

**SANIBEL CITY COUNCIL REGULAR MEETING
JANUARY 02, 2006**

Council held a reception for John Veenschoten and Jack Samler in honor of their service to the Sanibel Planning Commission.

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

Members present: Mayor Johnston, Vice Mayor Denham, Councilman Brown, and Councilman Rothman. Councilman Jennings was absent due to his attendance at Governor Crist's inauguration.

Mayor Johnston gave the Invocation and led the Pledge of Allegiance.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to excuse Councilman Jennings from the meeting.

The motion carried unanimously.

PRESENTATION(S):

Proclamation for Jack Samler for his service to the Sanibel Planning Commission

Mayor Johnston presented a proclamation and a piece of Luc Century crystal to Mr. Samler.

Mr. Samler thanked Council for their acknowledgements.

Proclamation for John Veenschoten for his service to the Planning Commission

Mayor Johnston presented a proclamation and a piece of Luc Century crystal to Mr. Veenschoten.

Mr. Veenschoten thanked Council for their acknowledgements.

Public Comments:

Claudia Burns spoke to the continuation of the Australian pine ordinance for January 16, 2007 and an existing ordinance 04-011 she spoke to the pine being a non-native.

Hazel Schuller spoke to her suggestion of having a mixed use map, adopted the Sanibel Report July, 1976,

Herb Rubin spoke to remuneration for Council so younger residents might run for Council,

Karen Storijs spoke to an English correction in City documents.

Bernie Lubetkin spoke to the high cost of running for Council, he proposed the amount of money spent on an election campaign should be limited to \$5,000, and Council should sponsor several candidate forums.

Louise Johnson spoke to the cost of financing an election campaign.

Ed Seiber spoke to changing the signs on the Shared Use Path to reflect multiple users.

Discussion ensued regarding a problem with vehicles using the Shared Use Paths, Ms. Zimomra stated the consultants were reviewing this within their study, and the need for a consistent sign plan for the paths.

COUNCIL COMMENTS;

Councilman Brown wished everyone a Happy New Year.

Vice Mayor Denham wished everyone a Happy New Year and stated that Councilman Jennings was in Tallahassee attending the governor-elect inauguration

Mayor Johnston spoke to the Charter question on the March, 2007 election ballot.

Planning Commission Report:

Mike Valiquette gave the following report:

- Land Bell request for development continued

SECOND READING AND PUBLIC HEARING

ORDINANCE 06-023 AMENDING THE SANIBEL CODE, PART II, SUBPART B LAND DEVELOPMENT CODE BY AMENDING CHAPTER 78 GENERAL PROVISIONS, SECTION 78-1 RULES OF CONSTRUCTION AND DEFINITIONS, TO ADD A DEFINITION FOR BEACH CLUB; AMENDING CHAPTER 126 ZONING, ARTICLE II CONDITIONAL USE PERMITS, SECTION 126-35 RECREATION FACILITIES, TO CLARIFY THAT BEACH CLUBS ARE NOT PERMITTED RECREATION FACILITIES AND TO UPDATE THE CONDITIONS FOR RECREATION FACILITIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of ordinance 06-023.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Ordinance 06-023.

Public Comment:

Hazel Schuller spoke to thinking Council already voted on the ordinance, and she asked to clarify the reason for the ordinance.

Mr. Duffy spoke to the following:

- Includes a definition of beach club
- Since 1985 beach clubs not permitted on Sanibel
- Section 126-135 including a sentence that beach clubs would not be permitted use

Discussion ensued regarding recreation uses, tennis courts, golf courts, etc.

The motion carried unanimously.

Mr. Cuyler stated that the Charter amendment for the Vision Statement was scheduled for the March, 2007 ballot.

Request from B. I. G. Arts Board of Directors, 900 Dunlop Road to clarify the rental policy for their facility leased from the City of Sanibel

Ms. Zimomra spoke to the following:

- Initiated discussion of additional alcohol sales
- Leased building from the City with a long-term multi-year agreement
- Previous discussion of B. I. G. Arts uses
- Coordinated staff time with increasing B. I. G. Arts events
- Lease speaks to who would be responsible for what

Discussion ensued regarding any conflict from the most recent memo from B. I. G. Arts, Mr. Cuyler stated there was a conflict with the provision on page 2 of sub-leasing to other parties and other uses shall be only with the prior approval of City Council, liability insurance of \$100,000 was enough and should that be reviewed, principal reason for discussion was because Council felt that reviewing the alcohol approval should go to staff rather than Council, local businesses should be catering food for an event, City pays utilities, tree trimming, mow the lawn, paid for repairs, insures the building for hurricanes, no lease payment, Ms. Zimomra stated that the exterior insurance was carried by the City, and B. I. G. Arts insures the interior contents.

Chuck Ketteman, President B. I. G. Arts spoke to the following:

- Established 1979
- Attract some of worlds best musicians
- Private funding for building came from the community
- Private funds pay for operation
- Do not provide catering
- Only tasting of alcohol
- Suggest not changing the lease
- Liability carries \$1,000,000
- Responsibility of B. I. G. Arts to maintain inside of building
- City pays for electricity
- City pays for insurance to cover wind damage

Discussion ensued regarding the lease functioning well, partnership working well, City should limited alcohol service to beer and wine, clarify City alcohol policy, the amount that the City subsidizes B. I. G. Arts, clarify what it would cost to replace the roof, B. I. G. Arts staff work with the City Manager, possible need for increased liability insurance, going in to competition with other businesses on the island, serving alcohol during intermission was a tasting and alcohol at a party a big part of the event, and renter controls the alcohol with a staff member on site, revisit alcohol policy and come back to Council.

Mr. Ketteman requested to receive input on B. I. G. Arts future from Council and schedule a 60 to 90 minute round table discussion. He spoke to one issue was the need for space and what could be done.

Discussion ensued regarding not becoming an attraction, and SCA and Shell Museum role on the island, City not in a position to work with one group, maybe broaden to arts and where would it stop and define, and non-profits might want to hold a discussion.

Continuation of Second Reading and Public Hearing

ORDINANCE 06-021 ESTABLISHING A PROCEDURE FOR REMOVAL OF AUSTRALIAN PINES AND OTHER TREES DETERMINED BY THE CITY MANAGER TO BE A THREAT AND NUISANCE TO CITY PUBLIC INFRASTRUCTURE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE REMOVAL OF ANY AUSTRALIAN PINE OR OTHER TREE DETERMINED BY THE CITY MANAGER TO BE A THREAT AND NUISANCE TO CITY PUBLIC INFRASTRUCTURE; PROVIDING A PROCEDURE FOR DETERMINATION THAT AN AUSTRALIAN PINE OR OTHER TREE IS A THREAT AND NUISANCE TO CITY PUBLIC INFRASTRUCTURE; PROVIDING FOR APPEAL; PROVIDING THAT SUCH PROCEDURE SHALL BE EXCLUSIVE WITH RESPECT TO REMOVAL OF AUSTRALIAN PINES FROM PRIVATE PROPERTY PROVIDED, HOWEVER, THAT CURRENTLY EXISTING ORDINANCES SHALL NOT BE AFFECTED; PROVIDING FOR

CODIFICATION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler request that discussion be continued until January 16, 2007.

Vice Mayor Denham made a motion seconded by Councilman Rothman, to continue the second reading and public hearing for January 16, 2007 at 10:30 a. m.

The motion carried unanimously.

CONSENT AGENDA:

- a. **Approval of Minutes – December 05, 2006 Regular Meeting**

- d. **Approval of submittal of a Justice Assistance grant to Florida Department of Law Enforcement for partial funding for a computer laptop for the new In-Vehicle Computer Program and authorize the Mayor to sign**

Vice Mayor Denham made a motion, seconded y Council Brown, to adopt the minutes and approve the Justice Assistance grant.

The motion carried unanimously.

Ms. Zimomra read the titles of Resolutions 07-001, 07-002 and 07-004

- b. **RESOLUTION 07-001 ACKNOWLEDGING THE VOTE OF THE ELECTORS OF THE DECEMBER 19, 2006 MAIL BALLOT ELECTION FOR THE CITY OF SANIBEL, FLORIDA; ACKNOWLEDGING THE APPROVAL BY THE ELECTORATE TO DETERMINE WHETHER THE CITY ELECTORS APPROVE CERTAIN IMPROVEMENTS TO PERIWINKLE WAY BETWEEN APPROXIMATELY 1/8 MILE WEST OF ITS INTERSECTION WITH CASA YBEL ROAD TO A POINT APPROXIMATELY 1/4 MILE EAST OF ITS INTERSECTION WITH DIXIE BEACH BOULEVARD, SAID IMPROVEMENTS PRIMARILY TO PROVIDE FOR SHARED USE PATH SAFETY IMPROVEMENTS SUBSTANTIALLY WITHIN THE EXISTING CITY RIGHT-OF-WAY, BUT INCLUDING ALTERED VEHICULAR TRAVEL LANES AND DRAINAGE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE**

- c. **RESOLUTION 07-002 APPROVING THE LEE COUNTY MULTI-JURISDICTIONAL MUTUAL AID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

Mr. Cuyler spoke to this agreement having an indemnification clause provides that the providing agency holds the requesting agency harmless from any claims as a result of any acts that occur on behalf of the providing agency.

- e. **RESOLUTION 07-004 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-043; AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$1,000 for partial funding of a computer laptop for the Police Department in-vehicle computer system. The funding source is federal funds passed

through the Florida Department of Law Enforcement and the term of the agreement is 2/1/07 through 7/31/07)

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to adopt Resolutions 07-001, 07-002 and 07-004.

The motion carried unanimously.

Council recessed at 10:27 a. m.

Council reconvened at 10:43 a. m.

OLD BUSINESS

Planning Department Update

Mr. Duffy spoke to the following:

- Copy of report dated December 19th in agenda packet
- Includes a copy of the revised RFP for the Periwinkle Way, Palm Ridge and Tarpon Bar Road Commercial District Plan
- Consistent with the Sanibel Plan and comments made by Council

Revised request for Proposals for Professional Services (RFP) – Periwinkle Way, Palm Ridge and Tarpon Bay Road Commercial District Plan

Mr. Duffy spoke to the following: **LISTEN**

- Revised after Council comments
- Page 3 list key objectives and proposal responds to the Vision Statement as well as Part 3.6 the land use element of the Sanibel Plan Section 3.6.6
- Page 3 third bullet new objective defining specific economic and regulatory strategies that would allow Sanibel to retain small businesses unique to Sanibel
- Discourage commercial development that exceeds the amount that could be supported on Sanibel
- Addressing and defining specific alternative land use opportunities
- Attempting to include the Shared Use Master Plan system to create a true pedestrian and bicycle environment
- The technical reports submitted for Council review
- Comments from Council that the community being heavily involved
- Involve the City's Community Relations Specialist

Discussion ensued regarding Merribeth Farnum, Community Relations Specialist having the time to perform the work, Ms. Zimomra stated that she would have the time at the current water involvement, water must remain a high priority, responsive to Council, funds would come from the redevelopment study, Ms. Zimomra stated that was why community input component was so important, Mr. Duffy understood the importance of community involvement and reporting to Council as well as a built in series of steps for the completion of the work, concern in updating the economic analysis, concern of the carrying capacity report moving slowly, Council would authorize staff to proceed with negotiating a contract, bring contract to Council for approval, and discussion between the consultant and Council.

Public Comment:
None.

Discussion continued as follows:

- Page 2 explanation for reason of study
- The need for a plan for future use of undeveloped property

- Page 3, 3rd bullet incorporate how the island retains locally owned businesses and rent had increased for business owner that rents, the property become more valuable and drives out the unique businesses
- Establishing unified parking plans – a better way to manage the spaces and were the current parking standards adequate
- Page 4 suggest a cross reference of other consultant completed work, such as the Shared Use Master Path
- Page 4 3rd paragraph from the bottom Council provides input the consultant would collect community information
- Project should not exceed 18 months

Discussion ensued regarding a Council liaison, Mr. Cuyler stated that because this would come to Council for a approval there would be no need for a Council liaison, a matrix that shows the projects for the Planning Department, if approve would it constitute a zoning-in-progress, Mr. Cuyler answered no only an RFP for services, and Mr. Duffy stated there would possibly be proposed amendments to the code.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to authorize the Planning Department to proceed.

The motion carried unanimously.

Discussion ensued regarding hearing the commercial zoning on January 16 and Planning Commission different from Council's discussion, and the need for an inclusion of the Planning Commission comments, staff recommendations was to bring the ordinance back to Council designating comments from Council, staff and the Planning Commission in different colors to show all comments.

Permit Application and Code Enforcement Activity Report for November, 2006

Mr. Duffy suggested bringing Council a comparison report for 1st quarterly of 2006 versus 2005 on January 16, 2007 Council meeting

Discussion ensued regarding a violation on Hibiscus Drive and Mr. Duffy spoke to the following:

- Permit issued several years ago
- Contact homeowner and contractor
- Exceeds the current ordinance
- The end of period for homeowner to respond
- Number of sign violations and a single sign company that worked to fast
- Out reach to realtors and working hard to receive compliance
- After 4499 West gulf incident of scrapping the dune and preliminary plan submitted and if no plan received it would go to hearing
- Working with NR to complete a dune inspection on the island

Water Quality Issues

Staff Reports

Beach Status

Current Beach conditions

Report from Natural Resources Department

Dr. Loflin gave the following report:

- Dr. Brian LaPointe agreed to speak with Council
- Caloosahatchee/St Lucie Rivers Corridor Advisory Committee established by the state and last meeting January in Stuart and Mayor Arend, Bonita Springs, D. T. Minich, TDC and Commissioner Tammy Hall being members

- Working on language to improve the Lake Okeechobee Protection Act of 2001(state legislation that directed DEP and SFWMD to improve Lake Okeechobee
- Result might include the improvement of the estuaries at the same level
- Staff would be attending on January 18
- Still algae on the beach,
- Lighthouse Beach had the worse quantity
- State report shows no red tide on the island per sampling

Report from the Medical Committee

Dr. Harries gave the following report:

- January 4th Committee orientation
- Develop a proposal to identify
- Mandate deals with human pathogens
- No comprehensive view of human pathogens in Southwest Florida
- Make recommendations on how to
- How citizens may deal with any risks
- Number of physicians that understand and recognize the issues
- How much disease was recognized while not recognizing the problem

Discussion ensued regarding focusing to human pathogens and limiting to the waters surrounding Sanibel, not the obligation of the City to continue the monitoring and testing, cost would need to be shared with others, more integration with other governmental entities, impact on seagrasses and interrelated to human pathogens.

Mayor Johnston spoke to the letter she sent to the SFWMD regarding the acreage for water storage.

Council recessed at 12:00 p.m.

Council convened at 1:20 p. m.

Status Report on Recreation Center Construction Project (3840 Sanibel-Captiva Road

Staff Status Report

Ms. Zimomra stated the report was in the agenda packet. She further spoke to a request from Councilman Jennings that discussion of the security fence be held over until January 16, 2007 Council meeting.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to delay the fence discussion until January 16, 2007.

Thee motion carried unanimously.

Ms. Zimomra stated the webcam was up for anyone to look at the progress of the Recreation Center.

Presentation by Construction Manager Peter Brown and Architect Henry Woodroffe

- Project on schedule and within budget
- Walls up, joist flown and metal deck in place for the gymnasium
- Roofing occur in the next few weeks
- Date for building topping ceremony upcoming mid-February
- Concern of safety issues when touring the building

Authorize Final Approval of Color Palette

Ms. Zimomra explained there was one item left to choose the color palette and that was the restroom stall.

Discussion ensued regarding the dark color that would be the counter top, and would be very little counter top.

Vice Mayor made a motion, seconded by Councilman Rothman, to approve the color palette.

The motion carried unanimously.

Discussion ensued regarding how the expenditures were tracked, Ms. Zimomra spoke to the Finance Director approving the expenditure before coming the City Manager and the project was being complete for a total sum, define substantial completion date, Mr. Woodroffe answered it would be when the owner could have occupancy with warranties in place and/or when the owner could move in, still on schedule for opening this fall, and contractor turning the building over would not be the same date the facility would be open for programming.

Authorize the increase of pool fencing from 6-feet to 8-feet and add walkway gates at a cost of \$56,206

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to delay discussion until January 16 at the request of Councilman Jennings.

The motion carried unanimously.

Council discussed the following

Discussion of segway safety

Ms. Zimomra stated that Mr. Kirkland request discussion be delayed until January 16, 2007.

Discussion regarding reviewing the Planning Commission minutes, Planning Commission reviewing the tours and Council decides safety, and what other areas allow the use of segways and their safety record.

Mr. Cuyler spoke to the following.

- Ordinance in place prohibiting the use of segways, except under a tour situation and ordinance outlines conditions
- Planning Commission dealt with operation of tour business, operations and land use
- City Council adopted an ordinance prohibiting use of segway accept in a tour situation
- Council to review the use of segways under the tours to decide any safety issues
- Conditional use limited in time duration
- Mr. Kirkland applied for a new conditional use
- Planning Commission approve another conditional use for 18 months
- Mr. Kirkland can sale segways, but can not be used on Sanibel
- Council could review safety as part of the tour operation

Council decided to discuss the following:

Public Hearing regarding Evaluation Appraisal Report (EAR) plan amendments Article, Part 3.4 Intergovernmental Coordination and Part 3.6 Land Use; Article 4 Official Maps; and Article 5 Administrative Regulations

Mr. Duffy spoke to the following:

- Page 166 and Page 171– (cross reference) under local taxing authority might include the loss of the Causeway and weigh station revenue and the impact of visitors

- Nothing about revenue sources

Discussion ensued regarding the impact of the loss of revenue to the Sanibel Plan, BMRH program and other items

- Page 167 and 168 Human Support Systems – include SCA, Old School Theater, CROW, Shell Museum, should be inclusive or drop B. I. G. Arts
- Environmental Regulatory Authority – environmental restricted to the island and include as it affects the water and air surrounding the island
- Add MPO
- Page 168 United Telephone the island carrier old information– Sprint/Embarq the carrier; should include cable and satellite
- Links to Lee Memorial Health System

Public Comment:

Hazel Schuller spoke to including mental health care providers.

Discussion ensued regarding changing private health care providers to mental health care providers, community health care providers and community hospitals.

- Page 169 add new subtitle – deals with off-island water and growth impacts
- Page 170 not necessary to detail Charlotte Harbor

Discussion ensued regarding deleting the entire section on Charlotte Harbor, and/or reducing the Charlotte Harbor information.

Mr. Duffy spoke to revising the title to include a larger estuary water quality management and modify to introduce the other major players and larger picture.

Discussion ensued regarding provisions for tolls in the agreement between Lee County and Sanibel, Mr. Duffy spoke to a topic of value pricing later on Council's agenda, section dealing with the County lawsuit and tolls, Mr. Duffy spoke to having a section that dealt with Intergovernmental coordination and Intergovernmental revenue sharing and dealing with the issues of the weigh station, and tolls, expand the wording on "improve the policies controlling water quality from Lake Okeechobee," and define gateway community.

- Page 171 Causeway Interlocal Agreement and Council asked Mr. Cuyler to review

Karen Stori Johann spoke to the first paragraph on Page 172 regarding finding new word rather than using the word impact so much.

- Page 172 sentence working together on tolls and does not identify the issue of the burden of employers and residents having to pay to get home (on island)
- Last paragraph carrying capacity issue needs to be emphasized more

Karen Stori Johann spoke to number 5 should be stated better as "get benefits equivalent to our costs."

- Page 174 - 9 crossed out and no 11 – number missing
- Page 177 does not include Southwest Florida Regional Planning Council
- Page 178 Policy 4.1 should Sanibel be involved – should be edited
- Page 178 Policy 4.4 should be deleted - Council decided to leave in the EAR
- Page 179 paragraph noting McGregor Boulevard and Summerlin traffic due to day trippers coming to Sanibel and Captiva, instead it is because Lee County allowing development

Herb Rubin spoke to the paragraph 1 line from the bottom of page 179 should be “affecting” rather than “effecting”

Hazel Schuller spoke to page 199 speaking to the high cost of housing and in the open space section it talks about the open space, but nothing that speaks to over use.

Mr. Duffy spoke to getting to the commercial land use sections for discussion.

Discussion ensued regarding some information deleted was useful in the context to the last number to reflect a trend in this section and the future land use section, and Mr. Duffy spoke to implementing a table showing trends.

- Page 200

Karen Storijs spoke to 3rd paragraph and a comma missing

- Page 205 item 2 to permit redevelopment on existing parcels up to the number of existing dwelling units on May 4th provide that the redevelopment....

Discussion ensued regarding rewriting the paragraph on the 2005 charter amendments and change wording to buildback.

Hazel Schuller spoke to resort housing.

- Page 205 number 3 why include “discourage additional resort housing” statement
- Page 205 number 4 should the wording be development intensity or should it be density

Mr. Duffy stated that number 4 would be changed as it appears in the Charter and number 3 had been in the Sanibel Plan for years.

- Page 206 add under objective 3 in addition to developing work force housing

Discussion ensued regarding 3% for workforce housing, Ms. Zimomra stated that Council had not decided on a workforce housing plan or a goal for workforce housing, but did address the issue, just recognize the workforce housing issuing was beginning.

- Page 209 and the upcoming pages keeping thee 1995 and 2006 numbers for trending
- Page 210 Land Uses Adjacent to Sanibel – impact on the water surrounding Sanibel due to increased development
- Page 211 no indication of conclusion of the chart – explain the trend of seasonal and year round population
- Page 214 paragraph 5 speaking to buildback not redevelopment
- Page 214 should include all master plans
- Page 214 reword the sentence including the word consortium

Mr. Duffy spoke to stating a fact that today there were a number of properties that exceed the density provisions.

Hazel Schuller spoke to Page 214 and the need to add the 1995 Beach Management Plan, and delete the word consortium in the 4th paragraph.

- Page 218 number 3 add the word “permitted”
- Page 218 number 2 needs rewording

Mr. Duffy spoke to editing the sentence to relate to the level of service.

Karen Storijohann spoke to a difference between caring capacity between roads and beaches.

Ms. Zimomra spoke to leaving enough room to analyze the congestion.

Discussion ensued regarding the need for air pollution data and water run-off, and find a way to add wording to the above-mentioned.

- Page 219 re-wording language to the Charter amendments
- Page 225 4th or 5th line down 12,000 square feet consistent with current code

Mr. Duffy answered no it was a separate provision and in the land development code threshold, Mr. Pfalzer stated that this policy being in the Sanibel Plan, but not reflected in the code, Mr. Duffy spoke to this portion of the Land Development Code speaking to the 1985 study and needs to be addressed.

- Page 225 3rd paragraph from the bottom insert after the word “should” the word “only” and keep the wording “be permitted in the form of use, and delete the rest of the sentence
- Page 225 3rd paragraph not clear why there are the small outlying location for commercial development and add a sentence indicating that 1 purpose of retaining the areas was to reduce vehicular traffic
- Page 225 2nd line from the top the word “perhaps” should be deleted

Discussion ensued regarding not implementing, decided to change as mentioned above, and Mr. Duffy stated the above was listed in the purpose statement for the pending neighborhood district.

Hazel Schuller spoke to Page 225, 4th paragraph beginning with the word discourage – all resorts were excluded from the commercial district map

Mr. Duffy spoke to the commercial zoning district was where the resort housing district only dealt with accessory use to the guest that rely on the accommodations.

Herb Rubin spoke to Page 225 1st sentence should speak to buildback and the density issue should be addressed in redevelopment.

Mr. Duffy stated the sentence would be re-written.

- Page 226

Karen Storijohann spoke to page 226, 4th paragraph suggested including something about color.

- Page 226 4th paragraph speaking to large commercial buildings

Mr. Duffy spoke to the avoidance of the cartoonish building façade and the commercial zoning Council would be discussion deals with this particular question.

- Page 228 historic preservation of structure – should there be any mention of impending action
- Page 228, 2nd from the bottom paragraph – delete and other uses and add and other non-motorized users
- Page 228 and 229 change bike path to Shared Use Path, and add pedestrians
- Page 229 beach access walkover were more than to protect the vegetation – the main purpose was to protect the dune system

Discussion ensued regarding more language of historic preservation issues, Mr. Duffy agreed language should be changed, and the need for a long-term plan.

Karen Storijschmann spoke to page 230 adapted design and need to update for green building technology and opportunities.

Council agreed to show some reflection of the above-mentioned.

Hazel Schuller page 229 landscape design and Gulf Coast University having a landscape design degree.

Discussion ensued regarding added language for animal landscaping.

- Page 231 need something to protect water ways for storm water run-off
- Page 235 conversion not include in the 2006 EAR plan amendment for the ecological and zone intensity map

Discussion ensued regarding all but the 2 above-mentioned maps were in the digital format and should be so stated.

Hazel Schuller spoke to page 236 and asked if there were maps for present Shared Use Paths and for proposed future Shared Use Paths, Ms. Zimomra stated there was a current map and any proposed path map would be include in the ongoing Shared Use Path study, Ms. Schuller also asked that segway be designated as a commercial use on the map.

Council answered that there was no designation of segways and the Shared Use Paths were for non-motorized vehicles. Mr. Pfalzer spoke to the transportation had an element showing the Shared Use Path locations and is the study were completed any proposed paths could be included in the EAR.

Discussion ensued regarding Surf Sound Court not being represented on map 38.

Hazel Schuller spoke to page 246 Administrative Standards should be on 1 page, and page 247 in the middle of the page implementing commercial development.

Mr. Duffy stated the Sanibel Plan ensures that there was not commercial sprawl on Periwinkle Way and commercial nodes separate themselves, places would be replaced by residential or non-commercial uses to guard against sprawl.

Council decided to discuss the following:

Request from Sanibel Parks and Recreation Committee to advertise the Committee's meeting regarding Recreation Center Fee Schedule

Armand Ball, Chairman Parks and Recreation Committee spoke to the following:

- Review developed parameters for fees
- Needed permission from Council to hold a Special Committee meeting

Ms. Zimomra clarified that it was the request to advertise the special committee meeting that triggered Council discussion.

- Would like to discuss at the January 16 Council meeting
- Bring back classification of fees and levels to Council in February

Discussion ensued regarding there could be no user fees, Mr. Ball stated that the previous discussion was for the new recreation center that there would be nominal user fees, and Ms. Zimomra answered that that was a previous study and there was an implementation of certain user fees for certain classes.

Council agreed to add to the January 16, 2007 Council agenda.

Discussion regarding Councilman Brown's request to have all City property appraised

Councilman Brown spoke to the need for having City property appraised, not knowing the appraised value of the boat ramp property, and the need to know the land assets of the City.

Ms. Zimomra stated that the information did not exist, and would take an outside person to perform appraisals, which would expend funds, Council asked why if a Councilmember request information that information was given to all Councilmembers. Ms. Zimomra answered that by providing to all Councilmember everyone was provided the same information at the same time.

Discussion ensued regarding calling a Councilmember if there was a large volume of printing to see if they wanted that information, more difficult to get information without a discussion before Council, need to know the amount of City assets, what would be the cost, Ms. Zimomra stated there was a list of all City owned property in the agenda packet and the rate for an appraisal per parcel was approximately \$15,000 or \$2,000, Mr. Cuyler stated that Council would make a determination on how the appraisal would be done on the highest and best use, and for instance the boat ramp would be appraised as a boat ramp, spent \$10,000 for an appraisal on the Knave property, and only appraise the property in question.

Public Comment:

Karen Storijohann spoke to reviewing City-owned property.

Discussion ensued regarding land purchased with grants could not be sold unless the money was re-paid.

David Berger spoke to the need to know property worth.

NEW BUSINESS

Request for direction regarding the potential widening of the Rabbit Road Shared Use Path

Mr. Gates Castle, Public Works Director spoke to the following:

- \$200,000 in the current budget for improvements
- Survey completed showed path west of Rabbit Road
- Proposal to widen 2-feet
- Section of path adjacent to the 2 lakes was 1,200 feet of the total 2,700 length of path would be difficult to widen due to native vegetation to provide a buffer
- 2005 put in new 8-foot bridge
- Needed path improvements in the areas adjacent to the lake
- Recommendation to remove the native vegetation, fill in the lake, re-establish the native vegetation

Discussion ensued regarding easement being 15 feet and path 6 feet, fill in the 15-foot easement on the lake side, on the western edge and close to the water, to go west would necessitate a 15-foot easement, see if SCCF would give an easement, fairly thick native vegetation on the west side and filling in wetlands would be necessary to widen the path to the west, complaints on safety issues, 1,200 feet along the lake would not be widen under the proposal, putting shared use paths on a 20-year repaving cycle, need to trim the vegetation more often, problem vegetation beyond the north side of the lake and remove vegetation in the right-of-way, directional signs needed, need to completely repair the path, and this Shared Use Path a priority.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to accept staff's recommendation to use FY 06-07 funds to repair/resurface the existing Rabbit Road Shared Use Path where it is located adjacent to the lakes and widen/repair/resurface the remaining path segments with additional suggestion to remove some of the trees.

The motion carried 4 to 1 with Councilman Rothman voting in opposition.

Ms. Zimomra spoke to receiving the Lee County draft RFP for the Variable Pricing Study (charging different rates at different times of the day for Causeway tolls) and the need for staff comments. She provided a memo to Council from staff with her comments in pen for Council comments that would be sent to Lee County. She also spoke to her

Councilman Brown made a motion, seconded by Mayor Johnston, direct the City Manager and City Attorney provide a letter stating due to the lack of appropriate time to respond it is impossible to respond, and looking forward to a better working relationship regarding the Causeway and the tolls.

Discussion ensued regarding MPO discussion, Lee County should provide 2 weeks for Sanibel to provide comments, Ms. Zimomra stated that Mr. Duffy stated that Lee County did not want comments immediately and believed Council would have 2 weeks to respond.

Mr. Duffy spoke to the scope of services submitted while out on medical leave and came in around December 18th.

Council asked that staff make certain Council had 2 weeks to provide comments.

Mayor Johnston withdrew her second to the motion.

The motion failed due to the lack of a second.

Councilman Brown left at 4:14 p. m.

Staff recommendation for a \$7,500 fill donation to the City Recreation Construction site

Final Review of Community Park design

Bo discussion took place.

CITY MANAGER

Informational Items

CITY ATTORNEY'S REPORT

None.

COUNCILMEMBERS' REPORT

None.

PUBLIC COMMENT

None.

There being no further business the meeting was adjourned at 4:19 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk