Mayor

John Gunter

Council Members

<u>District 1</u>: Gloria Raso Tate <u>District 2</u>: Dan Sheppard <u>District 3</u>: Tom Hayden <u>District 4</u>: Jennifer I. Nelson <u>District 5</u>: Robert M. Welsh <u>District 6</u>: Keith E. Long <u>District 7</u>: Jessica Cosden



1015 Cultural Park Blvd. Cape Coral, FL City Manager
Rob Hernandez
City Attorney
Dolores Menendez
City Auditor
Andrea R. Russell
City Clerk
Kimberly Bruns

AGENDA FOR THE SPECIAL MEETING OF THE CAPE CORAL CITY COUNCIL

October 3, 2022

3:00 PM

Nicholas Annex, Conference Room A200, Green Room

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree. We will direct all comments to the issues. We will avoid personal attacks.

1. MEETING CALLED TO ORDER

- A. MAYOR GUNTER
- 2. INVOCATION/MOMENT OF SILENCE
- 3. PLEDGE OF ALLEGIANCE
- 4. ROLL CALL
 - A. MAYOR GUNTER, COUNCIL MEMBERS COSDEN, HAYDEN, LONG, NELSON, SHEPPARD, TATE, WELSH
- 5. CHANGES TO AGENDA/ADOPTION OF AGENDA
- 6. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government; 3 minutes per individual.

7. NEW BUSINESS

- A. Resolution 226-22 Approve extending the State of Local Emergency declared on September 27, 2022, and authorize the Mayor to declare any further extensions as necessary
- B. Resolution 227-22 Approve canceling all City of Cape Coral Board,

- Commission, Committee, Advisory Board, Appeals, Board, Task Force, and Hearing Examiner meetings through October 31, 2022
- C. Resolution 230-22 Approve extending the date for required Leave Use due to a declared emergency
- D. Resolution 228-22 Authorize the waiver of permit fees for emergency permits
- E. Resolution 229-22 Approve declaring a Habitable Structure Emergency, and waiving requirements for Temporary Storage Containers
- F. Discussion of Emergency Policies and Procedures following Hurricane Ian event Presented by Development Services

8. TIME AND PLACE OF FUTURE MEETINGS

A. A Regular Meeting of the Cape Coral City Council is Scheduled for Wednesday, October 12, 2022, beginning at 4:30 p.m. in Council Chambers

9. MOTION TO ADJOURN

This agenda should not be viewed as containing definitive information on matters of law with respect to ordinance and resolution summaries.

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

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.

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers <u>must</u> have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state of local law.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.



Item Number: 6.A.

Meeting Date: 10/3/2022

Item Type: NEW BUSINESS

TITLE:

Resolution 226-22 Approve extending the State of Local Emergency declared on September 27, 2022, and authorize the Mayor to declare any further extensions as necessary

ORDINANCES AND RESOLUTIONS:

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-

ATTACHMENTS:

Description Type

□ 1. Resolution 226-22 Backup Material

RESOLUTION 226 - 22

A RESOLUTION OF THE CITY OF CAPE CORAL EXTENDING THE STATE OF LOCAL EMERGENCY DECLARED ON SEPTEMBER 27, 2022, AND AUTHORIZING THE MAYOR TO DECLARE ANY FURTHER EXTENSIONS AS NECESSARY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the anticipated impact of Hurricane Ian, the City Manager declared a State of Local Emergency effective September 27, 2022, at 7:00 a.m. pursuant to Chapter 8, Article IV of the City Code of Ordinances; and

WHEREAS, pursuant to Section 252.38(3), each state of emergency declared locally is limited to 7 days and may be extended, as necessary, in 7-day increments; and

WHEREAS, due to the severity of damage from Hurricane Ian, the City Manager recommends that the State of Local Emergency be extended; and

WHEREAS, the City Council desires to extend the State of Local Emergency for 7 days effective October 4th through October 11th; and

WHEREAS, City Council also desires to authorize the Mayor to extend the State of Local Emergency in 7 day increments when each declaration expires as necessary, with City Council, by majority vote, having the ability to terminate it at any time when no longer needed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby extends the State of Local Emergency from October 4th at 7:00 a.m. to October 11th at 7:00 a.m. in order to protect the health, safety and welfare of the citizens of Cape Coral.

Section 2. The City Council hereby authorizes the Mayor to extend the State of Local Emergency in 7 day increments when each declaration expires until the City no longer needs to be under a State of Local Emergency. The City Council, by majority vote, may terminate the State of Local Emergency at any time it decides it is no longer necessary.

Section 3. The City shall provide notice of any extension to the State of Local Emergency to the local media, city employees, and residents as provided for in Section 8-25 of the City Code of Ordinances.

Section 4. This Resolution shall take effect immediately upon its adoption.

COUNCIL SESSION THIS	_ DAY OF, 2022.	
	JOHN GUNTER, MAYOR	
VOTE OF MAYOR AND COUN	ILMEMBERS:	
GUNTER TATE SHEPPARD HAYDEN ATTESTED TO AND FILED IN	NELSON WELSH LONG COSDEN MY OFFICE THIS DAY OF, 2022.	
APPROVED AS TO FORM:	KIMBERLY BRUNS CITY CLERK	

DOLORES D. MENENDEZ CITY ATTORNEY

res/Ian - Extend State of Emergency



Item Number: 6.B.

Meeting Date: 10/3/2022

Item Type: NEW BUSINESS

TITLE:

Resolution 227-22 Approve canceling all City of Cape Coral Board, Commission, Committee, Advisory Board, Appeals, Board, Task Force, and Hearing Examiner meetings through October 31, 2022

ORDINANCES AND RESOLUTIONS:

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-

ATTACHMENTS:

Description Type

1. Resolution 227-22
 Backup Material

RESOLUTION 227 - 22

A RESOLUTION OF THE CITY OF CAPE CORAL CANCELING ALL CITY OF CAPE CORAL BOARD, COMMISSION, COMMITTEE, ADVISORY BOARD, APPEALS BOARD, TASK FORCE, AND HEARING EXAMINER MEETINGS THROUGH OCTOBER 31, 2022; PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the anticipated impact of Hurricane Ian, the City Manager declared a State of Local Emergency effective September 27, 2022, at 7:00 a.m.; and

WHEREAS, the City has a number of boards, committees, commissions, advisory boards, appeals boards, and task forces, and a hearing examiner that serve the City; and

WHEREAS, as the result of the significant damage from Hurricane Ian and recovery efforts that will be ongoing in the future, the City Council desires to cancel all meetings of any board, committee, commission, advisory board, appeals board, task force, and meetings of the Hearing Examiner scheduled or anticipated to be scheduled for the month of October, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby cancels all City of Cape Coral meetings of all boards, committees, commissions, advisory boards, appeals boards and task force, and all meetings of the Hearing Examiner scheduled or anticipated to be scheduled for the month of October, 2022 due to the significant damage from Hurricane Ian and the recovery efforts that will be taking place by and for the residents of the City of Cape Coral.

Section 2. This Resolution shall take effect immediately upon its adoption.

CITY ATTORNEY

res/Ian - Cancel Board and Commission Meetings

ADOPTED BY THE CITY COUNCIL SESSION THIS				EGULAF
			0 22.	
		JOHN GUNTE	R, MAYOR	
VOTE OF MAYOR AND (COUNCILMEMBERS	:		
TATE SHEPPARD LIANTEEL		NELSON WELSH LONG COSDEN		
ATTESTED TO AND FILE	ED IN MY OFFICE T	HIS DAY	OF	, 2022
		KIMBERLY BR CITY CLERK	UNS	
APPROVED AS TO FORM	[:			
 DOLORES D. MENENDE				



Item Number: 6.C.

Meeting Date: 10/3/2022

Item Type: NEW BUSINESS

TITLE:

Resolution 230-22 Approve extending the date for required Leave Use due to a declared emergency

ORDINANCES AND RESOLUTIONS:

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-

ATTACHMENTS:

Description Type

1. Resolution 230-22
 Backup Material

RESOLUTION 230 - 22

A RESOLUTION OF THE CITY OF CAPE CORAL EXTENDING THE DATE FOR REQUIRED LEAVE USE DUE TO A DECLARED EMERGENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the anticipated impact of Hurricane Ian, the City Manager declared a State of Local Emergency effective September 27, 2022, at 7:00 a.m.; and

WHEREAS, many City employees were unable to utilize their required use leave time because of the declared State of Local Emergency; and

WHEREAS, Section 2-35.5(b)(2) of the Code of Ordinances provides that if the City Council finds that, due to a declared emergency during any fiscal year, it is impractical to enforce the required use provisions within that fiscal year, the City Council may extend the date for required leave use to a date that is not later than October 31 of the next fiscal year; and

WHEREAS, Section 2-35.5(b)(2) also provides that upon request by the City Manager, City Council may further extend the date for required leave use until January 31 of the next fiscal year for only those employees who are prevented from using their required leave hours during the initial extension period through October 31 due to being required to work as a result of the declared emergency; and

WHEREAS, due to the severity of damage from Hurricane Ian, the City Manager requests that Council extend the time for required use of leave pursuant to Section 2-35.5(b)(2); and

WHEREAS, the City Council therefore desires to extend the time for required use of leave pursuant to Section 2-35.5(b)(2).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby extends the date for required leave use to October 31, 2022 due to a declared emergency.

Section 2. The City Council hereby extends the date for required leave use to January 31, 2023 for those employees who are prevented from using their required leave hours during the extension period through October 31, 2022 due to being required to work as a result of the declared emergency.

Section 2. This Resolution shall take effect immediately upon its adoption.

	JOHN GUNTER, MAYOR	
VOTE OF MAYOR AND COU	ILMEMBERS:	
GUNTER TATE SHEPPARD HAYDEN ATTESTED TO AND FILED IN	NELSON WELSH LONG COSDEN Y OFFICE THIS DAY OF,	, 2022.
	KIMBERLY BRUNS CITY CLERK	

DOLORES D. MENENDEZ CITY ATTORNEY

res/Ian - Extend Time for Annual Leave Required Use



Item Number: 6.D.

Meeting Date: 10/3/2022

Item Type: NEW BUSINESS

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Resolution 228-22 Authorize the waiver of permit fees for emergency permits

ORDINANCES AND RESOLUTIONS:

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-

ATTACHMENTS:

Description Type

1. Resolution 228-22Backup Material

RESOLUTION 228 - 22

A RESOLUTION OF THE CITY OF CAPE CORAL AUTHORIZING THE WAIVER OF PERMIT FEES FOR EMERGENCY PERMITS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the anticipated impact of Hurricane Ian, the City Manager declared a State of Local Emergency effective September 27, 2022, at 7:00 a.m.; and

WHEREAS, Hurricane Ian made landfall off the coast of Southwest Florida on September 28, 2022 causing significant damage to structures in the City of Cape Coral; and

WHEREAS, as the result of an evaluation of the effect of Hurricane Ian on the public health, safety, and welfare, it has been determined that the disaster has negatively affected structures in the city by a significant degree; and

WHEREAS, the Development Services Department has established emergency procedures and processes for permits issued to repair damage caused by Hurricane Ian "emergency permits"; and

WHEREAS, the City Council desires to waive all permit fees for emergency permits for a period of 180 days from the date of adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby approves the waiver of all permit fees for permits issued by the Development Services Department for the repair of damage caused by Hurricane Ian "emergency permits".

Section 2. The waiver of permit fees shall remain in effect for 180 days from the date of adoption of this resolution, unless earlier terminated or extended by the City Council.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY CO	UNCIL OF THE CIT	Y OF CAPE COR	AL AT ITS RE	GULAR
COUNCIL SESSION THIS	DAY OF	, 2022.		
	10	IINI CUNTTED MA	VOD	_
	jO.	HN GUNTER, MA	IIOK	
VOTE OF MAYOR AND COUN	NCILMEMBERS:			
GUNTER	_ NE	ELSON		
TATE	_			
SHEPPARD				
HAYDEN	_	OSDEN		
ATTESTED TO AND FILED IN	NMY OFFICE THIS _	DAY OF _		_, 2022.
		MBERLY BRUNS		
	Cľ	I'Y CLERK		
APPROVED AS TO FORM:				

DOLORES D. MENENDEZ CITY ATTORNEY res/Ian – Waive Permit Fees



Item Number: 6.E.

Meeting Date: 10/3/2022

Item Type: NEW BUSINESS

TITLE:

Resolution 229-22 Approve declaring a Habitable Structure Emergency, and waiving requirements for Temporary Storage Containers

ORDINANCES AND RESOLUTIONS:

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-

ATTACHMENTS:

Description Type

1. Resolution 229-22
 2. Staff presentation
 Backup Material
 Backup Material

RESOLUTION 229 - 22

A RESOLUTION OF THE CITY OF CAPE CORAL DECLARING A HABITABLE STRUCTURE EMERGENCY, AND WAIVING REQUIREMENTS FOR TEMPORARY STORAGE CONTAINERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the anticipated impact of Hurricane Ian, the City Manager declared a State of Local Emergency effective September 27, 2022, at 7:00 a.m.; and

WHEREAS, Section 5.9.9 of the Land Development Code provides regulations for the use of temporary habitable structures in order to provide for the use of temporary housing and temporary business structures on the same site as a damaged structure; and

WHEREAS, as the result of an evaluation of the effect of Hurricane Ian on the public health, safety, and welfare, it has been determined that the disaster has negatively affected residential housing or business structures in the city by a significant degree; and

WHEREAS, the City Council therefore desires to declare the existence of a habitable structure emergency pursuant to Section 5.9.9 of the Land Development Code; and

WHERERAS, Section 5.9.8 of the Land Development Code sets forth regulations for the placement of temporary storage containers; and

WHEREAS, the Department of Development Services is recommending the suspension of the requirement for a permit, and the provisions concerning time restrictions and number of containers as set forth in Section 5.9.8; and

WHEREAS, the City Council desires to waive the requirement for a permit for temporary storage containers and the restrictions on time and number of containers as set forth in Section 5.9.8.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby declares the existence of a habitable structure emergency due to the significant damage caused by Hurricane Ian pursuant to Section 5.9.9 of the Land Development Code.

Section 2. The habitable structure emergency shall remain in effect for a period of 180 days from the date of adoption of this resolution, unless earlier terminated or extended by City Council.

Section 3. The City Council hereby waives the requirement for permits for temporary storage containers on residential and non-residential properties and any restrictions on time and number of containers as set forth in Section 5.9.8. for a period of 180 days from the date of adoption of this resolution, unless earlier terminated or extended or by City Council. Any temporary storage containers located on property in the City with any of the waivers authorized by this resolution must comply with the provisions of Section 5.9.8 or be removed not later than 180 days from the date of adoption of this resolution, unless this period is extended by City Council.

Section 4. This Resolution shall take effect immediately upon its adoption.

		JOHN GUNTEI	R, MAYOR
VOTE OF MAY	OR AND COUNCILME	MBERS:	
GUNTER TATE SHEPPARD HAYDEN		NELSON WELSH LONG COSDEN	

KIMBERLY BRUNS	
CITY CLERK	

APPROVED AS TO FORM:

.

DOLORES D. MENENDEZ CITY ATTORNEY

res/Ian Declare Habitable Structure Emergency/Storage Containers



Resolution 229-22 Temporary
Habitable Structures and
Temporary Storage



LDC 5.9.9 Temporary Habitable Structure

- Allows residents, business owners, governmental agencies, and medical facilities to live and conduct business on the same site as their damaged structure using temporary housing and temporary business structures
- Declaration of habitable structure emergency
- Requires permit
- Time, place, manner requirements



Temporary Storage Containers

- Governed by Section 5.9.8 of the Land Development Code;
- Requires permit
- Section limits the number, placement and duration;
 - •Residential one 7 days
 - •Commercial two 30 days
- •Waives permit requirement and limitations on number of temporary storage permits.



THANK YOU

any questions?





Item Number: 6.F.

Meeting Date: 10/3/2022

Item Type: NEW BUSINESS

TITLE:

Discussion of Emergency Policies and Procedures following Hurricane Ian event - Presented by Development Services

ORDINANCES AND RESOLUTIONS:

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below. If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-

ATTACHMENTS:

Description Type

1. Staff presentation
 Backup Material



Emergency Permitting Procedure



Hurricane Ian Emergency Permitting Procedure

- Homeowners may perform their owner repairs, however, anyone hired to conduct repairs for the homeowner must be a properly Florida licensed contractor. The homeowner should contact the Cape Coral Code Compliance Division at 239-574-0430 to assure a contractor is properly licensed.
- •Permit fees will be waived for a period of 180 days from the date of approval of the Resolution. This may be extended at the discretion of the City Council.
- •City staff will continue to work on normal permitting procedures for non-emergency permits. Priority is placed on restoration and emergency repair needed due to hurricane damage. Plan review will be minimized, and code compliance will be established in the field during inspections.
- •Permits will be grouped into three categories: major; minor; and structural damage.



Hurricane Ian Emergency Permitting Procedure

Permit Procedure for Minor Damage – damage totals less than \$20,000

Permits for minor damage, consisting of roof covering, screen enclosures, wood decks, doors, windows, and other non-structural components can be obtained by:

- 1. Submission of an itemized list from a contractor or an owner-builder stating the items to be repaired, with an accurate cost estimate of the repairs.
- 2. It will be the responsibility of the owner-builder to request the required inspections from the Building Division. If the owner-builder or contractor intends to use private providers for inspections, the required documents that would be submitted to the Building Division must be submitted prior to the permit approval.
- 3. Owners who have roof damage repaired without a permit are required to obtain a permit within 30 days of the roof repair.



Hurricane Ian Emergency Permitting Procedure

Permit Procedure for Major Damage – damage totals \$20,000 or greater

Permits for minimal structural components such as damaged glass rooms, trusses on single-family houses, cladding (roof and wall sheathing) and non-structural components, including mechanical (air conditioning), and electrical and insultation, can be issued to a contractor or an owner-builder provided an itemized list is submitted by a contractor. An alternative is to have a licensed engineer or architect submit an itemized list under their seal.

Plan review will be conducted by the city staff (unless a private provider is used) and will be completed within one business day.

Permit Procedure for Structural Damage

Building permits for collapsed roofing systems, destroyed walls, foundation damage, damage to beams, and other structural components, will only be issued upon submission of detailed construction drawings prepared and sealed by a properly licensed Florida Engineer or Florida architect. Plan review will be expedited. The Building Division will strive to have the plan review completed in three business days.



THANK YOU

any questions?

