

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 04, 2011**

City Council provided a Breast Cancer Awareness Program beginning 8:15 a.m.

The event is open to the public. All breast cancer survivors, as well as all citizens wishing to know more about breast cancer prevention and treatment for themselves or their loved ones, are invited to attend.

Ms. Mary Ann Loh, a volunteer who serves as the Education Chair for the Southwest Florida Affiliate of the Susan G. Komen for the Cure, will be the guest speaker. Ms. Loh, a Sanibel resident, has a Master's Degree in Nursing and has spent her entire career providing health education.

Mayor Ruane called the meeting to order at 9:00 a.m.

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

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

PRESENTATION(S)

Proclamation recognizing October as Breast Cancer Awareness Month

Mayor Ruane read and presented the proclamation to Ms. Mary Ann Loh.

Recognition of the Employee of the Quarter, 3rd Quarter, FY 2010-2011

Mayor Ruane announced that Brad Gloer was nominated by his peers as the Employee of the 3rd Quarter.

Recognition of the Recipients of the Employee Dependent Scholarship Awards for 2011-2012

Mayor Ruane spoke to the following recipients:

Taylor Ashby
Elizabeth Chamberlin
Joseph Earle
Angelica Jordan
Alexander Wesserling
Lauren Williams
Andrea Wesserling Galician

Public Comments

Ed Seibert spoke to electoral debates and off-shore drilling.

Ted Tyson spoke to his granddaughter attending the Recreation Center during her island summer stay. He invited everyone to send holiday packages to the military.

Claudia Burns spoke to riding on the new Dunlop Road Shared Use Path.

Barry Roth spoke to the Financial Assistance Program allowing island children or island workers' children attending summer camp, holiday and fun days. He further presented a \$10,000 check from Kiwanis.

Mayor Ruane thanked Mr. Roth on behalf of City Council.

Council Comments

Councilman Harrity spoke to the Breast Cancer Awareness Program.

Vice Mayor Denham spoke to the Dunlop Road Shared Use Path.

Ms. Zimomra noted that vegetation would be completed, as well as stripping. She further spoke to the upcoming completion of the Blind Pass extension. She also advised that the easements were donated.

Councilman Jennings also spoke the new Dunlop Road Shared Use Path. He asked Ed Seibert to find a map of proposed oil drilling in the gulf.

Ms. Zimomra stated there was a coordination meeting with BIG Arts, Farmers Market and Sanibel Library.

Councilman Congress spoke to Susan G. Komen being a neighbor in Illinois.

Mayor Ruane spoke to less vehicular traffic due to bike usage.

CONSENT AGENDA

- a. **RESOLUTION 11-090 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-002 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$90,000 from ending fund balance for the purchase of computer equipment. This amendment does not increase or decrease the FY12 budget)

- e. **RESOLUTION 11-091 AMENDING RESOLUTION 98-189 WHICH ESTABLISHED A POLICY FOR CONSIDERATION, BY THE CITY COUNCIL, OF REQUESTS FOR CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY SPECIAL ASSESSMENTS ON SPECIFICALLY BENEFITED PROPERTIES; AMENDING THE NECESSARY APPROVAL REQUIREMENT FROM 80% OF PARCEL OWNERS TO TWO-THIRDS (2/3) OF PARCEL OWNERS ONLY FOR STREET PAVING SPECIAL ASSESSMENT PROJECTS; AND PROVIDING AN EFFECTIVE DATE**

- g. **RESOLUTION 11-092 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-001 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward \$96,707 of unspent FY11 funds for: 1) \$15,457 for the Periwinkle Way rest area; 2) \$52,750 for the San-Cap Road shared use path extension and 3) \$28,5000 for the Lindgren Blvd. box culvert replacement. This amendment does not increase the FY12 budget)

Ms. Zimomra read the titles of Resolutions 11-090, 11-091 and 11-092.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Resolutions 11-090, 11-091 and 11-092.

Public Comment
None

The motion carried.

- b. Approval of a contract between the City of Sanibel and New Horizons Computer Learning Center of Gulf Coast Florida for on-site Windows 7 Microsoft Office 2010 training for City staff for approximately \$24,000 (\$650 per training day) and authorize the City Manager to execute same

- c. Request from Lee County Chapter of Military Officer's Association for consideration to waive fees associated with their Special Events Application for Veterans' Day Program and City co-sponsor event at City Hall flag pole, 800 Dunlop Road (this is a grandfathered event and the wavier would be in the amount of \$50)
- d. Request authorization from City Council to serve alcohol (2 ozs. wine) tasting during intermissions at B. I. G. Arts 900 Dunlop Road cultural events from October, 2011 through March, 2012
- f. Approval of an agreement between the City of Sanibel and the United States Fish and Wildlife for a grant in the amount of \$25,000 for the restoration of the Sanibel Bayous Package Plant site and authorize the City Manager to execute same
- h. Approval of a contract between the City of Sanibel and Harry L. King, Jr. not to exceed the City's budgeted amount of \$11,780 for yoga fitness classes at the Recreation Center and authorize the City Manager to execute same

Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the above items.

Public Comment
None

The motion carried.

Mayor Ruane noted that Resolution 11-091 would allow street paving at two thirds percentage rather than eighty percent.

COMMITTEES, BOARDS, COMMISSION

City Council Liaison to Planning Commission

October 11, 2011	Councilman Jennings	Report of 09/20/11 and 10/04/11 CC Meetings
October 25, 2011	Councilman Congress	
November 08, 2011	Mayor Ruane	Report 11/01/11 CC Meeting
November 22, 2011	Vice Mayor Denham	
December 13, 2011	Councilman Harrity	Report 12/06/11 CC Meeting
December 27, 2011	Councilman Jennings	
January 10, 2012	Councilman Congress	Report 01/03/12 CC Meeting
January 24, 2012	Mayor Ruane	
February 14, 2012	Vice Mayor Denham	Report 02/07/12 CC Meeting
February 28, 2012	Councilman Harrity	
March 13, 2012	Councilman Jennings	Report 03/06/12 CC Meeting
March 27, 2012	Councilman Congress	
April 10, 2012	Mayor Ruane	Report 04/03/12 CC Meeting
April 24, 2012	Vice Mayor Denham	
May 08, 2012	Councilman Harrity	Report 05/01/12 CC Meeting
May 22, 2010	Councilman Jennings	
June 12, 2012	Councilman Congress	Report 06/05/12 CC Meeting

June 26, 2012

Mayor Ruane

July 10, 2012

Vice Mayor Denham

July 24, 2012

Councilman Harrity Report July 17, 2012 CC Meeting

Mayor Ruane noted that he would not be able to attend the November 08, 2011 Planning Commission meeting and Vice Mayor Denham noted that he would trade November 22, 2011.

OLD BUSINESS

Discussion of area plan Donax Road to Palm Ridge Road including Periwinkle Way

Councilman Harrity spoke to others thinking he might have a conflict of interest and he had spoken to the City Attorney.

Mr. Cuyler spoke to the following:

- No conflict of interest
- Councilmember could talk about business to others

Councilman Harrity spoke to traveling to Europe this past summer and noting that there was always a town square. He further spoke to the community coming together and want Council to entertain looking at the Town Center discussion.

Discussion ensued regarding a series of public meetings, may want to exclude certain things not appropriate and include those items appropriate, need the map of each item proposed, need to discuss priorities, Planning Department has a large work load, the most difficult issue was density, may want to have Town Center as a Planned Unit Development (PUD), need to select top 3 priorities, would be a difficult priority conversation, talk to all stake holders and property owners, what would the cost be, private sector project with City staff helping with designing, City goals include the Planning Department, parking an issue, need to define the area, finding someone to own the project, interested parties need to communicate, attempting to move forward with fundraisers, designate a Council liaison, committee created to review recreation needs, come up with outline and decide appropriate items included, how to develop with and development code challenges, identify broad topics, identify challenges, Councilman Harrity interested in putting plan together and meeting with parities, pull all old materials, define area, what entities involved, entities member do not always agree, Councilmembers had conversations with different entities and entity members, there probably had been some discussions between entities, need an outline and agenda, previous Council had a vision, but fell apart when discussing the Land Development Code.

Public Comment

Karen Storjohann spoke to importance of parking spaces for events the same days and times, natural ambitions of SCA wanting to modernize to be more efficient and effective, BIG Arts wanting to modernize and expand foot print, biggest parcel of property was in private ownership, church needs to expand, everyone wants more space, and Council owns BIG Arts and Historical Museum and Village.

Ms. Zimomra noted that the City would not have vendor parking on City land and not related to the Farmers Market and City does not own the land the Library sits on.

Barbara Cooley spoke to a group of individuals being interested in a particular project and not in keeping with the Sanibel Plan and something to avoid individuals hijacking the project.

Maureen Valiquette spoke to codes preventing some things, lacking a community center and careful not to over develop, but need to develop something.

Claudia Burns spoke in support of a community center, committee set-up to formulate recreation center, and intensity of use include living and commercial space.

Mike Valiquette spoke to a final report regarding the Town Center of July, 2008 and the Town Center was in the Sanibel Plan. He asked what level a Planning Commissioner would be included.

Mayor Ruane noted that archival material would be brought back to Council and the development of an outline needed.

Gloria Hannan asked if the City needed to spend money on a Town Center.

Karen Storjohann spoke to village greens a place to gather live stock for protection when under siege in colonial times. She also mentioned that Community Park was a village green.

Staff to bring back all archival material, define area, develop an outline, may be better opportunity with other entities, reducing vehicular traffic, bike usage, item on the next agenda. Council agreed by consensus.

Council recessed at 10:35 a.m.

Council reconvened at 10:49a.m.

Review and approval of City Council FY 2011/12 goals Planning Department Current Work Plan

Ms. Zimomra noted that the hand out included all Council comments.

Discussion ensued regarding Council agreed with the financial goals and water goals, decision needed if green technologies would be required or just a suggestions, Palm Ridge Road activity and commercial district may need a plan, need green technology influence, Director Jordan noted that code amendments could be done regarding resort housing and must work on EAR 5-year amendments, 3 planners in the Planning Department, consider amount of tasks that could not be completed with current staffing levels, Council would need to decided which projects were important, what were the priorities that Planning could complete, main goal to continue redevelopment, add 2 bullets under redevelopment, understand planning work flow, one bullet EAR review including green technology and continuing resort housing district redevelopment, Director Jordan put together a list, redevelop resort housing, best practices for green technology and take Palm Ridge development into the Town Center project with different subsets, need to review priorities, should focus on 2 or 3 priorities and had other items to include when something was accomplished, Ms. Zimomra noted the capacity impact with 2 or 3 planners, make certain there was no commitment of priorities to perform without staff, capacity issue relative to the EAR, item one would be EAR, conclude item 2 with outstanding projects, more fine tuning, since Department of Community Affairs (DCA) did not exist was EAR relevant and mandated requirement, Director Jordan stated EAR was important as directed by the Sanibel Plan was to be review every 5 years, and include all plan amendments within the last 5 years, make sure that residents know the Town Center may not be Council's top priority, discussion regarding green technology would be a Council discussion, National League of Cities had green technology information, different green technologies available, Council would need to decide if there should be green technology education and/or education and demand, shorten the redevelopment goals, Ms. Zimomra noted that a new statute adopted requiring that the budget be put on the City's website by October 19th, but did not require City goals, the Government Finance officers' Association (GFOA) budget presentation did require City goals, City Council decided that bullet 5 would be the first bullet, bullet 4 would be 2, bullet 1 would be 3 and combine bullets 2 and 3 making them 4, and Ms. Zimomra suggested the following as bullet 4; "Prepare a redevelopment work plan to address the Town Center, the Town Center Limited Commercial District, the Town Center Commercial District, Residential District and Commercial District Redevelopment.

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Council goals as follows:

Number 1 Financial

Number 2 Water Quality

Number 3 City-wide Redevelopment including 4 bullets as mentioned below in priority order:

- Adopt appropriate revisions to the Sanibel Plan (Coastal Zone Protection Element, Section 3.2.1; Policy 3.1) to allow for the reconstruction of lawfully existing resort accessory swimming pools and structures currently located within the Gulf Beach and Bay Beach Ecological Zones

- Prepare a redevelopment work plan for the existing resort housing properties that are located outside of the Resort Housing District
- Develop a “best Practices Green Technology Check List” that will be required whenever any new development or redevelopment project is approved
- Prepare a redevelopment work plan to address the Town Center, Town Center Limited Commercial District, Town Center Limited Commercial District, Residential District and Commercial District Redevelopment

Public Comment

No

The motion carried.

Karen Storjohann spoke to the need to put information onscreen for the audience. She further spoke to important information gathering before going to redeveloping resort housing outside the district information.

Ms. Zimomra noted that staff would provide a cost analysis and staffing capacity to put everything on the screen

Council decided to discuss the following:

CITY MANAGER’S REPORT LISTEN

Informational Items

Report regarding status of policy regarding maintenance of vegetation within intersections

Ms. Zimomra spoke to the City would not carry forward with decorating the right-of-way at Lindgren Boulevard, but would continue to maintain the vegetation.

Causeway counts, August, 2011

Ms. Zimomra noted the counts had increased.

Participation in the City of Cape Coral’s Veterans Parade

Ms. Zimomra asked if any City Council member wanted to attend.

Councilman Jennings noted he would like to attend and would take care of the arrangements.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Follow-up for the Lee County Delegation Meeting November 08, 2011

Ms. Zimomra noted that deadline was October 28, 2011.

Vice Mayor Denham noted that he would work with the City Manager.

Meetings with Representative Dr. Paige Kreegel and Representative Ken Roberson

Vice Mayor Denham noted his meetings with the above.

Public Comment

Karen Storjohann asked if the report was the same as the Planning Commission. Council answered no.

Ms. Zimomra stated the following:

- Council asked for specific documents
- Planning Commission only on land use aspect

Council recessed the meeting at 11:43 a. m.

Mayor Ruane announced that Council would go into Executive Session and those noted below would be in attendance.

Council convened into Executive Session at 12:00 p.m.

Convene an EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS

In attendance shall be only the following persons:

Mayor Kevin Ruane

Vice Mayor Mick Denham

Councilman Doug Congress

Councilman Marty Harrity

Councilman Jim Jennings

Sanibel City Manager Judie Zimomra

Sanibel City Attorney Kenneth B. Cuyler

Jim Isom, Director of Administrative Services

Sylvia Edwards, Finance Director

Wayne Helsby, Labor Counsel (Allen, Norton & Blue) (by phone)

Council reconvened the open session at 12:50 p.m.

Council recessed at 12:50 p.m.

Council reconvened at 1:07 p.m.

PRESENTATION

Discussion and Review of the status of Community Housing Resources, Inc.,

Councilman Congress spoke to the following:

- Below Market Rate Housing (BMRH) a requirement in the Sanibel Plan
- CHR benefits resident to offer BMRH
- Dedicated Board of Directors
- Must operate financially independent
- March 01, 2011 City Council meeting discussed challenges and excessive financial burdens
- Has Executive Director
- Still faces significant financial burden
- No cash infusion
- Little operating cash
- Untimely financial reporting and not wholly accurate

- \$150,000 past due greater than 90 days
- Intention should be to gain an understanding of plan to get out of financial situation
- If CHR fails what does Council plan to do

Discussion ensued regarding CHR vitally important, continue to understand challenges, and how to address challenges and look at progression.

Richard Johnson, Board President, Nancy Fash McHenry, Executive Director and Ray Pavelka, Vice Chair spoke to the following:

Richard Johnson spoke to the following:

- Must maintain itself and continue to grow
- Have identified challenges
- Accounts payable continued to grow
- Obligation to identify tax dollars
- Challenges lack of focus and determination of key items that need to be accomplished
- Top two important items
 - Financial stability
 - Liquidity definitely an issue, Focus efforts
- Solidify the Board of Directors
- Identify the critical skill sets missing and have now identified such person and working with staff (John Morely)
- Progressively work to fill Board positions with people that were willing to work
- Further develop the business operation
- Additional staff and Board member training
- Investigate outside support of business operations

Ray Pavelka spoke to the following:

- Belding home in Belle Meade community for sale
- Adjusted price
- Previous offer – did not accept
- \$100,00 obligation when property sales
- Need to be prepared to address any short fall resulting from reduced net proceeds should Belding home sale for less
- Convert Sanibel Highland home to Limited Equity Ownership (LEO)
- Net proceeds approximately \$100,00 to \$125,000 and address accounts payable and liquidity
- Belding home on market since late March or April, 2011

Discussion ensued regarding concern over CHR liquidity, private loan of \$20,000, Mr. Pavelka noted that CHR was dealing with liquidity problems since last fall and behind with accounts payable, CHR does not follow

Sunshine Law, if Sunshine was followed, how would that affect the CHR Board, Mr. Pavelka noted that due to tenant involvement and privacy Sunshine not followed, in last few years CHR awarded several \$100,000 grants for LEO's and must give reduction when lease to own grants awarded, when accepting funds from SHIPP there was a 15 year obligation to maintain home unless paid back, Mr. Johnson noted that Sunshine elongates the process and offers up tremendous restriction in running CHR, Council could assist in education, Mr. Johnson would make himself available during Council briefings, have regularly scheduled CHR Board meeting, certain people were asked to leave upon attending when the Board wanted to speak privately, encourage CHR Board to abide by Sunshine, City Clerk could provide audio of any meeting, community awareness critical, very difficult for any board to focus on strategy, very important to focus on 1 or 2 critical issues, does board members have the ability to focus on critical issues, Mr. Johnson noted that the primary responsible of the President was to lead the Board with a strong vice chair, do not have all resources on Board to accomplish CHR goals, not actively seeking Board members with needed skill sets, but on our list, newest Board member to be installed in November, have conversations with people regarding needed Board members with certain sill sets, talk to resident in community with skill sets, but do not have time to give to CHR as a Board member, Council and Board needs to see a plan for success, need new Board members with a different skill set, if tenant had concerns was there one person that handled any concern, first stop for residents was Executive Director and office staff, then could go to Landlord Tenant Committee, where was the money coming from, was there a possibility of a bridge loan, have 3 loans with San-Cap Community Bank, a lot of encumbered assets, an immediate liquidity issue and how to get a loan against assets, reduce late fees, CHR may not have 6 months, how to operate after liquidity issues was settled, need a treasurer to spend time to review financial statements, need budget broken down on a monthly basis with details, have trust in new Executive Director, and Board needs to allow director to perform duties without tying hands, number one was the short-term liquidity problem, bring a treasurer to the Board, allow the Executive Director to do her job, need better clarity regarding liability, less homes in program, projecting increased income from utilities due to a SHIPP explanation and grant from City would keep CHR intact, explore every option possible to clear liquidities, through the liaison a CHR report, provide information from Board meetings to City Council, and a meeting between Councilman Congress, CHR liaison, Ken Cuyler, City Attorney and Richard Johnson, CHR Board President regarding Sunshine.

Nancy Fash-McHenry, Executive Director stated as follows:

- Team prepared director to manage CHR
- Know where CHR stands and the challenges
- Continue Strategic Planning efforts
- Develop resources
- Continue to develop

Public Comment

Dr. Phillip Marks spoke to understanding the need for better communication and could send minutes to City Council. He further spoke to disagreeing working within Sunshine.

First Reading of an ordinance and scheduling of public hearing

ORDINANCE 11-010 OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 50 PERSONNEL, ARTICLE III, POLICE OFFICERS' RETIREMENT, DIVISION 2 PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING SECTION 50-220, AVERAGE FINAL COMPENSATION; SECTION 50-355, CALCULATION OF BENEFIT AMOUNT; AND SECTION 50-443, CITY CONTRIBUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 11-010.

City Council set the second reading and public hearing for November 01, 2011 at 9:15 a.m.

ORDINANCE 11-011 OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 50 PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING SECTION 50-476, DEFINITIONS; AMENDING SECTION 50-477, PARTICIPATION; AND AMENDING SECTION 50-479, RETIREMENT DATES AND BENEFITS, OF THE TERMS OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 11-011.

City Council set the second reading and public hearing for November 01, 2011 at 9:15 a.m.

PUBLIC COMMENT

None

COUNCIL COMMENTS

None

There being no further business the meeting was adjourned at

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk