

**SANIBEL CITY COUNCIL REGULAR MEETING
MAY 15, 2007**

Council held a reception for Councilman Ruane and a greet and meet for Charles Dauray new appointee to the South Florida Water Management District governing board.

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

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

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

Ms. Zimomra administered the Oath of Office to Councilman Ruane.

PRESENTATION(S)

Recognition of employees receiving their Ham Radio Operator's Certification

Vice Mayor Johnston spoke to the importance of having ham operators.

Proclamation recognizing Officer Dave Jalbert upon his retirement

Mayor Denham read and presented a proclamation and a piece of Luc Century glass to Officer Jalbert upon his retirement.

Chief Tomlinson spoke to the professional job that Officer Jalbert has performed while with the Sanibel Police Department.

Charles Dauray, newly appointed to the South Florida Water Management District (SFWMD) Governing Board

Mayor Denham introduced Mr. Charles Dauray.

Mr. Dauray spoke to coming to Sanibel a week ago listening to concerns. He further spoke to his shared passion for Sanibel, Captiva and J. N. "Ding" Darling Wildlife Refuge. He also spoke to his priorities:

- Southwest Florida should have alternative potable water supplies coordinated or singularly
- Resolve problems for the need for land provided for water filtration
- No need to disparage agriculture
- New designation of Northern Everglades area
- SFWMD encompasses 16 counties
- C-43 located in Alva – 11,000 acres to help water quality

Council welcomed Mr. Dauray South Florida Water Management District Board member.

Discussion ensued regarding the need to be a united front on both coast, Florida needs real estate and agriculture, the need to preserve the estuaries and rivers of Florida, the challenges ahead and the need to keep water moving south.

Public Comments

Howard Ellis suggested the following to improve air quality; 1) adopted an ordinance to prevent heavy duty diesel vehicles from idling more than 3 or 4 minutes and 2) obtain state and federal funding to retrofit school buses on the island to reduce emittents by 90%. He further spoke to his qualifications and involvement in air quality.

Council suggested he also go before the Lee County Board of Commissioners.

David Bath spoke to the new Causeway bridges, 6-laning of Summerlin Road, flyover of San Carlos, weigh station to be removed from Causeway Boulevard, Lee County developing a fishing pier and a trolley system for Sanibel. He suggested the traffic would increase and the need to consider instituting a toll booth on Sanibel.

Louise Johnson spoke to her understanding of public comment, she thought was lessened to 1.5 minutes instead of 3 minutes

Claudia Burns spoke to there being 2 turtle nest on the west end of the island, 7 snowy plover nests, 13 adults , 6 breeding pair and 1 single, and 6 chicks.

Council Comments

Vice Mayor Johnston spoke to the passing of Mozella Jordan. She spoke to going to New Orleans for one week rebuilding/cleaning houses impaired/destroyed by Hurricane Katrina.

Mayor Denham spoke to touring the Recreation Center with Councilman Ruane.

Ms. Zimomra stated that there was a live timed camera to watch construction f the Recreation Center.

First Reading of an ordinance and scheduling of public hearing.

ORDINANCE 07-006 AMENDING CHAPTER 62 - TAXATION, ARTICLE II. LOCAL BUSINESS TAXES, SECTION 62-45 – TAX SCHEDULE TO PROVIDE A BI-ANNUAL FIVE (5%) PERCENT INCREASE FOR ALL CATEGORIES OF THE LOCAL BUSINESS TAX; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 07-006.

Council set the second reading and public hearing for June 05, 2007 at 9:30 a. m.

ORDINANCE 07-007 OF THE CITY OF SANIBEL DEFINING THE CITY'S OTHER POST-EMPLOYMENT BENEFITS (OPEB); PROVIDING FOR FUNDING OF OPEB; ESTABLISHING A TRUST FUND TO ACCOUNT FOR AND REPORT OPEB PLAN ASSETS; AND DELEGATING THE AUTHORITY FOR INVESTMENT AND MANAGEMENT OF OPEB PLAN ASSETS; PROVIDING FOR CODIFICATION, CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 07-007.

Council set the second reading and public hearing for June 05, 2007 at 9:45 a. m.

Council recessed at 9:50 a. m.

Council reconvened at 9:56 a. m.

Quasi-judicial Hearing and **Appeal of Planning Commission** Resolution 07-02 that denied a Variance application to permit a three-unit multi-family (building) development to be established on a parcel of land that is less than the required minimum lot size of one acre. The subject parcel of land (tax parcel no. 35-46-22-T1-00010.0110) is currently the site of the **Riveria Restaurant, 2761 West Gulf Drive**

Ms. Zimomra read the title of the quasi-judicial hearing.

Cuyler explained the following:

- Appeal and not a new hearing on issues
- Council consideration whether the Planning Commission properly interrupted based on the application and evidence presented to the Planning Commission
- No verbatim transcript of the Planning Commission hearing
- No new witnesses or evidence
- Appellant proceed first with 20 minutes
- Planning staff 20 minute maximum for explanation
- Sworn testimony
- Appellant 5 minute rebuttal
- No new witnesses
- Other public comment may not be considered
- Suggest Council give direction to the City Attorney to bring back an order reflecting Council's decision
- Options
 - Authority to uphold, reverse or modify the Planning Commission's decision
 - Remand the application to the Planning Commission for re-hearing
 - A new hearing
 - Consideration of additional evidence

Council ex Parte disclosure:

Mayor Denham	Attended the Planning Commission hearings as Council liaison
Vice Mayor Johnston	None
Councilman Jennings	Spoke to a resident
Councilman Ruane	None
Councilman Pappas	None

Steve Hartsell, Attorney spoke to the following:

- If the Planning Commission interpreted the code
- All 7 variance standards were meet
- Rivera Restaurant located on West Gulf Drive
- Condos developed at 10 to 12 condos per acre
- 1974 area designated as Gulf Beach Ridge Zone
- 5 units per acres in the resort housing
- No commercial uses
- Restaurant became a non-conforming use
- Commercial rights taken away
- Density included only 3 units
- 1974 standards changed the property owner was permitted to construct 5 unit per acre
- Section 86-158 – 1 acre calls for 1 acre developed for 5 units
- Section 86-158 and not intended to be applied
- Section 86-158 was to create a new multi-family parcel not intended to artificially lower the density of the existing parcel
- Criteria meet and proposed use compatible and variance should be granted
- Variance outline shows that the criteria was meet

Ken Pfalzer, Deputy Planning Director spoke to the following:

- Standard 1 was it an unnecessary and undue hardship
- Standard 4 redesign of structure was a major factor
- Standard 5 not feasible because there were other options
- Standard 7 parcel a residual parcel that was non-conforming
- Clearly the Planning Director's position that it was the obligation for the Planning Commission to make a determination not staff the reason there was no staff recommendation

Public Comment:

Larry Schoop spoke at the Planning Commission hearing and stated he saw no reason to construct a 2-story rather than a 3-story condo. He further stated that Mr. Hartsell stated that constructing a 2-story project would not make as much as a return.

Patty Sprinkle spoke to observing the Planning Commission proceedings and the decision was made partially due to the acquisition date by the current owner and history of zoning ordinances changes reflected a hardship.

Mr. Cuyler stated that there was a discussion and legally it does not preclude a subsequent owner from requesting a variance and the Planning Commission was aware of the fact.

Dr. David Berger spoke in agreement of Ms. Sprinkle's comment.

Mr. Cuyler again stated that it was the decision, but does not preclude a petitioner from requesting a variance and attempting to meet the criteria and the Planning Commission was aware of that fact.

Dave Geller spoke to the acreage being .6 acre and today the parcel was .65 acres. He stated that the square footage was 21,719 according to the Tax Collector and that adds up to 4.9 acres. He spoke to there being a single-family home across the street, and the commercial site at John Gee's was being converted to a single-family home. He further stated there was never any mention of the height of the building.

Mayor Denham stated that there was mentioned at the hearing that there were other single-family dwellings in the area.

Johnnie Carey spoke to there being no beach access except through other property owners and extra insurance would have to be carried for liability purposes if people egress/ingress to go to the beach. He further stated there were 45 units at Nutmeg and 42 units at Sand Point .

Mr. Hartsell spoke to the following:

- Other alternatives might require a variance for lot and size regulations
- Request was to allow multi-family usage
- No reasonable options or alternative for other uses
- Request was not for height variance
- A separate application for construction would come before the Planning Commission
- Nutmeg built at 3-stories and blocks the review of the proposed construction
- Nutmeg want to restrict proposed construction to be less than other development
- Important to know that land was not appreciable
- Land purchased was appreciating and did not buy restaurant knowing it would be closed
- As part of due diligence when City took away the commercial use the City granted a 5-unit of density per acre with multi-family use
- Primary principle was not to deviate from the code or the variance procedure - variance standards met
- The basis of the objection was the perception that 3-story 3-unit multi-family structure would have more impact than the 1-story restaurant

- Restaurant existed 25 years before the City amended the code and deleted the commercial use in the Gulf Beach Ridge Zone
- Property was designated resort housing multi-family 5-units per acre
- Right to do commercial use was removed in 1974 and treated fairly and allowed a 3-story structure
- Applicant submitted an application for variance when discovering a 1-zcre minimum requirement
- If variance denied the owner would be deprived of using the parcel

Mr. Cuyler stated the following options:

- Applicant responsibility to meet all 7 variance criteria
- Mr. Hartsell indicated there was no evidence to support the denial
- If the applicant met all 7 and the Planning Commission disagreed that the burden would be on the City to establish why that would be the case

Discussion ensued regarding if the Planning Commission discussed the height of the building for 3 units, Mr. Hartsell answered it was possible to construct 3 units in 2 stories, Planning Commission did not discuss the size of units, Planning Commission did not discuss the difference in 2 and 3 stories, Mr. Hartsell stated the request was to build on 2/3's acre, did not want to violate height issue, Mr. Hartsell stated there was no request to have a variance to height, he stated the design of the structure would meet the code, Mr. Cuyler stated the actual design of the building was not part of the variance process, Mr. Cuyler asked if – Mr. Pfalzer stated that 3-units would meet the criteria in a townhouse structure, the height limit on the property of 35 feet above pre-development grade would meet the standard, did the Planning Commission discuss the exchange of 5 units per acre for commercial use and any value associated, Mr. Cuyler stated that there was a general discussion that it was a non-conforming structure and in terms of the value of worth and there was no specific discussion, Mr. Cuyler also stated that Mr. Hartsell did not have a verbatim record of the proceedings and did not want to establish the record through discussion, general discussion of the non-conforming structure, owner knew and no specific discussion of value, worth of under regulations and worth of variance change, Mr. Hartsell stated that the standard was not whether it would deprive the owner, but in the same manner as other properties similarly situated, Mr. Cuyler stated that in his opinion there was a question relative to being similarly situated and it was grandfathered in at the time zoning regulations were changed, Planning Commission considered that using a non-conforming, Mr. Hartsell stated that all parcels were non-conforming, given 5 units per area and only 65 hundreds of an acre when regulation was imposed, 1991 CCCL there need to be any consideration, Mr. Cuyler stated the relevant point would be the meeting of new flood regulations in new construction, burden on applicant to demonstrate a hardship to Planning Commission and Council responsibility to determine if Planning Commission made the correct decision, Sanibel had land limitation, did the ordinance intend partiality when created, property usage was grandfathered and a restaurant was a plus in 1974, Mr. Hartsell stated that it was not economically feasibility to build a single-family or duplex in a multi-family surrounding, density calculated 5 units per acre and calculated the acreage by units, 1974 the City might have wanted the restaurant as a desirable use and that were the case zoning would not have been changed, City might have been challenged if the restaurant had not been grandfathered in when the zoning was changed, Mr. Cuyler stated that Mr. Hartsell stated that there was no marketable single-family or duplex on the property and discussion at the Planning Commission in general and no evidence that indicated that a 2-unit condominium up-down with parking underneath and as high as 35 foot had no market for that and that was the basis of the argument that was understood, with parking continuation that there was no market for a single-family or duplex on the property and was general discuss at the Planning Commission with no evidence to the Planning Commission that there was no market, and pushing the window of variances it becomes a precedence for other variance applications.

Mr. Cuyler spoke to Council making one of the following decisions:

- City Council's consideration of the appeal shall be limited to whether the Planning Commission has properly interpreted and applied the provisions of the Land Development Code (LDC) based upon the application evidence presented to the Planning Commission with regard to City Council's decision to

- Uphold, reverse or modify the Planning Commission's decision
- Remand the application to the Planning Commission for re-hearing
- A new hearing
- Or for consideration of new evidence
- Reverse or modify the Planning Commission hearing
- Approving an application and City Council shall have the same authority as the Planning Commission to place conditions on such approval

Vice Mayor Johnston made a motion seconded by Councilman Ruane, to direct the City Attorney to prepare a resolution/ordinance stating the Council was upholding the position of the Planning Commission based upon the evidence, and that the applicant did not uphold standards 1, 4, 5 and 7.

The motion carried.

Council recessed at 11:21 a. m.

Council reconvened at 11:27 a. m.

CONSENT AGENDA

Ms. Zimomra stated that staff request Consent Agenda item (d) be pulled until June 05, 2007. Council pulled items (c) and (j).

- d. Award City Hall mitigation contract to Hurricane Glass Shield, Inc., in the amount of \$54,336.00 and authorize the City Manager to execute the contract (25% grant/75% local match)

Ms. Zimomra noted that the vendor was waiting for a license from the state.

- b. **RESOLUTION 07-069 ACKNOWLEDGING THE VOTE OF THE ELECTORS OF THE MAY 01, 2007 MUNICIPAL ELECTION FOR THE CITY OF SANIBEL, FLORIDA; ACKNOWLEDGING THAT THE ELECTED COUNCIL MEMBER IS KEVIN RUANE; ACKNOWLEDGING THE APPROVAL BY THE ELECTORATE OF THE CHARTER AMENDMENT ON THE BALLOT AMENDING ARTICLE III, "LEGISLATIVE", SECTION 3.07(c) ENTITLED "FILLING OF VACANCIES" FOR CITY COUNCIL MEMBER WHICH PROVIDES THAT A SPECIAL ELECTION SHALL BE SCHEDULED WITHIN 120 TO 150 DAYS AFTER A VACANCY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 07-069.

Councilman Jennings made a motion, seconded by Mayor Denham, to adopt Resolution 07-069.

The motion carried.

Ms. Zimomra reads the following titles.

- g. **RESOLUTION 07-070 REPEALING RESOLUTION NO. 05-171 WHICH ESTABLISHED A "ZONING IN PROGRESS" TO ALLOW THE DEVELOPMENT AND ENACTMENT OF CERTAIN COMMERCIAL ZONING REGULATIONS WHICH HAVE NOW BEEN COMPLETED; AND PROVIDING AN EFFECTIVE DATE**

- h. **RESOLUTION 07-071 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-069 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$697,749 from available general fund reserved beginning fund balance to payoff \$853,000 remaining principal balance on the \$10 million Florida Local Government Finance Commission (FLGFC) Hurricane Charley debt. This debt is scheduled to be paid off October 01, 2007 (FY 2008) but by paying the debt off June 01, 2007 (during FY 2007 there will be a savings of approximately \$12,000 in interest and fees as well as a reduced debt liability at the beginning of Fiscal Year 2008)

- m. **RESOLUTION 07-072 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-070 AND PROVIDING AN EFFECTIVE DATE** (to move \$4,000 from the Reserve for environmental initiatives line in the General Fund to the Other contractual line in the Environmental Defense Fund to pay the Sanibel-Captiva Conservation Foundation to provide daily logistical support for the marine and estuarine resource management being conducted by the City of Sanibel. Logistical support includes providing a boat and a qualified research assistant when available, for 20 trips at a cost of \$200 per trip. There are no new or additional funds budgeted by this amendment)

- o. **RESOLUTION 07-073 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-071 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$29,349 for the cost in excess of the \$120,000 budgeted to acquire a CCTV Security System at Lighthouse Beach from CCI Engineered Systems. The \$29,349 is available in the General Fund Reserve for Contingencies. There are no new funds being appropriated by this Budget Amendment)

Councilman Ruane made a motion, seconded by Mayor Denham to adopt Resolutions 07-070, 07-072 and 07-073.

The motion carried

- a. Approval of minutes – May 01, 2007 Regular Meeting

- e. Approve Agreement for Consulting Services with Coastal Planning and Engineering, Inc., to perform the 2007 beach monitoring survey for \$49,806 and authorize the City Manager to execute the agreement (50% Tourism Development Council (TDC) grant and 50% from Beach Parking)

- f. Approve revised pricing for City’s Agreement for Disaster Recovery services with Crowder Gulf, reflecting a 3% CPI increase and authorize the City Manager to execute the agreement

- i. Approval of the Alternative Transportation in the Parks and Public lands Program Planning Grant Interlocal Agreement between the City of Sanibel, J. N. “Ding” Darling Wildlife Refuge and authorize the City Manager to sign the agreement

- k. Approval of a Tourism Development Council (TDC) grant for the revised Beach Maintenance Agreement in the amount of not to exceed \$788,400.00 and authorize the City Manager to execute the agreement

- l. Consideration of the Historical Preservation Committee’s recommendation for disbursement of the 2007 Historic Preservation Grant Program Funds

- n. Reject bid received from Norstar Construction, Inc. in the amount of \$126,065 for the Chamber of Commerce restroom upgrade

Mayor Denham made a motion, seconded by Councilman Ruane, to approve Consent Agenda items, (a), (d), (e), (f), (i), (k), (l) and (n).

The motion carried.

- c. 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)

Public Comment

Doug Dietrich spoke to the maintenance of paths and that last year maintenance was not up to standard.

Mr. Gates Castle, Public Works Director spoke to there being issues with the quality of the work, staff found work sub-standard and work was re-done. He further stated that objectives needed to be specific for future work being completed.

Discussion ensued regarding thickness of asphalt, grass growing through asphalt, treating with herbicide for nut grass, improving water drainage in front of Jerry's, Mr. Castle answered that there was a 3 parts to an economical grant, 1) swale in front of Jerry's completed; 2) Casa Ybel Shared Use Path widening, not completed and 3) separation of Shared Use Path on Periwinkle Way between Meridian and Dunlop Road was completed.

Vice Mayor Johnston made a motion, seconded by Councilman Jennings, to approve the item.

The motion carried.

- j. Authorize the Planning Department to negotiate a professional services contract with Wallace Roberts & Todd, LLC to perform specific planning, design and zoning services associated with the preparation of the Periwinkle Way, Palm Ridge Road, Tarpon Bay and Dunlop Road District Plan as recommended by the Sanibel Plan.

Vice Mayor Johnston thanked staff for the supplemental material and ask Mr. Duffy to comment on the scope of work.

Mr. Duffy, Planning Director spoke to the following:

- Asking Council to authorize to proceed to negotiate a contract
- Come back to Council with milestones
- Grow out of joint City Council/Planning Commission meetings
- Funds appropriated to move forward with district planning effort
- December, 2007 Council authorized the release the Request for Proposal included 19 objectives
- 7 qualified proposals received
- Proposals evaluated
- 3 chosen and Wallace Roberts and Todd, LLC chosen
- Work to be done in phases
- Identify earlier steps or implementation items
- Defining focus areas within the large district
- Work program and budget back to Council

Discussion ensued regarding the commercial district reviewing how land use would be determined for small locally-owned businesses, Mr. Duffy spoke to the first phase would be to identify a series of parcels to serve as focus areas throughout the remaining process, identify strategies, at least 3 or 4 target/focus areas, district plan provide support, area of focus Dunlop Road to Palm Ridge and Tarpon Bay Road, fund the plan, but not development in 3 or 4 months provide Council with an architectural vision.

Public Comment

Mickie Kaplan spoke to major piece of property for sale and interested in development.

David Bath spoke to citizen interest in the project and would Council be issuing a Zoning-in-Progress.

Darla Letourneau spoke to the importance of this plan.

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, to approve the item.

The motion carried.

Council recessed at 12:00 p.m.

Council reconvened at 1:00 p. m.

OLD BUSINESS

Water Quality Issues

Reports from City Councilmembers

Councilman Jennings reported that Sanibel citizens met with Charles Duaray regarding water quality challenges. He stated that he would be meeting with the Attorney General in the near future.

Discussion ensued regarding approaching the Attorney General, provide information to the Attorney General and an understanding of water quality problems, Director Sole told that funds for land purchase was a high priority and Council should use the water quality issues paper when speaking with elected officials.

Mayor Denham gave the following report:

- Lower West Coast Watershed Committee making progress
- Satisfied fertilizer industry with fertilizer legislation
- Sub-committee approved a wastewater sewage treatment resolution
- Lee County put \$13 million aside to upgrade treatment plants on the Caloosahatchee River
- Regional Planning working to find grants to fund the wastewater sewage treatment plant resolution within the 6 counties of southwest Florida

Discussion ensued regarding Councilman Jennings and residents speaking with Charles Duaray on the C-43 topic, several governmental entities working on their own fertilizer legislation, and Mayor contacting governmental entities across the state on fertilizer.

Staff Report

Army Corps of Engineers position regarding flow way South

Dr. Loflin reported the following:

- Spill way from the Hubert Hoover Dike as an alternative of raising the dike so no water escape with outlets to the east and west and would connect to the Northern Everglades Restoration project
- Cost analysis of restoration project, dike repair, flow way and spill way
- Plan 6 study of a flow way south from Lake Okeechobee

- Past studies to try and restore previous water flows
- Senator Bill Nelson requesting that the ACOE perform a water analysis
- Alan Berg, ACOE presented an alternative to Martin County including a flow way and spill way
- Martin County adopted a resolution for a spill way and flow way
- Dennis Duke with SFWMD stated there would be no spill way

Discussion ensued regarding Dennis Duke statement of SFWMD not building a spillway or there was no funding, where is the problem with communication on the spillway/flow way, funding issue due to the lack on money authorize by congress, 15 years to repair the dike, indicate to ACOE, SFWMD and state that Sanibel was in favor of a feasibility study, indicate to major players that Sanibel was in favor of feasibility study (Plan 6), staff gather information, possibly adopt 2 resolutions; 1) to the President and the Republican hierarchy of the importance at a national level; and 2) Congress and Senator Nelson, and slight momentum with Senator Nelson involved, and staff to get more information.

There was consensus by Council.

Report on status of Shrimp Trawler experiment

Dr. Loflin reported on the Shrimp Boat feasibility study as follows:

- Sea turtles were an issue when close to shore and picking up by the trawl net
- Require a take permit that authorizes killing sea turtle
- Questions about agreement between stone crab fisherman and shrimpers
- What would happen to all the by catch and would it require a fishery permit
- A long way to do any experiment
- Continue to gather information

Discussion ensued regarding taking a section of beach and removing the red drift algae would the algae grow back, Dr. Loflin stated that algae would grow as it attaches itself to different things for re-growth called a hold fast, Ms. Zimomra stated that RFQ's were sent out and the task force would be reviewing as part of the study, techniques to potentially remove algae RFQ's, and June 29th was the deadline for submittals of the last RFQ, start work after contract awarded, permitability of issue, and land craft that would come on the beach concept came from a DEP member.

Direction to staff to request a permit from the Department of Environmental Protection (DEP) for 30-days of experimental mechanical beach clean-up to be conducted at sites approved by Department of Natural Resources and Sanibel Captiva Conservation Foundation (SCCF)

Discussion ensued regarding the need to come back to staff for a permit, why can't a permit be requested for 60 or 90 days, Ms. Zimomra stated that due to citizen concern and unless directed by Council there would be a progress report every 2 weeks on water issues, complaints in past on the lack of information, and Council thought the direction was to go get a permit.

Mr. Cuyler spoke to the following:

- In terms of the Land Development Code it would be important that Council found the beach raking/clean-up necessary due to health, safety and welfare purposes to use mechanical equipment for clean-up

Discussion ensued regarding at the last Council meeting the experiment would be completed by the last of July, concern halting experiment for Council to meet, water bound equipment would be appropriate to use in the bay and propose the use to J. N. "Ding" Darling Refuge, pursue shrimp boat idea and staff was doing that, and following trip to Hawaii found it important to remove algae from beach when wet to stop regeneration in the most environmentally sensitive process.

Vice Mayor Johnston made a motion, seconded by Mayor Denham, to direct the staff to obtain a permit from the Department of Environmental Protection (DEP) for 30-days of experimental mechanical beach clean-up to be conducted at sites approved by Department of Natural Resources and Sanibel Captiva Conservation Foundation (SCCF).

The motion carried.

Discussion ensued regarding possible equipment to be tested, water bound activity and would continue to pursue the shrimp trawler, following trip to Hawaii it was important to remove the algae when wet as not to allow regeneration, and remove algae from beaches, Dr. Loflin spoke to removing nutrients from beaches, need a plan to know what will happen and how, the need for a water plan, and Dr. Loflin stated that a frequent idea were boats used to clean small lakes, which could not be used in the Gulf of Mexico, .

Dr. Loflin stated that there was analysis available and a frequent idea was using boats used for algae clean up on small ponds and lakes, he stated that he had not seen a vessel that was capable of the clean-up, Dr. Loflin stated he had not seen a technology in the water, Mr. Castle stated that were many promising options for land pick-up, he continued that staff had not found a company that had equipment for water pick-up, Ms. Zimomra stated that no one was doing a water-based program.

Public Comment

Karen Storjohann spoke to contacting Jacque Cousteau's organization because there was a similar problem in the Mediterranean Sea.

Discussion ensued regarding that there should be no staff constraints, and a red drift algae plan would be approved by Council.

Compost Update

Dr. Loflin reported:

- Looking at the material and it does have the capability of soil amendment
- Lee County beginning a compost program at the landfill by the airport
- Mixing with shredded vegetation material
- Algae may not be suitable by itself
- Consulting with University of Florida employee (an expert in composting) for recommendations
- Do a pilot project with free mulch to residents
- Interest from local farmers

Mayor Denham requested that staff continue to search for funding and update Council.

Ms. Zimomra stated that 2 weeks ago staff provided Council with possible funding avenues. She further stated that Gates Castle, Public Works Director was working on the mechanical aspect while She and Dr. Loflin, Natural Resources Director were working on the funding portion.

Discussion ensued regarding the task force staying active for validation, verification, working with partners on the island, and not sure there was something that would take the algae out of the water.

Update on State Legislation adopted

Mr. Cuyler gave the following report:

- Total legislative funding was \$409,500,000
- \$202,750,000 from State
- \$196,750,000 from SFWMD
- \$10 million from County government
- \$1.5 million for Tamiami Trail converts
- \$1.25 million for Tamiami Trail hydrologic improvements part 2 (S-12 structures)

- \$49 million for Phase I of Lake Okeechobee Protection Plan
- \$30 million to improve hydrology, water quality and aquatic habitat of the Caloosahatchee River and St. Lucie watersheds including Lake Okeechobee water shed improvements and storm water treatment area
- \$6 million for Department of Agriculture and Consumer Services to start agricultural non-point source controls
- \$5 million for certain biologically based hybrid wetland chemical technology
- \$5 million each for project within Caloosahatchee River and St. Lucie River watersheds identified from improving hydrology, water quality and aquatic habitats to be matched by local government
- Other monies to be identified as well as implementation

PRESENTATION(S)

Presentation by Sprinkle Consulting, Inc. of the Draft Shared Use Path Master Plan

Ms. Zimomra stated that Council had received the draft Shared Use Master Plan.

Discussion ensued regarding the proposed plan being a boiler plate plan, should get input from the Sanibel Bike Club, and gathered information from other City entities.

Public Comment

Darla Letourneau spoke to being disappointed in the draft report. She also spoke to the Bike Club providing funding, does not provide a workable blueprint, does not provide not visionary, not comprehensive, not integrated, not long term focus, safety was not addressed, does not address best practices, fails to propose management systems, and objective criteria, no data collection analysis, not short-term long-term strategy, no presentation of options, no explanation or recommendations, disappointed about the process, no integration of public input, remain committed to the development of a master plan that would be visionary, comprehensive, action-oriented and long-term, there needs to be a consensus on the island, plan should ensue using resources smartly, and allow City to qualify for state and federal funding. She further spoke to the Bike Club willing to work with the consultant.

Discussion ensued regarding Council not satisfied with the report, no mention of cost in the proposed plan, consultant should meet with the Sanibel Bike Club and Parks and Recreation Committee, the report lacks necessary details, concern that the report could be revised, and consultant thinks the report could be saved.

Theo Petritsch, P. E. PTOE gave the following presentation:

- Purposefully not adding certain items because the island was environmentally sensitive
- Avoid paved shoulders
- Looked for ways on roadways that did not involve speed bumps
- Mid-blocked crossing replace with a flashing beacon
- Did look at silver and bronze cities for designs
- Did not proposed a solution for back-angle parking
- Sub-consultant wrote funding portion of report
- Would like to be involved in the Town Center plan

Discussion ensued regarding interesting points from an engineering traffic calming perspective, and the need for an inclusive product.

Darla Letourneau spoke a second time to the information within the report.

Discussion ensued regarding the consultant meeting with the Parks and Recreation Committee, Planning Commission and the Sanibel Bike Club.

Armand Ball spoke to unless there would be a more helpful report a meeting with the Parks and Recreation Committee would not work.

Discussion ensued regarding the consultant meeting with the Sanibel Bike Club, Armand Ball suggested having a joint meeting with the consultant and the Sanibel Bike Club, the shared use paths very important as alternative transportation, most people want wider safer paths, Mr. Petritsch spoke to a research project on how to make side paths safe, and addressing contrary safety and widening issues.

Ms. Zimomra requested clarity and the need to facilitate meetings and then redraft the report

Mayor Denham made a motion, seconded by Councilman Jennings, for the consultant to meet with the Sanibel Bike Club up to 3 times, revise the draft and then meet with the Planning Commission and Parks and Recreation Committee.

Darla Letourneau suggested the consultant meet with Bike Club and complete a revised draft report.

Ms. Zimomra stated that both Parks and Recreation Committee and Planning Commission going on a summer schedule.

Discussion ensued regarding that the consultant would get a draft to the Sanibel Bike Club.

The motion carried.

Approval of final design for Bowman's Beach

Ms. Zimomra gave the following report:

- Parks Master Plan and Parks and Recreation Committee recommend a playground
- Hurricane Charley destroyed fitness equipment along the fitness trail donated by Island Senior
- Additional playgrounds at the school and Community Park
- Maintenance requirements of an additional playground
- Council previously authorized staff to get bids and quotes for playground equipment
- Repair the canoe launch this year or in the Capital Improvement Program next year
- Staff not received one request as to the reinstallation of the fitness equipment (funds raised by Seniors)

Discussion ensued regarding taking option 3, withdraw from the project and improve the canoe launch with City funds, meet all cost and no further expenses for another playground and hire the cleaning of the restrooms, support for Option 1, City landscaping constitutes the match, the only thing Council would be deciding was on-going maintenance costs, covered costs for options 2 and 3, could get TDC or the Beach Enterprise fund to pay for the maintenance, Ms. Zimomra stated the match was made, and staff concern was the long-term maintenance, and funding had been received.

Councilman Pappas made a motion, seconded by Mayor Denham, to accept option 3, withdraw the FRDAP program and fund the improvement to the canoe launch through City funds.

Public Comment

Armand Ball spoke to the original gift of the fitness trail and conversations that there was an agreement the fitness trail would be replaced.

Ms. Zimomra stated the match also came from a grant and no City funds had been expended.

Mayor Denham withdrew his second.

The motion died for the lack of a second.

Darla Letourneau spoke to the need to fund the canoe launch. She also spoke to the need to get grant monies for anything possible.

Ms. Zimomra stated that the bike path came in high and if the path was requested in the FRDAP grant there would not be enough elements for the playground. She further stated that hopefully when the weight restrictions were lifted for the Causeway bridges other Capital Projects could go forward.

Dr. David Berger spoke to capital improvements on-going for the maintenance of the park and understanding the operating costs.

Discussion ensued regarding Bowman's Beach Park funding through TDC, and Ms. Zimomra stated the request for TDC funding was for water-based programming.

Vice Mayor Johnston made a motion, seconded by Councilman Jennings, to accept option 1, total cost of the Project: \$220,000 (reduced from \$400,000) FRDAP \$110,000 City match \$110,000 (50/50)

Playground	\$51,205.49
Exercise/Fitness Trail	\$16,102.61
Picnic Shelter	\$23,262.40
Canoe Launch Improvements	\$ 5,646.00
Picnic Tables	\$ 995.00

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

Discussion regarding Recreation Membership Fees

Ms. Zimomra spoke to a previous draft submitted to Council, Council input, incorporated weekly fee, change to Lee County membership fee, defined residency, Parks and Recreation Committee concurred with staff proposal.

Councilman Jennings made a motion, seconded by Vice Mayor Johnston, to accept the proposed fees.

Public Comment

Ann MacDonald spoke against the proposed fees.

Jillian Emory spoke to a proposed 3% increase, what would be the actual cost of running the recreation center, actual recreation users, predicted income, and the predicted number of users and in the following years. She spoke to free use of the swimming pool.

Ms. Zimomra spoke to the following:

- Original fee schedule was adopted several years ago
- No projection, but at least the previous use
- Until there was history there would be no revenue booked

The motion carried.

Report of discussions with Lee County Commissioners regarding the Weigh Station

Mayor Denham gave the following report:

- Lee County Board of Commissioners would not support a weigh station on the Causeway
- No weigh station and no revenue

Discussion ensued regarding not to discussing this item at this time, and the need to understand the impact to tax payers with the loose of the weigh station revenue.

Karen Storjohann spoke to the existing scales being re-useable, cost to purchase new scales and the delivery time of new scales, met with Gates Castle, Public Works Director, cannot afford to lose the revenue, and Span C scheduled to be completed in September.

CITY MANAGER

Informational Items

Final approval of Budget Calendar

Ms. Zimomra stated that 2 Councilmembers would be absent at the September 08 Council meeting scheduled for the first budget hearing.

Vice Mayor Johnston made a motion, seconded by Councilman Pappas, to cancel to September 08 budget hearing until Saturday, September 15th at 9:00 a. m.

The motion carried.

Reminder to submit Goals to City Manager

Ms. Zimomra reminded Council of the goals workshop would be Wednesday, May 16th and individual Council goals would be passed out at that time.

Response from Lee County and Next Step on Causeway Variable Pricing Study

Council had no questions.

Karen Storjohann spoke to Lee County a net decrease of toll revenue.

Ms. Zimomra stated that Council comments had been sent to Lee County and Lee County staff made it clear that they would be meeting the contractual timeline.

Ms. Zimomra stated Councilman Jennings was selected as president of the Southwest Florida League of Cities, and all 5 Councilmembers were members. She further stated that Vice Mayor Johnston was selected to represent City Council.

Discussion ensued regarding all Councilmembers were members, Steve Brown was the previous City representative, all Councilmembers equal members, does the Southwest Florida League of Cities all elected official were members, Ms. Zimomra stated that Council always designated a liaison to the Florida League of Cities and the National League of Cities as the voting member, need to follow the bylaws, and need to put on the next agenda.

CITY ATTORNEY'S REPORT

None.

COUNCILMEMBERS' REPORT

None.

PUBLIC COMMENT

None.

There being no further business the meeting was adjourned at 3:38 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk