



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA CHARTER REVIEW COMMISSION

October 27, 2021

9:00 AM

Council Chambers

- 1. Call to Order**
 - A. Chair Maurer
- 2. Pledge of Allegiance**
 - A. Member Mazurkiewicz
- 3. Roll Call**
 - A. Members Apking, Bashaw, Karcher, Maurer, Mazurkiewicz, Safranek, Wallace, and Alternate Turner
- 4. Public Input**
 - A. A maximum of 30 minutes is set for input of citizens on matters concerning the analysis of the City of Cape Coral Charter; 3 minutes per individual
- 5. Business**
 - A. Approval of Minutes - Regular Meeting - September 22, 2021
 - B. Right to Clean Water Amendment (Continued from September 22, 2021)
 - C. Recommendation presentation - 1st Draft
- 6. Commissioner Comments**
- 7. Date and Time of Next Meeting:**
 - A. A Regular Meeting of the Cape Coral Charter Review Commission is scheduled for Wednesday, November 10, 2021, at 9:00 a.m. in Council Chambers
- 8. Motion to Adjourn**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

SPECIAL NOTE: This is not a meeting of the Cape Coral City Council. However, two or more Council Members may be in attendance and may participate at this workshop/meeting.

Item Number: 5.A.
Meeting Date: 10/27/2021
Item Type: Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of Minutes - Regular Meeting - September 22, 2021

SUMMARY:

Meeting minutes from the September 22, 2021 Regular Meeting for approval

ADDITIONAL INFORMATION:

Kimberly Bruns, City Clerk, 1-239-574-0417

ATTACHMENTS:

Description	Type
▢ 1. Regular Meeting Minutes	Backup Material

**MINUTES FOR THE MEETING OF THE CITY OF CAPE CORAL
CHARTER REVIEW COMMISSION**

Wednesday, September 22, 2021

Council Chambers

9:00 a.m.

Meeting called to order by Chair Maurer at 9:00 a.m.

Pledge of Allegiance – Member Karcher

Roll Call: Apking, Bashaw, Karcher, Maurer, Mazurkiewicz, Safranek, Wallace, and Alternate Turner were present.

Also Present: Dolores Menendez, City Attorney
Mark Moriarty, Assistant City Attorney
Terri Hall, Special Projects Coordinator (Via Teams)

Public Input

Eileen Bonasia appeared on behalf of her husband, Joseph Bonasia, who previously spoke to the Charter Review Commission in July about support for the Right to Clean Water Amendment topic to be added to the Charter. What is the status regarding CRC's consideration of this proposed amendment? She voiced objections to the City Attorney's opine that pursuit of such an amendment would be in violation of the State pre-emption rights of nature laws. She discussed the City not being bound by the second part of the pre-emption and asked for the Charter and Florida Statute portion of opine in objection to Statute 57-12 applies to Ordinances and not amendments. She described the concern to stop the pollution of our waters. The Right to Clean Water City Charter Amendment could right this wrong. She requested Joseph Bonasia be granted more than three minutes to discuss this topic at a future meeting.

Business

Approval of Minutes – Regular Meeting dated August 25, 2021

Chair Maurer stated the minutes of the August 25, 2021 meeting were presented for approval.

Commissioner Karcher moved, seconded by Commissioner Bashaw, to approve the minutes of the August 25, 2021 meeting, as presented.

Commission polled as follows: Apking, Bashaw, Karcher, Maurer, Mazurkiewicz, Safranek, and Wallace voted "aye." All "ayes." Motion carried.

Commission Memorandum Review and Approval Regarding Recommendation for Public Safety to be referenced Comprehensive Plan

Chair Maurer thanked Commissioner Bashaw for drafting the memo and asked Commissioner Mazurkiewicz what the best way was to move forward to present this to City Council.

Commissioner Mazurkiewicz stated to send it to City Council and copy the City Manager, DCD Director, and the P&Z Chair.

Vice Chair Apking moved, seconded by Commissioner Safranek, to accept the memorandum (contained in the meeting backup) that was drafted by Member Bashaw and send it to City Council (Include in the distribution the City Manager, DCD Director, and P&Z Chair).

Commission polled as follows: Apking, Bashaw, Karcher, Maurer, Mazurkiewicz, Safranek, and Wallace voted "aye." All "ayes." Motion carried.

City Clerk Bruns offered to assist in the distribution of the memo to all parties mentioned.

Chair Maurer again expressed appreciation to Commissioner Bashaw on creating the letter.

Line-Item Veto discussion topic - Contained in Article 4.06(a)

Chair Maurer asked if there was any discussion regarding this topic.

Commissioner Wallace explained that he agreed with the City Manager regarding the line-item veto not having much function. He opined that it should be eliminated.

Commissioner Mazurkiewicz agreed. Historically, this part of the Charter was only used once where he believed it was less than an appropriate manner.

Commissioner Mazurkiewicz moved, seconded by Commissioner Safranek, that the Charter Review Commission make a recommendation to City Council to remove the Line-Item Veto as contained in Article 4.06(a).

City Attorney Menendez noted that it was also included in 4.11 where the ability to override the veto comes in. It would be to delete all references to the Mayor's line-item veto from the Charter.

Commissioner Mazurkiewicz amended the language of his motion to include the two sections (4.06 and 4.16) referred to by the City Attorney. Second agreed.

Commission polled as follows: Apking, Bashaw, Karcher, Maurer, Mazurkiewicz, Safranek, and Wallace voted "aye." All "ayes." Motion carried.

Discussion: What provokes a Primary Election? (Continued from August 25, 2021)

Chair Maurer explained why this item was on the agenda. He asked for the Commission's input on the topic:

- Primary Elections – Article 4.05(c)
- CRC Recommendation to Article 4.11(c)
- Division of Elections – State of Florida
- .., unless three (3) or more candidates qualify for the vacancy, whereby a special primary election is required. The special primary election shall occur within the timeframe provided above, no sooner than ninety (90) days and not later than one hundred twenty (120) days following the occurrence of the vacancy, and the special general election shall be held within 45 days following certification of the special primary election results.

Commissioner Wallace explained his purpose was to minimize the number and cost of elections. He mentioned that Supervisor of Elections Doyle discourages Special Elections. He opined that eliminating the need for Special Elections was a good idea. He discussed relaxing time constraints that would force a Special Election and allowing Council any time needed to fill a vacancy.

Vice Chair Apking stated the recent appointments of vacancies has taken care of that situation where a Special Election was not needed. Language about primaries and regular elections seems to be in fine shape.

Commissioner Mazurkiewicz thought that is what the CRC did with our initial change to the section associating with replacing it giving the City Council the time necessary to get to a General Election and the ability to appoint rather than go to a Special Election. He recalled that was the original recommendation on the Charter.

City Attorney Menendez stated Council was acting in accordance with the Charter on all of the appointments that it has made recently. She recalled that a Special Election has never been called, and all appointments were made by Council to avoid one. There has never been a failure to appoint. The CRC has recently recommended language referred to earlier to adjust the time schedule which has become outdated in light of what the Supervisor of Elections has indicated. General Elections fall every two years. If there is a Council vacancy right after a General Election occurs, whoever they appoint under the current Charter provision will be in that seat for almost two years. That is a very long time to not have a full Council.

Commissioner Wallace stated he was willing to relinquish the topic.

Commissioner Karcher moved, seconded by Commissioner Wallace, to close the topic.

Commission polled as follows: Apking, Bashaw, Karcher, Maurer, Mazurkiewicz, Safranek, and Wallace voted "aye." All "ayes." Motion carried.

Right to Clean Water Amendment

Commissioner Safranek requested an explanation of the City Attorney opine memo.

Assistant City Attorney Moriarty explained that there were two Attorney Fees Provisions enacted after the Orange County Amendment had been adopted. To the best of his knowledge, those Attorney Fees Provisions have not been tested. The Orange County Charter Revision gave rights to the people of Orange County to sue for violations of pollution into Orange County waters. After that was approved, the State Legislature adopted two Attorney Fees Provisions that say if any other jurisdiction takes that action, the offending person, in receipt of the violation, if they win, they can sue the municipality or county for their Attorney Fees. He opined that what the State Legislature has done is that they have equipped to populous with an Attorney Fees Provision to collect Attorney Fees for something that the State Legislature viewed as not in the best interest of Florida citizens. This Board is being presented with a request to do something similar. The recent legislation adopted by Tallahassee speaks specifically of Ordinances as a loophole or bypass of the provision. In order to adopt a Charter Provision, City Council must adopt an Ordinance to send it to the people (Ballot). It is not the intent to be cross to the citizen's initiative, we could ask the Attorney General to weigh in if the Board directs Staff to do so. The Attorney Fees Provisions are at issue.

City Attorney Menendez explained a lot of times what the State Legislature will do is almost like a penalty to the local governments. This area is pre-empted, don't go there. Even if we were to seek an Attorney General's opinion, that will probably be months in the coming. While it has more weight than us, it does not have the weight of the court. To test that would be an expensive proposition.

Commissioner Wallace voiced opposition to moving ahead with this topic.

Vice Chair Apking stated water quality was an important topic, but he was in favor of letting the Legislature continue their efforts. He agreed this should not be placed in the Charter. Let the Legislatures, the City, the County, the State, and the Government take care of this.

Commissioner Bashaw inquired if there is language in the Comprehensive Plan that states that the City believes in the importance of water quality.

Commissioner Wallace added environmental concerns, too.

City Attorney Menendez explained the Comprehensive Plan can be changed more readily than the Charter. She believed water quality and/or environmental issues are in the Comprehensive Plan. She cautioned the challenge of the Charter is to provide guidance and be useful throughout the years and not be issue specific.

Commissioner Bashaw was not in favor of adding this topic to the Charter but was interested in it being in the Comprehensive Plan.

City Attorney Menendez offered to seek input from DCD that deals with water quality and environmental issues and request a memo, if timing allows, for the next Charter Review Commission meeting.

Chair Maurer stated that would be good for the Board to have that information.

City Attorney Menendez stated she would do her best.

Commissioner Mazurkiewicz volunteered to research this topic in lieu of utilizing Staff time. He offered to prepare a memo identifying the multiple policies that support clean water in the Comp Plan. He noted the only body of water it mentions is the Matlacha Pass Aquatic Preserve, not the Caloosahatchee River, Estero Bay, or the Charlotte Harbor National Estuaries. He agreed with the Board's input to not include this topic in the Charter. It is in the Comp Plan which can be identified and passed on to the Board Members. He voiced his concern about the motivation of this Amendment with that language in it.

City Attorney Menendez asked if the Board was accepting Commissioner Mazurkiewicz's offer.

Chair Maurer responded in the affirmative. He thanked Commissioner Mazurkiewicz for taking that on.

No objection received on Commissioner Mazurkiewicz moving forward with this topic in lieu of the City Attorney contacting the DCD Department.

Chair Maurer asked if there was a motion to move this topic to the next meeting.

Commissioner Bashaw moved, seconded by Commissioner Mazurkiewicz to move this topic to the next meeting.

Commission polled as follows: Apking, Bashaw, Karcher, Maurer, Mazurkiewicz, Safranek, and Wallace voted "aye." All "ayes." Motion carried.

Commissioner Comments

Commissioner Wallace requested information be distributed on the Charter Review Commissions discussions, inquired about a statement of what was considered, the recommendations, and the philosophy on the subject. He also requested that whatever is produced be handed onto the next group for a starting point.

City Clerk Bruns agreed to forward the draft presentation she has created for the Commission's review. She will add a slide regarding the topics discussed and requested if any philosophy statements will be added, it needed to be shared by the Commissioner as she would not want to misquote anyone.

Date and Time of Next Meeting

A regular meeting of the Cape Coral Charter Review Commission has been scheduled for Wednesday, October 27, 2021, at 9:00 a.m. in Council Chambers.

Motion to Adjourn

There being no further business, the meeting was adjourned at 9:33 a.m.

Submitted by,

Kimberly Bruns
City Clerk

Transcribed by Barbara Kerr 9/22/2021

Item Number:	5.B.
Meeting Date:	10/27/2021
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Right to Clean Water Amendment (Continued from September 22, 2021)

SUMMARY:

At the 9/22 CRC Meeting, Member Mazurkiewicz agreed to research and provide any environmental references located in the Comprehensive Plan. A copy of his findings are attached as back up to this item.

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▫ 1. Email from Member Mazurkiewicz	Backup Material

Kimberly Bruns

From: joe@bjmconsult.com
Sent: Thursday, September 23, 2021 1:43 PM
To: Kimberly Bruns; bsafrank1@msn.com; wallacedavidb@gmail.com; djapking@bellsouth.net; jturner@nationalcdi.com; jkarcher0722@gmail.com; lin174den@gmail.com; todd@votefortodd.com
Cc: Cathy Salvia; Connie Barron; Connie Griglin; Dolores Menendez; James Kowaleski; John Gunter; Karen Ramos; Lisa Fowler; Mark Mason; Mark Moriarty; Pearl Taylor; Penny M. Arsenault; Phyllis Demarco; Rob Hernandez; Suzanne Lopez; Terri Hall
Subject: [EXTERNAL] - RE: 8/25 Charter Review Commission Meeting
Attachments: Comp Plan and Water Quality.docx

Caution – This email originated from outside of our organization. Please do not open any attachments or click on any links from unknown sources or unexpected email.

Kimberly Bruns et al:

Attached you will find the Goals, Objectives, and Policies that refer to water quality, and the preservation of the same, listed in the City's Comprehensive Plan.

I think we can all agree the City has the highest regard for preserving the water quality within our community, and surrounding water bodies, based on the number of times water quality is referred to in our Comp Plan!

Please let me know if you have any questions or concerns!

Joe Mazurkiewicz, Jr. Ph.D.
President, BJM Consulting
PO Box 101655
Cape Coral, FL 33910
Phone: 239-470-5778

From: Kimberly Bruns <kbruns@capecoral.gov>
Sent: Thursday, September 16, 2021 3:40 PM
To: bsafrank1@msn.com; wallacedavidb@gmail.com; djapking@bellsouth.net; jturner@nationalcdi.com; joe@bjmconsult.com; jkarcher0722@gmail.com; lin174den@gmail.com; todd@votefortodd.com
Cc: csalvia@capecoral.gov; cbarron@capecoral.gov; cgriglin@capecoral.gov; dmenende@capecoral.gov; jkowaleski@capecoral.gov; jgunter@capecoral.gov; kramos@capecoral.gov; kbruns@capecoral.gov; lfowler@capecoral.gov; mmason@capecoral.gov; mmoriart@capecoral.gov; ptaylor@capecoral.gov; parsenau@capecoral.gov; pdemarco@capecoral.gov; robhernandez@capecoral.gov; slopez@capecoral.gov; thall@capecoral.gov
Subject: 8/25 Charter Review Commission Meeting

Attn: Charter Review Commission:

Attached is the Agenda for the upcoming Charter Review Commission meeting scheduled for Wednesday, August 25, 2021, at 9:00 a.m. in Council Chambers. I have also attached a copy of the minutes from our last meeting for your review.

Here is the link to the online meeting packet: https://www.capecoral.net/departments/department/clerk/agendas_and_videos.php

A member from my staff will be reaching out to you on Tuesday to confirm your availability to ensure a quorum.

Please feel free to e-mail or call me should you have any questions.

Please be aware that my email address has changed – my new email address is kbruns@capecoral.gov

Kimberly Bruns, CMC
City Clerk
Cape Coral City Clerk's Office
1-239-574-0417 PHONE #4417
1-239-242-5344 FAX

Note: Florida has a very broad public records law. Most written communications to or from city staff regarding city business are considered to be public records and will be made available to the public and the media upon request. Therefore, your email message may be subject to public disclosure. Also, under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please consider the environment before printing this email.

CONSERVATION AND COASTAL MANAGEMENT

GOALS, OBJECTIVES, POLICIES

GOAL 1: Protecting Environmental Resources.

The natural and historic resources of Cape Coral will be preserved, protected, and enhanced. These resources will be managed to ensure the highest environmental quality possible. Development activities will be managed, in accordance with this goal. The scientific and resource management activities outlined under this goal will be coordinated by the City's Environmental Resources Section.

Objective 1.1: Estuarine Water Quality. Cape Coral will maintain and/or improve the environmental quality of estuarine waters within its jurisdiction, and will prevent the degradation of adjacent water bodies.

Policy 1.1.1: The City will maintain and/or improve the environmental quality of its estuarine waters by promoting habitat restoration, developing policies for improving mixing zones through use of the addition of hard substrate, and through public education.

Policy 1.1.2: The City will continue its surface water quality monitoring program to properly evaluate the general environmental condition of its surface waters and estuarine system, to identify any new problem areas, and to evaluate the effectiveness of measures to maintain or improve water quality.

Policy 1.1.3: Pursuant to S.163.3202, F.S., the City will maintain Land Development Code regulations, which prohibit dredging for the construction of new boat basins in the estuarine system, without proper permits. Marina and multi-dock facilities will be designed, located, constructed and managed so as not to reduce estuarine water quality.

Policy 1.1.4: The City will assure that there will be no dredging of estuarine waterways that reduces estuarine water quality. Dredging activities will be properly permitted by state and federal agencies.

Policy 1.1.5: Pursuant to S.163.3202, F.S., Land Development Code will be maintained to prohibit dredging at the mouths of canals directly emptying into natural estuarine waters unless, (1) a detailed study of sediment contaminants is performed and adequate safeguards to prevent the release of any contaminants are provided, and (2) a survey of benthic ecological communities is performed to prevent the destruction of any important biological resources (e.g., marine plant beds).

Policy 1.1.6: The City has completed and will maintain a comprehensive stormwater management plan, the primary purpose of which is to minimize the impact of stormwater runoff on estuarine water quality. As part of the comprehensive stormwater management plan, the City will continue to conduct the following activities to minimize the impact of stormwater runoff on estuarine water quality:

- The City will incorporate an acceptable level of stormwater treatment in all newly designed stormwater systems.
- The City will perform maintenance activities in accordance with an annual work plan. The work plan will include but not be limited to the following activities:

- The City will conduct street sweeping at major intersections, along bike paths, paved alleys, curbed roads, and within all City owned paved parking lots. In the Viscaya industrial zoned area, the City will provide street sweeping once every month and will clean catch basins four times per year.
 - The City will replace deteriorated stormwater drainage pipe and stormwater inlets on an as-needed basis.
 - The City will periodically clean and inspect catch basins and stormwater pipes.
 - The City will maintain Engineering Design Standards for paved alleys and roadways.
- The City will require all property development to stabilize all areas not covered with structures, pavement, or landscape beds.
- The City will require all non-paved areas of street right-of-ways and areas within fifteen feet of seawalls to be permanently vegetated.
- The City will require the placement of silt screens on all construction sites to eliminate adverse impacts associated with erosion.
- The City will continue to participate with Lee County and other co-permittees in the NPDES process.
- The City will require applicants for clearing and development permits to provide a letter addressing NPDES standards, if applicable, prior to City inspections.

Policy 1.1.7: The City of Cape Coral will continue to extend sanitary sewer and potable water facilities to previously unserved areas of the City, and will coordinate with private and county sources for the provision of solid waste facilities to meet the existing and projected needs identified within the Capital Improvements and Infrastructure Elements of this Comprehensive Plan, and consisted with the City's Facilities Planning Report, prepared by Montgomery Watson Harza (MWH) in 2005.

Policy 1.1.8: The City will (as a cooperative effort with appropriate governmental agencies) continue to investigate the effectiveness and function of the spreader waterway systems in reducing the adverse environmental impacts of surface water discharge from Cape Coral into Matlacha Pass State Aquatic Preserve, and will periodically evaluate whether improvements are needed in the spreader system to reduce measurable negative impacts on the Matlacha Pass Ecosystem.

Policy 1.1.9: The City will not permit the construction of interior waterway systems unless their primary purpose is to provide stormwater management, environmental enhancement, or water supply.

Policy 1.2.9: The City will identify, quantify, and rank existing stormwater discharge sources and consider this data in the prioritization of Capital Improvements.

Policy 1.2.10: The City will continue its street sweeping and catch basin cleaning programs.

Policy 1.2.11: The City will maintain a program to ensure the integrity of vegetation in the swales within the City.

Policy 1.2.12: The City will continue to investigate the benefits and costs of adding hard substrate on the bottom of deep canals with substandard dissolved oxygen levels.

Policy 1.2.13: The City will investigate the benefits and costs of interconnecting saltwater canals for the purpose of providing flushing.

Policy 1.2.14: The City will maintain a program to manage aquatic vegetation in freshwater canals to maintain sufficient abundance to perform valuable environmental functions, but control excessive growth which inhibits recreational opportunities including recreational fisheries and navigation, hinders drainage, and can result ultimately in poor environmental quality. The City will coordinate this effort with the Lee County Hyacinth Control District.

Policy 1.2.15: The City will maintain a program of environmentally sound maintenance dredging to provide adequate depth for environmental flushing (sea water), surface water conveyance (saltwater and freshwater), surface water storage (freshwater), and depth for boats (sea water and freshwater).

Objective 1.3: Water Dependent/Water Related Land Uses: The City will adopt and maintain, consistent with the provisions of section 163.3202 Florida Statutes, land development regulations to direct the management of water-dependent facilities, including marinas and marine-related support facilities.

Policy 1.3.1: Future public use marinas will be allowed only in non-residential and mixed use zoning districts and public parks. For purposes of this policy, a public use marina is one that may be utilized by any boat owner, and which does not require membership or is not restricted to the residents or guests of a specific development.

Policy 1.3.2: The City will require that all work area runoff at new marina facilities will obtain any necessary permitting by the SFWMD and the FDEP.

Policy 1.3.3: Pursuant to S.163.3202, F.S., the City will require that prior to the operation of any new marina fueling facility, a fuel management /spill contingency plan will be developed and provided to the City for review as a condition of planned development project approval. Included in this plan shall be descriptions of methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill and shall meet Lee County Fire Prevention Codes and the Rules of the State Fire Marshall's office.

Policy 1.3.4: The City will revise the Land Development Code, pursuant to S.163.3202, F.S., to require that all marinas will provide sewage pumpout facilities and facilities for proper handling of used oils and contaminated bilge water.

Policy 1.3.5: The City will maintain Land Development Code, pursuant to S.163.3202, F.S., that do not permit fueling or repair facilities within residential zoning classifications.

Policy 1.3.6: The City will require that proposed marina developments will demonstrate that they have sufficient upland areas to accommodate all needed support facilities including adequate parking, work areas, and retention areas for stormwater and work area runoff and have a hurricane contingency plan in place prior to approving such project.

Policy 1.3.7: During the Planned Development Project and Planned Unit Development process the City will request that marina facilities use dry storage.

Policy 1.3.8: Marina and/or boat ramp siting shall be consistent with the appropriate aquatic preserve management plan, where applicable.

Policy 1.3.9: Marina and boat ramp siting preference shall be given to areas where water depths can accommodate vessels with a four foot, or greater, draft, and to those facilities which are to be available for public use, and where economic need and feasibility can be demonstrated.

Policy 1.3.10: The City will consider consistency with the countywide marina siting plan, adopted on June 29, 2004, in the permitting of marinas. The City will also consider consistency with the general criteria of the Florida Fish and Wildlife Conservation Commission, Boat Facility Siting Guide, adopted August 2000:

- Expansion of existing facilities may be preferred over new facilities, if environmentally sound;
- There should be no impact to seagrass;
- Mitigation for seagrass destruction should not be allowed;
- Areas with adequate depth and good flushing which require no new dredging are preferable;
- Locations near inlets and popular boating destinations are preferable;
- Piling construction is preferred over dredge and fill techniques;
- Marinas should not be sited in essential manatee habitats; and
- Marinas should not be situated in areas with high manatee mortality occurrence.

Objective 1.5: Surface Water. The City of Cape Coral will continue to pursue improvement to the quality of all surface waters within its jurisdiction.

Policy 1.5.1: The City will maintain and/or improve the environmental quality of Cape Coral's surface waters, littoral zone, nutrient input (terrestrial runoff, groundwater) aquatic plant management, and to protect the habitats of aquatic dependent species by encouraging the use of Best Management Practices. The Best Management Practices will be encouraged by distributing information to the citizens and will include the promotion of the following concepts:

- Voluntary fertilization and pesticide application reduction.
- Integrated Pest Management.
- Turf management practices, including mowing practices and irrigation.
- Preservation of areas of existing vegetation.
- Landscaping with appropriate native plants and limiting turf areas.
- Organic pest management.
- Proper hazardous material disposal.

Policy 1.5.2: The City will continue to conserve and protect its wetlands in accordance with standards set by FDEP and SFWMD. The City shall direct future land uses incompatible with protection and conservation of wetlands away from wetlands. The evaluation of incompatibility shall include the following factors for land uses: types, intensity, density, extent, distribution, and location of allowable land uses. The evaluation of incompatibility shall include the following attributes of the wetlands: types, value, function, size, conditions, and location.

Policy 1.5.3: The City has completed and maintains a comprehensive stormwater management plan, the primary purpose of which is to minimize the impact of stormwater runoff on the quality of Cape Coral's surface water and estuarine receiving waters. Level of Service Standards for drainage will be based upon SFWMD's *Basis of Review for Surface Water Management Permit Applications*.

Policy 1.5.4: The City will reduce the effects of septic tank seepage on surface water quality by extending central sewer service to all areas as rapidly as possible, in accordance with the adopted Utility Extension Program.

Objective 1.6: Canal Structures. The City will continue to maintain the design and function of all canal structures.

Policy 1.6.1: The City will inspect all canal structures for structural and functional integrity and take corrective measures as needed.

Objective 1.7: Ground Water Resources. The City will protect the quality of its groundwater resources, and will maintain programs that have the goal of reducing the consumption rate (per dwelling unit) of potable water used for irrigation and other outdoor purposes from (2000) levels.

Policy 1.7.1: The City will continue to adhere to its interlocal agreement with the SFWMD, which requires the plugging of abandoned wells for the purpose of slowing the spread of saltwater intrusion.

Policy 1.7.2: The City will maintain its current policy requiring mandatory connection to sewer and water service when such service is provided, thus reducing the number of septic tanks and wells in use.

Policy 1.7.3: The City will commit to developing regulations that require the disconnection of private self-serve well water supply lines from irrigation systems when City irrigation water is connected.

Policy 1.7.4: The City will protect the functions of natural groundwater recharge areas through means identified jointly by the City and the SFWMD.

Policy 1.7.5: The City will incorporate and/or maintain water conservation measures into its land development regulations (adopted pursuant to F.S. 163.3202) and development orders for Planned Development Projects and Developments of Regional Impact including, but not limited to:

- Adherence to the Standard Plumbing Code to require the use of water saving devices.
- Maintain provisions of the Landscape Ordinance that strongly encourage the use of Florida Yards and Neighborhoods principles.
- Maintain a rate schedule to discourage wasteful use of potable water.
- Establishing conserving time of use restrictions for irrigation.

Policy 1.7.6: The City will continue to comply with, and enforce through its Code Compliance Program, emergency conservation measures as required by the South Florida Water Management District.

Policy 1.7.7: The City will monitor the potential to enhance recreational fisheries (e.g. stocking) and protect and create (e.g. artificial reefs and seawall habitats) fisheries habitats.

Policy 1.7.12: The City will cooperate with the State of Florida and the Federal Government to maintain the existing natural reservations in the State-owned preservation areas identified in the Recreation and Open Space Element of this plan. These natural reservations include the Four Mile Cove Eco Park and the Matlacha Pass preservation area, including the Matlacha Pass State Aquatic Preserve and the Matlacha Pass National Wildlife Refuge.

Policy 1.7.14: The management of bays, estuaries, harbors and unique vegetative communities that cross Cape Coral's borders will be coordinated with adjacent local governments including, but not limited to, Lee County, Charlotte County and the City of Fort Myers. Coordination activities may include, but not necessarily be limited to, interlocal agreements, public meetings, staff interaction, written notifications, and joint committees.

Policy 1.7.15: The City of Cape Coral, recognizing the Four Mile Cove Ecological Park area as a unique and irreplaceable example of an estuarine salt marsh, will continue to maintain and protect this vital state owned, city maintained property in its current capacity as a city park emphasizing passive recreation and nature study. To ensure the protection of this area, the City will continue to abide by all rules and regulations imposed by state authorities. The City will limit development within the park to projects such as boardwalks and displays which enhance the public's knowledge of natural resources. The City will also review adjacent applications for development to minimize adverse impacts of development upon the park.

Policy 1.7.16: Recognizing the importance of the Matlacha Pass Preservation Area, including the Matlacha Pass State Aquatic Preserve and the Matlacha Pass National Wildlife Refuge, as representing a unique and vitally important estuarine mangrove community, the City of Cape Coral will continue to abide by all rules and regulations imposed by state authorities to ensure the protection of this area. To implement this policy the City will prohibit all development within the Preservation Area, except for providing public access for enjoyment of the natural area, and will review adjacent applications for development orders to minimize adverse impacts of development upon this unique area.

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state.

Policy 1.7.18: The City will discourage the destruction of natural systems by the recreational use of off-road vehicles on public and private property.

Policy 1.7.19: The City will continue to aggressively promote and maintain its established Florida Yards and Neighborhoods (FYN) Program. This program is a partnership of concerned citizens, members of the landscape industry, the University of Florida's Cooperative Extension Service, the Charlotte Harbor National Estuary Program, Florida's Sea Grant College Program and numerous environmental agencies. The program focuses on yards as the first line of water quality defense for our estuaries, rivers, lakes and aquifers.

Objective 1.8: Public Awareness of Natural Resources. The City will maintain and expand a program to enhance public awareness of coastal and other natural resources in order to better understand the

importance of these resources and the need for their proper management and conservation. Methods for increasing public awareness may include, but not necessarily be limited to, public presentations, presentations on the Cape Coral Government television channel, education programs, and publications.

Policy 1.8.1: The City will continue to coordinate with Lee County Environmental Learning Center, the Calusa Nature Center, the Cooperative Extension Service, the Cape Coral Friends of Wildlife, and other environmental education organizations to promote the value and conservation of coastal and other natural resources. This shall include, but not be limited to providing or receiving information for public presentations, education programs, and publications.

Policy 1.8.3: The City will require that all Planned Development Projects and Planned Unit Developments, which include marinas, multi-slip facilities, and boat ramps having saltwater access post manatee awareness signs and information. This information shall be placed in locations highly visible to the boating public.

Objective 1.10: Hazardous Waste Management. The City will continue to reduce its levels of hazardous wastes in accordance with the provisions stipulated by the State's Solid Waste Management Act and will coordinate these activities on a City, County, and regionwide basis.

Policy 1.10.1: The City will coordinate with the Lee County Department of Solid Waste and the Lee County Pollution Prevention Program concerning the proper storage, recycling, collection, and disposal of hazardous wastes, and cooperate with the County household "Hazardous Waste Day" program in program promotion and provision of a temporary site within the City.

Objective 3.1: Protection of Historic Resources. The City will continue to identify the historic resources within its jurisdiction and will work to preserve and protect these resources for future enjoyment. To accomplish this task the City will consult and work with Federal, State, and local historical organizations and will, as opportunity, resources and preservation needs allow, acquire such historical resources and make them accessible to the general public.

Policy 3.1.1: Cape Coral will continue to cooperate with appropriate Federal and State agencies to protect identified historical and archaeological resources from vandalism and desecration, and to preserve them in a manner which promotes an understanding of historic and prehistoric peoples and their times.

Policy 3.1.2: The City will require that applicants for Planned Development Projects and Planned Unit Developments that include undisturbed areas identified in the Archaeological Sensitivity map of Cape Coral as Sensitivity Level 1 or Sensitivity Level 2 perform an archaeological assessment and provide any appropriate mitigation as a condition of approval.

Policy 3.1.3: The City shall, as opportunity, resources and preservation needs allow, acquire historical and archaeological resources and make them accessible, in a controlled manner, to the general public.

GOAL 6: Intergovernmental Coordination. The City will use intergovernmental coordination to protect environmental and coastal resources.

Objective 6.1: Natural Resource Management. Environmental and coastal resource management will address natural ecosystems on a system wide basis regardless of political boundaries by using existing

formal and informal coordination mechanisms, or by establishing new formal mechanisms to ensure coordination.

Policy 6.1.1: The City will continue to cooperate with other government agencies concerning conservation issues via jointly funded research and management projects, coordinated review of development projects, and regularly scheduled or special meetings. Examples of coordination shall include, but not be limited to, jointly funded coastal research and management studies, and regularly scheduled or special meetings.

Policy 6.1.2: The City will continue to adhere to the Charlotte Harbor Management Plan and carry out its responsibilities under this plan. This shall include, but not be limited to a program evaluating and improving the effectiveness and function of the spreader waterway system with regard to the environmental impacts of surface water discharge from Cape Coral into Matlacha Pass State Aquatic Preserve, and a determination if improvements are needed in the spreader system to reduce any negative impacts on the Matlacha Pass and Charlotte Harbor ecosystem.

Policy 6.1.3: The management of bays, estuaries, harbors, and unique vegetative communities that cross Cape Coral's borders will be coordinated with adjacent local governments including, but not limited to, Lee County, Charlotte County, and the City of Fort Myers. Coordination may include, but not necessarily be limited to, interlocal agreements, public meetings, staff interaction, written notifications, participation in the Charlotte Harbor National Estuary Program, and joint committees.

Item Number:	5.C.
Meeting Date:	10/27/2021
Item Type:	Business

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Recommendation presentation - 1st Draft

SUMMARY:

Recommendation presentation - 1st draft

ADDITIONAL INFORMATION:

Kimberly Bruns, City Clerk, 1-239-574-0417

ATTACHMENTS:

Description	Type
▫ 1. Recommendation Presentation - 1st Draft	Backup Material



Charter Review Commission (CRC)

Recommended changes to the City's Charter

Commissioners:

Don Apking, Vice Chair
John Bashaw
John Karcher

Todd Maurer, Chair
Joe Mazurkiewicz, Jr.
Barbara Jean Safranek

David Bryan Wallace
Jason Turner (Alternate)

Council Liaison: John Gunter

Matters discussed during the 2021-2022 Charter Review sessions



- 4.01 Single Member Districts vs. At Large Voting
- 4.01 Council Size
- 4.03 Review of Council Terms
- 4.11 Replacement of a Member
- 5.00 Form of Government / Council-Manager
- Public Safety as City's Number 1 priority
- Proof of Residency
- What provokes a Primary Election
- Approval Voting Rewrite
- Right to Clean Water Amendment

§4.06(a) - Line Item veto



The CRC recommended the removal of Line-Item Veto language in the Charter

Affected sections: 4.06(a), 4.06(b), and 4.16(d)

§4.11. – Vacancies; forfeiture of office; filling of vacancies



§4.11(c) is titled “Filling of vacancies”

It is the opinion and recommendation of the CRC the following sentence be inserted to address the occurrence of three (3) or more candidates qualifying for the vacancy:

“unless three (3) or more candidates qualify for the vacancy, whereby a special primary election is required. The special primary election shall occur within the timeframe provided above, no sooner than ninety (90) days and not later than one hundred twenty (120) days following the occurrence of the vacancy, and the special general election shall be held within 45 days following certification of the special primary election results”

Affected sections: 4.11 (c)

Comprehensive Plan Recommendation:



The CRC recommends Public Safety be referenced in Comprehensive Plan.