

**MINUTES FOR THE COMMITTEE OF THE WHOLE
OF THE CAPE CORAL CITY COUNCIL**

Wednesday, February 10, 2021

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

Pledge of Allegiance

Roll Call: Mayor Gunter, Councilmembers Cosden, Hayden, Nelson, Sheppard, Welsh and Williams were present.

BUSINESS

CITIZENS INPUT TIME

Ron Austin appeared to discuss the new development in Cape Harbour due to concerns with the Marina's changes and restriction of Cape Harbour Residents from accessing the boardwalk established by the previous developer for the residential, commercial, and public use. He discussed the limited parking accessibility. He provided the City Clerk a document he prepared to be distributed among the Council. He requested that this project be reviewed today, not what was allowed 20 years ago.

Tom Shadrach appeared to voice his comments and concerns with the items on today's agenda regarding the D&D Marina Update, Cape Coral Mooring Field at Bimini Basin, Upland Canal Right-of-Ways, and Golf Carts on Residential Streets.

Tom Gale appeared to discuss renewable natural gas. He provided data and calculations on the benefits and listed various States and Cities utilizing this method of reusable gas. He distributed documentation to be shared with the Council.

Councilmember Sheppard thanked the speakers for providing the information. He requested that City Manager and/or Staff respond to the first Resident's concerns regarding Cape Harbour.

City Manager Hernandez stated that the projects have been moving forward with the approved development orders and was not sure if those issued development orders could be amended or revoked. He was open to schedule a workshop to review any available options.

Councilmember Sheppard stated that he would not want to hurt the development and opined that the parties could talk to build a bridge between the Citizens and developer.

Councilmember Hayden suggested that a discussion may need to take place to understand the parking issues. He inquired if it was typical to follow the guidelines set on a PDP from 20 years ago. Was this a rare situation?

Councilmember Cosden left the dais at 4:48 p.m.

City Manager Hernandez stated that he would be open to scheduling a workshop to discuss this topic further and provide Staff the opportunity to research information.

Councilmember Nelson thanked the speakers for providing the information. She stated it has been her experience that developers have always worked with concerns from the neighborhoods.

Councilmember Cosden returned to dais at 4:50 p.m.

City Manager Hernandez stated that he was open to facilitating a workshop meeting with the developers and the neighborhoods to discuss the concerns. Each Councilmember has the authority to organize a meeting between the developer and the neighborhood. He offered to facilitate that meeting to have appropriate Staff present. He suggested a good first step would be to work with the District Councilmember to host that meeting between those two groups and Staff, if Council so desires.

Councilmember Nelson agreed it was a good idea.

Mayor Gunter also agreed it was a good idea. He requested an outline of legal responsibilities and options pertaining to this project from the City Attorney.

Councilmember Hayden stated that he has received concerns from Citizens about the development and would like the opportunity to discuss these issues. He acknowledged the fact that the developers are willing to meet to provide information on the project.

Councilmember Welsh stated that he would suggest speaking to the developer first before having Staff involved in discussions.

Councilmember Sheppard stated that his intention was to promote development and not to create an obstacle or a liability for the City or the Residents.

DISCUSSION

Economic Activity Report Q1 FY2021 **Presented by Economic Development**

City Manager Hernandez stated this presentation would be an overview of how Cape Coral's economy fared at the end of the 2020 calendar, first quarter of our fiscal year 2021.

EDO Manager Noguera discussed the following slides:

- Economic Activity Report Quarter 1 – Fiscal Year 2021
- Report Overview

- Key Economic Indicators (explained at a prior meeting)

DCD Director Caetero discussed the following slides:

- Construction Value of All Permits Issued Q1
- Residential Permits Issued Q1
- Non-Residential Permits Issued Q1

City Manager Hernandez noted that while it was good news that we had over \$200M worth of construction value in the pipeline, he was concerned about the need to boost non-residential development in the City.

EDO Manager Noguera continued with the following slides:

- Key Projects Under Construction
- Economic Development Growth Trends in the Cape
- Bayfront Medical
- Encompass Rehab Hospital
- Cape Coral Commons
- Skyline Retail Center
- Island Pearl Mixed Use
- Victory Park Mixed Use
- Crunch Fitness
- Joe V's Farmers Market
- Tractor Supply
- Cabinet Genies
- Fairfield Marriott Hotel
- Kids World Preschool
- The Apartments at the Isles of Porto Vista
- Madison Square
- Aspire Apartments
- Oasis at Surfside
- Civitas Apartments
- Springs at Cape Coral
- Pine Island Park
- Warehouse/Flex
- East Cape Industrial Flex Warehouse
- ABC Supply
- Cape Coral Body Shop
- Enterprise Car Rental and Sales
- Business Attraction, Retention, and Expansion
- Business Contacts Q1, Economic Development Marketing Activities Q1
- Trends
- Goals
- Summary/Wrap-up Q1
- Questions and Discussion

Councilmember Welsh inquired about the warehouse flex space on NE 2nd Avenue and was in agreement with the appeal of the design. He was concerned with the single-family permits and duplex permits. He inquired why duplexes were not included in multi-family.

Director Caution responded that it could be and discussed the construction differences between the two structures. He explained the industry terminology and overlapping within the Districts. He stated that Staff could analyze if any changes would be needed.

Discussion held regarding:

- Duplexes construction throughout the City vs. Townhouses
- Other structures
- Future multi-family homes

Director Caution stated that there was a bill being presented prohibiting local governments from adopting design standards for single family and duplex units. He stated that Council will be kept up to date on the bill status and progression.

Councilmember Welsh stated that he was not in favor of duplex structures being built the same as it was in 1990 as it was not moving the City forward. He requested more information before bringing it back to Council to research this topic further.

City Manager Hernandez suggested Staff schedule a one-on-one meeting with Councilmember Welsh to provide more information.

Mayor Gunter agreed with Councilmember Welsh regarding the duplex buildout in the City. He suggested to analyze the design and location where structures are being built. He was concerned with the look of the City and stated that he has received several emails on the multi-family structures, and they are being well maintained. He wants to look at where the duplexes are located in the City to make sure that is the look that we want in our City on those particular roadways.

D&D Marina Update **Presented by Public Works**

City Manager Hernandez stated this was a follow up to discussions on development opportunities at this location.

Senior Public Works Manager Ilcyszyn explained that when we engaged with D&D Marina, Council was considering whether or not to move forward with this being a boat ramp with or without a restaurant and activate the water for sightseeing, bird watching, and fishing. He stated that before there is a design, Staff was directed to come back to Council with two concepts, one that showed this operating and functioning with the restaurant and one as a boat ramp with the balance being a park.

Joe Webb, AECOM, discussed the following slides:

- D&D Boat Ramp Conceptual Site Plan Options – February 10, 2021
- Program Elements – Concept Plan 1 – Restaurant = \$12.7M+
- Program Elements – Concept Plan 2 – Bait Shop = \$7.1M+
- Program Elements – Concept Plan 3 – Boat Ramp = \$4.7M+
- Estimated Conceptual Construction Cost
- Next Steps
- 1. Advance presentation to the Waterway Advisory Board for review and input
- 2. Complete 100% design on selected concept for permitting

Mayor Gunter asked if the \$12.7M included the construction cost of the Restaurant.

Mr. Webb responded in the affirmative and displayed the cost breakdown:

- Restaurant \$5.4M
- Bait shop \$2.2M
- Site \$5.1M

Mayor Gunter stated based on those figures if we take the \$5.4M restaurant equation out, the total would be \$7.3M. He noted that a P3 could be considered for the bait shop. He questioned if the monthly lease from D&D was \$3,500.

Manager Ilcyszyn stated he did not have the information with him but would provide it. The bait shop has retail sales as well as restroom facilities for the park.

Councilmember Williams inquired about where the cars would park due to the limited site structure and space. He was concerned about traffic congestion with the restaurant option. He was not in agreement of the restaurant concept

Manager Ilcyszyn stated that there were two options, with or without the restaurant. He explained the design concept of both options, specific to the parking capacity and scenic areas. He noted Staff was in discussions with Lee County on maximizing the use of that right-of-way and was hopeful that their intent is not to continue perpendicular parking in the right-of-way behind the sidewalk.

Councilmember Williams noted that Miceli's Restaurant had an agreement to use that right-of-way for their employee parking.

Mayor Gunter stated that he spoke with Commissioner Ruane, and he would support some type of interlocal agreement in order for the City to be able to utilize that space to enlarge that parking lot. The sidewalk master plan would need to be researched. He noted that they had discussed traffic safety issues with parking along the right-of-way and guardrail suggestions.

Councilmember Nelson stated that the County collaboration on this project would be beneficial. She inquired about the grant funds available to help with the project.

Manager Ilczyszyn responded that there was a \$67,500 grant from the Florida Boating Improvement Program (FBIP) toward the design of the project.

Councilmember Nelson inquired if there would be reimbursement on the TDC grant from Lee County's Tourism and Development.

Manager Ilczyszyn stated he was unsure since that has not been discussed. He added that they were looking at some TDC grants as part of the overall GO Bond, and they learned that TDC was tight due to tourism impact from COVID-19. He noted they would be applying for all eligible grants.

Councilmember Nelson suggested looking at matching grants as part of a tourism development opportunity. She noted that the return on investment could be seven years based upon the numbers on the return of investment from the Boat House at the Yacht Club. If there is an interlocal agreement with Lee County, she would fully support doing the restaurant concept similar to the Boat House. It would be a good revenue generator for the City partnering with Lee County and obtaining some funding from tourism dollars. She would fully support the collaboration with Lee County and \$12M project.

Manager Ilczyszyn stated one of the key drivers for this site remaining a boat ramp is that the Lee County Manatee Protection Plan limits the amount of boat access on waterfront parcels to the linear foot. He noted that this site was grandfathered with 105 boat slips. An analysis was done, and it would take over \$13M of land that would need to be purchased to get the equivalent amount of slips.

Discussion held regarding Mike Campbell who works for the Lee County Division of Natural Resources who oversees the County's WCIND funds.

Mayor Gunter asked if any eligible grants were being pursued at this point.

Manager Ilczyszyn stated there had been a construction grant in the amount of \$228,000 to improve the existing boat ramp on the west, but those funds were returned to WCIND since it was not in the City's best interest to spend it due to designing something different and safer in the future; resubmission in the future with the possibility of reinstating those grant funds. He explained that there were three parks in the design phase that are being submitted for grant funds from three different sources.

Mayor Gunter stated that an interlocal agreement was a suggestion to move forward for additional parking with the restaurant option. He suggested bidding for a P3 for the \$5.4M cost with a developer; the City could take care of the rest. He inquired about the funding mechanism, such as a fueling dock for money allocations.

Councilmember Sheppard provided background history of the Matlacha Residents' concerns. He agreed with the restaurant option. He discussed the Matlacha historical and destination site, parking issues, and future plans to mitigate the traffic. He stated that

the project would be an asset to our neighbors. He was interested in having an investor to help with the restaurant costs. He wanted to make sure that the environment would be protected.

Councilmember Welsh inquired about the bait shop and boat ramps location on the concept plan.

Manager Ilczyszyn responded that the boat ramps would be relocated next to the bait shop as indicated on the concept plan.

Councilmember Welsh stated that he was in favor of the P3. He opined that D&D Bait shop has not renovated the property. He opined that the restaurant concept plan was favorable. He suggested that charging for parking could assist with the funding and be a revenue source. He stated that Concept Option 3 was not acceptable. He agreed with Option 2 as long as the parking was available and then Option 1.

Councilmember Cosden agreed with presenting this to the Waterway Advisory Board and receiving their input. She agreed with the boat ramp change. She inquired about the environmental impact in converting the site into a restaurant.

Manager Ilczyszyn stated that there were more pepper bush and Australian Pines than mangroves. He stated that there was an environmental assessment on the property as well as an underwater marine resource survey.

Councilmember Cosden inquired about the feasibility of a fuel pump on the site.

Manager Ilczyszyn explained that the nearest fuel dock was five miles away in Bokeelia and with having the entire northwest traffic in and out of this area, you would capture all that traffic for ethanol free fuel. He explained the above ground fuel pump options and feasibility on the site.

Councilmember Cosden stated she would support P3 with developer support. She agreed with starting with Option 2 and then move into Option 1. She inquired about the traffic solutions in the area.

Manager Ilczyszyn explained that the concept was to change the use of the site with space for parking 20 cars.

Councilmember Cosden inquired if the City was going to have a Town Hall meeting with Matlacha.

Manager Ilczyszyn stated that this would be in the steps of moving forward.

Councilmember Williams liked the idea of getting together with the people in Matlacha. He stated he was not against the improvement of the site. He was concerned with the restaurant construction.

Manager Ilczyszyn provided detailed information on the construction of the restaurant area.

Councilmember Williams voiced his concern about the impacts on fish nurseries.

Councilmember Hayden inquired about the current boat trailer parking spaces.

Manager Ilczyszyn provided information about the six different parcels which had a total of 105 boat slips. He questioned the revenue stream at the sacrifice of the amount of boats that could use the park.

Councilmember Hayden opined that this concept for a restaurant would not work. He was concerned with the natural tidal flow and the canal's depth.

Manager Ilczyszyn discussed there were surveys to determine depth and believed there was ample depth currently to launch and recover vessels.

Councilmember Hayden asked if there were other options than moving dirt to the restaurant site.

Manager Ilczyszyn stated infill can always be brought in at an additional cost.

Councilmember Sheppard agreed with the design concept. He suggested pervious parking and any other enhancements to protect the environment.

Mr. Webb stated that AECOM standards are environmentally responsible, and this would be a key place for this signature project.

Councilmember Williams agreed with environmental safety. He stated that D&D Bait Shop could not make improvements as the City was responsible for maintaining the property.

Manager Ilczyszyn explained this was an operating ground lease and not a triple net lease that includes insurance or maintenance on the property. The lease allows them to collect the parking fees. He stated that the Bait Shop has contributed to some minor maintenance on the property such as cutting trees.

Mayor Gunter discussed the concerns with having a properly structured lease in place before spending tax dollars.

Councilmember Welsh requested to be educated about pervious parking and cost structure. He was interested in getting input from the Waterway Advisory Board about the removal of the small island.

Mayor Gunter summarized with determining if the track of land could be utilized. He stated once there is a better understanding, then Council would be comfortable with making a decision. He stated that would need to be addressed first with the County. He recollected that in the past Council had already given Staff direction on this project. He hesitated to give this project to the Waterway Advisory Board (WAB) since it would only extend this project further. He would be okay with the WAB looking at this parallel to the County's conversations, but he would prefer the testimony of experts and not the WAB.

Councilmember Williams left the dais at 6:44 p.m.

Councilmember Sheppard agreed about the WAB and opined that it would not be their position to go forward or not.

City Manager Hernandez stated that the Council's preference was for Concept Option 1 including a restaurant in the first phase or subsequent phrase, environmentally friendly design, wrap-up issue with the north area and Lee County, resolve issue with where restaurant is to be placed, bring in dirt or dredge, and present to the Waterway Advisory Board Council's preference and only informational.

Councilmember Williams returned to the dais at 6:48 p.m.

City Manager Hernandez requested the flexibility to bid out for P3 for restaurant and fuel pump or both or any other variance.

Discussion of Phase II of the Cape Coral Mooring Field at Bimini Basin
Presented by Community Development

Planning Team Coordinator Daltry explained the following slides:

- Bimini Basin Mooring Field Project Update
- Background
- Pre-application Meetings – FDEP
- Pre-application Meetings – USACE
- Other Agencies
- Benthic Survey
- Public Engagement
- Next Steps
- Configuration Options 1, 2, and 3 (3 slides)
- Other Design Considerations
- Design, Permitting, and Construction Phase
- Conclusion
- Recommendation – Request Waterway Advisory Board review and provide recommendation to City Manager and City Council
- Project Website – <https://www.capecoralmooringfield.com/>
- Questions?

Mayor Gunter provided historic information on the project start time of 2018. He inquired about the previous Council's direction to Staff.

Planning Team Coordinator Daltry recalled that after the Ordinance was adopted, the item was placed on the back burner since other projects had taken priority.

Mayor Gunter provided his follow-up efforts on the project. He inquired about the cost of the study completed in 2020.

Planning Team Coordinator Daltry stated the overall contract in 2020 was approximately \$45,000. The Benthic Survey was one third of that cost.

Mayor Gunter asked when the survey was completed.

Planning Team Coordinator Daltry stated it was completed eight months ago and would be able to use part of it.

Mayor Gunter explained his concern with this topic. An Ordinance was passed in 2018 and directed City Management to move forward on it. In 2019 it was put on the shelf. He recollected that about ten mooring fields were to be utilized and directed Staff to move forward. He wanted to make sure that this project is moving forward. He noted the newly appointed Waterway Advisory Board should be working on future projects. What are the minimum requirements needed for the mooring field and dinghy dock? Are we going to have a portable pump out station or a land-based pump out station? Do the restrooms meet the minimum standards for the mooring field? Sidewalks, security lighting, and permanent portable facilities were discussed in the past to control the boaters' access on Bimini Basin. He opined that we have to establish what we have to do, see what the cost will be, develop a budget, and if want to add to it, do so in the future to meet the minimum standards. He expressed his desire that this move along within the 18-24 months' process.

Councilmember Welsh inquired about the size or quantity of the boats going down to ten.

Planning Team Coordinator Daltry stated that there was a desire to reduce the number of mooring balls from the 18 and 15 that were provided in Options 1 and 2.

Councilmember Welsh was concerned with 10 not being enough and 18 might be better for return on investment. He asked what the typical rent was on a mooring station.

Matthew Star, Principal Engineer, Stantec Consulting Services, Inc., stated that the typical mooring field fee was \$25 per day, based on an analysis of the adjacent mooring fields in Southwest Florida, East Coast of Florida, and the Florida Keys.

Planning Team Coordinator Daltry stated that the focus was on quality of life and safety.

Councilmember Welsh agreed with the dinghy dock, restroom area with access code, 10 too little; 15 was acceptable. He inquired what would happen with the Mooring Field if there was development at Four Freedoms Park or Bimini Basin.

Planning Manager Pederson stated that there were 31 slips at Four Freedoms Park, and some of the slips were being allocated for the Mooring Field.

Councilmember Welsh agreed with having security and a private restroom facility for people mooring their boats.

Councilmember Welsh left the dais at 7:20 p.m.

Councilmember Hayden inquired about the public input attendance at the August 11th meeting.

Planning Team Coordinator Daltry stated it was not as widely attended as Staff would have wished, maybe 12 to 15 attendees.

Councilmember Hayden asked if the Army Corps of Engineers was turning over a lot of their permitting to the DEP. Would it take longer if DEP is handling more of it?

Mr. Star stated the Army Corps and DEP will still have jurisdiction over this. Typically, when one agency makes a decision, the other agency follows to streamline the permitting process. Four to six months is the usual timeline for nationwide permits.

Councilmember Hayden inquired if there was a time limit on how long the boats could stay in the moorings.

Mr. Star explained the 5 1 5 1 rule where a boat could come in for five days, leave for one day, and come back for a maximum of five days, modeled from an Ordinance from Naples.

Councilmember Hayden questioned the requirements for the pump out station.

Mr. Star stated some of the larger mooring fields have pump out vessels going from boat to boat. He noted the recommendation for this smaller mooring field may be putting the pump out station on the dinghy dock.

Councilmember Hayden suggested to do what is required now and not going beyond. He liked the 10-mooring option.

Councilmember Sheppard suggested to enhance the idea to make it a destination for a return on investment. He inquired if the mooring balls were permanent.

Councilmember Welsh returned to the dais at 7:25 p.m.

Mr. Star explained the mooring balls would be anchored with a helical type anchoring system; they will be permanent with maintenance.

Councilmember Sheppard suggested anchoring the balls with artificial reefs. He also suggested a floating 25x25 Tiki Hut anchored down by an artificial reef with underwater lighting.

Councilmember Cosden suggested to move quickly, not to bring it to the WAB, agreed with Option 2 regarding number of vessels, and a separate bathroom would be 100% necessary.

Councilmember Nelson suggested to move the project forward, do the bare minimum of what is required, mobile pump out station, P3 to generate and offset costs, bathroom can be done by a development coming in, and get what the State requires to be done. She preferred Option 2.

Councilmember Williams preferred Option 3.

Planning Team Coordinator Daltry discussed the concerns about safe access. He noted that there could be some restrictions placed on size of some sailboats.

Mayor Gunter preferred Option 3 and start with 10 mooring fields, minimum standards to move forward. Go with a self-serving pump out station anchored on the dock. He summarized that Councilmembers Nelson, Welsh, and Cosden wanted the 18 mooring fields. He believed that Councilmembers Hayden and Williams were for 10.

Councilmember Sheppard agreed with 15 mooring fields.

City Manager Hernandez stated that the delay in this project was as a result of negotiations with a potential developer, and Staff was redirected from this project which never materialized. This was an unfunded project, and there was no money in the budget for the permitting, final design, and construction. This would be brought back to Council. The ongoing O&M costs were not built into the FY22 budget projections and beyond. He understood that there was some interest in exploring a P3 and requested the flexibility to do so. This could be presented to the WAB as informational only, not for a recommendation to Council.

City Manager Hernandez announced that he would reschedule the discussion on Bridge Triangles.

Upland Canal Right-of-Ways Discussion (aka Bridge Triangles)
Presented by Public Works
(City Manager Hernandez to reschedule)

Recessed at 7:36 p.m. and reconvened at 7:46 p.m.

Golf Carts on Residential Streets
Presented by Public Works

City Manager Hernandez stated this item was being presented in response to a Petition to Council request about two months ago. Council had directed Staff to put together a presentation on how to proceed with this issue from a City-wide perspective. The request that was from Council at that meeting was from a specific neighborhood that was seeking under the City's current Ordinance to be allowed to have golf carts on the street in that particular neighborhood. The desire from Council at that time was not to address it on a neighborhood by neighborhood basis.

Traffic Engineer Corbett explained the following:

- Golf Carts on Residential Streets
- Background
- Golf Carts on Residential Streets – Existing and Requested
- Existing Golf Cart Designated Neighborhood
- Requested Golf Cart Designated Neighborhood
- Golf Cart on Residential Streets (Cont.)
- Golf Carts vs. Low-Speed Vehicles
- Picture of Golf Cart
- Picture of Low-Speed Vehicle
- Golf Carts vs. Low-Speed Vehicles (cont.)
- Golf Carts – Multi-Modal Shared Use Path
- Golf Carts – Multi-Modal Shared Use Path (cont.) 4-Lane Existing Roadway
- Golf Carts – Multi-Modal Shared Use Path (cont.) 4-Lane Conversion to 2-Lane Roadway
- Golf Carts – Multi-Modal Shared Use Path (cont.)
- Public Feedback (4 slides)
- Options
- Questions

Mayor Gunter asked about the gentleman that requested this from Saratoga Lakes.

Traffic Engineer Corbett stated based upon CCPD information, that gentleman had passed away.

Mayor Gunter inquired about the recommendation from the Interim Chief of Police.

Interim Chief of Police Sizemore concurred with the recommendation by Staff. He stated there was a Statute in place that has safety components such as insurance, licensed operators, safe equipment on vehicles, and low speed streets. He discussed an ease of CCPD's enforceability to have a consistent, uniform, and streamlined statutory guideline as opposed to a hodgepodge of areas.

Councilmember Sheppard stated he was in favor for allowing golf carts on every neighborhood street but not on a parkway. He did some research on the price range of golf carts. He agreed with having regulations on high traffic streets. He suggested to create an Ordinance to allow the golf carts.

Councilmember Nelson inquired about what Fort Myers does.

Interim Chief of Police Sizemore stated that golf carts are allowed on streets within a certain area of the Fort Myers Country Club. Low speed vehicles are allowed as per the Statute on any roadway that is less than 35 mph.

Councilmember Nelson stated that enforceability would be challenging. She questioned if the Saratoga complex which was currently approved for golf cart use was a gated community.

Interim Chief of Police Sizemore stated it was not a gated community. He explained the reason why the Resident (who is deceased now) had petitioned for golf cart use. He mentioned there were teenagers operating golf carts in that neighborhood who are taking advantage of the current Ordinance.

Councilmember Nelson asked if there would be a large percentage of that neighborhood who would need to be grandfathered. She agreed with keeping it fair and consistent and creating an Ordinance that follows the Florida Statute using the low speed vehicles with safety equipment.

Interim Chief of Police Sizemore stated it was not a large percentage of operators for grandfathering.

Councilmember Nelson did not have an issue with grandfathering current operators in that area or create a whole new Ordinance following the Florida Statute.

Mayor Gunter stated that using low speed vehicles in the City was the best approach. He opined that the City was not designed for golf carts' usage. He was in favor of following the Florida Statute which allows a low-speed vehicle with safety equipment as well as having a licensed driver. He agreed with having uniformity throughout the City.

Councilmember Hayden stated that Florida leads the nation with the highest level of bicyclist fatalities. He inquired about golf carts' usage in gated communities.

Traffic Engineer Corbett stated that each gated community has their own governing documents, considered private property, and roads within the community are not public roadways.

Councilmember Hayden preferred to follow the Florida Statute.

City Attorney Menendez clarified that there was a current Ordinance that complies with State Statute which allows upon a Residents' petition to designate an area for use by a golf cart. She explained that the only time grandfathering in the Saratoga community would be needed is if Council wanted to repeal the current Ordinance. She did not hear much support for an Ordinance that would predesignate areas in the City that Council would predetermine to be safe. She questioned if Council wanted to repeal the current Ordinance.

Mayor Gunter opined that he would support repealing the current Ordinance and establish an Ordinance City-wide that would mirror the Florida Statute.

City Attorney Menendez explained there was no Ordinance to mirror the State Statute which states that the low speed vehicles are fine.

Mayor Gunter inquired if action was needed from Council to repeal the existing petition.

City Attorney Menendez stated the existing process is authorized by Statute but is optional. Council adopted it a number of years ago which established the one designated area. If Council does not want to designate any more areas and want to relieve that, then it would be a perspective repeal of that process.

Councilmember Welsh stated there was a fatal golf cart crash in North Fort Myers on the same night Council had discussed this petition on December 14th. (A slide was displayed of this incident.) He wished to follow the State's rule of low speed vehicles. He explained that it would be a problem to allow golf carts that are not licensed, non-insured, and not regulated by the State Statute on City's roadways. He opined it would be a liability to the City.

Discussion held regarding the cost of converting a golf cart to a low speed vehicle, about \$1,500 to \$2,500.

Councilmember Welsh stated he would not support an Ordinance to allow golf carts on the City's roadways. His position: no golf carts, low speed vehicles, repeal the current Ordinance so that anyone in the Lake Saratoga area would have to invest in keeping their golf carts up to safety standards required by the State. He would not consider grandfathering.

Councilmember Sheppard agreed.

Councilmember Cosden agreed too.

Councilmember Williams stated he would like to leave everything the way it is. There have been no safety issues or accidents and no real cause to make any changes.

Mayor Gunter stated the direction he heard is that Council has a desire to repeal the petition that was approved.

Consensus agreed, without objection, to repeal the existing Ordinance and follow Florida Statute.

Traffic Engineer Corbett clarified the consensus: To repeal the existing Ordinance and to bring forth a Resolution to repeal that. He deferred to the City Attorney that no further Ordinance is needed in order to follow the existing State Statute related to low speed vehicles.

Mayor Gunter questioned if future petitions would be eliminated.

Traffic Engineer Corbett stated no petition would be required.

City Attorney Menendez noted that Councilmember Welsh indicated that he would be willing to bring forth an Ordinance that would repeal our current Ordinance. Further research would be needed to make sure about the non-grandfathering of Saratoga. She asked Councilmember Welsh if he was interested in bringing forward an Ordinance that would repeal our current Ordinance which effectuates the State Statute which allows Cities to designate certain areas as appropriate for golf cart usage and if possible to include that Saratoga would be repealed as well.

Councilmember Welsh stated he would like to repeal the Ordinance and create a new Ordinance to eliminate the current zoning that is in there.

City Attorney Menendez asked Councilmember Welsh if it was still his intention to bring forward repealing that Ordinance even if we cannot repeal Saratoga.

Councilmember Welsh agreed.

Councilmember Nelson provided the second.

Councilmember Williams inquired if State Statute overrides the City Ordinance.

City Attorney Menendez clarified that State Statute pertaining to low-speed vehicles overrides City Ordinance. The current Ordinance under which Saratoga obtained permission to use golf carts is authorized by the State, and it was adopted pursuant to that authorization from the State.

ROUNDTABLE DISCUSSION

None.

TIME AND PLACE OF FUTURE MEETINGS

A Regular Meeting of the Cape Coral City Council was scheduled for Wednesday, February 17, 2021, at 4:30 p.m. in Council Chambers.

City Manager Hernandez inquired if the Joint Council meeting with the Budget Review Committee on February 24, 2021 could be moved to 3:00 p.m. in the Public Works Green Room Conference A200.

Consensus agreed, with no objections.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 8:24 p.m.

Submitted by,



Kimberly Bruns, CMC
City Clerk