

MINUTES FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL

May 15, 2017

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Sawicki at 4:32 p.m.

Tribute to a Soldier – Councilmember Williams

Pledge of Allegiance – National Anthem - Cecilia Tocci of Mariner High School

Roll Call: Mayor Sawicki, Council Members Burch, Carioscia, Cosden, Erbrick, Leon, Stout, and Williams were present.

CHANGES TO AGENDA/ADOPTION OF AGENDA.

Mayor Sawicki stated the following changes to the agenda: Removal of Item 11A, moved item 9(A)(6) after Citizen's input; and moved 11(B) prior to Recognitions/Achievements.

Councilmember Burch moved, seconded by Councilmember Cosden to approve the agenda, as amended.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

Regional Planning Council (RPC) Housing Symposium Overview - Housing Coordinator Yearsley (Advanced by Councilmember Burch)

Councilmember Burch discussed the purpose of the Housing Symposium that was held recently.

Housing Coordinator Yearsley discussed an event she attended on Affordable Housing that was sponsored by the SWFL Regional Planning Council. She presented a power point with the following slides to summarize what was discussed at the event:

- Topics of Discussion
- What is Affordable Housing?
- Who lives in Affordable Housing?
- Why Affordable Housing?
- Sources of Financing
- Other Topics

Councilmember Burch expressed thanks to the community for the success of the event and the turnout and offered questions and input to be directed to the City Manager and the Mayor.

Councilmember Leon inquired if different ways of counting throughout the school district, homeless, County, State, and Federal was brought up at the symposium.

Housing Coordinator Yearsley mentioned that it was not touched upon, that would come up at a homeless discussion.

RECOGNITIONS/ACHIEVEMENTS

Recognition for Intergovernmental Cooperation to the FGUA for the Reclaimed Water Interconnect Project

City Manager Szerlag recognized the intergovernmental cooperation received from FGUA on the future of the benefits for the region and the community for the interconnect project from North Cape Coral and the North Fort Myers plant regarding reclaimed water.

Mayor Sawicki expressed gratitude for the partnership reached to address our cherished water.

Recognition for Intergovernmental Cooperation to the FDEP, FDOT, SFWMD and SWFWMD for their respective Agency's timely assistance related to the Emergency Water Supply Reservoir Project

City Manager Szerlag discussed the need for irrigation water based on the current drought that is being experienced in our area. He acknowledged Director Pearson for his idea of a reservoir project; received permission from FDEP, FDOT, SFWMD and SWFWMD to get them all together to agree in an expedient fashion to the problem, the feed into Gator Slough for fire protection purposes.

Mayor Sawicki expressed gratitude for the commitment that these organizations have made to accomplish this idea that Director Pearson proposed.

APPROVAL OF MINUTES

Regular Meeting – April 17, 2017

Councilmember Burch moved, seconded by Councilmember Stout to approve the minutes for the April 17, 2017 regular meeting as presented. Voice Poll: All "ayes." Motion carried.

BUSINESS

PUBLIC COMMENT - CONSENT AGENDA

No speakers.

CONSENT AGENDA

Councilmember Cosden pulled item 8(B)(2) for discussion.

- 1) Resolution 61-17 Award ITB-PW17-31GM Nicholas Annex Rear Parking Lot Improvements to Bonness, Inc. of Naples, FL, for the Nicholas Annex Rear Parking Lot Improvements, as the lowest responsive, responsible bidder, in the amount of \$115,376 with a 10% city controlled contingency of \$11,538 for a total of \$126,913, and authorize the City Manager or Designee to execute the contract; Department: Public Works; Dollar Value: \$126,913; (General Fund)
- 2) Resolution 67-17 Approve the purchase of eighty-eight (88) Panasonic Toughbook Semi-Rugged Laptops from Office Depot, Inc., piggybacking National Intergovernment Purchasing Alliance (NIPA) – The Cooperative Purchasing Network (TCPN) Contract# R160204, in accordance with City of Cape Coral Code of Ordinances Chapter 2, Article VII, Division 1, Section 2-144(f) Purchases of Goods or Services from Contracts Awarded by other Governmental or Not-for-Profit Entities by Competitive Bid or Request for Proposals, and authorize the City Manager, or designee, to execute the purchase order; Department: ITS; Estimated Dollar Value \$222,727; (General Fund)
- 3) Resolution 69-17 Approve Selection Advisory Committee (SAC) ranking of the Florida Governmental Utility Authority (FGUA) Irrigation System Interconnect Project and authorize the City Manager or Designee to enter into negotiations with the number one ranked firm, Tetra Tech, Inc.; Department: Utilities; Dollar Value: N/A; (Fund: N/A)

- 4) Resolution 70-17 Approve Agreement CON-PW17-24GM for Construction Manager at Risk (CMAR) services, for the SE 47th Terrace Streetscape Improvement Project, in which the intended firm, Chris-Tel Company of Southwest Florida, was ranked #1, by the Selection Advisory Committee and the ranking approved by Council on February 13, 2017 via Resolution 23-17 which allowed the City Manager to enter into negotiation; And authorize the City Manager or designee to execute this agreement for the Pre-construction services (Phase I) for the SE 47th Terrace Streetscape Improvement Project for \$102,990 The construction services (Phase II) will be brought forward at a later date when the Guaranteed Maximum Price is determined (GMP); Department: Public Works; Dollar Value: \$102,990; (CRA Capital Project Fund)
- 5) Resolution 72-17 Repeal and Replace Resolution 6-17 regarding Early Voting dates and polling places; Department: City Clerk's Department; Dollar Value: N/A; (Fund: N/A)
- 6) Resolution 74-17 Approval of Plat16-0002 Liberty Health Park; Department: Community Development; Dollar Value: N/A; (Fund: N/A)
- 7) Resolution 84-17 Acceptance of Donation of 11 Passenger Bus from Guardian Angels to Special Populations; Department: Parks and Recreation/Special Populations Division; Dollar Value: N/A; (Donation, \$52,611)

Councilmember Leon moved, seconded by Councilmember Erbrick to approve items 8(B)(1), 8(B)(3), 8(B)(4), 8(B)(5), 8(B)(6), and 8(B)(7) as presented.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

- 2) Resolution 67-17 Approve the purchase of eighty-eight (88) Panasonic Toughbook Semi-Rugged Laptops from Office Depot, Inc., piggybacking National Intergovernment Purchasing Alliance (NIPA) – The Cooperative Purchasing Network (TCPN) Contract# R160204, in accordance with City of Cape Coral Code of Ordinances Chapter 2, Article VII, Division 1, Section 2-144(f) Purchases of Goods or Services from Contracts Awarded by other Governmental or Not-for-Profit Entities by Competitive Bid or Request for Proposals, and authorize the City Manager, or designee, to execute the purchase order; Department: ITS; Estimated Dollar Value \$222,727; (General Fund)

Councilmember Cosden requested an explanation about the cost for the laptops.

I.T. and Communications Manager Vilord discussed the wear and tear that is experienced by the users. The majority of the units are for the Police Department; several for Fire and a handful for Public Works.

Councilmember Cosden requested the Public Safety Fund be addressed.

City Manager Szerlag responded that it should be General Fund.

Councilmember Cosden moved, seconded by Councilmember Leon to approve item 8(B)(2) as presented.

Councilmember Carioscia inquired as to the use for the replaced units.

Director Hoffmann responded that the old units are given to a vendor to sell or parts for recycling for monies back to the City.

Discussion held in reference to the longevity of the systems and the GPS problems experienced by the Fire Station.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

CITIZENS INPUT TIME

Zack Burch expressed appreciation for the plaque presented today to FGUA. He continued by discussing the rail road crossing on Colonial and Metro, the crossing is sinking. Colonial Boulevard will be closed in both directions for up to 14 days. He stated that detour maps will be provided and urged commuters to take McGregor, 41, Summerlin, or Fowler to avoid the construction area or add extra time to their commute. The project will begin on June 9, 2017.

Jay Lagace discussed his concern for a Mayoral Candidate that currently resides on Council. He reviewed current election law and the unknown current Councilmember's resignation date.

Linda Prince appeared to update the redevelopment of North Fort Myers. The Water Park is being built as we speak. She encouraged Council to focus on the Bimini Basin and unite for the City's future.

Rick Walsh discussed the need to preserve park land and open spaces. He discussed his experience with serving on the Parks Advisory Board in Miami. He wanted the conversation to keep going on about open spaces. He declared that vision stops based on time and money. Platted communities make it difficult to put together parks. He voiced his concern about quality of life, residents' property values, hurricane evacuations, and response times. He questioned Councilmember Leon regarding what changed from last March to now when he cited a court case that helped to uphold the City's decision to block residential development last March.

Chuck Warren invited the public to attend the Memorial Day Remembrance to pay tribute to fallen veterans on Monday, May 29, 2017 at 10:00 a.m. at the Coral Ridge Funeral Home & Cemetery off of Pine Island Road in Cape Coral. He displayed an invite on the overhead and listed several important guests that will attend to include the CCPD, CCFD, and the Lee County Sheriff's Department.

Richard Osman mentioned the sidewalks being installed throughout the community. He reviewed a problem with the sidewalks in the City Hall parking lot with City vehicles blocking with their bumpers. He also reported to Council about concrete spills in the past. He is taking photographs. He expressed the effectiveness of the 311 Call Center regarding a massive concrete spill that was cleaned up within an afternoon.

Councilmember Carioscia stated he was in agreement with Mr. Lagace about allowing the residents to vote for District 5. He encouraged the vacation of the seat by 6/23/2017.

Councilmember Leon responded that going forward it was being requested that mixed use be changed to R-1; he offered to speak with the resident off line. He discussed signing up and using the CapeConnect app to help with the concrete spill.

Councilmember Cosden inquired about the parking lot sidewalk.

City Manager Szerlag responded that he had addressed this for the employees' parking lot and will for the entire campus.

Councilmember Erbrick responded to inquiries about her candidacy. Florida State Statute and our Charter states that a resignation to run must be submitted 10 days prior to qualifications which is 6/23/2017. Her intended plan is that the voters of this City have the right and ability to put someone in her District 5 seat. She requested Campaign issues stay out of the Chambers.

Councilmember Burch discussed the cost of a special election would cost \$250,000 after November. He was not in favor as a Council Member of picking a member to take the seat; it is for the public to complete. Next, he responded to Mr. Walsh's comments about the Old Golf Course property. He stated that it was clear that the neighborhood residents are in favor of the Save Our Recreation position. He continued by focusing on the parking lot bumpers and would like the City Manager to review that issue.

Mayor Sawicki thanked Mr. Warren for the invitation to the Memorial Day Remembrance event.

Councilmember Cosden inquired if the City sent letters to all of the concrete companies last year.

City Manager Szerlag responded that Public Works is the primary contact for concrete spills. He will put the word out to call 311, Public Works Department, and our non-emergency dispatch to make sure the roads are safe.

Councilmember Leon requested that the City Manager have the PIO disseminate information about the temporary closing of Colonial Boulevard at the railroad tracks in June in Fort Myers.

Resolution 79-17 Public Input – Moved to Directly after Citizen's Input
WHAT THE RESOLUTION ACCOMPLISHES:

A resolution declaring a reasonable necessity to acquire a fee simple interest in certain property located at the northern terminus of Commercial Park Place for the purpose of constructing an aboveground storage tank and related facilities as an integral part of the irrigation system within the North 2 and Southwest 6 & 7 Utility Extension Project areas; authorizing the City Manager to acquire a fee simple interest in the property by the institution of proceedings in eminent domain; repealing Resolution 50-16.

Public Works Director Clinghan provided a presentation regarding the irrigation storage tank site acquisition.

Property Broker Andrews continued that Real Estate worked with the Utilities Department in sites that were identified north of Pine Island Road and west of Chiquita. She noted that some voluntary acquisitions were not successful. In April 2016 the City Council adopted a Resolution of Necessity to acquire Parcel A as displayed on the screen. In June City Council requested that staff investigate other potential alternative sites. Staff began negotiations with the property owner adjacent and west of Site B. At this point in time, no agreement has been reached. She stated it was City management's recommendation that we adopt Resolution 79-17 which would acquire Parcel A and release the Resolution of Necessity 50-16 on Parcel B.

Public input opened.

Jerry Owens was not in favor of Resolution 79-17. He mentioned that a staff member discussed the case at a Citizen's Academy.

Wendy Blake inquired about the discussion referenced by Mr. Owens of the Bunch family. She thanked Mr. Griffin for calling the family to indicate the item appearing on this evening's agenda. She discussed speaking with a Councilmember recently who recommended that the Bunch family take the money since their property values will decrease once the tank is built. She reviewed the existence of vacant land in surrounding areas. The Bunch property has never been on the market and there were For Sale signs all around it. She inquired if the property owner was aware of the Resolution this evening and wanted to know if they are represented this evening. She was not in favor of the Resolution this evening.

Jeff Bunch reviewed his family's eminent domain case and discussed the placement of the irrigation tank on the neighboring property. There are laws set up to protect people against these things.

John Karcher reviewed the Parcel A vs. B aerial photo. He inquired as to the height of the tank, will it be visible from the road? He would like the tank to be out of sight in the back of the property.

Public input closed.

Councilmember Carioscia moved, seconded by Councilmember Erbrick to approve Resolution 79-17, as presented.

Councilmember Burch expressed his appreciation to the City for moving away from the Bunch property. Whichever method was used to obtain the property, was everything done for the people that are involved in this situation prior to going into this resolution of necessity? The answer was yes. He was not in favor of Resolution 79-17 as it does not benefit the City of Cape Coral; he does not support the process.

Councilmember Cosden inquired if the bank was aware of the Resolution.

City Manager Szerlag stated last week he had advised Attorney Griffin that both the Bunch family and the bank's attorney to contact the bank. Mr. Griffin and Property Broker Andrews spoke to the bank Vice President.

Councilmember Cosden wondered if the irrigation tank was visible from the road or the German American Club.

Director Clinghan responded that these parcels were picked because of the tree line buffer.

Councilmember Cosden inquired as to going to the North.

Director Clinghan reviewed the extension to go up North is \$400 a foot, and to move to the northern property could be 1,000 feet.

Property Broker Andrews reviewed dividing up the property and making it difficult to split up the property; property negotiations have been reviewed. Last week, the bank Vice President told Mr. Griffin and Property Broker Andrews that they were not interested in selling the property.

City Attorney Menendez reviewed her discussions with the Attorney for the bank and they are aware that the Resolution was on this evening's agenda.

Councilmember Stout reviewed the difficulties with eminent domain; this is holding up the Utility Expansion. She was in favor of the Ordinance. Both properties are in the \$300,000 range, they allowed staff to go onto the property to do investigations so there is a precedent of willingness.

Councilmember Leon expressed that he was leaning toward this, pay it out and move forward.

Councilmember Williams discussed support for the Resolution. He agreed with Councilmember Burch with identifying any problems in the process.

Mayor Sawicki explained that the members of Council had difficulties not being able to speak about the case. She requested that the City Manager to review emails for professionalism. She requested copies of the unprofessional emails sent to be investigated. She was in favor of the Resolution.

Council polled as follows: Carioscia, Cosden, Erbrick, Sawicki, Stout, and Williams voted "aye." Leon and Burch voted "nay." Six "ayes." Two "nays." Motion carried 6-2.

PERSONNEL ACTIONS

None.

PETITIONS TO COUNCIL

None.

APPOINTMENTS TO BOARDS/COMMITTEES/COMMISSIONS

Planning and Zoning Commission - 1 Vacancy for Alternate Position

Interviews

Jeffrey Slapper – present
Peggy Ann Smith – not present
James Solofra – present
Christopher Tompkins – not present
Bruce Tyson – not present

City Clerk vanDeutekom reviewed the vacancy of the Alternate position for the Planning & Zoning Commission. She mentioned that the Planning & Zoning Commission recommended Jeffrey Slapper at their May 3rd meeting.

Councilmember Leon moved, seconded by Councilmember Erbrick to appoint Jeffrey Slapper as the alternate member of Planning & Zoning Commission.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

Resolution 20-17 (AP 16-0001*) Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES:

A Resolution either approving or reversing the decision of the Board of Zoning Adjustment and Appeals that denied Resolution SE 1-2016, which concerned an amendment to Resolution 9-2000, which granted a special exception for a Rental Establishment, Group III (Automotive) use in a Pedestrian Commercial (C-1) zone; property is located at 2200 Santa Barbara Boulevard.

City Clerk van Deutekom administered the oath.

City Manager Szerlag reviewed the appeal proposal.

Planning Manager Pederson discussed the memo that was in the packet that would approve additional trucks and a mix of trucks. The site plan reflects the placement of the vehicles; staff concurs, this would resolve the appeal.

Public hearing opened.

Jerry Owens reviewed traveling up and down Santa Barbara Boulevard daily and the minor improvements; it does not meet the criteria required. There should be additional wording in the Resolution to ensure compliance.

Charles DeBono stated the approval is based on the smaller trucks with designated parking for each of them. Currently, he is in negotiations for another special exception for additional parking at the clubhouse property south of his property. Once tonight's meeting is over, he will apply for the next step.

Public hearing closed.

Councilmember Burch moved, seconded by Councilmember Leon to approve the reversal of the denial of Resolution 20-17 based on option 2.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 14-17 Set Second and Final Public Hearing Date for June 5, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.5, Schedule of Land Use Classifications, by adding "Sports Academy" to the schedule of Land Use Classifications; amending Section 2.7, District Regulations, by providing that Private Parks shall be allowed as a permitted use in Single-Family Residential (R-1A and R-1B) and Multi-Family (R-3) districts; and providing that Cultural Facilities; Hotels/Motels-Resorts Only; Recreation, Commercial, Group II; and Schools, Commercial (Sports Academy Only) uses shall be allowed as special exception uses in the Single-Family Residential (R-1A and R-1B) and Multi-Family Residential (R-3) districts under certain identified conditions; amending Article XI, Definitions, by revising the definition of "Resort" and adding a definition for "Sports Academy."

P&Z recommendation: At the March 1, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted (7-0) to recommend approval of Ordinance 14-17.

City Management Recommendation: Recommends approval of the requested amendment.

City Clerk vanDeutekom read the title and set the second and final public hearing for June 5, 2017.

Planning Team Coordinator Daltry provided a presentation titled Ordinance 14-17 with the following slides:

- Summary
- Summary (continued)
- Summary (continued)
- Analysis/Purpose

Mr. Daltry explained that the City has been approached in the past to develop facilities such as swim centers and kayak clubs; these have not been successful in part due to the ad-hoc nature of the requests.

Planning Division Staff recommends approval for the following reasons: The request is consistent with the Comprehensive Plan and the need for the City to provide additional flexibility within zoning districts. No correspondence was received pertaining to this Ordinance. At the March 1, 2017 meeting, the Planning and Zoning Commission/Local Planning Agency voted unanimously to recommend approval of this Ordinance.

Public input opened.

No speakers.

Public input closed.

Ordinance 19-17 Set Second and Final Public Hearing date for June 5, 2017

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Article II of the Land Use and Development Regulations to define Vacation Rentals as any residential property or dwelling unit that is rented or leased to guests more than three times in a year for periods less than 30 days, and includes Vacation Rentals as a Permitted Use in certain zoning districts. It also amends Article III to create Section 3.30 which establishes regulations and procedures pertaining to vacation rentals. The ordinance also amends Chapter 11 of the Code of Ordinances to establish business tax requirements for vacation rentals.

Planning & Zoning Recommendation: The Planning & Zoning Commission recommended approval of Ordinance 19-17.

City Management Recommendation: City Management recommends approval.

City Clerk vanDeutekom read the title and set the second and final public hearing for June 5, 2017

Assistant City Manager Ilczyszyn presented a power point titled Short Term Rentals with the following slides:

- Executive Summary
- Short Term Rental Background
- Short Term Rental Public Policy Components
- Short Term Rental Public Policy Components continued

He defined a vacation rental as: Any individually or collectively owned residential property or dwelling unit that is rented or leased to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented or leased to guests for a period of less than thirty (30) days.

- Short Term Rental Public Policy Components continued

Mr. Ilczyszyn reviewed the rental registration requirements: Annual basis (required before 10/1/2017; Fee by Resolution \$123.00; Inspection fee \$100.00; Business tax receipt \$77.00; and requires responsible party to be named with access 7 days a week and vacation rental standards: Life/Safety: pool, sleeping rooms, smoke and CO detection, fire extinguishers; Solid Waste: no sooner than 5 p.m. curbside day before; Posting: quiet hours (11pm-7am), vehicle parking, hospital, garbage day, police non-emergency and emergency #'s; Sex Offenders/Sexual Predators: rental prohibited.

- Short Term Rental Public Policy Components continued
- Questions and Discussion

Public hearing opened.

Suzanne Sherer, MLS Director, Board of Directors Royal Palm Coast Realtor Association, appeared to speak for her organization in opposition of Ordinance 19-17. She discussed the broad requirements and infringement on property rights. She offered to work with staff, Cape residents, and stakeholders to create an acceptable Ordinance for all involved. She also spoke as a citizen noting that she lived in the southeast section of the City and has been a realtor in this community since 1998. She discussed the garbage left outside of a rental in her neighborhood. Vacation rentals do not cause the blight and noise. It is a mechanism to test living in our City.

Meeting recessed at 7:35 p.m. and reconvened at 7:48 p.m.

Gary Eldred, Past President of the New Residents Club, discussed the premium price he receives when he rents out his property as a vacation rental. He pays up to a 20% fee to have the property checked out as a high-level property, and he pays a 11% tourist tax and property taxes for over \$8,000. He was not in favor of the City of Cape Coral managing his property and requested the Council vote against the Ordinance.

Floyd Turner, SW Florida Property Services, assists guests when they arrive for vacation rentals and has only received one call to a law enforcement event in 10 years. He is pleased that the City recognizes short term rentals in positive positions. Many guests have become property owners and contribute to our economy. He supports the safety issues such as smoke detectors and evacuation plans, but is concerned about the paperwork and the regulation burdens. He discussed page 11 item 7 i - of the Ordinance, how is it feasibly possible to meet those requirements. He supports restrictions to the signs in the front of these properties. He was concerned about other things; there is a need to be extremely careful. There should be provisions for training or a resource for others to follow.

Frank Perry discussed experiences with a single-family neighborhood versus a business neighborhood. You have no idea or control who is arriving next door to your home. The standards will not be upheld. It is a business in a neighborhood. You will have a migration of people out of the City that do not want to live that way.

Sean Kelly, All County Medallion Property Management, Lee County, shared his observations. He does not work with short term rentals less than 1 month. Many national and international investors are investing in Cape Coral. Part time residents will buy a home and rent it out to offset costs, they pay 11% tourist tax. He was in favor of enforcing the laws and codes that are already in place. He inquired if additional taxes would be imposed.

Mike Case discussed his experiences with vacation rentals. These rentals help people offset costs and bring in more residents. He reviewed the quick repairs that get done so the property is ready for the next rental as opposed to a snow bird that won't be back for many months. Europeans, Canadians, Germans, and others allow entry to the Country on 6 month visas. By setting restrictions, the City is eliminating the economy boost. He requested that stipulations be looked at to make sure you are working with people instead of keeping people out.

Diane Fessler expressed concern over the proposed Ordinance, this will create numerous unoccupied homes. People will sell and then you will have an overabundance of properties for sale and decrease property values. These owners that do not have a say are paying higher taxes, too. She reviewed section 330.3 of the Ordinance and was concerned about the ability to grant or revoke for arbitrarily making the decision to allow a permit. She reviewed the garbage section; does it apply to all homeowners? Her next concerns were the inspections at reasonable times as the City deems necessary and the duties of the responsible party clause to handle any issues. Section 336 will be willing and able to come within two hours – the designated person, this is excessive. Section 330.10 spot on inspection as deemed necessary.

Dan Peterson expressed his wishes to spend winters in Florida when he retires so he purchased a home in 2013 in preparation. They visit now when they can, but rent it out at other times. He worked with family members and they purchased a second property. If the Ordinance is passed, he will sell the properties and never come back. The risk is too high based on the Ordinance as it is written. He learned today that he has been renting his property for less than 1 month, sometimes less than 1 week. He believes that each tenant brings to businesses at least \$1,000, 30 times a year times all of the vacation units. That is approximately \$100 million. You will have homes for sale and the people willing to buy here will decrease dramatically. He offered to help if the City needed input for a future Ordinance.

Kevin Koch appeared today to speak in reference to the Ordinance. He reviewed the services that directly contribute to the tourism in the City, there are over 3,000 vacation rentals that bring money to our City. Vacation rentals are audited by the County.

Dennis Engst, representing the Florida Vacation Rental Managers' Association, appeared to discuss vacation rentals in Florida.

Public hearing closed.

Councilmember Leon requested that City staff address the following prior to the second public hearing:

- No more hiring of inspectors - how can this be handled with 3,000 homes at 11 inspections a day?
- What does this Ordinance bring that is unique in the State of Florida?
- Are we creating policy in place to create more policy? Trash cans, noise ordinances, these are in place, why are we adding enforcement of what we are already not enforcing?

- Lay out what exactly – inspections, less than a week rental? What is unique on a pamphlet, to make it easy and break it down.

Assistant City Manager Ilczyszyn discussed taking away the redundant issues such as sexual predators, the garbage cans, and quiet hours. It is redundant that we are putting it into this section so that it is all in one location for the public. It is us communicating to this business industry those aspects. Regarding inspections, are we putting something in place that we cannot handle. Staff identified that this can be done with existing resources.

Director Cautioner explained the differences in the Ordinance if it were adopted today regarding those spot inspections. We would be able to use existing staff and perhaps even some staff that are not building inspectors that are certified in the International Property Maintenance Code area which is part of the Ordinance.

Councilmember Burch mentioned that the intent is to protect the people in the neighborhood.

Discussion held in reference to deferring the second hearing.

Councilmember Erbrick expressed concern over the voluntary compliance and the bottleneck; the annual renewal of certificates could be extended, or the inspections every few years based on complaints and the need for a handout to make it easier. She was in favor of taking a couple of months to have this looked at in depth.

Councilmember Stout agreed with Councilmember Erbrick's assessment. She described it as government overreach. Make a shorter Ordinance and include a packet that could be handed out.

Councilmember Carioscia receives calls and complaints about vacation rentals. He described it as a commercial venue in a residential neighborhood. Screen the renters better or pull their registration. He was in favor of the Ordinance. How do we regulate with bad property managers? With no registration, the bad landlords and absentee property managers will have no improvements. He was in favor of the Ordinance, would look over any tweaks made.

Councilmember Leon moved, seconded by Councilmember Williams to defer this to July 24th.

Councilmember Leon amended his motion to set the second public hearing date for July 24th, to be re-advertised accordingly. Second agreed.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 20-17 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 46-16, which adopted the City of Cape Coral Operating Budget, Revenues and Expenditures, and Capital Budget for Fiscal Year 2017, by increasing total Revenues and Expenditures by a total of \$58,387,603.

Finance Director Bateman explained the budget amendment on slide titled FY 2017 Budget Amendment #1.

Public hearing opened.

No speakers.

Public hearing closed.

Councilmember Williams moved, seconded by Councilmember Cosden to approve Ordinance 20-17, as presented.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 21-17 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving the School Bus Lease Agreement between the Cape Coral Charter School Authority and the City of Cape Coral.

Director Bateman explained the purpose of the item as the need was discovered last year in the audit.

Public hearing opened.

No speakers.

Public hearing closed.

Councilmember Stout moved, seconded by Councilmember Leon to approve Ordinance 21-17, as presented.

Councilmember Burch requested confirmation of the liability.

Director Bateman stated there was liability insurance which was taken care of a few years ago.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

Resolution 79-17 Public Input – Moved to Directly after Citizens' Input

INTRODUCTIONS

Ordinance 22-17 (PDP 16-0010*) Set Public Hearing Date for June 5, 2017

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 14-05 which approved a Planned Development Project entitled "Entrada," providing for Planned Development Project approval for property located at the intersection of Del Prado Boulevard North and De Navarra Parkway, granting rezoning of a 10.57 acre tract from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1); granting a special exception for an Automotive Service Station - Limited with Convenience Store use; granting subdivision approval.

HEX Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in the PDP HEX Recommendation Order 2-2017.

City Management Recommendation: City Management recommends approval with conditions

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for June 5, 2017 in Council Chambers.

Planning Manager Pederson stated he was available for questions.

Ordinance 24-17 (PDP 16-0015*) Set Public Hearing Date for June 12, 2017

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Ordinance 15-01 that approved a Planned Development Project entitled "Commercial Subdivision-Block 3612"; approving a replat of Lots 2, 3, 4, and 5, Skyline North, and renaming this area "Shops at Cape Crossing Subdivision"; granting a deviation from LUDR Section 2.7.13, Table 2., that requires a minimum 15-foot side setback for properties that equal or exceed 45,000 in the Corridor District to allow an existing building to have a 10-foot side setback; granting subdivision plan approval; property located at 1111-1141 SW Pine Island Road.

Hearing Examiner Recommendation: Hearing Examiner recommends approval of the project subject to the terms and conditions set for the in PDP HEX Recommendation Order 3-2017.

City Management Recommendation: City Management recommends approval subject to conditions

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for June 12, 2017 in Council Chambers.

Planning Manager Pederson stated he was available for questions.

UNFINISHED BUSINESS

Water Quality

An update was provided in the form of a memo in the back-up.

Legislative Issues – Update

Councilmember Burch requested that Terri Hall address her topic at a later date.

Resolution 81-17 Village Square PDP Extension Request; Department: DCD; Dollar Value: N/A; (Fund: N/A)

City Manager Szerlag discussed events that led to the request for the extension.

Councilmember Leon moved, seconded by Councilmember Erbrick to approve Resolution 81-17, as presented.

Council polled as follows: Carioscia, Cosden, Erbrick, Leon, Sawicki, Stout, Williams, and Burch voted "aye." Eight "ayes." Motion carried 8-0.

NEW BUSINESS

Horizon Council Presentation - Christopher Spiro, Horizon Council Outreach Committee (Advanced by Councilmember Erbrick) –
WITHDRAWN

Regional Planning Council (RPC) Housing Symposium Overview - Housing Coordinator Yearsley (Advanced by Councilmember Burch)
MOVED IMMEDIATELY FOLLOWING ITEM 5

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Carioscia – Topic: No report

Councilmember Cosden – Topic: Attended three Charter School Governing Board Workshops; posting for Superintendent, Oasis High School ranked 47th by the Washington Post of the nation's most challenging high schools; attended Mentor Appreciation Luncheon last week for the interns; field tour of the Reservoir; Lighthouse Awards; excused absence for the COW next week.

Councilmember Erbrick – Topic: No report

Councilmember Leon – Topic: No report

Councilmember Stout – Topics: Prayer Breakfast at Harborside, went to DC last week to visit Dept of Justice for Police grants, met with representatives of Senator Rubio and Congressman Rooney's offices; met with Senator Nelson and his staff; and Volunteer Appreciation Luncheon last Friday; excused for 4/24 COW.

Councilmember Williams – Topics: May 3rd Keynote Speaker for the National Honor Society Induction at Mariner High School; Law Week Awards on May 5th; Youth Council meeting; attended CCCIA dinner meeting; Volunteer Appreciation Luncheon on May 12th.

Councilmember Burch – Topics: Volunteer Appreciation Luncheon; kudos to the Mayor flying flag half-staff to honor the police force 5/15 National Police Officer Week.

Mayor Sawicki – Topics: Volunteer Appreciation Luncheon; Saturday, May 20th at 11:30 a.m. Hands across the Sands at the Cape Coral Yacht Club; special shout out to ITS personnel regarding the viruses for the training provided and the level of professionalism; continuation of the infrastructure. Requested to attend the US Conference of Mayors June 24th – June 26th.

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney – Topic: No report

City Manager – Topic: Brief update from Parks and Recreation Director Pohlman on SunSplash.

Parks and Recreation Director Pohlman discussed the current status, complete plans, permits approved; pouring foundation to finish that for the building on Wednesday. Timeline for completion is expected at 120 days around the middle of August or middle of September. Temporary food service lines are a problem. Ordered 3 new mobile card readers to make quicker payments. Why was an architect hired, this was done by the Project Manager so that someone was responsible and available to understand the new laws rather than just do a design build. This company is currently doing one of our fire stations.

Discussion held in reference to the timeline; the architect, drawings, Tot Spot, reviews on Facebook for SunSplash services; sense of urgency; and failures in the drawings.

Mayor Sawicki mentioned that we are not business friendly with our own permitting for our own internal department.

Director Caution mentioned that we should be especially critical of our own projects; what our plan reviewers caught were at the expense of the people who submitted them.

Councilmember Leon wants food trucks to help alleviate the food topic.

Director Pohlman stated there is very little space to work in and our customers do not want to walk across the park. Food service area is near the sand beach, is tight as they can be as the space is consumed by the construction.

Councilmember Leon questioned if we can use PayPal.

Director Pohlman stated they were working with PCI compliance; three new machines should be ready this weekend.

City Manager Szerlag addressed the need to be diligent for what we are looking at for the health, safety, and welfare of the residents and hire competent architects and engineers.

Mayor Sawicki requested a break out of what we are losing based on this with not selling the food.

Director Pohlman stated business interruption insurance will be applied for in this case with the food service.

TIME AND PLACE OF FUTURE MEETINGS

A Committee of the Whole Meeting was scheduled for Monday, May 22, 2017 at 4:30 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 9:25 p.m.

Submitted by,



for Rebecca van Deutekom, MMC
City Clerk