeting with the Charter School Governing Board is held and then bring the item back to the next Regular Meeting of the City Council.***

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None

UNFINISHED BUSINESS

Follow Up Items for Council

None

NEW BUSINESS

None

PERSONNEL ACTIONS

None

PETITIONS TO COUNCIL

None

FOLLOW UP ITEMS FROM CITY MANAGEMENT

None

Councilmember Sheppard left the dais at 6:15 p.m. and returned at 6:34 p.m.

ORDINANCES/RESOLUTIONS

Public Hearings - Quasi-Judicial Hearings

Resolution 93-24 (VAC23-000003\*) Public Hearing

\*Quasi-Judicial, All Persons Providing Testimony Must Be Sworn In

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a portion of the Cocoa Court right of way and all underlying easements located between Lot 23, Block 150, Cape Coral Unit 4, Part 2, and Lots 24, 25, and 26, Block 150, Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lots 24, 25, and 26, Block 150, Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lot 23, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for a portion of the Coral Canal right of way and underlying easements adjacent to Lots 27 and 28, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lots 27 and 28, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for a portion of the Cocoa Canal and underlying easements adjacent to Lots 21, 22, and 23, Block 150, Cape Coral Unit 4, Part 2; providing for the vacation of plat for platted easements lying in Lots 21, 22, and 23, Block 150, Cape Coral Unit 4, Part 2; property located at 5348, 5354, and 5358 Cocoa Court.

Applicant: Steven and Irene Parker

City Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approval with conditions

City Clerk Bruns read the title of the Resolution.

City Attorney Boksner inquired if there were any ex-parte communications that the City Council needed to disclose as this would be the appropriate time to do so for this Quasi-Judicial Hearing. There were none.

City Clerk Bruns administered the oath.

Senior Planner Heller presented the following displayed slides:

- Resolution 93-24/VAC23-000003
- Owners/Applicants, Locations
- Requests (2 slides)
- Background
- 2023 Aerial Map

- ROW to be Vacated
- Street ROW to be Vacated
- Canal ROW to be Vacated 5358 Cocoa Court
- Canal ROW to be Vacated 5348 Cocoa Court
- Analysis: Section 3.4.5.B (5 slides)
- Comp Plan
- Recommendation: Approval with Conditions
- Correspondence: one email for additional information
- Conditions of Approval (5 slides)

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Carr moved, seconded by Councilmember Hayden, to approve Resolution 93-24, as presented.***

***Council polled as follows: Hayden, Long, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Seven "ayes." Motion carried 7-0.***

***Recessed at 6:22 p.m. and reconvened at 6:34 p.m.***

*Public Hearings - Legislative Hearings (Note: Input received as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)*

#### Ordinance 15-24 Second and Final Public Hearing

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the City of Cape Coral, Florida, relating to a moratorium on the acceptance of applications for and the issuance of permits for development of self-storage facilities within all zoning districts in the City of Cape Coral; providing for exemptions; providing for the duration of the moratorium and method of processing applications and permits during, after, or prior to the effective date of the moratorium; providing a procedure to determine vested rights, appeals, and modification to vested development; providing for exhaustion of administrative remedies. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

City Planning Manager Yearsley explained the following displayed slides:

- Ordinance 15-24
- Background (3 slides)
- Establishes, key components
- Next Steps
- Final Public Hearing

Public Hearing opened.

Mark Morris, Commercial Broker and Real Estate Advisor, VIP Realty Group, represented Miller Valentine. He expressed opposition to Ordinance 15-24.

Hal Arkin expressed opposition to Ordinance 15-24 and should not be as restrictive as it is a permitted use as a self-storage facility. He inquired if his client was exempt from this moratorium due to it being in the process for almost two years.

Joe Mazurkiewicz, President, BJM Consulting, expressed opposition to Ordinance 15-24. He noted various sections in the Ordinance was in violation of property rights.

Kevin Besserer, Public Policy Director for Royal Palm Coast Relators Association, opposed Ordinance 15-24 as it violates property rights.

Donna Germain, President and CEO, Chamber of Commerce of Cape Coral, expressed opposition to Ordinance 15-24 and read into the record a position paper from the Chamber, emphasizing it may create a negative impact on the free market.

Public Hearing closed.

***Councilmember Carr moved, seconded by Councilmember Sheppard, to deny Ordinance 15-24, as presented.***

Councilmember Carr explained he had similar concerns raised in the public hearing about this Ordinance. It had been done in the past without the intended results; SB250 may have affected it.

Councilmember Steinke inquired about the previous moratorium, studies being done, and SB250 cutting it off by six weeks.

City Attorney Boksner explained this was an issue shortly before SB250 was enacted which altered our position moving forward with this matter.

Councilmember Steinke commented about the public input he received to stop the car washes and storage facilities. He favored the free market and property rights. He questioned the need noting the water savings through a commercial facility. This is just a pause which allows for review and will end as soon as there is reasonable evidence where things should be.

Councilmember Sheppard commented that he was not a fan of more car washes or storage facilities. He was concerned with the number of commercial properties left in the City and the important needs for our City.

Mayor Gunter supported personal property rights as well as smart growth. This is a pause to determine that smart growth. There is a need for car washes and storage facilities, but there is a need to determine their location. During this pause, look at the LDC and see if a better job could be done. Let Staff address these needs, do the study, and have discussion with Council.

Councilmember Steinke thanked Staff for information provided on occupancy numbers, noting they pulled 15 storage facilities which were vacant. What could be considered is having commercial on the first level with storage above instead of residential.

***Council polled as follows: Carr voted "aye." Hayden, Long, Sheppard, Steinke, Welsh, Cosden, and Gunter voted "nay." One "aye." Seven "nays." Motion to deny failed 1-7.***

***Councilmember Hayden moved, seconded by Councilmember Long, to adopt Ordinance 15-24, as presented.***

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Cosden, and Gunter voted "aye." Carr voted "nay." Seven "ayes." One "nay." Motion carried 7-1.***

Ordinance 16-24 Second and Final Public Hearing  
WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the City of Cape Coral, Florida, relating to a moratorium on the acceptance of applications for and the issuance of permits for development of car wash facilities within all zoning districts in the City of Cape Coral; providing for exemptions; providing for the duration of the moratorium and method of processing applications and permits during, after, or prior to the effective date of the moratorium; providing a procedure to determine vested rights, appeals, and modification to vested development; providing for exhaustion of administrative remedies. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

City Planning Manager Yearsley explained the presentation was made at the first public hearing and was included in the backup material. She noted it remained unchanged and was available for any questions.

Public Hearing opened.

Kevin Besserer, Public Policy Director for Royal Palm Coast Relators Association, expressed opposition to Ordinance 16-24 because it violated private property rights. He did support smart growth and offered to work with the City on LDC and zoning changes.

Joe Mazurkiewicz, President, BJM Consulting, expressed opposition to Ordinance 16-24. He explained this was bad legislation and requested that Council deny it.

Donna Germain, President and CEO, Chamber of Commerce of Cape Coral, expressed opposition to Ordinance 16-24. The Chamber of Commerce and its Board of Directors are not in favor of the moratorium. They do support smart growth, but they also support our business owners' rights and private property rights.

Public Hearing closed.

***Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt Ordinance 16-24, as presented.***

Councilmember Carr inquired if the duration could be shortened.

City Attorney Boksner noted Council could change it and shorten it.

Councilmember Carr supported this Ordinance in concept. He explained there is an urgent need to put a pause on this development because of the detriment to neighboring residential properties for this particular use. He would be more comfortable shortening the duration.

Mayor Gunter explained his support for this Ordinance as written with the same timeline utilized for the previous Ordinance.

Councilmember Welsh inquired if Council could remove this moratorium in six months if they so desired.

City Attorney Boksner responded in the affirmative.

City Manager Ilczyszyn pointed out that the moratorium for Ordinance 16-24 shall expire on January 17, 2025.

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

#### Ordinance 22-24 Public Hearing

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending City of Cape Coral, Florida, Ordinance 1-24, which amended Ordinance 70-23, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2024, by increasing the total revenues and expenditures by a total of \$44,647,969. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Financial Services Director Mason explained the following displayed slides:

- FY2024 City of Cape Coral Budget Amendment #2
- Purpose of Ordinance

- Summary and Overview (six slides)
- Questions?

Public Hearing opened.  
No speakers  
Public Hearing closed.

***Councilmember Hayden moved, seconded by Councilmember Welsh, to adopt Ordinance 22-24, as presented.***

Councilmember Long inquired about Slide 7 regarding the Fire Department's bay doors.

Director Mason explained it was retrofit bay doors for Fire Stations #3 and #12, \$90,000 more than originally identified for the budget.

Acting Fire Chief Russell explained there are six bay doors for Station #12 and three at Station #3. These bay doors are also at Station #13, and the design for Station #10 will be in future budget presentations.

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 23-24 Public Hearing  
WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance approves and grants to Lee County Electric Cooperative, Inc., a perpetual easement for right of way to be used for the construction, operation and maintenance of one or more underground electric distribution lines across property owned by the City that is the area of the Yellow Fever Creek Preserve located at 3115 Del Prado Boulevard North, as more particularly described herein and authorizes and directs the Mayor to execute the Easement. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Property Broker Andrews was available for any questions on this Ordinance.

Public Hearing opened.  
No speakers  
Public Hearing closed.

***Councilmember Steinke moved, seconded by Councilmember Hayden, to adopt Ordinance 23-24, as presented.***

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 25-24 Public Hearing  
WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance approves and grants to Lee County Electric Cooperative, Inc., a perpetual easement for a right of way to be used for the construction, operation and maintenance of one or more underground electric distribution lines across property owned by the City that is located at 1020 Kismet Parkway West, as more particularly described herein, and authorizes the Mayor to execute the easement. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Property Broker Andrews was available for any questions on this Ordinance.

Public Hearing opened.  
No speakers  
Public Hearing closed.

***Councilmember Welsh moved, seconded by Councilmember Hayden, to adopt Ordinance 25-24, as presented.***

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 26-24 Public Hearing

**WHAT THE ORDINANCE ACCOMPLISHES:**

The ordinance amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 9, "Health and Sanitation," Article III, "Disposition of Garbage," Section 9-73, "Refuse service to be provided by City refuse franchise hauler," pertaining to the time to begin collection of refuse, and Chapter 12, "Offenses and Miscellaneous provisions," Article II, "Offenses creating nuisances," Section 12-22, "Noise Control," pertaining to the exemption for City approved refuse and recyclable waste collection. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

City Manager Ilcyszyn explained this Ordinance would move the collection time an hour earlier.

Public Hearing opened.

No speakers

Public Hearing closed.

***Councilmember Hayden moved, seconded by Councilmember Carr, to adopt Ordinance 26-24, as presented.***

Councilmember Long inquired if this could be rolled back if it became an issue for residents.

City Attorney Boksner responded in the affirmative.

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 28-24 Public Hearing

**WHAT THE ORDINANCE ACCOMPLISHES:**

The ordinance repeals Ordinance 79-18, and approves the Interlocal Agreement between the City of Cape Coral, a Florida Municipal Corporation, and Lee County, a political subdivision of the State of Florida, regarding rental areas within City Fire Stations to house emergency vehicles and personnel, and authorizes the Mayor to execute the Interlocal Agreement. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

Acting Fire Chief Russell explained the following:

- Renewal of longstanding agreement with Lee County for their ambulance service to house in our fire stations
- Agreement worked on extensively with many members of Staff and Lee County.
- This will provide improvements to operational considerations.
- Increases the service level in the City.
- Allows annual meetings with EMS to clarify our service delivery expectations
- Has a fuel component to allow ambulances at City fuel stations exchanging cost
- Provides the lease payment information on a quarterly basis

City Attorney Boksner clarified this would repeal Ordinance 79-18 since we are going into an interlocal agreement.

Mayor Gunter explained this was a result of ongoing discussions with Lee County to provide additional ambulance service to the City.

Public Hearing opened.  
No speakers  
Public Hearing closed.

***Councilmember Hayden moved, seconded by Councilmember Steinke, to adopt Ordinance 28-24, as presented.***

Councilmember Carr inquired if it had a net result in increase of the trucks in the City.

Acting Fire Chief Russell explained there was an increase of one truck this year. There was no mention of specific numbers in future years but to explore service levels on an annual basis.

City Manager Ilcyszyn explained in addition to the total count increasing by one, their availability in the City increases by using the fuel depot at the stations.

Mayor Gunter explained the goal was to get at least ten EMS personnel stationed in the City. The County Commission will be having future discussions on implementing additional units in the City.

***Council polled as follows: Hayden, Long, Sheppard, Steinke, Welsh, Carr, Cosden, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.***

Ordinance 29-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Ordinance 46-23 to accelerate and revise the effective date of Ordinance 46-23 from December 1, 2024, to June 1, 2024, regarding irrigation systems, and amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 19 "Water and Sewer Utilities," Article VII, "Water Management," by amending Section 19-90.6, "Completion of installation or substantial modification," Section 19-90.8, "Alternative Compliance," and Section 19-94, "Penalties," regarding irrigation systems and penalties for violations. (Brought forward by City Council)

City Clerk Bruns read the title of the Ordinance.

Utilities Director Pearson explained the following:

- City Council adopted Ordinance 46-23 on June 7, 2023, with an effective date of December 1, 2024.
- During the February 14, 2024, Committee of the Whole meeting, City Council directed Staff to accelerate the 2023 Conservation Ordinance and increase fines for water violations.

Public Hearing opened.

Eric Glocer, President, CCCIA, and President, PCC Tile, explained his opposition to Ordinance 29-24. This would cause additional cost to homeowners trying to build new homes. He noted that the rollout would not be smooth due to the lack of education provided.

Public Hearing closed.

***Councilmember Hayden moved, seconded by Councilmember Cosden, to adopt Ordinance 29-24, as presented.***

Councilmember Hayden inquired about moving the time up is for the specific area in the North and not the entire City, specifically, only the area addressed and impacted due to shortages in the reservoir.

City Attorney Boksner clarified that the attached exhibit delineates the provisions of where this Ordinance would become effective as of June 1<sup>st</sup>: north of Pine Island Road, east of



Nelson Road north, south of Gator Slough Canal, another boundary is NE 24<sup>th</sup> Avenue and Garden Boulevard.

Director Pearson clarified this was just for the Northeast area where there is a water shortage until December 1<sup>st</sup>; afterwards it will be for the entire City.

Interim DSD Director Grambow clarified that there has been a passing of the torch from the Utilities Department to DSD. There is a full-day education session scheduled for April 29<sup>th</sup>. An NTI has been drafted for implementing the Ordinance. The Building Official will be charged with reviewing the plans and enforcing much of this Ordinance.

Councilmember Hayden asked if the \$500 rebate would be incorporated into the remainder of the City once it takes effect.

Director Pearson responded in the affirmative.

City Manager Ilczyszyn explained there was a shift in Administration. Staff is prepared to assist with compliance.

Councilmember Carr expressed concern with the increase in the fine amount.

City Attorney Boksner responded the penalty fine amount was also being increased as part of this language based on discussion from the Committee of the Whole.

Councilmember Carr inquired if the fine could be removed at this time until residents are educated.

City Attorney Boksner responded that Council could modify or eliminate the penalty provision.

Councilmember Carr asked the motion maker to consider leaving out the enforcement side with the increase in fines until it is rolled out to the entire City.

Mayor Gunter commented on the education component. He inquired about the NTI (Notice to the Industry).

Interim DSD Director Grambow explained they were waiting for Council action; the NTI needs a date certain.

Mayor Gunter understood the DSD policy is to have at least a 30-day process. If approved today, would it be implemented today?

Interim DSD Director Grambow noted it would be effective June 1, 2024.

Mayor Gunter was concerned about fluctuations going into rainy season. He struggled with the data's need when there is only a one-foot fluctuation. The educational component needs to be provided to the community.

City Manager Ilczyszyn explained there was a full communications plan and educational session scheduled. There are workshops and printed material available. It would be premature to train the industry on something Council has not yet approved. He clarified when Council passes an Ordinance or Resolution, it would supersede any administrative policy.

Councilmember Steinke commented on the financial effect to residents.

Director Pearson responded the difference between a regular system versus one that meets the baseline depends on the size of the property. It could range between \$1,500 to \$500 depending on the specific site. Going with a smart system with a smart controller and soil sensors, it would cost more to meet that and to qualify for the \$500 rebate and potentially a variance from the watering restrictions. It would not be for this area since

we are under the Southwest Water Management District's one-day watering schedule. Once it goes into effect December 1<sup>st</sup> for the rest of the City, it would open up for all to qualify.

Councilmember Steinke requested more time for the education component and allow options to the homeowners.

Councilmember Cosden left the dais at 7:51 p.m. and returned at 7:52 p.m.

Councilmember Hayden commented that the SFWMD may be thinking the aquifer levels are okay.

Director Pearson commented:

- Past dry season has been like no other
- In his 13 years history, canal trends off the charts
- Never been in this position due to canal levels
- Direct correlation with the rainfall
- Very rainy dry season
- SFWMD has been informed of this and invited them to this meeting
- SFWMD supported this Ordinance
- Lee County unable to drill for irrigation

Mayor Gunter inquired about any correspondence from SFWMD since February 5, 2024.

Director Pearson responded there has not been any additional data. They anticipated that the levels would go down, April usually driest month. Weekly reports sent to Council will show the drop.

Mayor Gunter noted his vote would be for denial as there is no alarm at this moment with the data provided. Still need to move forward with the educational component and informing community what is coming, and that the City is monitoring the situation.

Councilmember Long Inquired about Staff's recommendations.

Director Pearson responded that we should do everything we can to demonstrate to the SFWMD that we are committed to water conservation, so they do not impose stricter restrictions than what they already have.

***Council polled as follows: Hayden, Long, Sheppard, Welsh, and Cosden voted "aye." Steinke, Carr, and Gunter voted "nay." Five "ayes." Three "nays." Motion carried 5-3.***

#### Introductions

Ordinance 20-24 Set First Public Hearing for May 1, 2024 – City Council unanimously agreed to amend Ordinance 20-24 to remove the term arcade from the title/Ordinance and reintroduce two weeks later (May 1, 2024)

#### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Table 4.1.6., Use Table, regarding social services; arcade; commercial recreation, indoor; commercial recreation, outdoor; commercial parking lot or garage; marine fuel pump; craft brewery, distillery, winery; restaurant, no drive-thru; restaurant, drive-thru; distribution center; automotive towing establishment; heliport; helistop; and live/workspace uses; by Amending Article 4, Zoning Districts, Chapter 2, Specific Regulations by District, regarding marine fuel pump; and craft brewery, distillery, winery uses; amending Article 5, Development Standards, Chapter 10, Specific Use Regulations (P\* uses in Table 4.4) regarding marine fuel pumps; and by amending Article 11, Definitions, Chapter 1, General Provisions, Section 11.2., Definitions, regarding amusement games or machines, arcades, automotive towing establishments, community centers, distribution centers, junkyards, live/workspaces, marine fuel pumps,

professional services, social services, solid waste transfer stations, and yards. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for May 1, 2024, in Council Chambers.

Councilmember Welsh commented he would be working on removing the word arcade from the Ordinance.

City Attorney Boksner requested City Council consensus to remove the word arcade in the title as it may need to be reintroduced.

Councilmember Welsh requested to bring it back without the word arcade.

Mayor Gunter agreed with removing the word arcade and discuss it in the future upon presentations.

Councilmember Steinke explained it was a definition issue, and maybe it was a matter of defining the type of arcade.

City Attorney Boksner explained the arcade identified here. This would be legalizing a use that could be illegal depending if it were a game of skill or game of chance. If there is a consensus of the Council, he recommended moving it and reintroduce it.

Discussion held regarding:

- Primary source of revenue is the game
- Game of skill versus the game of chance
- Pull it out now and remove the illegal part of an arcade
- LDC to identify that specific type of use where it is legal

Planning Team Coordinator Struve explained this use was allowed prior to the latter half of 2019. It was inadvertently eliminated when the City transitioned from the former Land Use and Development Regulations to the Land Development Code due to a change in classification of uses. Since it was grouped together with a variety of uses previously, we brought it back but restricted this use more narrowly than allowed previously. He added they are legal non-conforming uses and have not allowed any new arcade uses since the latter half of 2019. There is a definition proposed for this particular use congruent with how the Florida General Assembly defines these uses.

Mayor Gunter asked Council whether they wanted to remove the word arcade and the definition.

***Council polled and unanimously agreed to amend Ordinance 20-24 to remove the term arcade from the title/Ordinance and reintroduce two weeks later (May 1, 2024).***

City Attorney Boksner would reintroduce it in two weeks removing the word arcade from the Ordinance.

Ordinance 21-24 Set Public Hearing for May 1, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 6, Parking, Chapter 1, Parking, Loading, and Driveway Requirements, Section 6.1.8., Miscellaneous Parking Requirements, regarding supplemental parking requirements within the South Cape District. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for May 1, 2024, in Council Chambers.

Ordinance 27-24 (TXT24-000001) Set Public Hearing for transmittal for May 1, 2024

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the Comprehensive Plan of the City of Cape Coral, Florida, by amending Policy 1.15. of the Future Land Use Element by creating the Mixed Use Ten (MUX) Future Land Use Map classification. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing for transmittal was scheduled for May 1, 2024, in Council Chambers.

Ordinance 31-24 Set Public Hearing for May 1, 2024

**WHAT THE ORDINANCE ACCOMPLISHES:**

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Ordinance 56-07 of the City of Cape Coral, Florida, which was initially adopted pursuant to Ordinance 23-04 on February 24, 2004, which directly established and authorized the financial borrowing by the City of Cape Coral, Florida pursuant to its Commercial Paper Program; by decreasing the aggregate principal amount of commercial paper obligations that may be outstanding under the Commercial Paper Program, which shall be identified by a one-time reduction from \$250,000,000 to \$150,000,000. Providing an effective date. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for May 1, 2024, in Council Chambers.

**REPORTS OF THE MAYOR AND COUNCIL MEMBERS**

Councilmember Sheppard – Topics: No report

Councilmember Steinke – Topics: Met with three State Reps in Naples regarding the impacts of past session and items for next session; 4/9 spoke at the Everest Neighborhood Association Meeting, thanked Melissa Mickey for attending; 4/11 attended the Tourist Development Council Meeting, Parks and Rec Director Petrella represented Yellow Fever Creek, looking for funding; 4/11 attended the Statewide Affordable Housing Advisory Committee Workshop and our local AHAC meeting as well, Amy Yearsley did a great job leading that group.

Councilmember Welsh – Topics: No report

Councilmember Carr – Topics: No report

Councilmember Cosden – Topics: Announced the entrance fountain color is blue this month for Autism Awareness Month, important cause and proud City recognizing it.

Councilmember Hayden – Topics: Agenda suggestion at Horizon Council to have reports included from each municipality, EDO Manager Sharon Woodberry attended, positive change to share information.

Councilmember Long – Topics: No report

Mayor Gunter – Topics:

- 4/4: Attended National Flood Insurance Program/Community Rating System meeting
- 4/11: Attended a Joint Meeting with local municipalities and County officials regarding the FEMA issue

- 4/16: Participated in a telephonic call with Senator Rick Scott's office regarding FEMA
- 4/16: Participated in a ZOOM meeting with the FLC Board of Directors

Mayor Gunter noted next week as a member of the Executive Board of the FLC he will be attending the Southern Municipal Conference Meeting from April 23<sup>rd</sup> to April 26<sup>th</sup>. He requested to participate remotely at next week's COW.

***Consensus agreed, without objection, to allow Mayor Gunter to participate remotely at the April 24, 2024, Committee of the Whole.***

#### **REPORTS OF THE CITY ATTORNEY AND CITY MANAGER**

City Attorney Boksner: provided an update on the Chiquita Lock.

City Manager Ilczyszyn announced:

- City of Cape Coral is hosting a Citywide Earth Day Cleanup event on Saturday, April 20<sup>th</sup> from 8:00 a.m. to 12:00 p.m. Looking for the community to go around the City and help cleanup and celebrate Earth Day.

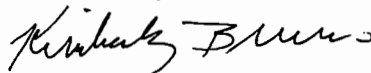
#### **TIME AND PLACE OF FUTURE MEETINGS**

A Committee of the Whole was scheduled for Wednesday, April 24, 2024, at 9:00 a.m. in Council Chambers.

#### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 8:20 p.m.

Submitted by,



Kimberly Bruns, CMC  
City Clerk