

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

November 20, 2024

Council Chambers

4:30 p.m.

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

INVOCATION/MOMENT OF SILENCE – Councilmember Steinke

PLEDGE OF ALLEGIANCE – Councilmember Steinke

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

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Gunter inquired if there were any changes to the agenda. There were none.

Councilmember Hayden moved, seconded by Councilmember Long, to adopt the agenda, as presented.

Council polled as follows: Cosden, Gunter, Hayden, Long, Sheppard, Steinke, and Carr voted “aye.” Seven “ayes.” Motion carried 7-0.

RECOGNITIONS/ACHIEVEMENTS

None

APPROVAL OF MINUTES

Regular Meeting - October 16, 2024

Councilmember Hayden moved, seconded by Councilmember Steinke, to approve the minutes for the October 16, 2024, Regular Meeting, as presented. Voice Poll: All “ayes.” Motion carried.

Special Meeting - October 30, 2024

Councilmember Hayden moved, seconded by Councilmember Steinke, to approve the minutes for the October 30, 2024, Special Meeting, as presented.

Council polled as follows: Cosden, Gunter, Hayden, Long, Sheppard, Steinke, and Carr voted “aye.” Seven “ayes.” Motion carried 7-0.

Regular Meeting - October 30, 2024

Councilmember Hayden moved, seconded by Councilmember Cosden, to approve the minutes for the October 30, 2024, Regular Meeting, as presented. Voice Poll: All “ayes.” Motion carried.

CITIZENS INPUT TIME

Jim Collier expressed concern about the challenge of the Chiquita Lock removal and freedom of speech rights. He requested that the Chiquita Lock sanctions topic be presented to the newly elected officials for decision review.

Dan Carney expressed concern about the Chiquita Lock sanctions. He requested that Council drop all sanction requests against the three fishermen.

Kevin Sparks expressed concern about the Chiquita Lock sanctions. He requested that Council drop all sanction requests against the three fishermen.

Cheryl Anderson expressed support for the three fishermen and opposed the sanctioned fees.

George Starner expressed support for the election and democracy. He suggested the newly elected officials listen to the people and act upon their concerns.

Hal Arkin expressed concern about denial of vested rights and requested reconsideration of Resolution 300-24.

Judy Mitchell, President, Cape Coral Friends of Wildlife, welcomed the newly elected officials and extended an invitation to attend the Ground Owl Day Celebration at Pelican Baseball Complex on February 2nd at 10 a.m. and the Burrowing Owl Festival on February 22nd from 10:00 a.m. to 4:00 p.m. at Rotary Park.

Tara Jenner expressed concern about the self-designated stipend. She congratulated the newly elected officials and the candidates who ran.

Lou Navarra congratulated the newly elected officials. He expressed concern with redactions of minutes, the Code Enforcement process, Waste Pro issues, and opposed the sanctioned fees.

Dawn Cheris expressed concern about Code Compliance and neighbor's installation of Areca trees encroaching on her property and causing a visual hinderance.

Suzette Torelli expressed concern about an issue with parked construction vehicles such as dump trucks and excavation equipment located on private property. Code Enforcement has been called. She questioned the recourse of a homeowner.

Dave Kalish welcomed the newly elected members.

Carl Veaux expressed his efforts of preserving greenspaces. He requested reconsideration to stop Jaycee Park development. He requested an in-house study of seawalls. He voiced concern about the shortage of hospitals. He suggested Council work with Commissioner Ruane on the Red Fish Pointe development.

Kevin McGrail expressed support to rescind the stipend and suggested working on a Charter Amendment that puts that authority back to the people in this City.

Dennis Costello expressed concern about the Chiquita Lock and the effect on the manatees. He suggested that the process be followed. The lawsuit was brought forward by the Petitioner and not the City; let the Judge make the decision based upon the hearing and evidence presented.

Marie Kavanaugh expressed concern about the Council Rules of Procedures pertaining to voting while remotely participating. She voiced her opposition to Jaycee Park development.

Scott Kempe expressed concern about Jaycee Park trees removal.

Kristifer Jackson thanked the City Council for their service.

Debbie McCormick thanked the newly elected officials and standing City Council for their service. Remember the City employees and give them the due diligence and respect.

Joanne Gruber thanked the outgoing City Council and welcomed the newly elected officials. She mentioned the various organizations that she is affiliated with. She requested that hurricane debris from Milton be removed soon.

James Jeskie expressed concern about the Chiquita Lock removal.

Eileen Snider thanked the outgoing Council for their service and welcomed the newly elected officials. She mentioned the fundraising she does throughout the area. She suggested making our City a state of the art for a park that is inclusive. She mentioned that Parks was working with a charitable organization opportunity, *All Abilities Play*.

Julia Ettari expressed support of rescinding the stipend.

Councilmember Sheppard expressed his accomplishments as a Member of Council during his tenure:

- Remove the Chiquita Lock
- Bring more medical to the City, four new Lee Health facilities being built in our City
- Rid the Downtown CRA of blight, City made a large purchase to remove blight
- Purchased the Old Golf Course
- Keeping safety for our citizens with Fire and Police, new training facilities for both

ORDINANCES/RESOLUTIONS - PUBLIC HEARINGS

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.)

Resolution 380-24 Public Input

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution certifying the results of the General Election of the City of Cape Coral, Florida held on November 5, 2024.

City Clerk Bruns read the title of the Resolution.

Public Hearing opened.

No speakers

Public Hearing closed.

Councilmember Hayden moved, seconded by Councilmember Carr, to approve Resolution 380-24, as presented.

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

BUSINESS

NEW BUSINESS

Presentation of Plaques

Mayor Gunter thanked the outgoing Councilmembers for their service and presented plaques to Councilmembers Carr, Cosden, Hayden, and Sheppard. He also wished Councilmember Welsh his best and noted he would present him with his plaque at a later date.

Recessed at 5:43 p.m. and the Oath Ceremony began at 6:00 p.m.

Oath of Office/Swearing In of 2024 Elected Officials

Melissa Lehmann Post administered the oath to Councilmember-Elect Lehmann, District 2. Bible was held by Julia Ettari.

Frank Perry administered the oath to Councilmember-Elect Donnell, District 3. Bible was held by Sherri Donnell and family members.

Francisco Lastra administered the oath to Councilmember-Elect Nelson, District 4. Bible was held by Marsina Nelson, Sonia Lastra, and Piper Swift.

Patricia Kilraine administered the oath to Councilmember-Elect Kilraine, District 5. Bible was held by Lucille Klassen.

Gloria Tate administered the oath to Councilmember-Elect Kaduk, District 7. Bible was held by Audrey Ott and family.

Meeting reconvened at 6:19 p.m.

Roll Call: Mayor Gunter, Councilmembers Donnell, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke.

Appointment of Mayor Pro Tem

Discussion held regarding the appointment of a Mayor Pro Tem based on language under the Charter 4.06(b).

Appointment of Office Manager

Mayor Gunter explained this position.

Councilmember Steinke moved, seconded by Councilmember Nelson, to appoint Mayor Gunter as Office Manager.

Discussion held regarding the nominating procedure.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

Council Memberships and Invoices (6)

- a. Florida League of Cities
- b. Florida League of Mayors
- c. Metropolitan Planning Organization
- d. National League of Cities
- e. Southwest Florida League of Cities
- f. US Conference of Mayors

Mayor Gunter read into the record the list of the Council Memberships as follows:

- Florida League of Cities (Member – Board of Directors) \$35, 502.00.
- Florida League of Mayors - \$1,350.00
- Metropolitan Planning Organization (invoiced in December) - \$18,323.09
- National League of Cities - \$14,671.00
- Southwest Florida League of Cities - \$3,000.00
- U.S. Conference of Mayors – 13,870.00

Councilmember Kilraine inquired about the expectations of participation and performance in the past.

Councilmember Steinke explained his participation in the Florida League of Cities and Southwest Florida League of Cities to ensure a voice in the priorities in Tallahassee and Washington.

Mayor Gunter suggested that the newly elected officials get involved with the organizations. He explained his participation in Florida League of Mayors, Florida League

of Cities, and other organizations as they provide a voice and a vote in decision making. He explained the benefits of membership.

Councilmember Donnell moved, seconded by Councilmember Steinke, to approve the list of memberships (continue all current and proposed organizational memberships and dues FY 25, as recited by Mayor Gunter).

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

a. AHAC Committee – Member

Discussion held regarding who wanted the voting member seat on AHAC which meets approximately four times a year in the evening on Thursday.

Councilmember Kilraine nominated Councilmember Nelson.

Councilmember Nelson accepted the nomination.

Councilmember Kilraine moved, seconded by Councilmember Lehmann, to appoint Councilmember Nelson as AHAC Committee Member.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

b. Audit Committee - Voting Member

Discussion held regarding who wanted this voting member seat. This Committee meets on the second Wednesday of every month.

Councilmember Nelson nominated Councilmember Kilraine.

Councilmember Kilraine accepted the nomination.

Councilmember Kaduk nominated Councilmember Lehmann.

Councilmember Lehmann accepted the nomination.

Councilmember Kilraine withdrew his acceptance to the nomination.

Councilmember Nelson moved, seconded by Councilmember Kaduk, to appoint Councilmember Lehmann as Audit Committee Voting Member.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

c. Charter School Governing Board - Voting Member

Discussion held regarding who wanted this seat. They meet monthly on the third Tuesday at 5:30 p.m. Location varies.

Councilmember Kilraine nominated himself.

Councilmember Long nominated himself.

Council polled and majority was in favor of Councilmember Kilraine.

Councilmember Donnell moved, seconded by Councilmember Lehmann, to appoint Councilmember Kilraine as Charter School Governing Board Voting Member.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

d. Transportation Advisory Committee - 5 Voting Members, 1 Alternate

Discussion held regarding who wanted to be on the Transportation Advisory Commission who also serve on the MPO with five primary members and three alternates. They meet monthly at 9:00 a.m. on the third Wednesday in the Public Works Building.

Councilmember Kilraine volunteered.

Councilmember Lehmann nominated Councilmember Kaduk.

Councilmember Kaduk accepted the nomination.

Councilmember Nelson wanted to be the alternate.

Councilmember Steinke nominated himself.

Mayor Gunter noted the following who wanted to be on the TAC: Councilmembers Kilraine, Kaduk, and Steinke.

Councilmember Lehmann nominated herself.

Mayor Gunter asked Councilmember Nelson to be a Member on this Board, and he would serve as Alternate.

Councilmember Long moved, seconded by Councilmember Nelson, to appoint Councilmembers Kaduk, Steinke, Kilraine, Lehmann, and Nelson as voting members on the Transportation Advisory Committee and Mayor Gunter as the Alternate.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

e. Community Development Block Grant – Liaison

Discussion held regarding who wanted to be the liaison on the CDBG. This Board meets twice yearly to coincide with the distribution of funds. 2025 meetings will be held April 1st and June 13th.

Councilmember Donnell nominated himself.

Councilmember Nelson moved, seconded by Councilmember Kaduk, to appoint Councilmember Donnell as the liaison on the CDBG.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

f. Planning & Zoning Commission – Liaison

Discussion held regarding who wanted to be the liaison on the Planning and Zoning Commission; meeting is on the first Wednesday of the month at 9:00 a.m. in Council Chambers. The Alternate Liaison was added last year for that year only.

Consensus agreed, without objection, to add an Alternate Liaison.

Councilmember Kaduk nominated Councilmember Long.

Councilmember Kilraine nominated himself for the Alternate position.

Councilmember Steinke moved, seconded by Councilmember Kaduk, to appoint Councilmember Long as the Liaison and Councilmember Kilraine as the Alternate on the Planning and Zoning Commission.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

g. Metropolitan Planning Organization - 5 Voting Members; 3 Alternates

Discussion held regarding the members on the MPO to be the same five members as the TAC: Kaduk, Kilraine, Lehmann, Nelson, and Steinke. Remaining 3 members would be the alternates.

Councilmember Kilraine moved, seconded by Councilmember Nelson, to appoint the TAC members to be Voting Members on the Metropolitan Planning Organization: Councilmembers Kaduk, Kilraine, Lehmann, Steinke, and Nelson.

Councilmember Steinke noted his standing conflict when the MPO meets. He was just placed on TAC and would not be able to make the meetings at the MPO.

Councilmember Kilraine amended his motion to eliminate Councilmember Steinke from the duplicate position and look for an alternate.

Mayor Gunter offered to be the alternate. He noted the following on the MPO: Kaduk, Kilraine, Nelson, and Lehmann; needed one more on the Board.

Councilmember Donnell did not have interest to serve on this Board.

Councilmember Long had no interest serving on this Board.

Mayor Gunter asked Councilmember Steinke if he could serve as an alternate some of the time.

Councilmember Steinke explained he has been an alternate but could not commit to be at every meeting.

Mayor Gunter explained the four individuals could be appointed and have four alternates to fill that one spot.

Councilmember Kilraine moved, seconded by Councilmember Nelson, to appoint the four individuals (Councilmembers Kilraine, Kaduk, Nelson, and Lehmann) and have four alternates (Steinke, Gunter, Long, and Donnell) to fill that one spot of the fifth position.

Mayor Gunter noted there was an MPO meeting this Friday at 9:00 a.m. and offered to fill the alternate seat at that meeting. He added that this was his last meeting as MPO Chair.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

h. National League of Cities - 1 Member, 1 Alternate

Discussion held regarding who wanted to be on the National League of Cities.

Councilmember Donnell nominated himself as Member or Alternate.

Mayor Gunter nominated Councilmember Nelson.

Councilmember Nelson wished to be the Alternate.

Councilmember Steinke moved, seconded by Councilmember Kilraine, to appoint Councilmember Donnell to the National League of Cities as Member and Councilmember Nelson as Alternate to the National League of Cities.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

i. Horizon Council - 1 Member, 1 Alternate

Discussion held regarding who wanted to serve on the Horizon Council.

Councilmember Nelson nominated Councilmember Kaduk as Member and Councilmember Donnell as the Alternate.

Councilmember Donnell accepted the nomination.

Councilmember Kilraine nominated Councilmember Kaduk for the Member position and nominated himself as the Alternate.

Councilmember Steinke nominated Councilmember Kaduk.

Councilmember Kaduk accepted the nomination.

Councilmember Donnell withdrew his nomination.

Councilmember Long moved, seconded by Councilmember Lehmann, to appoint Councilmember Kaduk as the Member and Councilmember Kilraine as the Alternate to the Horizon Council.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

j. Tourist Development - Ex-Officio Non-Voting Seat

Discussion held regarding ex-officio non-voting seat and purpose of TDC, who wanted to serve on the Tourist Development Council. This Board meets monthly at 9:00 a.m. in Fort Myers on Thursday.

Councilmember Steinke expressed interest in continuing to serve on the Tourist Development Council.

Mayor Gunter nominated Councilmember Nelson.

Councilmember Nelson accepted the nomination.

Council polled and majority were in favor of Councilmember Steinke.

Councilmember Kaduk moved, seconded by Councilmember Nelson, for Councilmember Steinke to serve on the Tourist Development Council.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

City Attorney Boksner expressed his concern about the Metropolitan Planning Organization. Based upon the Interlocal Agreement, there may be an issue with not formally appointing five voting members. He recommended that the motion be altered that all those individuals appointed to CTAC be on the MPO and that the remaining three are alternates. He recognized Councilmember Steinke's inability not likely to attend, but if we do not appoint members formally, we may lose one voting member.

Councilmember Kilraine amended his motion, Councilmember Nelson agreed, to appoint the five individuals that are on CTAC (Councilmembers Kilraine, Kaduk, Nelson, Lehmann, Steinke) to be on the MPO and the remaining three Councilmembers (Donnell, Gunter, Long) to serve as Alternates.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

Establish time for Regular meetings in 2025

Discussion held regarding the start time for regular meetings to begin at 5:00 p.m.

Councilmember Nelson moved, seconded by Councilmember Lehmann, to move the regular meetings to 5:00 p.m. start time versus the current 4:30 p.m. start time (for 2025 calendar starting in January 2025).

Mayor Gunter asked the City Manager to have Communications put out an announcement of the time change.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

Councilmember Donnell suggested moving the COW start time to a later time.

No other discussion held.

January Budget Workshop dates

Discussion held regarding January Budget Workshop dates.

Councilmember Kilraine moved, seconded by Councilmember Kaduk, to approve the January Budget Workshop dates (Wednesday, January 29, 2025, and Thursday, January 30, 2025, at 9:00 a.m.).

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

ORDINANCES AND RESOLUTIONS - INTRODUCTIONS

Introductions

Resolution 369-24 (VAC24-000003*) Set Public Hearing for December 4, 2024

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution of the Mayor and City Council of the City of Cape Coral, Florida, providing for the vacation of plat for the street right-of-way and all underlying easements associated with portions of SW 3rd Avenue, SW 3rd Place, SW 4th Avenue, SW 4th Place, and SW 25th Street; providing for the vacation of plat for all platted easements lying within the subject property; providing for the vacation of plat for all easements underlying the previously vacated portions of the Defender and Malabar canals; property located north of Veterans Parkway, West of SW 2nd Court, and south of the Defender Canal.

Address: 2504 SW 4th Place

Applicant: Lee Memorial Health System

City Planning Staff Recommendation: Approval with conditions

Hearing Examiner Recommendation: Approval with conditions

City Clerk Bruns read the title of the Resolution.

The public hearing was scheduled for December 4, 2024, in Council Chambers.

Ordinance 70-24 Set Public Hearing for December 4, 2024

WHAT THE ORDINANCES ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 6, Parking, Chapter 2, Truck and Vehicle Parking, Section 6.2.1, Parking Regulations for Residential Zoning Districts, regarding parking on property with a principal residential building. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning & Zoning Recommendation: Approval

NOTE: Regulates parking of vehicles based on principal use of the structure.

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 4, 2024, in Council Chambers.

Ordinance 78-24 (FLUM24-000013) Set Public Hearing for transmittal for December 4, 2024— PUBLIC HEARING WILL BE ON JANUARY 8, 2025

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida Comprehensive Plan by amending the Future Land Use Map from Commercial Activity Center (CAC) to Burnt Store Road District (BURST) land use for property located in Section 7, Township 43 South, Range 23 East; Section 29, Township 43 South, Range 23 East; Section 32, Township 43 South, Range 23 East; and Section 20, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein; amending the Future Land Use Map from Commercial Professional (CP) to Burnt Store Road District (BURST) land use for property described as Lots 1-24, Block 4291, Cape Coral Unit 61, and for property located in Section 7, Township 43 South, Range 23 East, Lee County Florida, as more particularly described herein; amending the Future Land Use Map from Multi-Family (MF) to Burnt Store Road District (BURST) land use for property described as Blocks 6171, 6172, 6173, 6174, and 6175, Cape Coral Unit 98; amending the Future Land Use Map from Mixed Use (MX) to Burnt Store Road District (BURST) land use for property described as Lot 31, Block 5522, Cape Coral Unit 91; Tract A, South Forty Subdivision; Lots 16-20, M-2, 6, 10, 14, and Tracts A and B, Westchester Estates; Lots 1, 2, 3, 4, 5, and 6, Block 5523, Cape Coral Unit 91; and for property located in Section 18, Township 43 South, Range 23 East; Section 19, Township 43 South, Range 23 East; and Section 30, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein; amending the Future Land Use Map from Open Space (OS) to Burnt Store Road District (BURST) land use for property located in Section 20, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein; amending the Future Land Use Map from Public Facilities (PF) to Burnt Store Road District (BURST) land use for property described as Lots 27-30, Block 5522, Cape Coral Unit 91; amending the Future Land Use Map from Single-Family (SF) to Burnt Store Road District (BURST) land use for property described as Blocks 6169 and 6170, Cape Coral Unit 98; and Tracts C & D and Lots 21-54, Westchester Estates; amending the Future Land Use Map from Single-Family/Multi-Family (SM) to Burnt Store Road District (BURST) land use for property described as Lots 28-33, Block 4303, Cape Coral Unit 61; Lots 17-46, Block 6300, Cape Coral Unit 83-1; Lots 1-51, Block 6301, Cape Coral Unit 83-1; Lots 1-71, Block 6303, Cape Coral Unit 83-1; Lots 1-26, Block 5521, Cape Coral Unit 91; Lots 1-26, Block 5522, Cape Coral Unit 91; and for property located in Section 7, Township 43 South, Range 23 East; Section 19, Township 43 South, Range 23 East; and Section 30, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein.

Applicant: City of Cape Coral

Acreage: 1,141 acres

City Planning Staff Recommendation: Approval

Planning and Zoning Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was originally scheduled for December 4, 2024, in Council Chambers and Staff has requested the transmittal hearing to be scheduled for the first Council meeting in 2025 – January 8, 2025.

Ordinance 79-24 Set Public Hearing for December 4, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 3, Development Review, Chapter 4, Specific Review Procedures–Quasi-Judicial Permits and Approvals, Section 3.4.5., Vacations of Plats, Easements, and Rights-of-Way, regarding additional requirements for surveys, sketches, and legal descriptions, and additional required procedures. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning and Zoning Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 4, 2024, in Council Chambers.

Ordinance 82-24 Set Public Hearing for December 4, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance authorizes and directs the City Manager or their designee to enter into a Ground Lease with Lee County, a political subdivision of the State of Florida, for the lease of property owned by the City of Cape Coral located at 101 NW Douglas Parkway to provide emergency medical services, and authorizes the City Manager or their designee to execute the Ground Lease and any related documents. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 4, 2024, in Council Chambers.

Ordinance 83-24 Set Public Hearing for December 4, 2024

WHAT THE ORDINANCE ACCOMPLISHES:

The Ordinance approves the First Amendment to the Animal Shelter Ground Lease and Purchase Agreement between the City of Cape Coral, a Florida municipal corporation, and the Cape Coral Animal Shelter Corporation, a Florida not-for-profit corporation, for the Lease of property owned by the City at 325 SW 2nd Avenue, known as Cape Coral Animal Shelter and authorizes the City Manager or their designee to execute the First Amendment. (Brought forward by City Management)

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 4, 2024, in Council Chambers.

Resolution 378-24 (VAC24-000005*) Set Public Hearing for December 11, 2024

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

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution of the Mayor and City Council of the City of Cape Coral, Florida, providing for the vacation of plat for a portion of the Monticello and Monterey Canal rights-of-way and underlying easements adjacent to Lots 30 and 31, Block 23, Cape Coral Unit 1, Part 2; providing for the vacation of plat for platted easements associated with Lots 30 and 31, Block 23, Cape Coral Unit 1, Part 2; property located at 849 Montclair Court.

Applicant: Freedom Boat Company

City Planning Staff Recommendation: Approval with Conditions

Hearing Examiner Recommendation: Approval with Conditions

City Clerk Bruns read the title of the Resolution.

The public hearing was scheduled for December 11, 2024, in Council Chambers.

Ordinance 80-24 (RZN24-000001*) Set Public Hearing for December 11, 2024

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

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, that amends the City of Cape Coral, Florida Official Zoning District Map of all property within the limits of the City of Cape Coral, Florida, by rezoning property described as Lots 9-18, Block 5614, Unit 84, Cape Coral Subdivision, from Single-Family Residential (R1) to Commercial (C) zone; property is located at 3303 and 3307 NE 16th Avenue and 3302 and 3306 Averill Boulevard.

Applicant: Joella Consolazio and Richard & Linda Ricciani

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 11, 2024, in Council Chambers.

Ordinance 81-24 (RZN24-000004*) Set Public Hearing for December 11, 2024

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

WHAT THE RESOLUTION ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, that amends the City of Cape Coral, Florida Official Zoning District Map of all property within the limits of the City of Cape Coral, Florida, by rezoning property described as Lots 46 and 47, Block 3623, Unit 49, Cape Coral Subdivision, from Commercial Corridor (CC) to Single-Family Residential (R1) zone; property is located at 1011 SW 4th Terrace.

Applicant: Synergy Homes LLC

City Planning Staff Recommendation: Approval

Hearing Examiner Recommendation: Approval

City Clerk Bruns read the title of the Ordinance.

The public hearing was scheduled for December 11, 2024, in Council Chambers.

**REPORTS OF THE MAYOR, COUNCIL MEMBERS,
CITY ATTORNEY, AND CITY MANAGER**

Councilmember Donnell – Topics: Inquired about direction on dealing with the stipend to get to a vote and off the table.

City Attorney Boksner explained this is the organizational meeting, and this is the only time that action could be taken. Council could make a motion. There is a mechanism where you could modify it or alter it. If there is a second, it would be acted on as a whole.

Discussion held regarding rescinding versus repealing.

Councilmember Lehmann moved, seconded by Councilmember Nelson, to repeal Resolution 351-23 effective immediately and authorizing the City Attorney to draft a Resolution in that regard.

Discussion held.

Councilmember Nelson called the question, seconded by Councilmember Donnell.

Council polled as follows: Donnell, Kaduk, Kilraine, Lehmann, and Nelson voted "aye." Gunter, Long, and Steinke voted "nay." Five "ayes." Three "nays." Motion carried 5-3.

Councilmember Lehmann moved, seconded by Councilmember Nelson, to repeal Resolution 351-23 effective immediately and authorizing the City Attorney to draft a Resolution in that regard.

Council polled as follows: Donnell, Kaduk, Kilraine, Lehmann, and Nelson voted "aye." Gunter, Long, and Steinke voted "nay." Five "ayes." Three "nays." Motion carried 5-3.

Councilmember Kaduk – Topics: Thanked citizens for trusting her to be their voice. Recognized Elected Officials in the audience, Chair of the School Board Sam Fisher and Lee County Commissioner David Mulicka. Thanked them for their support. **Asked for a second to work with City Staff to produce Ordinances that will add back certain volunteer boards, not all of them, but certain ones. Also take a look at creating new boards as well.**

Councilmember Kilraine provided the second.

Councilmember Kilraine – Topics: Thanked residents for their support in the election. Committed to bring unity in the City with residents, the City organization, and Council. **Asked for a second to work with and stand up the existing Charter Review Committee to take a look at the Charter, specifically to identify those measures that are necessary in the Charter to institutionalize that the residents have final consent on any salary modifications for Mayor and Council.**

Councilmember Kaduk provided the second.

Councilmember Kilraine moved, seconded by Councilmember Lehmann, to schedule a Regular CRA meeting on December 4, 2024, at 1:00 p.m. to revisit the provisions for the appointments and events supported and other measures at the last meeting.

City Manager Ilczyszyn explained he was going to request a Shade Meeting to discuss Collective Bargaining Agreements for about two hours; was planning on asking for the 4th.

Discussion held regarding:

- 12/4/24 COW meeting three topics with a 9:00 a.m. start, last item lengthy regarding flood plain and construction activities (2-3 hours)
- 12/4//24 CRA meeting items time sensitive
- Scheduling the Shade Meeting possibly on December 11
- CRA meeting to immediately follow the COW meeting

Councilmember Kilraine amended his motion for the CRA meeting to start at 9:30 a.m. or immediately following the COW meeting. Second agreed.

Council polled as follows: Donnell, Gunter, Kaduk, Kilraine, Lehmann, Long, Nelson, and Steinke voted "aye." Eight "ayes." Motion carried 8-0.

Councilmember Kilraine – Topics: full disclosure, elected to decline the stipend.

Councilmember Lehmann – Topics: confirmed Council action regarding the stipend

Councilmember Long – Topics: No report

Councilmember Nelson – Topics: Thanked the residents for their support, grateful to be back, looking forward to making positive changes, hopefully bringing some peace within our City.

Councilmember Steinke – Topics: 11/6 attended the Vacation Convention Bureau's Annual Conference and Luncheon; 11/8 attended the Florida League of Cities Legislative Policy Committee Meeting in Orlando; 11/8 attended the Northwest Neighborhood Association's Annual Community Dinner; 11/9 participated in the Cape Coral Veterans Day Parade, thanked Staff for making that possible; 11/14 attended the AHAC Webinar required for SHIP funding. Wordsmith problem between what a regular meeting is, first

scheduled meeting, organizational meeting. Conflict or confusion in those documents; need consistency.

City Attorney Boksner explained section 4.06(b) was not properly changed – Charter Referendum back in 2002 (22 years ago) that pertain to the Mayor Pro Tem. Drafting error that occurred when there was probably no Council Rules.

Discussion held regarding different types of meetings.

Mayor Gunter – Topics: At the last meeting Council voted on Ordinance 56-24, boat canopy Ordinance. There was an Introduction done previously, and it was scheduled to come back on December 4th for Council discussion.

Mayor Gunter moved, seconded by Councilmember Kilraine, for Motion for Reconsideration on Ordinance 56-24, as he was on the prevailing side of the motion.

Mayor Gunter explained if the motion passed, he would make another motion to continue it to a date certain. He would add it to the COW meeting on December 4th.

Councilmember Donnell commented on not setting a precedent for resurrecting others.

Councilmember Steinke explained the purpose of Ordinance 56-24.

City Manager Ilczyszyn explained pending the results of the motion, he would instruct Staff to immediately cease processing double canopies permits until it is resolved.

Councilmember Kilraine expressed he would vote against the motion.

Mayor Gunter withdrew his motion.

Discussion held regarding Mayor Pro Tem language.

Councilmember Long moved, seconded by Mayor Gunter, for Motion for Reconsideration on Ordinance 56-24, as he was on the prevailing side of the motion.

Council polled as follows: Gunter, Kaduk, Long, and Nelson voted “aye.” Donnell, Kilraine, Lehmann, and Steinke voted “nay.” Four “ayes.” Four “nays.” Motion to reconsider failed 4-4.

City Attorney: No report.

City Manager: Requested a Shade Meeting on December 11th at 1:00 p.m. with the City Council to discuss the Collective Bargaining Agreement with our Firefighters Union and a Second Shade Meeting to discuss the Collective Bargaining Agreement and Negotiations with our General Union.

Consensus agreed, without objection, to schedule the Shade Meeting on December 11th at 1:00 p.m. (in Conference Room 220A).

City Manager Ilczyszyn announced:

- City Hall will be closed Thursday, November 28th and Friday, November 29th in observation of Thanksgiving
- Friday, November 29th – City is hosting an inaugural three-day Holiday Nights on the Lawn Celebration
- Friday, November 29th at 4:30 p.m. Southwest Florida Symphony followed by the Tree Lighting of our 50 ft Holiday Tree and Menorah at 5:30 p.m.
- Families can enjoy *Arthur Christmas* on the giant inflatable screen on the lawn
- Saturday, November 30th – holiday photo opportunity with a real reindeer from 4:00 p.m. to 7:00 p.m.

- Screening of *Elf* at 6:00 p.m.
- Evening concludes with our Second Spectacular Drone Show at 8:00 p.m.
- Sunday, December 1st showing of *How the Grinch Stole Christmas* at 6:00 p.m.
- All throughout Santa Claus and vendors will be available.

Councilmember Donnell asked if Council would be okay if he talked to Legal and the City Manager to bring back students to sing holiday songs before the meeting from 4:00 p.m. to 4:30 p.m. He would report back on the 4th if this were something we can do.

Councilmember Steinke provided the second.

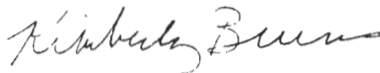
TIME AND PLACE OF FUTURE MEETINGS AND ADJOURNMENT

A Committee of the Whole was scheduled for Wednesday, December 4, 2024, at 9:00 a.m. in Council Chambers.

A Regular Meeting of the Cape Coral City Council was scheduled for Wednesday, December 4, 2024, beginning at 4:30 p.m. in Council Chambers.

There being no further business, the meeting adjourned at 8:26 p.m.

Submitted by,



Kimberly Bruns, CMC
City Clerk