

**SANIBEL CITY COUNCIL REGULAR MEETING  
MAY 01, 2007**

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

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

**Request from Vice Mayor Johnston to excuse her from the May 01, 2007 City Council meeting**

Councilman Jennings made a motion, seconded by Mayor Denham, to excuse Vice Mayor Johnston.

The motion carried.

**PRESENTATION(S)**

**Proclamation recognizing National Public Works Week May 20 through May 26, 2007**

Councilman Jennings read and presented the proclamation to Gates Castle, Public Works Director a proclamation recognizing National Public Works Week

**Presentation by representative of the Government Finance Officers Association (GFOA) Allan Owens, Finance Administrator for the City of Palm Beach Gardens to the City of Sanibel of the following two (2) awards  
Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2005 Comprehensive Annual Financial Report**

Mayor Denham spoke to Director Lynch being with the City 21 years and Frances Slain being with the City 1 year.

Mr. Owens spoke to the program.

- 60 years old
- Premier indicator of excellence
- Report reviewed by a panel
- 20<sup>th</sup> consecutive award for the City

He awarded the Certificate of Achievement to Renee Lynch and the Finance Department.

**Distinguished Budget Presentation Award – Fiscal Year 2007 Annual Budget**

Mr. Owens spoke to the award

- Only 1,000 cities receive this award
- Budget document must be a policy document, communications device, and a guide
- Only National Awards Program in the financial field

He presented the award the Renee Lynch and Frances Slain.

Ms. Lynch thanked Council for their support.

**Public Comments**

Hazel Schuller spoke to a letter regarding the Sanibel Plan amendment.

Ted Tyson spoke to exceptional work done by Gates Castle, Public Works Director and the Public Works staff.

Judy Minchie spoke to the broadcast of Fort Myers Beach and Lee County Board of Commissioners' meeting and the possibility of Sanibel broadcasting their Council meetings.

Ed Seibert spoke to a campaign ad stipulating a candidate was a republican. He further spoke to Councilman Jennings handling his bumps graciously.

Louise Johnson spoke to the Finance Department staff, and kayak launching area at Bowman's Beach. She further spoke to encouraging environmental tourists. She also spoke to elections remaining non-partisan.

Mayor Denham spoke to the advertisement mentioned above was an independent ad not by the candidate.

Councilman Jennings spoke to the issue of partisan elections issue was over.

Paul Andrews spoke to agreeing with Ms. Schuller's comments. He also thanked Mr. Castle and congratulated Frances Slain.

Louise Johnson spoke to the partisan signs placed at the polls during the 2005 election.

### **Council Comments**

Councilman Ruane thanked Council for his appointment. He spoke to his approval of all campaign ads and the independent ad did not come to him for approval.

Councilman Jennings spoke to Kiwanis holding a book sale. He suggested Charles Duray to a Council meeting. He also spoke to having a reception.

Councilman Pappas spoke to the campaign being waged against island businesses. He also spoke to the failure of a business was because of the owner/manager of said business.

### **Planning Commission Report**

Dr. Phillips Marks gave the following report from the April 24, 2007 Planning Commission meeting as follows:

- Considered a request to amend a resolution to provide a 1 time 2 year extension for a plat of land located at 1881 Periwinkle Way

### **CONSENT AGENDA**

Mayor Denham stated staff requested that item (g) be pulled to appear on the May 15, 2007 agenda.

- g. Award Casa Ybel Shared Use Path widening contract to Florida Paving and Landscaping, Inc., in the amount of \$83,100.10 and authorize the City Manager to execute the contract (this project is fully funded by an Economic Development Administration grant work to be completed prior to October 01, 2007)

This item was pulled until May 15<sup>th</sup> City Council meeting.

Ms. Zimomra read the titles of Resolutions 07-068, 07-067 and 07-066.

- d. **RESOLUTION 07-067 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-068 AND PROVIDING AN EFFECTIVE DATE**(the City received a C. L. E. A. N. grant in FY 06 which was expected to be completely expended in that year. No revenue or expenses was budgeted for FY 07. Certain close out expenditures did occur in FY07 and have

been reimbursed. This amendment will appropriate will appropriate revenue and expenses to FY 07. There are no new additional funds budgeted by this amendment)

- e. **RESOLUTION 07-066 EXPRESSING THE INTENT OF CITY COUNCIL TO DECLARE A SPECIAL ASSESSMENT TO FINANCE A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE SANIBEL CHARTER FOR THE PURPOSE OF SANIBEL ISLES-WATER SHADOWS CANAL AREA DREDGING, SAID PROJECT TO BE REFERRED TO AS THE "SANIBEL ISLES-WATER SHADOWS CANAL AREA DREDGING ASSESSMENT DISTRICT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING AND COLLECTING ASSESSMENTS, SPECIFYING THE PORTION OF THE ASSESSMENT TO BE PAID BY THE CITY TO ACCOUNT FOR GENERAL PUBLIC BENEFIT ACCRUING FROM THE PROJECT, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED; AND PROVIDING AN EFFECTIVE DATE**
  
- c. **RESOLUTION 07-068 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-067 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$65,000 from the General Fund Reserve for environmental initiatives line to the Natural Resources Department Aid to private organizations line to pay for the cost of a water monitor for SCCF. There are no new or additional funds budgeted by this amendment)

Mr. Cuyler explained that Resolution 07-066 would establish the dredging district requested by the homeowners.

The motion carried. Vice Mayor Johnston excused.

- a. Approval of minutes – March 20, 2007 Regular Meeting, and April 17, 2007 Regular Meeting
  
- b. Approval of agreement between Sanibel Captiva Conservation Foundation and the City of Sanibel to participate in the water monitoring campaign and authorize the City Manager to execute the agreement
  
- f. Award contract to Cougar Contracting Specialties, Inc., in the amount of \$151,000 to relocate Shared Use Path along Periwinkle Way (Meridian Drive to Dunlop Road) improvements contract and authorize the City Manager to execute the contract (this project is fully funded by an Economic Development Administration grant work to be completed prior to October 01, 2007)
  
- h. Approval of the annual Multi-jurisdictional Traffic Task Force Agreement entered into between the Lee County Sheriff's Department, City of Cape Coral, the Cape Coral Police Department, Collier County Sheriff's Department, Charlotte County Sheriff's Department, Hendry County Sheriff's Department, Fort Myers Police

Department, Sanibel Police Department, Naples Police Department, Florida Gulf Coast University Police Marco Island Police Department, and Port Authority Police Department and authorize the Mayor to execute the agreement

Mr. Cuyler stated that both the Mayor and Manager needed to sign the agreement and the motion would include those signatures.

Councilman Jennings made a motion, seconded by Councilman Ruane to approve Consent Agenda items (a), (b), (f), and (h).

The motion carried. Vice Mayor Johnston excused.

### **Committees, Boards Commission**

#### **Matrix of Staff Recommendations on Advisory Committee Reports**

Councilman Ruane made a motion, seconded by Mayor Denham, to accept the recommendations.

#### Public Comment

Ann Yarnel requested that Council distribute a copy of the recommendations to the audience.

Council decided to wait for further discussion until the audience could receive a copy of the report.

Ms. Zimomra stated that there were 3 new applicants for appointment. She further stated that Mr. Cuyler agreed that Council could appoint the 3 new members by unanimous vote if that was Council's pleasure.

Ms. Zimomra read the title of Resolutions 07-061, 07-062, 07-063, 07-064 and 07-065.

#### **RESOLUTION 07-061 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

#### **RESOLUTION 07-062 APPOINTING MEMBERS TO THE SANIBEL MARINE ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

#### **RESOLUTION 07-063 APPOINTING MEMBERS TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

#### **RESOLUTION 07-064 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

#### **RESOLUTION 07-065 APPOINTING MEMBERS TO THE SANIBEL WILDLIFE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Councilman Pappas made a motion, seconded by Councilman Ruane, to adopted Resolution 07-061, 07-062, 07-063, 07-064 and 07-065. Members of committees were as follows:

Historical Preservation Committee:

Sam Bailey  
Sheila Fortney

Harry Bertossa Jody Brown  
Martha Ponader Jackie Rauschert

Richard Faris  
Alex Werner

Marine Advisory Committee:

John Carney	Ronn Downey	Skip Dunn	Tom Gillis
Dennis Jones	Tom Kaplan	James Strothers	Chapman Vail

Parks and Recreation Committee:

Armand Ball	Christie Bradley	Scott Conway	Marty Harrity
Richard McCurry	Mitch Moore	Dick Muench	Donna Ruhe
Allan Silberman	Mark Tesoro		

Vegetation Committee:

Barbara Bolt	Paul Duval	Phyllis Gresham	Edwin Herms
Robin Krivanek	Susie Marks	Ann Talcott	Hal Theiss
Berdenna Thompson	Bill Wolschlager		

Gloria Hannon – adjunct member                      Tom Hansen – adjunct member

Wildlife Committee:

Vern Frankwich	Gopal Pati	Doris Hardy	Claire Mallon
Neil Payne	Rick Ranieri	Richard Reese	Syrl Rubin
Yoland Welch	CROW – adjunct member	SCCF – adjunct member	

The motion carried. Vice Mayor Johnston excused.

## **OLD BUSINESS**

### Water Quality Issues

Council decided to receive the following report.

Ms. Zimomra spoke to the following:

- Research the source of the algae
- Currently accepting proposals for the exact cause and solutions
- Council addressing the long-term impacts and solutions to water quality issues
- Council leadership in other areas, i.e. fertilizer releases, controlling sanitary sewer and storm water run-off
- Talked with all other entities that had previously dealt with the algae
- No one has had the exact amount/problems of algae
- Team of 3 people to Hawaii for research
- Other research done showed all roads led to Hawaii

### **Staff report on the fact-finding site visit to Water Based Algae Management Program's Research**

Dr. Loflin, James Evans, Environmental Biologist and Scott Krawczuk, Deputy Public Works Director gave the following report:

- Showed a short film showing a healthy reef once the algae was removed and the reef inundated with algae
- Addressed by using several kinds of equipment
- Requires a diver to manually remove algae and put in vacuum hose to mesh bags allowing water to drain when reaching 60 pounds in weight
- Trying to grow large numbers of sea urchins to eat the small bits of algae

- Algae mixed in with fields as fertilizer
- Operation can complete 800 pounds per hour and work 4 hours per day due to diving time
- Design for clear protected water and not a good match for Sanibel, could be used in J. N. “Ding” Darling
- Compost operation was a success
- Mechanical methods reviewed use on tourist beaches at Awahoo called a Barber Beach Rake
- Reviewed work done on Maui by the county with similar circumstances and developed technologies to deal with algae
  - Use Beach Master 2000 – took sand off beach and corroded
  - Use a Front End Loader to pick up algae and created a compost plan
  - Problem with odor
  - Would need to manually remove other material
  - Advisable to remove material to get the nutrients off the beach
  - Better to remove algae from water due to the sensitive nature of nesting shore birds and turtles
  - Design could be created to accommodate Sanibel algae
  - Staff recommend a pilot project to find the best environmental designed method and equipment
  - Staff recommend a pilot program to begin in July after shore bird nesting season

Discussion ensued regarding how much diving done to determine mapping and density, Dr. Loflin stated the number of field days was limited and RFQ was requesting the consultant to do the mapping, would like to produce and outline map before the RFQ were due, explain the labor intensive super sucker operation, Dr. Loflin stated the amount of times the material must be handled was increased, must remove and return sea life and algae must be transferred to a barge, then off island, both suggestions labor intensive, Dr. Loflin stated that in Hawaii working in very clear water, silt re-suspended in water during extreme wave action, beds in excess of 1,000 acres and manual work with poor visibility may not be economical, most information was on the Island of Maui, no positive information gathered in Hawaii, Dr. Loflin spoke to a front end loader being used in Maui and could possibility be use on Sanibel, to reduce the cycle must remove wet, Dr. Loflin stated staff would like to take a closer look through the RFP, nutrients should be removed from the beach, staff met with expert in the filed, massive volumes were removed in Hawaii, Snowy Plover nesting season ends in July, but would the Snowy Plover would be nesting again next February, composting could be a practical solution, Scott spoke to a beach master equipment used and did not work, areas cleaned were cove beaches and the tire pressure issue was a concern due to the travel distance, largest beach in Maui was 1.4 miles in length, scope of work on Sanibel larger depending on the algae, Maui used 1 to 2 loaders at one time, dump trucks would be needed or Sanibel due to distance, situation of nutrients on Maui was a combination of sewage, municipal storm-water run-off, and pineapple farms, addressing nutrient issues, report recommended in July do experiments, and a possible \$2 to \$3 million dollar expenditure annually.

Ms. Zimomra stated that staff recommendation was to test 4 different types of equipment by the Public Works Department and Natural Resources Department would take the lead on hand raking.

Discussion ensued regarding allowing staff to do their job, then report back to Council, could dump trucks and large trailers on the beach, and staff would evaluate.

Public

Comment

A citizen spoke to interviewing shrimpers and the boats could hold 30,000 pounds. She spoke to freezing algae, do want to go any shallower than 28 feet, and could fill nets in an hour.

Claudia Burns spoke to sea turtle nesting season started today. She also spoke to 6 nests, 2 nests hatched with 3 chicks. She further spoke to the nesting behavior and that the chicks were up and on the beach immediately after nesting.

Jim Lavelle spoke to a possibility of modifying the Barber Beach equipment.

Bernie Lubetkin asked if the algae was growing on the coral, Dr. Loflin stated that the algae was growing on every surface off-shore, but Sanibel had no growing reef. He suggested determining where the algae fields were located with sonar. He also recommended speaking with dredging experts to look for a small suction dredge and dump out to sea with a 3/4 year project.

Ed Seibert spoke to Captiva re-nourishment and a heavy pipe that transferred thousands of cubic yards on beach and spread by bull dozers.

Jane Vickers spoke to her concern of what to do with the algae. She spoke to being susceptible to smoke.

Judy Minchie commended the staff report.

Charles Emerson asked the assessment of the worse part of the algae at any time of the year.

Dr. Loflin stated that the timing and distribution was part of the research that was being done.

Barbara Cooley spoke to getting the algae off the beach would not solve the problem.

Bruce Neal spoke to his understanding of water applications near shore. He further spoke to the different components and the applicability of the proposed methods.

Mayor Denham made a motion, seconded by Councilman Ruane, to direct staff to continue with the next step as outlined in the staff report and continue to recognize the end of September as directed previously by City Council to have a commitment for a clean-up plan.

Discussion ensued regarding the only site mentioned for experiments was Algiers Beach, Gavin site could be used for disposal, Ms. Zimomra stated staff working with SCCF for the experiment of equipment that had less environmental impact, Ms. Zimomra stated there were several steps, such as disposal of the algae and reviewing various plans for final disposition and would have parallel tracks for disposal.

The motion carried. Vice Mayor Johnston excused.

Mayor Denham made a motion, seconded by Councilman Jennings, to direct staff to immediately seek grants and ways to fund the removal of the algae and recognize that citizens need to participate.

The motion carried. Vice Mayor Johnston excused.

#### Public Comment

Louise Johnson spoke to her disagreement of mechanical clean-up. She asked if there would be a monitoring procedure in place when the plan was established.

Ms. Zimomra stated the authority given by Council was the next phase of experimentation and staff would evaluate the process objectively, as well as putting the information on the City's web page. She further stated that the motion was to proceed with staff recommendation to follow the steps mentioned in the report.

Judy Minchie spoke to any established criteria of the locations of the experiments. She further spoke to funding sources.

Ms. Zimomra stated the purpose of the experimentation was to utilize all locations from the least to the most.

Bernie Lubetkin spoke to the next phase would be proceeding at cleaning the beaches, and uses of trawlers was all staff would be considering.

Council recessed at 11:14 a. m.

Council reconvened at 11:25 a. m.

Reports from City Councilmembers

Mayor Denham spoke to the following:

- The need to focus on the nutrients in the Lake Okeechobee freshwater releases
- Focusing of the Southwest Florida Regional Planning Council and the West Coast Sub-committee of urban pollution; i.e. storm water run-off and sewage treatment
- Meeting Thursday, May 03 with state representatives and staff on the City's fertilizer ordinance

Councilman Jennings spoke to the following:

- Spoke to resident who stated a spectroanalysis could be used to find red drift algae
- Passed photos to Council

### **Fertilizer Ordinance Education Program Update**

Ms. Zimomra spoke to the 180 day implementation phase to develop an educational program, which would be in the fall. She further spoke to the different components of the educational program.

Merribeth Farnum spoke to the timeline in the agenda packet.

Public Comment

Barbara Cooley suggested using City information in different homeowner newsletters.

Ric Base, Executive Director of Chamber suggested a display at the Chamber visitor center and the business community.

Phyllis Gresham, Vegetation Committee Chairman spoke to revising the Environmental Handbook.

### **Advertisement for the WGCU Magazine**

Ms. Zimomra called Council's attention to the agenda packet information. She explained that as part of the funding for the next WGCU television segment the City also received an advertisement space to be used as Council directed and the advertisement in the agenda packet was staff's recommendation.

Discussion ensued regarding the initiation of discussion with staff on the fertilizer ordinance, state initiated the discussion, Councilman Pappas spoke to the whole red drift algae reports reads that the problem on Sanibel was huge and the responses in Hawaii slow and no environmental conscience method used on Hawaii when cleaning the beach, Dr. Loflin spoke to the evaluation of the spreading the algae on the beach and switched to a wet pick-up, he further stated that when putting equipment on the beach at the tidal zone would have impacts, but the wet pick-up was the best.

### **Report on Status of Osprey Nesting Season**

Ms. Zimomra stated that there was media coverage of Osprey nest and there was a significant change.

Dr. Loflin spoke to a decline of the Osprey; Osprey counts 2003 in 122, 2004 in 90, 2005 in 83, 2006 in 90 and a total of 17 young currently. He spoke to the repeat of red tide, scare mullet, and death of filter feeding organism's off-shore. He also stated the reduction in nesting may be the increase in red tide.

Public Comment

Dr. Jack Emory spoke to putting labels on the products, such as fertilizer.

Mayor Denham spoke to a movement by the Department of Agriculture and Commerce to have one fertilizer of one level of required nutrients and hope to be completed by the end of 2007.

Council decided to discuss the following

### **Matrix of Staff Recommendations on Advisory Committee Reports**

Discussion ensued regarding staff not recommending establishing a public mooring field, responsibility of each liaison to discuss staff recommendation and Ms. Zimomra stated she would meet with any committee for discussion.

The previous motion carried. Vice Mayor Johnston was excused.

#### Public Comment

Dr. David Berger spoke to recommendation number 2 of the Wildlife Committee and the need to look at private homes who put out the trash several days before pick-up either as a renter or seasonal or resident.

Council recessed at 12:05 p. m.

Council reconvened at 1:07 p. m.

### **Shared Use Path Update**

#### **Staff report regarding historical expenditures on Shared Use Paths**

Ms. Zimomra stated that Council requested the historical data on expenditures for Shared Use Path including Capital Cost, and in-kind work.

### **Presentation of the Draft Shared Use Path Master Plan**

Ms. Zimomra spoke to the recommendations:

- Consultant presentation on May 15<sup>th</sup>
- Consultant to hold a discussion with the Planning Commission, Bicycle Club and Parks and Recreation Committee
- All comments should be funneled through Gates Castle, Public Works Director

#### Public Comment

Doug Dietrich spoke to his agreement with the proposal.

A resident spoke to not having the opportunity to review. He asked where would the Transportation Planner work with this plan.

Ms. Zimomra stated that all final policy sits with City Council. She further stated a major portion of the planner's responsibility would be pursuing grants.

Discussion ensued regarding putting the plan on the website.

Mayor Denham made a motion, seconded by Councilman Pappas, to agree to staff's recommendation.

The motion carried. Vice Mayor Johnston was excused.

Ms. Zimomra stated that the bids for the improvements to the Periwinkle Way bike path would be open May 16<sup>th</sup>.

## **CITY MANAGER**

### **Informational Items**

#### **Presentation by Ashley and Brown, CPA for the audit and financial statements for FY 2006**

Mr. Jeff Brown gave the following report:

- Independent report given was in perfect order
- Debt coverage – in compliance with all bond requirements

Discussion ensued regarding the annual debt service just under \$3.4 million dollars

- Total net assets \$27 million
- Total bond assets \$20 million

Ms. Lynch stated that payments for debt of the sewer system must be held apart.

- Total net assets \$45 million
- Just under \$11 million unrestricted assets
- No noted material weakness
- City complied with all requirements to major federal awards programs
- Management letter comments already addressed

Ms. Lynch asked Council to review the following:

- Transmittal letter
- Comparison of net assets and activities
- Statistical Section format change under the new statute

#### **Distribution of status report of Neighborhood Commercial regulations to enable mixed commercial/residential use for discussion May 15, 2007**

Mayor asked that discussion be delayed until later in the year. He further stated that the Town Center district was much more important.

Bob Duffy, Planning Director spoke to the following:

- Issue of mixed use
- Issue of current zoning at the intersection of San-Cap Road and Sanibel Bayous
- Issue of converting commercial zoning that governs land use in the 3 outlying commercial centers to a more neighborhood serving commercial mixed use
- Part of the Zoning-in-Progress and basis for the commercial zoning ordinance adopted on February 20, 2007
- Planning Department recommended addressing the outlying commercial areas at a later date and focus on the key issues of the commercial district
- Direction of Council was the report the issues as 3 parts and prepare the first report
- Each report fairly basic and provide early ideas and obtain direction from Council
- No issues facing the 3 outlying areas
- Core of work program would be to continue to pursue to re-development program involving Periwinkle Way west, and Town Center District

He explained that when Council adopted the Commercial zoning ordinance in February they asked that staff prepare a report for converting the general commercial districts to neighborhood commercial districts.

Discussion ensued regarding the mixed use be a continual discussion, and keep staff focused on the Town Center, changing Council's priority, Mr. Duffy spoke to Council's direction when adopting the commercial regulations was not to revise the ordinance to reflect a change in zoning in the 3 outlying commercial centers. He further stated that Council did requested that staff report back on the 3 areas as part of the planning annual work program covering mixed use, zoning at San-Cap and Sanibel Bayous Road, and any alternatives to convert the general commercial districts in those 3 outlying areas to neighborhood commercial districts. He explained that this was the first report.

Discussion ensued regarding the mixed use issue being an important item and suggesting focus on mixed use for future development, potential future discussion, what would be the proposed change for San-Cap and Sanibel Bayous Road, Mr. Duffy answered that there was a small real estate office on 2 acres zoned general commercial and abuts the treatment plant. He explained 1 of the 4 outlying areas that were currently zoned for general commercial and the Sanibel Plan through the EAR based amendments recommends looking at an alternative zoning to change the permitted or conditional uses to have a more neighborhood focus. He stated the other issue in the EAR was should zoning enable those outlying areas to convert solely to residential use in the future or should there be a zoning mechanism attempting to preserve some of the commercial use, unless compelling reason for a change why make a change, delay consideration, building could be turned in to an office or residential, Mr. Larry Thompson's property would follow the same pattern of use, another real estate office on West Gulf Drive and not part of the whole process, Mr. Duffy stated the West Gulf property was a non-conforming property and not part of the commercial district, do not want to put more restrictions on property unless there was a public interest to do so, Mr. Thompson came to Council to explained he did not want the zoning changed, and the need to dispense with this item.

Mr. Cuyler stated if a motion was made and carried the item would not be a high priority.

Mr. Duffy spoke to the Zoning-in-Progress that was still in place and if Council recommended that the Zoning-in-Progress be repealed.

Mr. Cuyler explained the Zoning-in-Progress was a snap shop of regulations and put a freeze on that portion of the regulations. He further stated that the Zoning-in-Progress could be repealed and he would bring back a resolution at the May 15 Council meeting. He also stated that the great majority of the Zoning-in-Progress was taken care of by Council.

#### Public Comment

Karen Storjohann spoke to involving other properties and the need for discussion about other properties (Mango Bay).

Mr. Duffy stated the issue was front and center and central to the issue and addressed by the new regulations.

Mr. Cuyler suggested a motion to lower the priority of the 3 items on the list until such time as Council changes the priorities.

Mayor Denham made a motion, seconded by Councilman Ruane, to lower the Planning Department priority list for 3 items as follows:

- Alternative zoning approaches to enable commercial and residential mixed use
- Potential zoning alternatives for the property located at the southwest corner of Sanibel Captiva Road and Sanibel Bayous which today was zoned General Commercial (GC)
- Alternative zoning approaches for converting the existing three outlying General Commercial (GC) districts located at eastern Periwinkle Way, Rabbit Road and Sanibel Captiva Road to neighborhood serving commercial uses

until such time as Council changes the priorities.

The motion carried. Vice Mayor Johnston was excused.

## **Approval of Agenda of May 16, 2007 Goals Workshop beginning at 9:00 a. m.**

Ms. Zimomra called Council's attention to the proposed agenda for the Goals Workshop.

## **Budget Hearing Confirmation – September 08, 2007**

Ms. Zimomra spoke to Council's budget calendar and receiving notification that Lee County would hold the grand opening of the Causeway bridges on Saturday, September 08, 2007 and 2 Councilmember would not be present at the September 8<sup>th</sup> meeting. She suggested that the September 08 meeting could be moved to Saturday 15, 2007.

Discussion ensued regarding moving the September 8 meeting to September 15 and hold the final budget hearing on Tuesday, September 25, 2007 at 5:01 p. m.

Mayor Denham made a motion, seconded by Councilman Pappas, to adjust the budget schedule for Saturday, September 15 9:00 a. m. for the first budget hearing and Tuesday, September 25, 2007 at 5:01 p.m.

The motion passed unanimously by voice vote. Vice Mayor Johnston was excused.

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

### **Staff Status Report and Construction Manager Peter Brown Report (Stuart Pope)**

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

Stuart Pope, Construction Manager gave the following report.

- Building dried in
- Pool excavated
- 1<sup>st</sup> plumbing inspection
- Green roof within the next few weeks
- Insulation and ice shield already in

Council requested a tour of the facility.

### **Status report on Osprey nest**

Ron Orr gave the following report:

- Searching for a replacement pole and platform
- Lost previous pole

Ms. Zimomra stated there was a placement site identified on the site plan. She spoke to the next 3 items.

### **Reject bids received for Pool Equipment (Water Slide) and authorize staff to solicit the purchase and installation of a water slide from a qualified vendor**

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

Mr. Cuyler stated that the bid was non-responsive.

Councilman Pappas made a motion, seconded by Mayor Denham, to reject the bid and authorize staff to solicit the purchase of a slide.

The motion carried. Vice Mayor Johnston was excused.

**Approval of Change Order to the Sanibel Recreation Center contract with Peter R. Brown Construction, Inc., in the amount of \$208,069 in order to adjust the total contract amount for the CCTV & Access Control (Security) System approved by Council at the April 17,2007 Council Meeting**

Mr. Cuyler spoke to the change order including the approve security system.

Mayor Denham made a motion, seconded by Councilman Ruane, to approve the change order.

The motion carried. Vice Mayor Johnston was excused.

**Approval of Change Order to the Sanibel Recreation Center contract with Peter R. Brown Construction, Inc., in the amount of \$1,875 to adjust the total contract amount to account for work previously performed and paid relating to preconstruction modeling and analysis of hurricane construction requirements (this Change Order is to reconcile the Contractor's consolidated contract amount with the total contract amount reflected by the City**

Ms. Zimomra stated this was a catch-up change order for analysis of hurricane requirements on site.

Mayor Denham made a motion, seconded by Councilman Ruane, to approve the change order.

The motion carried. Vice Mayor Johnston was excused.

**CITY ATTORNEY'S REPORT**

None.

**COUNCILMEMBERS' REPORT**

**Attendance report from the American Planning Association and American Institute of Certified Planners Conference receiving the National Planning Landmark Award for the Sanibel Plan**

**Attendance report from the April 20, 2007 Metropolitan Planning Organization (MPO)**

Both reports were in the agenda packet.

**PUBLIC COMMENT**

Karen Storjohann spoke to implementing a verification of homesteading due to the legislative change. She also spoke to the u-turn after the toll booth for Punta Rassa and the difficulty of turning with a boat. She also spoke to the security system for the Recreation Center should mesh with the School security system.

Mr. Cuyler stated that was the responsibility of the Lee County Property Appraisers Office.

Discussion ensued regarding of northern states reviewing those exemptions.

Ms. Zimomra stated the Chief had preformed an analysis of the security system and was shared with the principle and Lee County Superintendent.

Discussion ensued regarding parents raising money and the recommendation having to go through the correct channels and have Chief Tomlinson all the school for any progress.

There being no further business the meeting was adjourned at 2:16 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk