

**SANIBEL CITY COUNCIL REGULAR MEETING
FEBRUARY 06, 2007**

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

Members present: Mayor Johnston, Vice Mayor Denham. Councilman Brown, and Councilman Jennings.

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

Mayor Johnston announced that Council accepted the resignation of Councilman Tom Rothman on Monday, February 05, 2007. She asked Council to include under New Business an item for discussion. She also asked the beach discussion to occur after the 2 scheduled hearings.

Council agreed with the request.

Councilman Brown spoke to the shock of receiving Councilman Rothman's resignation.

PRESENTATIONS

Recognition of Employee of the 1st Quarter

Mayor Johnston announced that Jai Earle as the Employee of the 1st Quarter.

Ms. Earle spoke to her blessings by working for the City of Sanibel.

Proclamation proclaiming February as Healthy Heart Month

Mayor Johnston read the proclamation and presented it to the audience.

Ms. Zimomra spoke to the entire month of February the City would be having healthy heart month activities.

Public Comments

Victor Bedow requested that Council allow personal segways on Shared Use Paths.

Larry Thompson spoke to Council voting to give 60 days for Shorehaven to be moved or demolished. He further stated that he would be applying for the demolition permit today.

Mr. Cuyler spoke to Mr. Thompson putting Council on notice he would be applying for a demolition permit for Shorehaven.

Councilman Jennings spoke to Council waiting to receive input from the Historical Preservation Committee.

Mayor Johnston asked this item be discussed at the end of Old Business.

Council agreed.

Judy Minchie spoke to Friday, February 09, 2007 at 8:30 p.m., would be the first showing of Lake Okeechobee.

Karen Storjohann spoke to calling a member of the Historical Preservation Committee for Shorehaven discussion.

Council Comments

Discussion on suggestions to improve public comment process

Councilman Brown spoke to the civility rules. He suggested public comment be reduced to 3 minutes rather than 5 minutes, re-enforce the Rules of Civility and anyone speaking give their name and address.

Vice Mayor Denham spoke to the offensive comments made during public comment at the January 16th Council meeting. He also spoke to side-bar discussions should be removed from Council chambers.

Councilman Jennings spoke to the need to revisit the civility rules.

Mayor Johnston spoke to the reducing public comment to 3 minutes. She suggested the City Attorney prepare a resolution changing public comment to 3 minutes.

Councilman Brown made a motion, Vice Mayor Denham, to direct the City Attorney to prepare a resolution reducing public comment time from 5 minutes to 3 minutes at the February 20, 2007 City Council meeting.

The motion carried by consensus.

Councilman Brown made a motion, seconded Vice Mayor Denham, to require speakers to give their name and address.

Discussion ensued regarding requesting a speaker's address as being discriminatory.

The motion carried by consensus.

Public Comment:

Dick Walsh spoke to Council weighing the quality of public comments and concerned over property owner comments over off resident comments.

Herb Rubin spoke to public comment limited to 20 minutes.

Louise Johnson agreed to reduce public comment to 3 minutes.

Mayor Johnson asked the City Manager to comment on tornadoes warning.

Ms. Zimomra stated the City asked that residents have a NOAA radio to receive weather warnings. She further spoke to a property owner mailing giving safety recommendations for tornadoes. She also spoke to Governor Crist requesting the State emergency department to review for tornado warning devices.

Planning Commission Report

Mike Billheimer gave the following report f January 21, 2007 Planning Commission:

- Welcome 2 new Planning Commission members
- Mike Valiquette, Chairperson and Dr. Phillip Marks, Vice Chairperson
- Continuation of quasi-judicial hearing for a request for a development permit by Land Bell as a second continuance due to the proposed re-location of a man made pond to a date uncertain

Public Hearing regarding Evaluation Appraisal Report (EAR) plan amendments Article, Part 3.2 Protection of Natural, Environment, Economic and Scenic Resources

Council decided discussion would be page by page.

Discussion ensued regarding a statement regarding historic homes.

Page 2 - 7/8 lines the need for scientific proof mentioning toxic blue/green algae blooms and red drift algae outbreaks

Discussion ensued regarding having scientific proof, article in the News Press of nutrient rich freshwater releases, the SFWMD and ACOE having the same wording in their documents, the need for a statement in the Coastal Protection Zone speaking to the protecting seagrasses and why that was important .

Council agreed to add a sentence regarding the protection of seagrasses and why it was important.

Karen Storjohann spoke to the same paragraph appearing in 3 places and suggested the word “negatively” be added after the word “impacted.”

Council agreed.

Page 3 – suggested adding the following statement; “retaining and restoring wetlands is critical in providing the natural cleansing of nutrients and other harmful contaminants run-off from going in to the gulf waters.”

Discussion ensued regarding adding the above-mentioned statement where necessary.

Council agreed.

Karen Storjohann spoke to last 2 sentences on page 3, “3 acres of wetlands of the same type that are destroyed created or preserved or 10 acres of the wetland...” and asked if that was a choice and why mitigate something that was preserved.

Mr. Pfalzer spoke to the ratio being used was for the loss of 1 acre, and the mitigation formula would require the creation of 3 additional acres or the enhancement of 10 acres, which was a choice or possibly a combination of the two. He stated staff would work with the Natural Resources Department for further clarification.

Page 5 – there should be changes to the Sanibel Plan only when clarifying a point

Discussion ensued regarding a review of the Sanibel Plan every 7 years, the Sanibel Plan an evolving effort and Council should not feel compelled to make changes.

Council agreed that language in the Sanibel Plan remain the same pertaining to Australian pines.

Page 42 - 2nd paragraph from the bottom regarding the expansion of parking areas at beach accesses

Mr. Duffy spoke to the paragraph language stems for the Evaluation Appraisal Report.

Mr. Pfalzer spoke to the state looking for increasing access to coastal areas and only indicated accesses would be provided if the impact could be done in an exceptional manner relating to the beach carrying capacity.

Page 43 – 2nd line from the top speaking to the coordination of other entities on island, and the language should be changed to reflect working in consultation rather working in coordination

Discussion ensued regarding the delete word “coordinate” add “work in consultation.”

Council agreed.

Page 45 -Number 17 should add Police Department beach patrols and approved vehicles
Number 18 add a reference to the Endangered Species Act – add the following at the
end of the last sentence, “during certain periods of the year while Snowy Plovers and Sea
Turtles are nesting raking the beaches may be in violation of the federal Endangered Species
Act.”

Discussion ensued regarding Council doing everything possible to protect endangered species such as the
Snowy Plovers, and the need to cross reference state and federal laws.

Council agreed to leave number 18 as is and add a cross reference state and federal laws.

Karen Storjohann suggested adding iguanas in Number 20 on page 46.

Council agreed to add exotic creatures.

Page 47 - Section 2.4 add Council responsible for water surrounding Sanibel Island and what action would
be taken.

Discussion ensued regarding what action would be taken and the language should reflect how Council
would be protective, suggest all possible options, the need to spell out options, and broaden by adding
ground run-off and pollutants.

Council directed staff to re-write Section 2.4 to reflect Council comments.

Louise Johnson spoke to page 44 number 7 and her understanding that policy was not to have beach re-
nourishment projects

Discussion ensued regarding number 7 included in the Beach Management Plan and the existing Sanibel
Plan from 1997.

Karen Storjohann suggested adding “further” between “not” and “degrade,” as well as adding the same
word in a similar sentence on page 74.

Council agreed.

Page 48 - Karen Storjohann suggested adding capital lettering in Section 3.5 “Gulf Beach Ridge” and Gulf
Beach Zone.”

Page 49 - Policy 7.1 that forming a consortium was not a suitable objective to solving Beach Carrying
Capacity issue
Policy 7.2 does not speak to enforcement and only talk about Beach Carrying Capacity

Mr. Duffy spoke to the issue being address previously in the Planning Department’s work program, a draft
scope of work would be brought back to Council, the wording did not reflect the previous discussion, and
staff would rewrite the section.

Page 55 - 4th line “the use of septic tanks was strictly regulated from the bottom of the Gulf Beach Ridge
Zone

Discussion ensued regarding homes remaining on the island that have of septic systems, 20% of islanders
still on septic systems, run-off causing problems, and the efforts made by Sanibel to improve the situation.

Ms. Zimomra spoke to the following:

- Approximately 10 years ago the City purchased the Donax treatment plant from a private vendor
- The plant was substandard and did not meet DEP requirements
- The electorate approved a referendum to pay for upgrades to the Donax Plant, treat all sewage, and provide a collection system
- Sources of income develop through tax levies and user fees
- Construction phase includes fees to extend the sewage lines
- Within final phase of construction
- Phase 4 would include the most challenging areas
- Once the final phase was complete 90% of homes would be using the City sewer system
- Council would be reviewing the budget and options to address the last remaining areas known as Phase 4

Mr. Pfalzer stated that all septic systems had been eliminated in the Gulf Beach Ridge Zone and thanked Councilman Jennings for the suggested amendment.

Page 60 - 3rd paragraph spoke to Bald Eagles nest and suggested cross referencing the federal migratory bird act

Page 65 - 3rd paragraph from the bottom change language to reflect the City having an Environmentally Sensitive and Program

Ms. Zimomra spoke to the language being an effort to reflect budgetary constraints this year, and the language could be changed to better reflect Council's policy.

Page 71 - strengthen air quality language

Page 72 – check to make certain there were cross references pertaining to the source for water pollution including Lake Okeechobee, the Caloosahatchee River, a reference to the Total Maximum Daily Load of Pollution (TMBL), and strengthening the air quality section.

Page 74 – Change language as previously discussed

Page 76 - Policy 5.7 not thoroughly explained

Mr. Duffy noted that Policy 5.7 spoke to having the strongest measures to protect habitat and protect protected species.

Mr. Pfalzer spoke to Policy 5.7 relating to a recent sub-division approval by setting aside gopher tortoise habitat, enhancing the gopher tortoise habitat, and the long-term management.

Discussion ensued regarding the need to reference the establishment of a non-profit organization through the Historical Preservation Committee, and Ms. Zimomra stated that the challenge would be Council making no decision, waiting for a recommendation from the Historical Preservation Committee, and a non-profit being reflected in a document for the next 10 years.

Page 90 - Karen Storjohann spoke to the last sentence should be changed to “has been restored and is open to the public,” and reference should be made to all the volunteer work performed by the Sanibel Hammerheads.

Discussion ensued regarding all volunteer work and avoided mentioning one particular group.

Page 91 - Number 6 the need to ensure to keep as many of the identified historic structures as possible and the request from the Historic Preservation Committee to ensure the structures

Discussion ensued regarding an agenda discussion in April, and Ms. Zimomra stated the Incentive Program noted the funds designated through the Historic Preservation Committee and requested by other entities to improve historic structures.

Claudia Burns spoke to no changes in the language to Australian pines in the Sanibel Plan.

Council recessed at 1036 a. m.

Council reconvened at 10:44 a. m.

**CONTINUATION OF SECOND READING AND PUBLIC HEARING
ORDINANCE 06-021 ESTABLISHING AND CONFIRMING THE RIGHTS OF
PRIVATE PROPERTY OWNERS TO RETAIN AUSTRALIAN PINES THAT
CURRENTLY EXIST ON THEIR PRIVATE PROPERTY; PROVIDING FOR
DEFINITIONS; PROVIDING FOR INTENT; PROVIDING FOR THE
ESTABLISHMENT OF THE RIGHTS OF PRIVATE PROPERTY OWNERS TO
RETAIN AUSTRALIAN PINES THAT CURRENTLY EXIST ON THEIR
PRIVATE PROPERTY; PROVIDING A FINDING THAT AUSTRALIAN PINES
OR OTHER TREES THAT COULD DAMAGE OR DESTROY CITY PUBLIC
INFRASTRUCTURE ARE A DANGER TO HEALTH, SAFETY AND WELFARE;
PROVIDING FOR REMOVAL OR “TOPPING” OF AUSTRALIAN PINES AND
OTHER TREES DETERMINED TO BE A DANGER TO CITY PUBLIC
INFRASTRUCTURE; PROVIDING A PROCEDURE FOR DETERMINATION
THAT AN AUSTRALIAN PINE OR OTHER TREE IS A DANGER TO CITY
PUBLIC INFRASTRUCTURE; PROVIDING PROCEDURES FOR REMOVAL
OR “TOPPING” OF SUCH TREES; PROVIDING FOR APPEAL; PROVIDING
THAT CERTAIN EXISTING ORDINANCES RELATING TO AUSTRALIAN
PINES ON PRIVATE PROPERTY REMAIN UNAFFECTED; PROVIDING
THAT ORDINANCE RIGHTS GRANTED DO NOT AFFECT PRIOR
CONDITIONS OF SUBDIVISION APPROVALS; PROVIDING FOR
CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 06-021.

Section 3 - Discussion ensued regarding property owner rights where neighboring trees might fall and the remedy once the neighbor had been notified, Mr. Cuyler stated that as part of the proposed ordinance Council's policy was to have no provisions indicating removal of private property pines, but a property owner could put the neighbor on notice through writing so if a tree fell during a storm the fallen tree would fall under the written notice in advance; Florida being no fault state, Mr. Cuyler spoke to the general negligence law by putting the neighbor on notice that there was a potential problem of fallen trees there could be a potential negligence claim, no policy to help a neighbor top their trees, Mr. Cuyler stated there was no organized City sponsored help for topping trees; Mr. Cuyler also spoke to the changes in the proposed ordinance before Council regarding the inclusion of City infrastructure, but no other infrastructure was included pursuant to Council approval; Mr. Cuyler stated the only other change was allowing a property owner 60 days to respond to a notice from staff and under Australian pine the wording would include all types if Council deleted “_____.”

Council by consensus agreed to the deletion.

Harry Vanderfelt spoke to removing the previous b, c and d.

Mr. Cuyler spoke to previous Council discussion of the electrical company trimming trees from the electrical lines and Council's concern that tax payers paying for what the benefited rate payers might otherwise benefit from and was the obligation of the electric company, as well as communications and water companies. He further stated it was Council direction to only include the City's infrastructure.

Herb Rubin spoke to an alternative of speaking with the neighbor and working together.

Discussion ensued regarding after Hurricane Charley an inventory was going to be concluded and use that to review any problems, use the information of particular areas that would be affected during storms, and Ms. Zimomra stated that an inventory had been completed and staff was receiving bids for trimming of that inventory before the 2007 hurricane season.

Section 4 – Discussion ensued regarding a better definition of: “could potentially damage,” Ms. Zimomra stated that if a tree was in striking distance of City infrastructure that footage would be utilized, Mr. Cuyler spoke to ordinance language applying to striking distance, (i.e. 100-foot tree within 100-feet from City infrastructure and would be removed, but if a 100-foot tree was 300-foot from City infrastructure would not be removed), use of “nuisance tree,” could cause damage from a nuisance tree, and Mr. Cuyler stated that the courts recognized the word “nuisance”, change the wording as follows: “tree is hereby determined to be a danger to City public infrastructure, thereby a nuisance.”

Council agreed by consensus to the amendment.

Continuation of Section 4 discussion as follows:

Could be interpreted that the island should not have a canopy, and should language be changed, Mr. Cuyler spoke to staff's planting of Periwinkle Way was very sensitive and would be maintain as to not be a threat, which would be the City Manager's determination, add “the City had gone to extensive efforts to plant a canopy along Periwinkle Way and would keep the canopy maintained and trimmed to make certain that the newly planted trees would be a healthy canopy. Wherever there is a canopy a conscience effort would be made to maintain a healthy canopy.”

Council agreed by consensus to include the suggested language.

Robert Bannister spoke to a concern on Norfolk pine that could fall on the road.

Mr. Cuyler stated that he could make amendments within a narrow parameter if directed by Council.

Council asked for language including Norfolk pines.

Judy Minchie spoke to a tree blowing 2 streets away, and Mr. Cuyler stated that would be an act of God, and could notify the owner of a possible problem.

Section 5 Number 3 - Discussion ensued regarding a mechanism if a property owner refuse to comply with a City directive to remove a tree, Mr. Cuyler spoke to Code Enforcement being very effective, and the owner could be assessed \$250 per day for a violation and if included during an emergency the City Manager could have an offender's tree removed and send the bill to the property owner, any problem with trespassing, Mr. Cuyler stated for health, safety and welfare situations the City had broad authority.

Section 6 – Discussion ensued regarding a \$200 fee for an appeal and if person wins the appeal should the charge stand, Mr. Cuyler stated the appeal fee was not a penalty, but the actual cost of staff reimbursement to go through the appeal, if the property owner won the appeal the burden of paying for an appeal should not be the responsibility of the property owner if the appeal was won, Mr. Cuyler stated that Council could compromise and reimburse the \$200 if there was a successful appeal, the appeal fees do reimburse the City for staff time, any problems with other appeal fees if Council were to decide to reimburse this proposed fee, Mr. Cuyler answered yes and for example if an appeal was made to Council from a decision from the Planning Commission and Council overruled the Planning Commission's decision and Council would not necessarily determine that the Planning Commission was wrong, the appeal would be based on the

evidence that came before the Planning Commission, and Mr. Cuyler further stated that he felt there would be no challenge if the requirement to pay an appeal fee was not included in the proposed ordinance.

Council agreed by consensus that the appellant would pay the fee, but if the appeal was won the appeal fee would be refunded.

Section 7 – Discussion ensued regarding if repairs were required trees would have to be removed, Mr. Cuyler answered no, the Vegetation Committee and City Council developed the percentages of native and non-native vegetation allowed on property, and pines were included; he further explained that the proposed ordinance would not override any previously adopted vegetation percentages.

Herb Rubin spoke to an occasion all pines were required to be removed by the Natural Resources Department.

Discussion ensued regarding a previously adopted vegetation ordinance that addresses vegetation percentages, Mr. Cuyler spoke to this ordinance not affecting the ordinance setting forth the percentages of Native and non-native plants.

James Evans, Environmental Biologist spoke to that being correct. He explained that when applying for a permit there would be vegetation conditions and recommend large pines be removed at the Coastal Construction Control Line, but not mandated. He further stated that seedlings and saplings were required to be removed.

Ann Murand spoke to her understanding that if a person wanted to work on one's property costing more than \$2,000 a percentage of Australian pines would be required to be removed.

Mr. Evans answered the adopted ordinance stated that re-development or new development greater than 50% of cost of the development or changes, and there was never a requirement that the entire landscaping of a yard was necessary unless it was complete redevelopment or the re-development was greater than 50% of the cost of the project.

Mr. Cuyler reiterated that by adopting the proposed ordinance it would not change another ordinance, such as the vegetation ordinance.

Robert Bannister spoke to a hierarchy being established among previous ordinances. He further spoke to minor improvements and redevelopment was defined in particular ways, and minor improvements were defined by \$2,000. He further stated that anything that was not a minor improvement was re-development.

Mr. Cuyler spoke to ordinances standing alone and it speaks to allowing property owners maintaining pines on their property, and authorized the City Manager a mechanism to determine dangerous trees to City infrastructure.

Louise Johnson spoke to previous discussion of the ERA prohibiting exotic plants and asked if the footnote on Australian pines would remain.

Mayor Johnston stated that all mentions of Australian pine language would remain the same in the Sanibel Plan.

Discussion ensued regarding adopted ordinances not affecting the proposed ordinance.

Claudia Burns spoke to residents not understanding and should not mention other ordinances in the proposed ordinance.

Mr. Cuyler spoke to his concern of not stating that previous ordinances should stand on their own and if amended Council would receive a staff report regarding any proposed changes.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to adopt Ordinance 06-021 with amendments.

Harry Vanderbilt spoke to the history of the proposed ordinance.

The motion carried unanimously.

Council recessed at 11:46 p. m.

Council reconvened at 11: 57 a. m.

Council decided to discuss the following:

RESOLUTION 07-015 APPROVING AN AGREEMENT WITH THE LEE COUNTY PROPERTY APPRAISER TO LIST, EXTEND, PREPARE AND SUBMIT THE ROLL, AND PROVIDE ALL NECESSARY RELATED SERVICES, FOR NON-AD VALOREM SPECIAL ASSESSMENTS, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, FOR THE SANIBEL ISLES-WATER SHADOWS CANAL AREA DREDGING DISTRICT ASSESSMENT; PROVIDING FOR REIMBURSEMENT TO THE PROPERTY APPRAISER FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE SPECIAL ASSESSMENTS SERVICES; PROVIDING AUTHORIZATION TO ASSESS THESE COSTS TO ANY AND ALL PARCELS SUBJECT TO SUCH CANAL DREDGING DISTRICT ASSESSMENT IN THE SPECIAL ASSESSMENT AREA; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION 07-016 APPROVING AN AGREEMENT WITH THE LEE COUNTY TAX COLLECTOR FOR THE COLLECTION OF NON-AD VALOREM SPECIAL ASSESSMENTS, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, ESTABLISHING THE SANIBEL ISLES-WATER SHADOWS CANAL AREA DREDGING DISTRICT ASSESSMENT; PROVIDING FOR REIMBURSEMENT TO THE TAX COLLECTOR FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE SPECIAL ASSESSMENTS COLLECTION; PROVIDING AUTHORIZATION TO ASSESS THESE COSTS TO ANY AND ALL PARCELS SUBJECT TO SUCH CANAL DREDGING DISTRICT ASSESSMENT IN THE SPECIAL ASSESSMENT AREA; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the titles of Resolutions 07-015 and 07-016.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to adopt Resolutions 07-015 and 07-016.

The motion carried unanimously.

Water Quality Issues Staff Reports

Beach Status

Current Beach conditions

Lee County Health Department results on water quality testing

Status report of beach clean-up

Ms. Zimomra spoke to the following:

- Last week staff evaluating the beaches and sending out a report
- This morning condition
- Implemented a program for property owners obtaining a permit at no fee
- 29 property owner permits given out
- In moderate areas beached remain clean
- Appeared before TDC Friday
- \$350,000 available for reimbursement
- Using funds to reimburse waste hauler
- Council direction evaluating the various technologies available water-based and land-based
- Spoken to contractor that works for Fort Myers Beach and leaves algae on the beach
- Council considered that contractor work invasive
- Development of a machine as a skimmer and had made more environmental friendly – tongs on the front of the machinery
- Pinellas County – more invasive have a field trip line up
- Requesting all vendors to complete same paperwork
- Evaluating methods of water harvesting techniques
- Normally used on lakes or canal situations
- Almost all involve a hopper (dumpster size)
- Contractor that removes the hyacinths
- Company called Alpha Boats removing exotic plants from lakes

Discussion ensued regarding all water harvesting being done in freshwater.

Ms. Zimomra continued:

- Spoke to different governmental entities and environmental groups
- Algae present in the refuge, but in a dormant state.
- Mr. Jess would like to convene a group to break the cycle of the algae
- Suggestion from Crowder Gulf and if augmented private rakers; rakers hired by the City; 12 rakers with supervisor would be \$4,600 per day
- What type of bloom – cold weather slowing the bloom; staff scheduled for a helicopter fly over for size of bloom and yet to occur due to wind conditions
- Joint dive with Lee County Natural Resources and reschedule for possibly next week
- Purchase of an underwater camera

Discussion ensued regarding the previous pilot program, allow staff to look for different methods of cleaning the beach, Ms. Zimomra spoke to previous Council authorization of the pilot program, staff hampered from experiencing different methods on the beach, ms. Zimomra spoke to the previous authorization was for Algiers only, the need to discuss matter with experts, algae growing on the artificial reef, clear solution for next season, Collier County the only entity that cleans the beach to have a sterile beach, economic and environmental issue, and Sanibel world renowned for shells and shorebirds.

Mayor Johnston made a motion, seconded by Vice Mayor Denham, to keep gathering equipment material & continue ground clean-up, keep efforts to look at air and water surveillance, keep focus on water approach, applaud Rob Jess to convene a group of technical people on the island to break the algae cycle, continue working with other biologist and labs, bring Crowder Gulf to escalate the hand raking to reduce amount of algae, and continue to work with City Attorney to evaluate what could be done around the law.

Discussion ensued regarding should allow the staff to work on the problem without restraint, should it be necessary to try equipment on the beach,

Mayor Johnston and Vice Mayor Denham agreed to the amendment to the motion to give the City Manager the discretion to bring equipment to Algiers Beach for testing.

Public Comment:

Louise Johnson spoke to her concern of Council allowing mechanical equipment on the beach for clean-up.

Evelyn Neal spoke to water-based algae removal being done in the Pacific Ocean off the coast of Hawaii.

West Barber spoke to beach currents and shore nutrients.

Bernie Lubetkin spoke to his pleasure with staff work and asked if the major source of the problem was the Lake Okeechobee water releases. He spoke to his agreement for the use of mechanical equipment to clean the beach

Discussion ensued regarding the 33% increased growth in Lee Council, lake water releases, most likely multiple factors, and problems began with 2004 hurricane season.

Tom Kreckel spoke to Council doing a great job and slow down with drastic steps.

Sonia Smith, CASI spoke to an error she proffered in Ft. Myers beach raking and snowy plovers on the state endangered list, but not on the federal list. She spoke of different entities she went to on the internet for information.

Barbara Colley suggested inviting the SFWMD board and staff and DEP to help rake the beaches.

Rick Base, Executive Director Sanibel-Captiva Chamber of Commerce spoke to no one wanting invasive equipment on the beach.

Mary Cut air spoke to problems with renters, hiring people to clean the beach, and algae smelling.

Peter Pappas spoke to the beach conditions continuing there would be a political upheaval. He suggested finding an expert to clean the beach.

Judy Minchie spoke to the need to take action. She suggested getting the community involved.

Erick Lindblad, Executive Director SCCF applauded Council's effort.

The motion carried unanimously.

Councilman Brown made a motion, seconded by Mayor Johnston, to notify Council when and what kind of equipment would be on the beach.

Louise Johnson spoke to the motion.

The motion carried unanimously.

Councilman Jennings made a motion to use mechanical equipment on the beach to clean up the algae.

The motion died for the lack of a second.

Council decided to cease discussion.

Council recessed at 1:40 p. m.

Council reconvened at 2:49 p. m.

CONSENT AGENDA

- a. **Approval of Minutes – January 06, 2007 Regular Meeting and January 16, 2007 Regular Meeting**

- g. **Approve one-year extension to City's Disaster Recovery Contract with Crowder-Gulf Joint Venture**

Vice Mayor Denham made a motion, seconded by Councilman Brown, to adopt the minutes and approve the contract.

The motion carried unanimously.

Ms. Zimomra read the titles of Resolutions 07-017, 07-018, 07-019 and 07-020.

- d. **RESOLUTION 07-017 OF THE CITY OF SANIBEL, FLORIDA EXPRESSING ITS CONGRATULATIONS TO THE NEWLY ELECTED FLORIDA STATE CONSTITUTIONAL OFFICERS SWORN IN ON JANUARY 1, 2007; AND PROVIDING AN EFFECTIVE DATE**

- e. **RESOLUTION 07-018 DESIGNATING THE QUALIFIED CANDIDATES FOR THE OFFICE OF CITY COUNCIL FOR THE MARCH 6, 2007 CITY OF SANIBEL MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE**

- f. **RESOLUTION 07-019 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE (MIS)**

- h. **RESOLUTION 07-020 AMENDING THE SPECIAL EVENTS SCHEDULE OF FEES FOR THE CITY OF SANIBEL; PROVIDING AN EXEMPTION OF CERTAIN FEES FOR NEIGHBORHOOD AND HOMEOWNERS ASSOCIATIONS; AND PROVIDING AN EFFECTIVE DATE**

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 07-017, 07-018, 07-019 and 07-020.

The motion carried unanimously. Councilman Jennings out of the room.

Council decided to discuss Shorehaven.

Councilman Jennings arrived at 2:54 p. m.

Sam Bailey spoke to keeping Shorehaven on the bay.

Alex Werner spoke to the Historical Preservation Committee wanting to keep Shorehaven on the bay and Sam Bailey giving \$25,000.

Discussion ensued regarding Council's previous decision, no attempt had been made to raise funds to relocate the structure, Councilman Jennings reviewed the history of Shorehaven, previous Council decision, the Planning Commission, Historical Preservation Committee and Parks and Recreation Committee recommendations, the need to review the issue again, disappointed the committee had not made a move to raise money, no alternative site other than the historical village, Historical Preservation Committee did not know why Council did not want Shorehaven on the bay, if moved to the Historical Village the building must be only the original house, and estimated cost of \$170,000/\$180,000 to bring the building back to original.

Ann Murand spoke to Council's previous discussion and decision.

Mike Cuscaden clarified that CHR made the commitment to try for grants to restore Shorehaven, but not to renovate the interior.

Discussion ensued regarding the issue being mote due to Council's previous motion, and no place for relocation except the Historical Village.

Sam Bailey spoke a second time to keeping Shorehaven on the bay.

Discussion ensued regarding several locations Shorehaven could have been moved to, Mr. Cuyler stated that Mr. Thompson indicated he had applied for a demolition permit and if there was no other direction from Council the permit would be issued, and the corner of Periwinkle Way and Bailey Road was environmental sensitive land.

Bernie Lubetkin asked if Community Park land had been considered.

Ms. Zimomra stated that contiguous to Casa Mariposa was a detention basin for the Casa Mariposa parking lot and roof top run-off. She further stated that east to the detention basin was Community Park, and if Shorehaven was located on that land the state grant funding for purchase of the land would be refunded.

Discussion ensued regarding where the money for re-location would come from, and thought the decision was made 60 days ago.

Council decided there was no need for further decision.

Mr. Cuyler stated that if not action was taken the Certificate of Appropriateness would be given as well as the demolition permit.

OLD BUSINESS

Planning Department Update

Mr. Duffy called Council's attention to the update in the agenda packet. He spoke to the following:

- February 20 weigh station report and relocation options
- February 22 receive proposal from the RFP for commercial district plan (Periwinkle Way District)
- FEMA appeal period for flood maps ended January 31, 2007
- Council authorized staff to submit an appeal on October 3, 2006 and pending
- Public Comment period for Flood maps ended
- Appeal period expired
- Lee County request an extension of appeal period
- 6 months after FEMA renders a decision to update the flood maps

Request for direction regarding staff recommendations for re-use water charges for Beachview, Dunes, and Sanctuary Golf Courses

Discussion ensued regarding contract not good for the City, approach the businesses with fairness of the existing contract, Mr. Cuyler spoke to Sanibel not being unique in the beginning of the sewer plant expansion needing to get rid of re-use water as quickly as possible, the need to check if the golf courses were using environmentally friendly fertilizer, and if all 3 contract were the same revenue would be approximately \$150,000.

Ms. Castle spoke to the following:

- Sanctuary and Dunes had a 30-year agreement with The City of Sanibel
- Request that the golf courses pay for calibration of meters to ensure accuracy

Ms. Zimomra stated that at the time the City had purchased a sub-standard sewer plant with open percolating sewage water in disposal ponds, and approached the golf courses to assist the City by using the brown water. She further stated that due to the plant upgrade higher grade of brown water was created and could be sold to other users.

Mr. Cuyler stated that upon start-up most entities were willing to give away brown water. He further stated that Mr. Castle would be negotiating agreements.

Mr. Castle spoke to the recommendation as follows:

- Include an annual CPI end rate
- Include a clause to renegotiate the rate in 5 years
- Or include both recommendations

Vice Mayor Denham made a motion, seconded by Councilman Brown, to accept staff recommendation to approve the Sanctuary re-use agreement and approach the Dunes and Beachview regarding re-negotiation of a new re-use agreement.

Dick Walsh spoke to there usually being a reopening clause. He asked what the Sanctuary agreement included for revenue.

Mr. Castle answered the cost was \$.50 per 1,000 gallons.

Larry Schoop suggested that when negotiating only offer a certain amount of water.

Mr. Castle stated that the agreement spoke to what the City would offer and what the business had to accept.

The motion carried unanimously. Councilman Jennings was out of the room.

Report from Natural Resources Department Meeting Reports

James Evans gave the following report:

- Continue to work on the tentative Lake Okeechobee plan
- Freshwater releases only done in emergency situations
- Working to include language that releases would occur only when people around the dike would be in danger

- Working on language that during management re-session when keeping Lake Okeechobee at 12 feet that releases not exceed 2,800 cfs
- Water managers want the flexibility to release more than 2,800 cfs
- Adequate releases when 2,800 cfs goes to the Caloosahatchee, 2,000 cfs east, 1,200 cfs south to reach management recession goals
- Need language to include 450,000 acreage feet of water for water storage

Mr. Evans reported attending the Lake Okeechobee Water Resources Advisory Committee as follows:

- Meeting January 24, 2007
- Discussion several issues on Lake Okeechobee levels
- Agriculture entities worried about water supply because Lake Okeechobee level at 11 feet
- Submerged aquatic vegetation recovering
- Bull rush densities recovering
- Every cod front re-suspends the solids in Lake Okeechobee and nutrients
- Continued spikes in phosphorus
- Pete Milam provided a cost benefit analysis
- Would take 7 months off the high flows
- Analysis done between 450,000 acre feet and 150,000 acre feet found a difference of 1 month, which amounts to 1 day per year the flows would exceed over flows of 2,800 cfs
- Most committee members did not think it was necessary to use public lands for storage due to the analysis

Mr. Evans reported attending the DEP Designated Use Policy Advisory Committee meeting as follows:

- Last meeting
- Changes designated uses to the current 5 designated uses to a scheme of 7 human and aquatic designated uses
- Could sown grade water bodies by putting them in a default system and would require a public review with human need
- DEP Director would decide to send it back to the committee, send to a new committee and/or scrap and start all over

HB 535 Lake Okeechobee Protection Program

Mayor Johnston asked if Council would agree to direct staff to prepare two resolutions; 1) supporting HB 535; and 2) opposing the DEP suggested changes for water bodies.

Council agreed.

Councilman Jennings spoke to attending a meeting at Edison College between Lt. Governor Kottkamp, DEP secretary Sole. He further spoke to the following:

- Bi-partisan effort to look at the water issue
- Governor Crist behind efforts to fix the problems
- \$40 million placed in the budget to help clean rivers and estuaries

Council recessed at 3:57 p. m.

Council recessed at 4:07 p. m.

Mayor Johnston spoke to hearing the information on the radio.

Recreation Issues

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

Staff Status Report

Presentation by Construction Manager Peter Brown and Architect Henry Woodroffe

Ms. Zimomra spoke to the monthly report and the recent Council tour of the facility. She spoke to a tour and topping out ceremony scheduled for March 8, 2007. She also called Council's attention to Chief Tomlinson's memorandum and recommendation.

Discussion ensued regarding the City web site having a live cam, project on time and one-third of the way to completion.

Ms. Zimomra noted security at the recreation facility was a major consideration, staff met with the school principal, and Chief Tomlinson had been very involved in the design.

Chief Tomlinson spoke to his recommendation:

- Prevailing comments was always this could not happen here
- Opportunity to ensure security and make it practical
- 8-foot most person would not be able to scale
- Ensure difficulty in obtaining entrance

Armand Ball, Parks and Recreation Committee Chairperson spoke to having difficulty understanding that a 6-foot fence would not keep someone out that wants to get in the Recreation Complex. He further spoke to the retaining wall

Chief Tomlinson spoke to:

- Retaining wall would have been an additional hurdle if the fence had been all the way forward, but the configuration of the retaining wall allows the it to be in the center of the block of the wall, which provides about 4 inches to stand on and easily scale a 6-foot fence
- If the configuration were different there would be no need for an 8-foot fence

Public Comment:

Kevin Ruane agreed with Chief Tomlinson.

Mr. Henry Woodroffe spoke to the following:

- Aluminum fence with large posts and pickets 4 ¾ inches on center with post in concrete
- Cross member from bottom that ties the pickets together

Discussion ensued regarding how easy it would be to climb a 6-foot fence with the configuration, sending the wrong message with a higher fence, and the need for good human supervision.

Councilman Brown made a motion, seconded by Councilman Jennings, to accept the recommendation of Chief Tomlinson for an 8-foot fence at the Recreation Facility.

Discussion ensued regarding the 5.5-foot fence around the school.

Kevin Ruane spoke to money raised for a capital campaign for the Sanibel School and as soon as landscaping was complete the fence would be a second issue to be discussed.

Dick Walsh spoke to against the 8-foot fence.

The motion carried 4 to 1 with Mayor Johnston voting in opposition.

RESOLUTION 07-003 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-042; AND PROVIDING AN EFFECTIVE DATE (to appropriate \$56,206 from the project contingency reserve to increase the height of the perimeter security fencing around the new recreation facility by two feet (from six feet to eight feet) pursuant to the recommendation of the Sanibel Police Chief)

There was no consideration regarding Resolution 07-003.

Transmittal hearing on the entire Evaluation and Appraisal Report-based Amendment to the Sanibel Plan. THIS PUBLIC HEARING HAD PREVIOUSLY BEEN ADVERTISED FOR THIS DATE HOWEVER, THIS PUBLIC HEARING WILL BE RESCHEDULED TO A DATE AND TIME CERTAIN BY CITY COUNCIL AT THIS MEETING – TO MEET ALL LEGAL REQUIREMENTS STAFF RECOMMENDS MARCH 06, 2007

Councilman Brown made a motion, seconded by Vice Mayor Denham, to continue the public hearing until March 06 at 9:30 a. m.

Council asked for the entire revised Sanibel Plan.

NEW BUSINESS

Discussion of Sanibel's disposal of Waste Water Treatment Plant solids/sludge.

Ms. Zimomra stated that Mr. Rothman had asked about the status of looking at alternatives for solids/sludge disposal. She further stated that along with Lee County slug was being applied to agricultural lands. She advised Council that Lee County was looking at building a regional facility to treat the sludge and the greatest effort would be reminding Lee County Board of Commissioners to begin and complete the project.

Discussion ensued regarding drying and palletizing the sludge and use as fertilizer, Mr. Castle stated that Lee County had a Class B sludge permit and the goal was to get the classification down to a Type sludge, which would be pathogen free and an inert material. He further spoke to the feasibility study approved by the County and waiting for a copy of said study. He spoke to hauling liquid to the Fort Myers Beach Plant for dewatering and the other option would be to dewater before it leaves the island.

Appeal of a decision to deny issuance of an occupational license for a children's apparel store at the Rabbit Road Center, 975 Rabbit Road

Mr. Duffy spoke to the following:

- Appeal request by Jan Gabrielson of a denial for a business tax receipt
- Letter in the Council packet from Ms. Gabrielson
- Zoning-in-progress legislation allows for an appeal process
- Proposed use an existing business
- Facility built under a conditional use permit
- Existing small business operating successfully

Mr. Cuyler recommended swearing in of persons giving testimony. He further pointed out that Mr. Steve Hartsell, Attorney was in the audience representing a shopping center and held an appeal until Council could make a determination of the Commercial Zoning Ordinance.

Discussion ensued regarding the Zoning-in-Progress resolution adopted in November 29, 2005, how long could a Zoning-in-Progress continue in effect and Mr. Cuyler stated a little time as possible.

Council gave the following ex parte communications

Councilman Brown	Spoke to Steve Hartsell
Vice Mayor Denham	Communication of parties
Mayor Johnston	None
Councilman Jennings	Communication with residents

Mr. Cuyler spoke to the following:

- If regulations would preclude the use of the requested use
- Speaking with Mr. Hartsell and the appeal would have been rendered unnecessary dealing with a larger use in a shopping center
- Council looking at 2,000 square foot regulation
- Proceed with other appeal before hearing the ordinance
- Proceed before the public hearing and hear appeal as if the ordinance was not adopted if Council adopts the ordinance

Discussion ensued regarding commercial zoning would be heard at the February 20, 2007 Council meeting.

Mr. Hartsell spoke to the following:

- Would want the same opportunity as Ms. Gabrielson
- Appeal filed in October, 2006
- Council recognize the appeals be treated to same subsequent to the ordinance
- No objection to the appeal today

Vice Mayor Denham made a motion, to wait until Council considers any exceptions until after Council adopts the commercial zoning ordinance.

Mr. Cuyler stated the following:

- The issue was Ms. Gabrielson had the right to file an appeal under the regulations
- Mr. Hartsell, Attorney agreed to continue the appeal under the regulations hoping an appeal would not be necessary
- Consider the appeal as having been filed and pre-date the regulations and if relief was granted as adopted and if not the appeal could be heard

Discussion ensued regarding a procedure to follow, potential for new regulations providing a conditional use permit to Council, fair treatment to everyone, and listen to the appeal from Ms. Gabrielson even if they were adopted.

The motion died for the lack of a second.

Mr. Cuyler stated that the appeals could be heard as if the regulations were not adopted.

Discussion ensued regarding hearing the appeal, right to have appeal heard, Mr. Hartsell, Attorney chose not to hear the appeal, Mr. Cuyler stated that staff called Mr. Hartsell and asked if he and his client would continue the appeal due to if appearing that the regulations would be adopted and an appeal would not be necessary, and they agreed, and if both appeals were held it could help or hurt both appellants.

The following persons were sworn in to provide testimony

Jan Gabrielson
June Leder
Nancy Melsell
Deborah Neal
Marsha Kimbal
Steve Hartsell
Robert Duffy, Planning Director

Jan Gabrielson spoke to the following:

- Denied an occupational tax license
- Request Council's approval
- Put in the children's clothing shop was 1 of the 3 section that do not allow a children clothing store
- 6 years on island
- Within square footage
- In the Village shops for 6 years

Discussion ensued regarding the thought for neighborhood zoning, Mr. Duffy spoke to the intention was to encourage a greater level of service and mixed use for those in the area, 14,000 commercial feet usage in the Rabbit Road and only 7,000 could be retail and the store in question would be 800 square feet.

Judith Leader spoke to allowing this store to keep sales on Sanibel.

Nancy Mesell, owner Rabbit Road Shopping Center spoke to her excitement of a possible children's store.

Marsha Kimball spoke to her opening a children's store at Tahitian Gardens called Giggles and Ms. Gabrielson has a store and residence in New York

Debbie Neal spoke to working at Giggles and not a lot of business for 2 children's stores.

Ms. Gabrielson spoke to Council's decision of allowing another children's store.

Mr. Cuyler spoke to the following:

- The legal criteria was not if there was 2 like businesses
- Authorize such approval and not contrary to resolution
- Not disadvantageous to health, safety and welfare
- Children apparel prohibited by the Zoning-in-Progress
- Analysis would be to decide if the business was a resident serving business
- Due to the upcoming adoption of regulations Council instituted the zoning-in-progress

Discussion ensued regarding the shopping center approved under a conditional use permit with 14,000 square feet and only 50% of footage (7,000) could be devoted to retail uses, restaurant not considered retail, Mr. Pfalzer spoke to the limitation of approval requires that 50% of the area be office use, and a determination by the Planning Commission that the Heath Club was in the office use category, if Doc Fords was included the 50% rule would not be violated, zoning-in-progress listed 5 uses that would be prohibited during the course of the Zoning-in-progress in anticipation of the final regulations, the children's store in this areas was one of them, Mr. Cuyler stated that the City had a history in the code identifying certain transient uses as tourist uses and children clothing store was listed in the interim regulations, Mr. Duffy stated that Section 4 of the Zoning-in-Progress noted the Planning Department/Planning Commission further study would come to Council on February 20, 2006, concern that a neighborhood shopping area would not be only for tourist, definition of tourist shop the discussion was children's clothing shops could

actually be a possible way to have another tourist store, it would be a permitted use before the zoning-in-progress, any retail permitted, Mr. Cuyler stated that other retail would be allowed other than the listed businesses in the Zoning-in-Progress resolution, trying to forbid a T-shirt shop for tourists, could the business be defined differently to allow, Mr. Cuyler stated it was a factual issue to determine the answer based on sworn testimony to find if the store was resident or tourist based, the need to know that this store was clearly a resident based business, Mr. Cuyler stated there was no definition or percentage of business to allow, Mr. Duffy read Section 1 2 (a) as follows; “the establishment of any of the following retail uses within those commercial areas designated on attachment Exhibit A; apparel and apparel accessory stores, children and infant wear stores, gift common novelty and souvenir shops including shell shops and jewelry stores, Council was trying to cast a large net of large commercial uses and wide array of commercial uses and square footage, this being an island based business, not contrary to the long term goals, mix of business at Rabbit Road serve the area and appeal filed before the finalization of the ordinance, and LDC approval.

Marsha Kimball spoke to having 40 T-shirts out of the previous business.

Ron Neal was sworn in.

Ron Neal spoke to there being no foot traffic at the end of the shopping center and possibly be just the customers of the business.

Mr. Cuyler advised the following:

- Deny the appeal
- Grant the appeal
- Grant the appeal with conditions

Discussion ensued regarding if no T-shirts were allowed then the code should have said no T-shirts.

Nancy Mesell suggested saying upscale clothing.

Vice Mayor spoke to making a motion if the definition of the store was called a high class children’s apparel.

Mr. Cuyler grant the appeal and finding it is not contrary to the long-term goals of the resolution, not disadvantageous of the health, safety and welfare of the general public, and the basis of Council’s findings was that the business was not primarily a tourist based retail store. Mr. Cuyler spoke to the impossibility to define what Council wanted to include within the Zoning-in-Progress regulations, but listed those things as best and provided an appeal mechanism, and the appeal mechanism allows for explanation and determination.

Council asked would this set a precedence, and Mr. Cuyler answered that the Zoning-in-Progress would probably end February 20th and the only other appeal was Mr. Hartsell’s appeal. Mr. Cuyler stated that if the appeal was approved it would continue as a non-conforming use.

Vice Mayor made a motion, seconded by Mayor Johnston, to grant the appeal and find the approval was not contrary to the long-term goals of Resolution 05-071 and the business was primarily an island based business.

The motion carried 3 to 1 with Councilman Brown voting in opposition.

Steve Hartsell asked if Council could address Mr. Cimato appeals

Mr. Cuyler stated that the appeal would precede the adoption of the regulations.

Council set the appeal for Forever Green at 9:15 a. m.

Council decided to discuss Councilman Rothman's resignation and the procedures that would follow due to the resignation.

Mr. Cuyler spoke to the following:

- Charter speaks to an election being held within 6 months
- Can not add another seat to the general election
- Contract with supervisor to provide 120 days notification
- Change charter election if hold the election within 90 days
- Must be a poll election on May 01
- Supervisor asked if the referendum to the charter language that an election would be held within 120 day to comply with the agreement
- Resolution schedule election and have appropriate language to comply with contract
- Pre-qualifying noon 0226 to 0302 noon
- Qualifying 0305 noon to 0309 noon
- Interim Council would majority vote choose a successor until a newly elected

Discussion ensued regarding if an appointment must be made, Mr. Cuyler stated the charter says Council shall appoint, could be a tie vote at any given time, legally the advice must be that Council shall, the need to advertise, Council decided to bring names forward

Public Comment:

Barbara Cooley spoke to interim person not eligible to run for Council. Mr. Cuyler spoke to the charter not speaking to that. Mr. Cuyler stated that Council could not legally require

Council would be asking and suggesting names at the February 20, 2007 Council meeting.

Discussion ensued regarding having a show of hands vote not a paper ballot.

CITY MANAGER

Informational Items

Representation at the American Planning Association's 99th National Conference April 14 to 18, 2007 in Philadelphia

Ms. Zimomra spoke to the City receiving the national award for the Sanibel Plan on April 17th. She asked if Council wanted to reschedule and have a local representative.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to allow Mayor Johnston to attend the American Planning Association's 99th National Conference.

The motion carried unanimously.

Schedule of Periwinkle Way Shared Use Path roadway and drainage improvement construction project

Ms. Zimomra called Council's attention to the agenda packet information.

Council participation in the Edison Festival of Lights 2007 Junior Parade Sunday, February 11th and 2007 Grand Parade of Lights Saturday, February 17th

Council determined that Vice Mayor Denham would participate in the grand parade and Councilman Jennings in the children's parade.

Household Hazardous Day, January 27, 2007 report

Ms. Zimomra called Council's attention of the information in the agenda packet.

Letter from Florida Office of Insurance Regulations regarding the City receiving the highest rating from the Insurer Services Office (ISO) Building Code Effective Grading Schedule (BCEGS) program for demonstrating an ability to enforce effective building codes to reduce exposure to catastrophic events

Ms. Zimomra called Council's attention to the packet information and receiving the highest level rating.

Community Housing Resources (CHR) Quarterly Financial Statement

Ms. Zimomra noted the information in the agenda packet.

Councilman Brown made a motion, seconded by Councilman Jennings, to accept the report.

Council asked for a letter of commendation.

Appointee from City Council to participate in the Logic & Accuracy Testing and Canvassing Absentee Ballots, Friday, March 02, Canvassing Absentee Ballots, March 06 and Canvass Provisional Ballots if any Monday, March 12, 2007

Ms. Zimomra noted that historical Council provides a representative that was not running for re-election.

Mayor Johnston stated she would attend March 02 and March 06, and Vice Mayor Denham stated he would be available for March 12th.

The National Arbor Day Foundation recognition of Sanibel a 2006 Tree City USA

Ms. Zimomra called Council's attention to the agenda packet information.

Annual Evaluation for City Manager

Mayor Johnston proposed voting on the City Manager's and City Attorney's evaluation February 20th.

Discussion ensued regarding the City Manager completing 5 years of service, put in 80-hours per week, include the general employee pension plan at \$28,000, increasing the housing allowance, increase annual salary to \$160,000, and increase the car allowance.

Discussion ensued regarding Mayor Johnston completing the negotiations, allowing Council to speak with Mr. Isom regarding the General Employees Pension, all Councilmember's would receive the same information, and Council decided completing the evaluations at the February 20th Council meeting.

CITY ATTORNEY'S REPORT

None.

COUNCILMEMBERS' REPORT

Report regarding the Metropolitan Planning Organization (MPO) meeting Friday, January 26, 2007

No report.

Lower West Coast Watersheds Subcommittee draft objectives

As noted in the agenda packet.

PUBLIC COMMENT

None.

There being no further business the meeting was adjourned at 6:22 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk