

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

**August 28, 2017**

**Council Chambers**

**4:30 p.m.**

Meeting called to order by Mayor Pro Tem Williams at 4:31 p.m. Mayor Pro Tem Williams announced that Mayor Sawicki requested to participate via telephone. No objection was received.

Invocation/Moment of Silence

Pledge of Allegiance

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

**CITIZENS INPUT TIME**

Frank Perry addressed the Vacation Rental item that will be heard at the September 11, 2017 Regular meeting. He mentioned the position of the P&Z Commission at their May 3, 2017 meeting where they found that short term rentals of residential properties negatively affect the character of the neighborhoods; he agrees with their position. The business community is in favor of the short-term rentals. He stated that Senate Bill 356 is a driver of this item being brought to Council.

Charlie Myers appeared to address manhole covers that are bleeding sewage into the streets. He discussed the flooding from the last rain storm. He is concerned about the septic systems being submerged without safety precautions for the public.

Councilmember Leon requested the City Manager discuss the Emergency Operations Center (EOC) activation. He commended the City for their reaction and stormwater infrastructure.

City Manager Szerlag acknowledged staff for their efforts and provided an overview of the events that occurred with the Cape Coral August Flood, that received approximately 20 inches of rain since Friday.

Mayor Pro Tem Williams commended staff for their efforts in aiding the public during the flooding event.

Councilmember Burch requested that the Stormwater Management plans continue to be reviewed and commended staff on their collective efforts. He thanked Lance Wissinger for providing the drone services that allowed a view of the flooding event that will aid in future planning. He addressed the input comments regarding the Short-Term Rentals. The end result and intention is to protect the neighbors and homeowners. The stakeholder input is valuable to accomplish this intention. The community was put together 30 years ago that drew residents based on the sense of community, family, and values.

Assistant City Manager Ilczynyn mentioned that there will be a full presentation at the hearing. In Cape Coral, there was a law that states rentals are not allowed for less than one week. Do you want to allow rentals for less than one week? If Council wants to regulate all short-term rentals and pass it, the City would lose the grandfathering issue for less than one week.

Councilmember Stout reviewed the concern with the short-term rentals that are less than one week.

Discussion held in reference to grandfathering status in the term to not allow short term rentals for less than one week and revenues to the homeowners.

## BUSINESS

None.

### ORDINANCES/RESOLUTIONS – PUBLIC HEARING

#### **Resolution 155-17 Fire Protection Service Annual Assessment - Public Hearing**

##### WHAT THE RESOLUTION ACCOMPLISHES:

The Resolution approves the Fiscal Year 2017-18 non-ad valorem assessment roll for Fire Protection Services, facilities, and programs; approves the assessment roll and provides for collection of the assessments; and establishes an administrative petition procedure regarding the number of Tier 2 Equivalent Benefit Units attributed to tax parcels.

City Clerk Van Deutekom read the title of the Resolution.

City Manager Szerlag recommended that the Council adopt the 64% cost recovery rate and continue the Resolution to the September 25, 2017 special meeting when Council will also be deciding the final millage rate.

Financial Services Director Bateman reviewed the reason for the Resolution.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Burch requested clarification of the recommendation for a motion.

***Councilmember Burch moved, seconded by Councilmember Carioscia to approve Resolution 155-17, as presented – adopting the 64% Fire Service Assessment Recovery Fee.***

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

***Councilmember Burch moved, seconded by Councilmember Stout to schedule on the agenda for September 25, 2017, a resolution that would allow the Council to consider reducing the 64% Fire Service Assessment that was just adopted.***

Councilmember Leon stated he was not in favor of the motion since he agrees with the 64% and lowering the millage rate down to the rollback rate.

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

#### **Resolution 156-17 Imposition of Stormwater User Fees for FY 2017-18 - Public Hearing**

##### WHAT THE RESOLUTION ACCOMPLISHES:

The resolution imposes the stormwater user fees for FY 2017-18 to fund the City's stormwater program, establishes the amount of the user fee, authorizes the collection of delinquent stormwater charges, and approves the stormwater user fee roll.

City Clerk Van Deutekom read the title of the Resolution.

Public Works Director Clinghan reviewed the following slides:

- Resolution 156-17; Stormwater Resolution
- Summary - 2018 fee \$111.00
- Recommendation to adopt the \$111.00 a year
- Questions?

Public Hearing opened.

Peter Nicholson reviewed complaints he has lodged SW 16<sup>th</sup> Terrace and 11<sup>th</sup> Avenue and Trafalgar for 21 years and the flooding problems encountered. He reviewed the track record for Public Works not fixing the problem.

Public Hearing closed.

Public Hearing opened for a second time to include an additional statement.

Charlie Myers addressed the continuing stormwater problem in the City. He discussed the lack of stormwater crews. He questioned where is the money going, and where is the oversight to resolve the stormwater issues.

Public Hearing closed.

***Councilmember Cosden moved, seconded by Councilmember Burch to approve Resolution 156-17, as presented.***

Director Clinghan requested the contact information for Mr. Nicholson to be able to review his reoccurring problem. Additional manpower is always needed for the swales.

Councilmember Stout expressed concerns over the jump in pricing.

Director Clinghan stated this was for the catch basins and piping in the North 2 and North 1 UEP and SW 6/7 UEPS.

Discussion held regarding the annual amount being taken in for the \$111.00; the definition of an ERU; the method of collection for the user fee and potential grants for weir upgrades as a result of the Cape Coral August Flood event.

Councilmember Burch provided the history of the stormwater rates.

Councilmember Leon requested staff look into the issue brought up by Mr. Nicholson and provide an update to City Council.

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

**Resolution 157-17 Reimposition of Solid Waste Service Assessments for FY 2017-18 - Public Hearing**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution imposes Solid Waste Service Assessments against assessed residential property in the City for Fiscal Year 2017-2018, sets forth and approves the rate of assessment, and approves the assessment roll.

City Clerk Van Deutekom read the title of the Resolution.

Strategic Business Analyst Maine reviewed the reason for the Resolution and the following slides:

- Summary
- Rate Assessments (chart)
- Any Questions?

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Burch moved, seconded by Councilmember Carioscia to approve Resolution 157-17, as presented with 1.4% increase. (Option 2).***

Discussion held regarding the 1.4% increase option based on inflation of aspects.

Councilmember Erbrick inquired was the motion for the approval for option 1 or option 2.

Councilmember Burch responded that it was to approve the 1.4% increase.

Keith Banasiak, Waste Pro's Regional Vice President of Southwest Florida, discussed that a business providing Waste services has difficulties finding quality employees. The increase would help with the recruitment.

City Manager Szerlag reviewed that the contract reads that the City Council has the sole discretion to determine an increase. The contract is fashioned so that the vendor can approach City Council for the increase.

Discussion held regarding the increases.

City Attorney Menendez stated the resolution incorporates option 2. The motion on the floor brings the 1.4% increase.

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

**Resolution 158-17 Establish Solid Waste Collection Rates for Commercial Establishment and Large Scale Multi-Family Dwellings for FY 2017-18 - Public Hearing**

WHAT THE RESOLUTION ACCOMPLISHES:

The resolution establishes the solid waste collection rates for commercial establishments and large scale multi-family dwellings for fiscal year 2017-2018 for the City's mandatory refuse collection.

City Clerk Van Deutekom read the title of the Resolution.

Strategic Business Analyst Maine reviewed the reason for the Resolution and presented the following slides:

- Resolution 158-17; Commercial Solid Waste Rates Summary
- Any Questions?

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Stout moved, seconded by Councilmember Leon to approve Resolution 158-17, as presented.***

Discussion held regarding billing the commercial rates.

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

**Resolution 159-17 Impose Lot Mowing Assessments for FY 2017-18 - Public Hearing**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution establishes the maximum amount of the annual Lot Mowing assessment for equivalent lot units utilizing lot mowing services, imposes assessments against properties within four lot mowing districts, approves the assessment roll for FY 2017-18, and provides for the collection of the assessments.

City Clerk Van Deutekom read the title of the Resolution.

Strategic Business Analyst Maine reviewed the reason for the Resolution and provided the following slides:

- Summary
- Rate Assessment chart
- Any Questions?

Public Hearing opened.

Gary Eidson questioned the maintenance of the lots and the height of the weeds in his neighborhood. He requested clarification of the program.

Public Hearing closed.

Director Clinghan responded that the program is optional. The neighborhoods can be reviewed and placed back in the program.

Discussion held regarding the maintenance and process of the owl trimming areas.

Councilmember Leon requested that staff speak with the resident to confirm the neighborhood

***Councilmember Leon moved, seconded by Councilmember Burch to approve Resolution 159-17, as presented.***

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

**Resolution 160-17 Annual Assessment Rolls - Public Hearing**

**WHAT THE RESOLUTION ACCOMPLISHES:**

The resolution approves assessment rolls for various assessment areas established pursuant to Chapter 17, Article III of the Code and Ordinance 29-05, describes the lien associated therewith, and directs that the assessment rolls be certified to the Lee County Tax Collector.

City Clerk Van Deutekom read the title of the Resolution.

Financial Services Director Bateman reviewed the reason for the Resolution and discussed the following slides:

- Annual Assessment Resolutions - various
- Timeline

Public Hearing opened.

No speakers.

Public Hearing closed.

***Councilmember Cosden moved, seconded by Councilmember Leon to approve Resolution 160-17, as presented.***

Discussion held regarding the annual assessment program and their purposes.

Councilmember Burch requested a comparison in the future for assessments in other cities.

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

Councilmember Cosden requested to call in for the September 7, 2017 budget hearing.

Discussion held in reference to the South Cape Advisory Board meeting scheduled on Tuesday, August 29, 2017.

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

A special meeting of the Cape Coral City Council was scheduled for Thursday, September 7, 2017 at 5:05 p.m. in Council Chambers.

A special meeting of the Cape Coral City Council was scheduled for Monday, September 11, 2017 at 3:00 p.m. in Council Chambers.

A regular meeting of the Cape Coral City Council was scheduled for Monday, September 11, 2017 at 4:30 p.m. in Council Chambers.

#### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 5:50 p.m.

Submitted by,



Rebecca van Deutekom, MMC  
City Clerk