

9. **CONSENT AGENDA**

- a. Approval of minutes – March 15, 2011 Regular Meeting and April 05, 2011 Regular Meeting

**SANIBEL CITY COUNCIL REGULAR MEETING  
MARCH 15, 2011**

A meet and greet was held for newly elected Councilman Doug Congress and re-elected Councilman Jim Jennings beginning at 8:15 a. m.

**OATH OF OFFICE**

**Oath of Office – Doug Congress**

Mr. Congress took the Oath of Office.

Councilman Congress addressed the audience as follows:

- 30 years ago this summer parents moved to Sanibel from Illinois
- Raising family on Sanibel
- Thanked family for their sacrifice
- Thanked former Councilman Pappas for his service to the community

**Oath of Office – Jim Jennings**

Mr. Jennings took the Oath of Office.

Councilman Jennings addressed the audience as follows:

- Thanked the residents of Sanibel
- Moved to Lee County in 1973
- Moved to Sanibel

Mr. Kenneth B. Cuyler, City Attorney called the meeting to Order at 9:10 a. m.

Vice Mayor Denham gave the Invocation and led the Pledge of Allegiance.

**Election of Mayor and Oath of Office**

Mr. Cuyler asked for nominations for Mayor.

Vice Mayor Denham nominated Kevin Ruane.

Vice Mayor Denham moved, seconded by Councilman Harrity, to appoint Kevin Ruane as Mayor.

The motion carried.

Mayor Ruane took the Oath of Office.

**Election of Vice Mayor and Oath of Office**

Mayor Ruane asked for nominations for Vice Mayor.

Councilman Harrity nominated Mick Denham as Vice Mayor.

Councilman Harrity moved, seconded by Mayor Ruane, to appoint Mick Denham as Vice Mayor.

The motion carried.

Vice Mayor Denham took the Oath of Office.

Mayor Ruane and Vice Mayor Denham thanked their Councilman for their respective elections by Council.

Council recessed for a new Council photo at 9:18 a. m.

Council reconvened at 9:30 a.m.

### **PRESENTATION(S)**

**Presentation and request Council to direct staff to prepare plans and cost estimates for permitting, work scope and funding to restore water flow in the canals and waterways impacted by the box culvert under Sanibel Captiva Road connecting Dinkins and Clam Bayous Harvey Padewer, President Pine Tree Drive Association gave a brief PowerPoint presentation.**

**Total Cost Clam Bayous**

**2004 Interlocal Agreement between the Captiva Erosion Prevention District, Lee County and the City of Sanibel**

**2000 Interlocal Agreement between the Captiva Erosion Prevention District, Lee County and the City of Sanibel**

**1988 Final Order**

**State of Florida Final Order to the Captiva Erosion Prevention District**

Mr. Padewer gave a brief PowerPoint presentation.

Discussion ensued regarding the request, the work completed by the City had caused silting, should relieve the silting problem, issue of immediately relieving the problem of silting adjacent to previous work, long-term maintenance, ask staff to prepare the estimates and complete the work, ask the City Manager and City Attorney to provide a long-term plan, how was this project to be paid, City pays two-thirds and residents pay one-third, Shell Harbor asked for the creation of a taxing district, which was in the process, ask staff to review the Clam Bayou affect, prior to the culvert have the canals been dredged, should staff confirm the problem was caused by the culvert, prior to culvert was dredging done, Mr. Padewer stated that canals were created in the 60's and up until this point there was no need for dredging, Councilmembers had the opportunity for a helicopter ride to see the bayou from the air, historical information included in the agenda packet, responsibility to keep the flushing channel clear, Mayor met with Commissioner Manning for Blind Pass contributing factors, Interlocal Agreement mandated the City taking care of this problem, challenges with bed tax was there was not enough for the applications submitted, intend to request that Tourism Development Council (TDC) create a reserve for dredging projects, permits from DEP would be needed, would provide a time line, and should core samples be taken.

Vice Mayor Denham moved, seconded by Councilman Jennings, to direct staff to prepare plans and cost estimates for permitting, work scope and funding to restore water flow in the canals and waterways impacted by the box culvert under Sanibel Captiva Road connecting Dinkins and Clam Bayous, as well as bringing back recommendations for a long-term plan to keep canals open with potential funding.

#### **Public Comment**

Dick Canady spoke to any possible time line.

Eric Orkin spoke to writing Council two years ago regarding the problems and received a letter as to the possible affect of Blind Pass. He further stated that there was no mitigation from the opening of Blind Pass.

Tim Gardner spoke to the water flow through Clam Bayou and the silting of Dinkins Bayou.

The motion carried.

### **Planning Commission Report**

Chairman Mike Valiquette gave the following Planning Commission report of March 08, 2011.

- Sanibel Sea School withdrew their request to moved the school to Periwinkle Way and Morningside due to the property selling
- March 22, 2011 meeting canceled
- Preliminary hearing for an application of temporary use and development permit for Community Church allowing
  - New construction of a 630 seat sanctuary
  - Administrative offices
  - Media Room
  - Bookstore
  - Café
  - Addition a 600 square foot garage
  - Remodeling of the first and second floors of the existing family life center, fellowship hall and kitchen
  - Remolding the historic 210 seat chapel
  - Expansion of existing courtyard and off-street parking are
  - Implementation of on-site surface water management improvements
  - Restoration and preservation of on-site wetlands

### **Public Comments**

Karen Storjohann thanked Council for their service. She also asked about new Council chairs and suggested the color green.

Ms. Zimomra stated that Council would be testing microphones and chairs.

Ed Seibert spoke to his time as a pilot fighting Japan during World War II.

### **Council Comments**

Councilman Harrity spoke to it being an honor to be a Councilmember.

Councilman Jennings spoke to attending the Florida League of Cities Legislative Day in Tallahassee next week.

Councilman Congress expressed looking forward to the next 4 years.

Mayor Ruane spoke to playing a more active role in Blind Pass, Clam and Dinkins Bayou at the County level. He further spoke to the 2035 transportation issues on Sanibel, the ATPPL study and clarification regarding transportation to and on Sanibel, 2035 transportation plan indicates projects over budgeted with no funds to fill in the gaps, Mayor met with Commissioners Manning, Mann and Bigelow.

Council by consensus agreed Mayor Ruane to meet with Lee County regarding Blind Pass, Clam and Dinkins Bayou.

Second Reading and Public Hearing

**ORDINANCE 11-002 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA**

**PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-85 - FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; AMENDING THE FEE SCHEDULE IN SECTION 66-85; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 11-002. She explained that a resident approached Council and was using the in-law vehicle, but there was no way to get a beach permit.

Chief Tomlinson spoke to the following:

- Allow residents to sign an affidavit that they would be the sole user of the vehicle even though vehicle not in their name

Discussion ensued regarding difficult to manage such an ordinance, could be misused, if affidavit signed wrongly a person could be arrested, Chief Tomlinson answered that the affidavit would be signed under perjury and could be charged for falsifying the document, use "A" stickers, permits were sold at the Recreation Department, Chief Tomlinson stated that the affidavit would be signed before him and could open the door for abuse, could there be a certain number of such permits, Mr. Cuyler stated no, could ordinance be rescinded later, Mr. Cuyler answered that procedurally and legally it would not be difficult, but would have to leave in place for the period permits had been paid, and the limitations to "A" stickers for a person is they must show their registration with physical address.

Councilman Harrity moved, seconded by Mayor Ruane, to adopt Ordinance 11-002.

**Public Comment**

Karen Storjohann spoke against the ordinance and cited the honor system not working in the refuge, and a kiosk was built to accept money to enter the refuge.

Claudia Burns spoke to "A" only parking spaces being limited and not enough space if this permit process was approved.

Gloria Hannan spoke against the ordinance.

The motion carried with Vice Mayor Denham and Councilman Jennings voting in opposition.

**CONSENT AGENDA**

- b. **RESOLUTION 11-028 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-019 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$20,238 of CDBG grant funds, passed through Lee County, for removal and replacement of architectural barriers to allow unrestricted movement of all users on the walkway at the Historical Museum and Village, Inc. The existing structure restricts the mobility and accessibility of elderly and handicapped persons. Contract No. 5548 is attached. This amendment increases the FY11 budget by \$20,238)
- e. **RESOLUTION 11-029 ACCEPTING A PERPETUAL UTILITY EASEMENT; BILL OF SALE AND AFFIDAVIT OF NO LIEN FOR THE EXTENSION OF A FORCEMAIN; AND A WASTEWATER COLLECTION, TRANSMISSION AND MAINTENANCE AGREEMENT AND EASEMENT FOR PRIVATE FACILITIES CONNECTED TO PUBLIC SEWER; FROM GARY L. McKNIGHT OR SANDRA E. McKNIGHT, AUTHORIZING THE CITY**

**CLERK TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

- f. **RESOLUTION 11-030 ESTABLISHING THE SANIBEL CITY COUNCIL REGULARLY SCHEDULED MEETING DATES FOR THE PERIOD MAY, 2011 THROUGH AND INCLUDING AUGUST, 2012; AND PROVIDING AN EFFECTIVE DATE**
  - h. **RESOLUTION 11-032 ACCEPTING A SHARED USE PATH AND PUBLIC UTILITY EASEMENT FROM LAZY FLAMINGO PLAZA, INC. FOR THE SANIBEL- CAPTIVA ROAD SHARED USE PATH EXTENSION FROM PINE AVENUE TO BLIND PASS BRIDGE; AUTHORIZING THE CITY CLERK TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**
  - i. **RESOLUTION 11-033 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-021 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$25,000 from the environmental initiative reserve to legislative for printing and other expenditures in response to pending fertilizer legislation. This amendment does not increase the FY 11 budget)
- Ms. Zimomra read the title so f Resolutions 11-028, 11-029, 110-030, 11-032 and 11-033.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Resolutions 11-028, 11-029, 110-030, 11-032 and 11-033.

Public Comment  
None

The motion carried.

- a. Approval of minutes – March 01, 2011 Regular Meetings
- c. Approve a one-year renewal of the City’s Disaster Recovery Services Agreements with Crowder Gulf and Ash Britt, Inc. (the funding for these agreements is in the adopted FY11 budget and paid on an as needed basis only)
- d. Approve Woodroffe Corporation Architects to perform design and construction administration services in conjunction with a Bowman’s Beach Park Family restroom for a not-to-exceed fee of \$46,540 (this task will be paid through a Tourism Development Council (TDC) grant)
- g. Purchase of two ¾ ton regular cab 4-wheel drive pickup trucks and three ½ ton extended cab pickup trucks with 4-wheel drive option from Bartow Ford for \$104,376 (\$46,000 in the adopted FY11 Public Works Capital Improvement Fund, \$23,000 in the adopted FY 11 Public Facilities budget and \$46,000 funding through Tourism Development Council (TDC) grant for 2 Beach Parks maintenance trucks. This does not increase/decrease the FY11 budget)

Vice Mayor Denham moved, seconded by Mayor Ruane, to approve Consent Agenda items a, c, d, and g.

Discussion ensued regarding replacing vehicles, Ms. Zimomra stated that the City had a schedule for replacement and each vehicle was evaluated before replacing.

Gates Castle, Public Works Director spoke to the following:

- Vehicles on a 7-year replacement
- One vehicle has engine failure
- One vehicle 1989
- One with bad springs
- Two with 200,000 plus mileage
- 2002 over 100,000 miles
- 2004 model that has front end damage and bad differential spider gear

Public Comment  
None

The motion carried.

## **OLD BUSINESS**

### **LEGISLATIVE AFFAIRS**

**RESOLUTION 11-031 STRONGLY URGING THE STATE LEGISLATURE TO RESPECT THE CONSTITUTIONAL AND STATUTORY HOME RULE AUTHORITY OF LOCAL GOVERNMENTS WITH RESPECT TO THE ENACTMENT, MONITORING AND ENFORCEMENT OF NITROGEN AND PHOSPHORUS CONTROL ORDINANCES, WHICH INCLUDE PROHIBITIONS ON EXCESSIVE FERTILIZATION OF LAWNS AND RULES REASONABLY RELATED THERETO; DIRECTING THE CITY MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE GOVERNOR, THE STATE SENATE PRESIDENT AND THE STATE HOUSE SPEAKER; DIRECTING THE CITY MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE OVER 50 LOCAL GOVERNMENT JURISDICTIONS WHO HAVE ENACTED REASONABLE REGULATIONS ATTEMPTING TO LIMIT EXCESSIVE NITROGEN AND PHOSPHORUS ENTERING THEIR LOCAL WATERWAYS THROUGH OVER FERTILIZATION OF LAWNS AND OTHER VEGETATION, AS WELL AS THOSE JURISDICTIONS THAT ARE CONSIDERING SUCH LEGISLATION; AND PROVIDING AN EFFECTIVE DATE**

**Editorial scheduled for the Fort Myers News Press**

**Letter dated March 09, 2011 emailed to Local Public Officials regarding Home Rule Authority to Protect Local Waters from Excess Nitrogen and Phosphorus**

Ms. Zimomra read the title of Resolution 11-031.

Vice Mayor Denham spoke to the following:

- Following the fertilizer issue and the plight of DCA
- Committee process moving along
- Fertilizer lobbyist convincing legislators that there was no need for home rule
- Would mail out and email to the 50 entities that had adopted or have proposed fertilizer legislation

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolution 11-033.

Mr. Cuyler stated that he will continue to work with Vice Mayor Denham as Council's point person for water issues.

The motion carried.

Vice Mayor Denham also noted that the Red Drift Algae Study was being printed to go out to all Senators and Representatives, as well as other governmental entities and persons of interest.

Ms. Zimomra stated that the budget amendment adopted earlier by Council also included printing funds and funds for the Vice Mayor to attend meetings in Tallahassee.

Mayor Ruane moved, seconded by to adopt Resolution 11-031 and expand the authority for Vice Mayor Denham to work with staff.

Public Comment  
None

The motion carried.

### **Updated Legislative Matrix**

For information.

### **COMMITTEES, BOARDS, COMMISSION**

City Council Liaison to Planning Commission

<b>March 22, 2011</b>	<b>Councilman Harrity</b>	<b>Report of 03/15/11 CC Meeting</b>
<b>April 12, 2011</b>	<b>Councilman Congress</b>	<b>Report of 04/05/11 CC Meeting</b>

Council agreed to discuss the below first.

### **Planning Commission liaison schedule**

Council agreed to the following Planning Commission liaison list: LISTEN 1108

Tuesday, April 26, 2011	Ruane	
<b>Tuesday, May 10, 2011</b>	<b>Denham</b>	<b>Report of May 03, 2011</b>
Tuesday, May 24, 2011	Harrity	
<b>Tuesday, June 14, 2011</b>	<b>Jennings</b>	<b>Report of June 07, 2011</b>
Tuesday, June 28, 2011	Congress	
Tuesday, July 12, 2011	Ruane	
<b>Tuesday, July 26, 2011</b>	<b>Denham</b>	<b>Report of July 19, 2011</b>
<b>Tuesday, August 09, 2011</b>	<b>Harrity</b>	<b>Report of August 02, 2011</b>
Tuesday, August 23, 2011	Jennings	
<b>Tuesday, September 13, 2011</b>	<b>Congress</b>	<b>Report of September 10, 2011</b>
<b>Tuesday, September 27, 2011</b>	<b>Ruane</b>	<b>Report of September 20, 2011</b>
<b>Tuesday, October 11, 2011</b>	<b>Denham</b>	<b>Report of October 04, 2011</b>
Tuesday, October 25, 2011	Harrity	
<b>Tuesday, November 08, 2011</b>	<b>Jennings</b>	<b>Report of November 01, 2012</b>
Tuesday, November 22, 2011	Congress	
<b>Tuesday, December 13, 2011</b>	<b>Ruane</b>	<b>Report of December 06, 2011</b>
Tuesday, December 27, 2011	Denham	
<b>Tuesday, January 10, 2012</b>	<b>Harrity</b>	<b>Report of January 03, 2012</b>
Tuesday, January 24, 2012	Jennings	
<b>Tuesday, February 14, 2012</b>	<b>Congress</b>	<b>Report of February 07, 2012</b>
Tuesday, February 28, 2012	Ruane	
<b>Tuesday, March 13, 2012</b>	<b>Denham</b>	<b>Report of March 06, 2012</b>

Tuesday, March 27, 2012

Harrity

Discussion ensued regarding rotation of Councilmembers as liaison.

### **Appointments of Council liaisons**

Discussion ensued regarding the above and the following liaisons were appointed:

#### **National/Regional**

Charlotte Harbor Policy Committee  
Regional Watersheds Committee  
Florida Municipal Insurance Trust Board of Directors  
National League of Cities Voting Delegate  
Florida League of Cities Mayor's Round table  
Florida League of Cities Voting Delegate  
Florida League of Cities Board of Directors

\*SW Florida League of Cities

#### **Lee County Committees for Council**

Horizon Council  
Metropolitan Planning Commission (MPO)  
  
SW Florida Regional Planning Council  
Tourism Development Council (TDC)

#### **Sanibel Committees/Functions**

CHR  
Coast & Island Community Land Trust (CHR)  
Recreation Financial Assistance Program  
Historical Committee  
Historical Museum & Village, Inc.  
Parks and Recreation Committee  
Planning Commission  
Vegetation Committee  
Employee Dependent Scholarship Committee  
Audit Committee (currently sunset)  
General Employee Pension Board  
Police Pension Board

#### **Lee County Committees for Staff or Citizens**

Blind Pass Management & Coastal Advisory  
Charlotte Harbor Natural Estuary Program  
Disaster Recovery Task Force  
Technical Advisory to MPO

\*Citizen Advisory to MPO (CAC)

Lee County Beach Preservation Task Force

\*Public Parks & Recreation Services Advisory

\* Smart Growth

\*Regional Harbor Board

\*Homeless Coalition

Tourism Development Council (TDC)

#### **City of Sanibel Representative**

No Liaison  
Mick Denham  
Kevin Ruane  
Jim Jennings (Currently City not a member)  
Kevin Ruane  
Mick Denham  
Jim Jennings (as President of SW  
League)  
Jim Jennings (President)

Marty Harrity  
Kevin Ruane/Doug Congress/ Mick  
Denham (alternate)  
Mick Denham  
Kevin Ruane

Doug Congress/ Kevin Ruane  
Doug Congress/Kevin Ruane  
Jim Jennings  
Marty Harrity  
Marty Harrity  
Jim Jennings  
Rotation  
Doug Congress  
Kevin Ruane  
Kevin Ruane  
Doug Congress/Kevin Ruane  
Kevin Ruane/Mick Denham

Rob Loflin  
Rob Loflin  
Major Murray  
Jimmy Jordan/Gates Castle  
Scott Krawczuk

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Rob Loflin  
Jean Baer  
Jack Luft  
Tom Kaplan  
VACANT (previously Ms. Johnston)  
Rene' Affortit

**CITY MANAGER**

**Informational Items**

**Sale of dredging spoils from Sanibel Marina dredging project to Periwinkle Park Limited Partnership, LLLP, 1119 Periwinkle Way and other requesting entities**

Ms. Zimomra requested authorization to sale spoils at the same price that the Recreation Center spoils were sold for when the Recreation Center was built.

Mayor Ruane moved, seconded by Vice Mayor Denham, to authorize the sale of spoils as requested above.

**Public Comment**

Claudia Burns asked if Council would go back to the once per month meeting schedule.

Ms. Zimomra stated that the proposed meeting calendar appears and takes into consideration that there are some months two meeting were scheduled.

The motion carried.

**Audit Report fiscal ending September 30, 2010 by Marty Redovan, LarsenAllen, LLP**

Ms. Zimomra explained the following:

- Audit used throughout the year
- Any Councilmember would want a more in-depth discussion please contact Staff
- Included in FY11 Capital Budget an upgrade to the City's IT system
- Council asked for a comprehensive report of the City's IT system
- Testing satellite connectivity
- Council would receive in-depth briefings

Marty Redovan, managing partner of LarsenAllen, LLP gave the following report:

- Page 1 and 2 unqualified opinion and a paragraph of the implementation and adoption of GASB 34
- Finance Director took initiative to get ahead of the curve and the City's policy being used as a model
- Page 177 – no deficiencies found
- Few housekeeping findings
  - Follow-up to purchase card testing – management team did not have time to react – has been improvement
  - Accounts payable aging report – systems limitation issue
  - Bank reconciliation – observe process being done and initials were needed for work completed
  - Small IT deficiencies that need enhancing

Discussion ensued regarding IT systems, room for improvement, but no major issues, Ms. Zimomra stated that even if there were only housekeeping record all issues were included and look at the audit as an opportunity for improvement, she further stated that staff makes it a priority to address any concerns, required audit filing with Auditor General, Department of Financial Services, elected to go to the Florida Finance Officers Associations and various bond and debt related agencies, Ms. Zimomra explained the audit would be posted on the website, she further explained that the City does not have a Wall Street bond rating because all debt was sold locally, and the audit becomes the official City statement

Mayor Ruane moved, seconded by Vice Mayor Denham, to accept the Audit Report.

Public Comment  
None

The motion carried

### **Community Housing Resources (CHR) audit report for the period ended September 30, 2010**

Mayor Ruane noted that the reported was submitted in a timely manner and cover all issues and challenges facing CHR. He further stated that the Board was liquidating assets.

### **CITY ATTORNEY'S REPORT**

None

### **COUNCIL MEMBERS' REPORT**

Mayor Ruane noted being contacted by island residents regarding docks and spoke to the following:

- Docks built prior to ownership without a permit
- Residents began the application process
- Need to request a variance and permits costs approximately \$7,000
- Consideration of a discount of the variance fee if a structure was preexisting
- Realtors dealing with situation within the purchase contract

Discussion ensued regarding staff bring back information regarding matters of pre-existing conditions with a permitting discount, shouldn't burden of all structures be included when the title company does a search, consideration for legislation and more education may be needed.

Mayor Ruane moved, seconded by Vice Mayor Denham, to direct staff to review the permitting process for preexisting structures, hold all pending applications, bring back recommendations for pre-existing conditions when homeowner could demonstrate that they did not create with possible hardship reductions and a stay on the one pending case.

Public Comment  
None

The motion carried.

### **PUBLIC COMMENT**

None.

Council recessed at 12:06 p.m.

Council reconvene at 12:18 p.m.

### **MacKenzie Hall microphone testing and selection**

Mr. Bert Smith, MIS Director spoke to the following

- Redesign speakers and amplifiers
- Decision of type of microphones Council wanted (wired and wireless)

Mr. Steele Cooper, Peerson Audio, Inc spoke to the following:

- 4 Microphone choices
- 2 wired microphones

- Microphone with a 24 inch goose neck – placement further away
- Microphone with a 18 inch neck
- Locate right spot and install on the dais
- Can add portable base
- Mouth should be 12 to 16 inches away from microphone
- New system would have an audio leveler

Ms. Zimomra stated that room was also used for a variety of functions and committee sizes.

Discussion ensued regarding microphone neck length and each Councilmember spoke in to each microphone.

Public Comment

Claudia Burns spoke to City Council turning their heads when speaking with each other.

Mr. Smith stated that the redesign of the system would allow for the sound to be increased

Ms. Zimomra stated that when using a wireless everything would be picked-up.

Mayor Ruane moved, seconded by Councilman Congress, to install the 24 inch goose neck microphone.

Public Comment

None.

The motion carried.

Ms. Zimomra also called Council's attention to two chairs for Council to try and decide to purchase.

By consensus City Council decided to purchase 10 black chairs.

Public Comment

Karen Storjohann spoke to rocking or stopped from rocking option or not.

There being no further business the meeting was adjourned at

Respectfully submitted by,

Pamela  
Sanibel City Clerk

Smith,

MMC

**SANIBEL CITY COUNCIL REGULAR MEETING  
APRIL 05, 2011**

Mayor Ruane called the meeting to order at 9:04 a. m.

Councilman Congress gave the Invocation and led the Pledge of Allegiance.

Members present: Mayor Ruane, Vice Mayor Denham, Councilman Congress, Councilman Harrity and Councilman Jennings.

**PRESENTATION (S)**

**Proclamation recognizing Olga Palmer's Centennial Birthday**

Councilman Harrity read the proclamation.

**Presentation by Doug Hattaway, The Trust for Public Land, Project Manager regarding the status of efforts to acquire the Woodring Property located at 1816 Woodring Road for inclusion in J.N."Ding" Darling Wildlife Refuge**

Mr. Doug Hattaway, representative of the Trust for Public Land gave a brief PowerPoint presentation regarding the above.

Discussion ensued regarding letters to Congressman Mack, Senator Rubio and Senator Nelson, correct timing for letters, Mr. Hattaway answered that now was the time to send letters of support, he further spoke to Congressman Mack's aide, Matt Stillman understanding the need for this land as conservation property, Council received individual meetings with Mr. Hattaway, Paul Tritaik, Refuge Director, and Mr. and Mrs. Woodring.

Vice Mayor Denham moved, seconded by Councilman Jennings, to work with staff to send letters of support back to the May 03, 2011 Council meeting.

Ms. Zimomra suggested bringing a resolution of approval.

Vice Mayor Denham and Councilman Jennings agreed to amend their motion and second to also bring back a resolution of support at the May 03, 2011 City Council meeting..

Public Comment  
None

The motion carried.

**Public Comments**

Hazel Schuller spoke to dogs on the beach and snowy plover nests being disturbed.

Ms. Zimomra noted that she would complete a written report on coordinated efforts between the City, Police Department and Sanibel Captiva Conservation Foundation (SCCF).

Karen Storjohann spoke to the need for a history of resort housing and suggested separating sections to help condominiums.

Barbara Cooley spoke for a French lady living on Sanibel. She stated that a petition was gathered with over 200 signatures regarding the concern of how an alligator's aggressiveness was determined. She mentioned the need for additional education, and was a CROW volunteer. The petition given to the City Clerk.

Herb Rubin spoke to no change needed concerning transportation issues referenced in the ATPPL study.

Bob Winters spoke to an advertisement in the Island Sun and Island Reporter regarding the ATPPL study. He further spoke to a partnership with the refuge, Lee Tran and the City and the possibility of removing the word "locally" from the information.

Wayne Ponader spoke to the ATPPL study.

Judie Zimomra spoke to the following:

- City staff a partner at the table
- Numerous meetings with County
- Consultant under the direction of LeeTran
- Mr. Denham and Mr. Ruane served on the MPO
- Sanibel very active voice and make certain the study and recommendations consistent with Sanibel Plan

Council recessed due to computer problems at 9:58 a.m.

Council reconvened at 10:01 a.m.

Ms. Zimomra continued as follows:

- Staff had day-to-day interaction
- Active voice at MPO meeting and long-range transportation planning
- Conference call last week with consultants and staff position regarding draft proposal
- City position was Transit Statement and Sanibel Plan
- Number of components beneficial to the refuge; must distinguish issues
- Enhancements consistent with Sanibel Plan

Discussion ensued regarding Mayor representative to MPO, project within the 2035 transportation plan, 2035 plan was \$5 billion under funded, financial feasibility a question, met with Commissioner Manning, Commissioner Bigelow met with Mayor and City Manager, no waiver on the City's part per the Interlocal, Council very involved in many meetings, any new transportation should be electric vehicles,

Ed Seibert spoke to radiation problems in Japan and eastern planning area for oil drilling.

Bob Winters spoke a second time regarding COTI involved in the ATPPL study and the recent letter from the City Manager.

Mike Gillespie spoke to the City Manager's memo of April 2<sup>nd</sup>. He further spoke to the Transportation Destination study of 2001 show that the majority of people going to the refuge are off island.

Ms. Zimomra spoke to the following:

- Refuge Director involved
- Refuge not interested in making more money
- Do not want anything to hinder the environment of the refuge
- Subsequent questioning on the refuge
- Weakness of presentation was not including all information
- Traffic over last decade has changed and overall decrease of 16% last year

Claudia Burns spoke to money brought in from the refuge goes to the government and receive a portion.

## **Council Comments**

Councilman Harrity thanked Hazel Schuller regarding Olga Palmer's 100<sup>th</sup> birthday. He stated that a new audio system was forthcoming. He further spoke to Council being involved at the Lee County level.

Councilman Jennings spoke to his concern of the alligator situation. He further spoke to pill mills and closing down smaller pharmacies by HB7095 and the campion from SB1386 from Springfield. He spoke to the need for a timeline of legislation.

Discussion ensued regarding the relationship of the pill mill legislation and closing small pharmacies, bill addressed capturing pharmacies opened less than 10 years to regulate pill mills, and legislation included more scrutiny.

**Due to an error in the printed legal notice the First Reading and Public Hearing for Ordinance 11-003 scheduled for Tuesday, May 3, 2011 at 9:15 a.m.**

Mayor Ruane spoke to the legal notice issue for the above and was re-scheduled for May 03, 2011. He asked the City Manager to put together key components of Ordinance 11-003.

**CONSENT AGENDA**

Ms. Zimomra asked that (d) be pulled for a correction. Mr. Cuyler requested that item (e) be pulled for discussion. Mayor Ruane asked for an explanation of item (g).

- e. **RESOLUTION 11-040 EXPRESSING THE INTENT OF CITY COUNCIL TO DECLARE A SPECIAL ASSESSMENT TO FINANCE A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE SANIBEL CHARTER; ESTABLISHING SPECIAL ASSESSMENTS FOR THE PURPOSE OF SHELL HARBOR AND SANIBEL ESTATES ENTRANCE CANAL DREDGING AND RELATED FUTURE DREDGING EVALUATIONS WITHIN AN AREA TO BE REFERRED TO AS THE "SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING AND COLLECTING ASSESSMENTS, SPECIFYING THE PORTION OF THE ASSESSMENT TO BE PAID BY THE CITY TO ACCOUNT FOR GENERAL PUBLIC BENEFIT ACCRUING FROM THE PROJECT, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED; AND PROVIDING AN EFFECTIVE DATE**

Mr. Cuyler explained that this legislation was for a dredging assessment in Shell harbor. He further stated that there would be a west and east district only.

Ms. Zimomra read the title of Resolution 11-040.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 11-040.

Public Comment  
None

The motion carried.

- g. **RESOLUTION 11-043 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-023 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward actual FY2010 ending fund balance (pursuant to audited financial statements) to FY11 beginning fund balance for all funds. These amounts, which are more or (less) than the FY11 budget are being appropriate to FY11 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY12. This amendment increases the FY11 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY12. This amendment increases the FY11 budget by \$8,689,029 although no new or additional funds are appropriated by this amendment. The changes in fund balance are: 1) General Fund, increased by \$6,333.42; 2) special revenue funds, increased by \$1,113,282; 3) debt service funds, decrease by \$9,036; 4) capital project funds, increase by \$191,628; 5) sewer system, increase by \$937,863 and ; 6) beach parking fund, increase by \$121,650)

Ms. Zimomra called Council's attention to the new fund balance policy included in the agenda packet. She further stated that there was a memorandum of explanation included in the agenda packet.

Mr. Edwards spoke to the following:

- Budget adopted with reserve funds included (environmental initiatives and disasters)
- \$6.3 million favorable adjustment
- Special revenue \$1.1 million – \$614, 000 increase in transportation; \$100,000 more in gas taxes revenue; expenditures for repairs and maintenance decreased by \$469,000 than budgeted
- Building Department revenues \$128,000 more
- Recreation revenues were \$95,000 more and expenditures \$136,000 less
- Debt services ad valorem taxes decreased by \$9,000 and early payment discount came in with less revenues
- Favorable grant revenue
- Capital Project fund roll-forward was \$191,000
- Capital Acquisition fund spent \$58,000
- Dixie Beach project not completed and \$75,000 roll-forward
- Beach parking – full accrual accounting in financial reporting – adjustment to unrestricted assessments
- Sewer fund \$235,000 favorable adjustment in repair and maintenance
- Principle payments and interest budgeted and offset with depreciation higher by \$466,000
- \$240,000 received for assessment collections
- Beach Parking Capital Outlay \$156,000 under budget
- Operating expenses \$35,000 over estimated
- Intergovernmental revenues under budget - \$174,000 under budget

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 11-043.

Public Comment

None

The motion carried.

- a. **RESOLUTION 11-042 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-020 AND PROVIDING AN EFFECTIVE DATE** (To transfer the budget for the administrative secretary position from the police department to an administrative receptionist position in the recreation department. This is due to the transfer of duties for beach parking permit sales from the police department to the recreation department. This budget amendment does not increase the FY11 budget)

Ms. Zimomra read Resolution 11-042

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 11-042.

Public Comment  
None

The motion carried.

- c. **RESOLUTION 11-034 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT GEORGE & WENDY'S CORNER GRILL, GEORGE & WENDY'S TROPICAL GRILL, LLC, 2499 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE**
  
- f. **RESOLUTION 11-035 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT CIP'S PLACE, CIP'S PLACE OF SANIBEL LLC , 2055 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE**
  
- h. **RESOLUTION 11-044 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-023 AND PROVIDING AN EFFECTIVE DATE** (With the adoption of House Bill #7069, to transfer \$4,000 from the general fund reserve for contingency to the recreation department for finger print screening of volunteers and current and summer employees. This amendment does not increase the FY11 budget)

Ms. Zimomra read the titles of Resolutions 11-034, 11-035 and 11-044.

Vice Mayor Denham moved, seconded by Councilman Congress, to adopt Resolutions 11-034, 11-035 and 11-044

Public Comment  
None

The motion carried

- b. Approval of a lease with Local Roots, LLC to lease City property to include the parking lot located at the east end of the Sanibel City Hall, existing parking areas located adjacent to Sanibel City Hall property and the use of public restrooms located at the east end of City Hall for the Farmer's Market from November 06, 2011 through April 29, 2012 and authorize the City Manager to execute same
  
- d. Approval of City Council's liaison appointments

Mayor Ruane moved, seconded by Vice Mayor Denham, to approve the Farmers lease agreement and Council liaison assignments.

Public Comment  
None

The motion carried.

## **OLD BUSINESS**

### **Legislative Issues**

#### **Update Legislative Matrix**

**Letter dated March 03, 2011 from Representative Matt Caldwell regarding Resolution 10-010 Offshore Oil Drilling**

**Letter dated March 15, 2011 from Chairman Frank Mann, Lee County Board of Commissioners regarding Resolution 11-031 Fertilizer Status of Fertilizer Legislation for House Bill 457 and Senate Bill 607 Guest Editorial in the News Press March 11, 2011 Article in the News Press dated March 28, 2011**

Vice Mayor Denham spoke to sending letters and packets of information to legislators regarding fertilizer and compromising language had been requested. He further stated that the only language would be associated with the sale of the project. He explained that ordinances in the Panhandle include not purchasing fertilizer in the rainy season. He also noted that the preemption language would be removed and the fact the newly elected Representative Matt Caldwell had been very helpful.

Ms. Zimomra recognized the City Clerk and staff for working to get material to legislators.

**COMMITTEES, BOARDS, COMMISSION**

City Council Liaison to Planning Commission

<b>April 12, 2011</b>	<b>Councilman Congress Report of 04/05/11 CC Meeting (cancelled)</b>
April 26, 2011	Mayor Ruane
<b>May 10, 2011</b>	<b>Vice Mayor Denham Report of 05/03/11 CC Meeting</b>
May 24, 2011	Councilman Harrity
<b>June 14, 2011</b>	<b>Councilman Jennings Report of 06/07/11 CC Meeting</b>
June 28, 2011	Councilman Congress
July 12, 2011	Mayor Ruane
<b>July 26, 2011</b>	<b>Vice Mayor Denham Report of 07/19/11 CC Meeting</b>
<b>August 09, 2011</b>	<b>Councilman Harrity Report of 08/02/11 CC Meeting</b>
August 23, 2011	Councilman Jennings
<b>September 13, 2011</b>	<b>Councilman Congress Report of 09/10/11 CC Meetings</b>
<b>September 27, 2011</b>	<b>Mayor Ruane Report of 09/20/11 CC Meeting</b>
<b>October 11, 2011</b>	<b>Vice Mayor Denham Report of 10/04/11 CC Meeting</b>
October 25, 2011	Councilman Harrity
<b>November 08, 2011</b>	<b>Councilman Jennings Report 11/01/11 CC Meeting</b>
November 22, 2011	Councilman Congress
<b>December 13, 2011</b>	<b>Mayor Ruane Report 12/06/11 CC Meeting</b>
December 27, 2011	Vice Mayor Denham

**RESOLUTION 11-018 PERTAINING TO THE SANIBEL BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES; APPOINTING ONE RESIDENT MEMBER TO THE BOARD; PROVIDING THAT SUCH MEMBER IS TO SERVE THE REMAINING TERM OF DOUG CONGRESS COMMENCING APRIL 05, 2011 AND EXPIRING ON SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 11-018.

Discussion ensued regarding considering applicants that were full-time residents, and the applicants were outstanding.

Councilman Congress moved, seconded by Mayor Ruane, appointing John Decker to the General Employees Pension Board and adopting Resolution 11-018.

Public Comment  
None

The motion carried.

**Committee Annual Reports**  
**Financial Assistance Committee**  
**Historical Preservation Committee**  
**Parks and Recreation Committee**  
**Vegetation Committee**

Ms. Zimomra explained that Council normally accepts the reports.

Mayor Ruane moved, seconded by Councilman Jennings, to accept the committee reports.

Public Comment  
None

The motion carried.

Ms. Zimomra noted that all committee members were asked if they wanted to serve and staff created a matrix of each committee.

**RESOLUTION 11-038 APPOINTING MEMBERS TO THE FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**  
**RESOLUTION 11-039 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

**RESOLUTION 11-036 APPOINTING MEMBERS TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**  
**RESOLUTION 11-041 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolution 11-038, 11-039, 11-036 and 11-041.

Mayor Ruane moved, seconded by Councilman Congress, to adopt Resolutions 11-038, 11-039, 11-036 and 11-041.

Public Comment  
None

The motion carried.

**CITY MANAGER**

**Informational Items**

**Results of the 2010 U.S. Census**

Mr. Jimmy Jordan, Planning Director spoke to the demographic changes as following:

- Tracts 802.03 and 802.04 created
- Population increase over 18 years of age
- Decrease in population under 18 years of age
- Slight increase over age of 18 that described themselves as Hispanic or Latino
- Ethnic make-up comparatively small

- Out of 746 housing units 436 units vacate; part-time residents return to northern homes

**Building Department Monthly Revenue Report for February, 2011**

**Building Department Monthly Permit and Inspections for February, 2011**

**Planning Department Permit Activity Report for February, 2011**

**Planning Department Code Enforcement Activity Report for February, 2011**

**Public Works Grease Trap Inspection Report for October, 2010 through March, 2011**

**Causeway Reports for January and February, 2011**

**Alternative Transportation for Parks and Public Lands workshop Wednesday, April 13, 2011 at Sanibel Community Association (SCA) beginning at 4:30 p.m.**

**Distribution of Government Finance Officers Association Fund Balance Policy**

Ms. Zimomra noted that the above was for informational

**Request from Charlotte Harbor National Estuary Program (CHNEP) for \$7,500 for the 2011 Workplan**

Ms. Zimomra explained that past Council decided not to participate and there was no Council liaison.

Council by consensus decided not to participate.

**CITY ATTORNEY'S REPORT**

Mr. Cuyler spoke to the following:

- Attendance of Councilmembers and/or Planning Commissioners at various functions that may be quasi-functional
- Attorney General would give conservative advice that one person should leave and/or attend meeting
- Actual law was that elected/appointed officials could not discuss matters of their Council/Committee outside of a noticed meeting
- Appropriate for members to attend the Planning Commission meetings
- Private function/other organizational meetings and do not have a dialogue on the council/committee business that was within the bounds of the law
- Post public notice if two or more members attend a meeting
- Member could talk to press about opinion on a given topic

**Public Comment**

Herb Rubin asked when there was one more than one Councilmember at a meeting then only one member can speak.

Mr. Cuyler stated he disagreed, but his recommendation was to save comments during a Council meeting, if possible.

**COUNCIL MEMBERS' REPORT**

Councilman Harrity stated he would be absent from the May 03, 2011 Council meeting and requested to be excused.

Councilman Congress spoke to attending the CHR meeting, CHR hiring a new director, Jack Samler tendered his resignation and discussion of the impending deadline of May 31, 2011 of LEO homes or repay Lee County.

**Improvements to MacKenzie Hall**

Ms. Zimomra noted that Council would be trying more chairs after public comment.

## **PUBLIC COMMENT**

Larry Schopp asked if there would be public comment on May 03, 2011 during the first reading and public hearing of the resort redevelopment?

Mr. Cuyler noted that to be safe, Council was holding two public hearings and public comment would be taken at both.

Claudia Burns asked the status of the Small-tooth sawfish and would it be a endangered species.

Mr. Cuyler noted the fish was already endangered and the question was to what extent that would affect agency action with respect of water releases down the Caloosahatchee River. He further explained that it would take approximately one year for the completion of a study.

Karen Storjohann spoke to phosphates being in dish detergent and in States around the great lakes phosphates have been banned.

Barbara Cooley spoke to the small-tooth sawfish an endangered species and the more recent event was the designation of their habitat as endangered.

Herb Rubin thanked Council for being engaged in Lee County issues.

Council recessed at 11:34 a.m.

Council reconvened at 11:41 a.m.

### **Improvements to MacKenzie Hall**

Discussion ensued regarding which chair Council wanted to purchase.

Mayor Ruane moved, seconded by Councilman Harrity, to purchase 10 chairs with the high back and black in color.

The motion carried.

There being no further business the meeting was adjourned at 11:45 a.m.

Respectfully submitted by,

Pamela Smith, MMC  
Sanibel City Clerk