

CITY OF SANIBEL

PROCLAMATION NO. 20-029

AN EMERGENCY PROCLAMATION OF THE MAYOR OF THE CITY OF SANIBEL EXTENDING THE DECLARED STATE OF LOCAL EMERGENCY RESULTING FROM THE OUTBREAK OF THE CORONAVIRUS DISEASE (COVID-19); LIFTING CERTAIN TEMPORARY PUBLIC PARKING RESTRICTIONS; MODIFYING CERTAIN TEMPORARY RESTRICTIONS ON BEACH FURNITURE AND POOL FURNITURE; ADDING A MOTEL TO LIST OF PUBLIC LODGING ESTABLISHMENTS SUBJECT TO TEMPORARY RESTRICTIONS ON ACCOMMODATION RENTALS AS HOTELS, MOTELS, AND TIMESHARES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 252.38(3)(a)(5), Florida Statutes, provides authority to a political subdivision of the State of Florida to declare a State of Local Emergency for a period of seven (7) days in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida; and

WHEREAS, on March 18, 2020, the City Council of the City of Sanibel passed Proclamation and Resolution Number 20-011, declaring a State of Local Emergency for the City of Sanibel for a period of seven (7) days, resulting from the outbreak of COVID-19; and

WHEREAS, on March 25, 2020, the City Council of the City of Sanibel passed Proclamation and Resolution No. 20-014, extending for seven (7) days the State of Local Emergency and ratifying the Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on March 31, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-017, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 7, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-019, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 14, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-020, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 21, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-021, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 28, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-022, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 29, 2020, after finding national and state efforts to limit the spread of COVID-19 to have been successful in “flattening the curve” of new cases of COVID-19 and deaths resulting therefrom, the Governor of the State of Florida issued Executive Order Number 20-112 (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery), which outlines a path to safely and strategically reopen Florida; and

WHEREAS, on April 29, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-023, supporting and adopting Governor DeSantis’ Executive Order 20-112; and

WHEREAS, on May 5, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-026, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on May 12, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-027, extending for seven (7) days the State of Local Emergency; and

WHEREAS, on May 13, 2020, the day after the City Council met for a special set public meeting to discuss COVID-19, including consideration of temporary restrictions and prohibitions related to the declared State of Local Emergency, the Mayor issued Proclamation No. 20-028 in accordance therewith, which, among other things, allowed the then-existing public lodging establishment-related restrictions to expire and replaced loosened temporary restrictions on such public lodging establishments, consistent with the Governor’s Phase 1 Plan; and

WHEREAS, because national, state, and local efforts to limit the spread of COVID-19 have had success in “flattening the curve” of new cases of COVID-19 and deaths resulting therefrom, and consistent with Sanibel being in Phase 1 of Governor DeSantis’ reopen plan, additional changes are warranted for termination or modification of certain City-imposed emergency-related prohibitions and restrictions, while recognizing still-existent dangers provide a reasonable basis for the establishment or extension of certain other City-imposed emergency-related prohibitions and restrictions; and

WHEREAS, lifting of certain temporary public parking restrictions and modifications of certain temporary restrictions on beach furniture and pool furniture are necessary to facilitate increased activity by the public; and

WHEREAS, on May 18, 2020, subsequent to the issuance of Proclamation No. 20-028, RLR Investments LLC d/b/a Sundial Beach Resort received a motel license through the State of Florida, Department of Business and Professional Regulation (DBPR), to operate as a motel for

the 227 units in its motel rental program, a copy of such license being attached hereto as Exhibit A; and

WHEREAS, Section 252.38(3), Florida Statutes, provides certain emergency powers to political subdivisions, including “taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community”; and

WHEREAS, Chapter 22 of the City’s Code authorizes and empowers the Mayor to issue public proclamations declaring a State of Local Emergency; and, during a state of emergency, impose certain prohibitions and restrictions to protect lives and safety, including Section 22-53, which provides that such a proclamation may prohibit or restrict the “operation of offices, business establishments and other places to or from which people may travel or at which they may congregate; and other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives”; and

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor of the City of Sanibel, Florida:

SECTION 1. Extension of Declared State of Local Emergency. The State of Local Emergency originally declared by Proclamation and Resolution Number 20-11 and subsequently extended by Proclamation and Resolution 20-014, and extended by Proclamations 20-017, 20-019, 20-020, 20-021, 20-022, 20-026, and 20-027 is hereby extended for a period of seven (7) days from May 19, 2020 through May 26, 2020, and may be further extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

SECTION 2. Lifting of Certain Temporary Public Parking Restrictions. The temporary parking prohibitions on the Pond Apple Park Trailhead & Chamber Visitor Center parking lot (1159 Causeway Blvd) and Roadside Park parking lot (1380 Periwinkle Way), enacted by Proclamation 20-016 is hereby lifted.

SECTION 3. Modification of Certain Temporary Beach Furniture and Pool Furniture Restrictions. The temporary restrictions on beach and pool furniture ratified by Proclamation and Resolution No. 20-014 and attached to Proclamation No. 20-014 as Exhibit E, which, among other things, requires (a) removal of all beach furniture including beach chairs and lounges from the beach; and (b) removal of 75% of all pool deck chairs and lounges from pool decks are hereby modified to allow the same percentage of beach furniture and pool deck chairs and lounges as permissible by current occupancy restrictions (i.e., if occupancy is capped at 50%, then only 50% of such furniture may be out and available for use).

SECTION 4. Addition of Motel to List of Public Lodging Establishments Subject to Temporary Restrictions on Hotels, Motels, and Timeshares. The list of hotels, motels, and timeshares subject to the temporary restrictions on public lodging establishments enacted by Section 2 of Proclamation No. 20-028, is hereby amended to add RLR Investments, LLC d/b/a Sundial Beach Resort, operating from 1451 Middle Gulf Drive, to account for its receipt of a motel license through the State of Florida, Department of Business and Professional Regulation (see Attachment A hereto). The 227 units included in the Sundial Beach Resort Motel Rental Program

are identified in Exhibit B hereto. Any Sundial condominiums not identified in Exhibit B are not subject to the referenced temporary restrictions on hotels, motels, and timeshares.

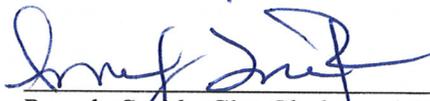
SECTION 5. Necessary for Protection. This Proclamation is an emergency measure necessary for the protection of the public health, safety, and welfare of the community, due to the serious threat of COVID-19.

SECTION 6. Effective Date. This Proclamation shall take effect immediately upon execution and shall remain in effect unless extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

AUTHENTICATION:



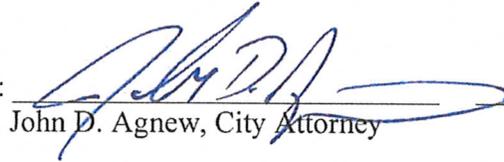
Kevin Ruane, Mayor



Pamela Smith, City Clerk

4:27 p.m.
(Time)

APPROVED AS TO FORM:



John D. Agnew, City Attorney

5/19/20
Date

STATE OF FLORIDA
DIVISION OF HOTELS AND RESTAURANTS
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
www.myfloridalicense.com

RECEIPT FOR LICENSE

LICENSE NUMBER: Rank: LICENSE TYPE: 2002/Motel
FILE NUMBER: 18433

PRINT DATE: May 18, 2020 11:02

Seats/Units: 227

This verifies that RLR INVESTMENTS LLC
Doing business as SUNDIAL BEACH RESORT
has met the requirements for Motel licensure to operate at:
1451 MIDDLE GULF DRIVE
SANIBEL FL 33957

This is authorization to operate for 30 days. An annual license will
be mailed to the address on record within that period.



Inspector Signature

Jennifer Wick
Sanitation And Safety Specialist
2295 Victoria Ave Suite 263D
Fort Myers, FL 33901
Jennifer.wick@myfloridalicense.com
voice: 850-487-1395/fax 239-344-4995
May 18, 2020 10:56

May 18, 2020 at 11:02:35 AM EDT
Location: SUNDIAL BEACH RESORT
License #:
Inspector: Jennifer Wick

Temporary License
Software Version 6.82



Units in Sundial Beach Resort Motel Rental Program

A110	D101	G101	I101	K102	P201
A205	D204	G105	I102	K103	P202
A208	D205	G201	I103	K105	P204
A401	D206	G204	I104	K203	P205
A410	D207	G205	I105	K208	P302
B101	D208	G206	I107	K402	P303
B108	D209	G301	I202	K403	P304
B202	D210	G304	I203	L201	P404
B203	D211	G305	I206	L202	P405
B206	D304	G306	I207	L204	Q201
B302	D308	G307	I301	L205	Q204
B303	D309	G404	I302	L301	Q302
B401	D310	G406	I303	L302	Q303
B403	D312	G407	I304	L303	Q306
B407	D403	H102	I305	L402	Q402
C110	D405	H103	I306	L403	Q405
C201	D406	H106	I307	M201	R301
C203	D407	H107	I401	M203	R304
C204	D410	H108	I402	M301	R305
C205	D411	H109	I403	M401	R306
C206	D412	H111	I404	M402	R402
C207	E105	H202	I405	M403	S204
C209	E108	H206	I407	N301	T202
C210	E110	H207	J102	N303	T205
C303	E305	H208	J103	N401	T206
C304	E404	H210	J107	N402	T207
C305	F101	H211	J108	N403	T301
C306	F103	H302	J201	O201	T302
C307	F105	H308	J202	O202	T307
C308	F107	H309	J203	O207	T403
C309	F108	H310	J204	O303	
C310	F203	H311	J207	O305	
C401	F208	H406	J301	O307	
C403	F303	H408	J302	O401	
C404	F305	H409	J303	O402	
C405	F306	H410	J307	O406	
C406	F307	H411	J308		
C409	F308		J401		
C410	F403		J402		
	F405		J403		
	F406		J407		
	F407		J408		
	F408				

EXHIBIT

B