

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, APRIL 03, 2012**

Mayor Ruane called the meeting to order at 9:03 a.m.

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

Election of Mayor and Oath of Office

Mr. Cuyler explained the process and asked for nominations for Mayor.

Vice Mayor Denham nominated Mr. Ruane for Mayor.

Vice Mayor Denham moved, seconded by Councilman Congress, to approve Mr. Ruane as Mayor.

The motion carried.

Mayor Ruane took the oath of office.

Election of Vice Mayor and Oath of Office

Mayor Ruane asked for nominations for the office of Vice Mayor.

Mayor Ruane moved, seconded by Councilman Harrity, to approve Mr. Denham as Vice Mayor.

The motion carried.

Vice Mayor Denham took the Oath of Office.

Council recessed for a photograph at 9:12 a.m.

Council reconvened the meeting at 9:24 a.m.

PRESENTATION

Proclamation designating April as Water Conservation Month

Vice Mayor Denham presented the proclamation to Phil Flood from the Water District.

Planning Commission Report

Commissioner Krekel gave the following report of the March 27, 2012 Planning Commission meeting:

- Approved a resolution certificate of appropriateness for the Shorehaven house at 311 Birdie Lane
- Discussed EAR and reviewed tentative schedule
- Discussion centered around beach carrying capacity and removing the requirement from the Sanibel Plan
 - Included in the last EAR
 - Environmental impact on turtle nest and snowy plover tracked by SCCF annually without a negative trend
 - Planning Commission members agreed
 - Change the wording from “shall” to “may”

Discussion ensued regarding to report to residents on an annual basis regarding the environment al issues.

Public Comments

Karen Storjohann spoke to the EAR as transmitted by the Planning Commission in 2004-05. She further noted there were references on beach carrying capacity. She noted there was a program on Cuba speaking to there water quality being pristine.

Hazel Schuller spoke to the need for Planning Commission having their on attorney. She provided Council an article of the 1976 Sanibel Plan and amendment process.

Larry Schopp spoke to the EAR and public sentiment at the March 27th Planning Commission meeting.

Paul Reynolds thanked Council for the opportunity to serve on the Planning Commission. He suggested Council to consider a letter from Council recognizing the service and signed by Council members.

Ms. Zimomra noted that the City Clerk had such a letter to be signed by Council.

Rae Ann Wessell spoke to Council's commitment during the legislative session. She further spoke to SFWMD voting 7 to 2 cut off water releases from Lake Okeechobee and blue green algae bloom in Labelle.

Council Comments

Councilman Harrity congratulated Mayor Ruane and Vice Mayor Denham.

Vice Mayor Denham spoke to resident understanding that the City was not concerned about environmental issues. He reminded the audience that James Evans; Environmental Biologist reported the amount of work done by City staff. He further spoke to an email from Hazel Schuller and the accuracy of the comments.

Councilman Congress recognized Gates Castle for his 20 year plus of City service and wished Scott Krawzuck success.

Councilman Jennings also spoke to the service of Gates Castle.

Mayor Ruane spoke to attending the Planning Commission meeting as Council liaison. He also spoke to Chairman Valiquette spoke to bicycle safety. He indicated that a large problem was enforcing, but would begin an educational program. He also spoke Gates Castle's service to the City.

First Reading of an ordinance and scheduling of public hearing

ORDINANCE 12-004 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED "FEES", ARTICLE II, SECTION 90-59 AND ARTICLE IV, SECTION 90-486; REDUCING THE PERMIT, DEVELOPMENT REVIEW AND ADMINISTRATIVE FEES SET FORTH THEREIN RELATING TO THE MINIMUM FEE FOR ADDITIONS AND REMODELING, AND RELATING TO FEES FOR VARIANCES; ESTABLISHING SUCH REDUCED FEES AND SUPERSEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-004.

City Council schedule the second reading and public hearing for Tuesday, May 01, 2012 at 9:15 a.m.

ORDINANCE 12-005 PERTAINING TO BRAZILIAN PEPPER ERADICATION; AMENDING SUBSECTION 2 (b) OF ORDINANCE NO. 98-02 BY AMENDING THE BRAZILIAN PEPPER ERADICATION MAP REFERRED TO IN THAT SECTION; BY IMPLEMENTING A NEW MANDATORY BRAZILIAN PEPPER ERADICATION

ZONE NO. 6, IN ADDITION TO MANDATORY ERADICATION ZONE 1 REFERRED TO IN SECTION 3 OF ORDINANCE 98-02, ZONE 2 IN SECTION 2 OF ORDINANCE 00-015, ZONE 3 IN SECTION 2 OF ORDINANCE 02-007, ZONE 4 IN SECTION 2 OF ORDINANCE 05-008, AND ZONE 5 IN SECTION 2 OF ORDINANCE 10-007; DIRECTING THE CITY MANAGER TO MAINTAIN ON FILE IN THE PUBLIC RECORDS A COPY OF THE BRAZILIAN PEPPER ERADICATION MAP AS AMENDED AND THE DESCRIPTION OF THE MANDATORY ERADICATION ZONES (1, 2, 3, 4, 5, AND 6); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-005.

City Council scheduled the second reading and public hearing for Tuesday, May 01, 2012 at 9:20 a.m.

Second Reading and Public Hearing

ORDINANCE 12-003 PERTAINING TO CHAPTER 14 OF THE SANIBEL CODE ENTITLED "BUILDING AND BUILDING REGULATIONS"; AMENDING ARTICLE IV, PERMITS, SECTION 14-191, FEE SCHEDULE, AND ARTICLE V, STANDARDS, SECTION 14-212, VALUE OF PROJECT OR WORK; AMENDING THE BUILDING PERMIT AND BUILDING REGULATION RELATED FEES SET FORTH THEREIN TO REDUCE SUCH FEES BY 25% WHILE MAINTAINING THE MINIMUM FEE STRUCTURE; ESTABLISHING THE CURRENT SCHEDULE OF FEES AND SUPERCEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; AND PROVIDING AN EFFECTIVE DATE (FEES EFFECTIVE APRIL 10, 2012)

Ms. Zimomra read the title of Ordinance 12-003. She noted that staff made a recommendation and can be only utilized for the Building Department operation.

Councilman Congress moved, seconded by Councilman Harrity, to adopt Ordinance 12-003.

Discussion ensued regarding reducing the fees by 25% and encourage re-development.

Public Comment

None

The motion carried.

ORDINANCE 12-001 AMENDING THE SANIBEL PLAN:

BY AMENDING SECTION 3.5.1 CAPITAL IMPROVEMENTS GOALS, OBJECTIVES AND POLICIES AND SECTION 3.5.2 IMPLEMENTATION, MONITORING AND EVALUATION, TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT INCLUDING THE ADOPTED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; AND BY AMENDING SECTION 3.2.1 COASTAL ZONE PROTECTION GOALS, OBJECTIVES AND POLICIES, TO AMEND POLICY 3.1 TO ALLOW EXISTING ACCESSORY SWIMMING POOLS AND OTHER ACCESSORY STRUCTURES TO BE REDEVELOPED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT; AND BY AMENDING SECTION 3.6.2 FUTURE LAND USE, LAND USE PROJECTIONS, TO IDENTIFY THE STEPS TAKEN TO ADDRESS NON-CONFORMING DENSITIES IN BUILDING-BACK FROM SUBSTANTIAL DAMAGE CAUSED BY A NATURAL DISASTER AND REDEVELOPING RESORT HOUSING UNITS IN THE RESORT HOUSING DISTRICT; AND PROVISIONS OF THE

PLAN FOR PERMITTED USES, TO CLARIFY THAT CONTINUED USE OF EXISTING RESIDENTIAL STRUCTURES IS PERMITTED IN THE GULF BEACH ZONE AND TO STATE THAT REDEVELOPMENT OF EXISTING ACCESSORY SWIMMING POOLS AND ACCESSORY STRUCTURES LOCATED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT IS PERMITTED; AND PROVISIONS OF THE PLAN FOR DEVELOPMENT INTENSITY, TO INCLUDE PROVISIONS FOR BUILDING-BACK LAWFULLY EXISTING DWELLING UNITS SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER AND REDEVELOPING LAWFULLY EXISTING DWELLING UNITS IN THE RESORT HOUSING DISTRICT; AND RESORT HOUSING, TO SUMMARIZE THE STEPS TAKEN TO RETAIN MOTELS, HOTELS AND RESORT CONDOMINIUMS WHEN REDEVELOPMENT OCCURS; AND PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-001.

Director Jordan spoke to the following:

- December 13, 2011 Planning Commission
- January 03, 2012 to City Council
- Sent to State for approval
- Final adoption today
- March 27th published legal advertisement
- Adopted 5 year schedule for the Capital Improvement
- Coastal Zoning Protection and second phase of adoption of Gulf Beach Zone
- Future Land Use Plan to clarify and steps taken under buildback and re-development
- Met all transmittal requirements

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Ordinance 12-001.

Discussion ensued regarding properties would not be permitted to construct seaward of the State's 1974 Coastal Construction Control Line (CCCL), only existing accessory structures would be permitted (replacement structures) in the existing location if no alternate location could be found to be suitable and could not increase the dimensions of the location, Director Jordan noted it would only apply to those resorts and properties that were not totally demolished, to replace/repair, must demonstrate there was no feasible plan, would require a public hearing, plan amendment permits legal, trying to control that the location was not change, does not impact beach and requirement for native vegetation for storm water management, Director Jordan noted that the ordinance was researched with input from Natural Resources in relationship to any environmental impact and the conclusion was it would work as long as there was legislation to require restoration of the beach and did not diminish the beach carrying capacity, no violation of state or county law with the ordinance, Gulf Beach Zone was a permitted use when Sanibel was incorporated, major change was concerned with density and properties must buildback to the same density, and Director Jordan any new development would have to conform to the current density, any new development would need to conform to the current density as stated in the Sanibel Plan.

Public Comment

Hazel Schuller spoke to accreted land on the east side.

Mr. Cuyler noted there was no general authority for construction seaward of the Coastal Construction Line and only very limited approval.

Ms. Zimomra noted that the a statement was made that no one was watching the accreted land; every other City staff conducts a survey of a profile of the beach funded over the last several years by TDC.

The motion carried.

CONSENT AGENDA

Vice Mayor Denham asked that item c be pulled for discussion.

- c. Approve staff's ranking of the Architects for the Center4Life building improvements and direct staff to negotiate a contract with the top-ranked firm, Bessolo Design Group

Vice Mayor Denham noted that the building housed the Center4Life and CHR. He also noted the roof needed repair and more room for the Center4Life. He asked if CHR needed to look for another building.

Discussion ensued regarding \$90,000 in the budget this year and was it acceptable for the two entities to share space, recognize the elderly population, more space was required and consider the best use of the building, Councilman Congress would be bringing CHR lease suggestions in May, CHR could hold Board meeting in MacKenzie Hall, support the project, but need to know objectives, Ms. Zimomra noted staff could proceed the ranking, but develop agreement with alternatives, CHR agreement expiring in September, use building without rent, further support CHR by providing \$250,000, encouragement CHR should embrace the Sunshine law, meeting in MacKenzie Hall would help embrace Sunshine, and appropriate to do ranking.

Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the ranking and direct staff to proceed with contract and develop the scope of the contract.

Mr. Cuyler noted that staff was authorized to negotiate with topped rank company and would go further down the list.

Public Comment

Herb Rubin spoke to the needs of the Center4Life.

The motion carried.

- b. **RESOLUTION 12-027 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-020 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward actual FY2011 ending fund balance (pursuant to audited financial statements) to FY12 beginning fund balance for all funds. These amounts, which are more or (less) than the FY12 budget are being appropriated to FY12 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY13. This amendment increases the FY12 budget by \$3,373,842 although no new or additional funds are appropriated by this amendment. The changes in fund balance are: 1) General Fund, increase by \$2,096,684; 2) special revenue funds increase by \$487,386; 3) debt service funds increase by \$40,554; 4) capital project funds, increase by \$252,882; 5) sewer system, increase by \$213,424 and; 6) beach parking fund, increase by \$282,912)
- d. **RESOLUTION 12-024 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-025 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$23,950 for tennis court repairs funded by a \$4,000 settlement from Peter Brown Construction Company, Inc. and \$19,950 from revenues generated from recreation fees. This amendment increases the FY12 budget by \$4,000)
- e. **RESOLUTION 12-028 GRANTING A WAIVER OF THE VARIANCE APPLICATION FEE RELATING TO PROPERTY LOCATED AT 1022 LINDGREN BOULEVARD AND 896 ANGEL WING DRIVE; AND PROVIDING AN EFFECTIVE DATE**
- g. **RESOLUTION 12-037 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-029 AND PROVIDING AN EFFECTIVE DATE** (Transfer \$35,880 from salary expense

to professional services for Gates Castle to provide consulting services between April 1, 2012 and September 30, 2012. This amendment does not increase the FY12 budget)

- i. **RESOLUTION 12-038 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-028 AND PROVIDING AN EFFECTIVE DATE** (To budget a total of \$2,500 for the rental of a van and repairs to the vandalized van owned by the recreation department. This amendment does not increase the FY12 budget)

- j. **RESOLUTION 12-033 APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE RELOCATION OF A SINGLE FAMILY DWELLING KNOWN AS “SHOREHAVEN” CURRENTLY LOCATED AT 1111 BIRD LANE, TO THE CITY OF SANIBEL’S HISTORICAL MUSEUM AND VILLAGE LOCATED AT 950 DUNLOP ROAD; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of the above resolutions.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt the above-mentioned resolutions.

Public Comment
None

The motion carried.

- a. Approval of minutes – March 06, 2012 Regular Meeting

- f. Recommendation to approve staff’s ranking of the disaster recovery services contractors and direct staff to negotiate contracts with the two top ranked firms; Crowder-Gulf and Ash Britt

- h. Award 2012 Bridge, Box Culvert and Water Control Structure Repairs Contract to Thomas Marine Construction, Inc., in the amount of \$68,325 and authorize the City Manager to execute same (Funds come from Public Works Street Division FY11 budget (Fund 101) and Tourist Development Council (TDC) fund in the amount of \$3,750 for the Bowman’s Beach Park Pedestrian Bridge. This does not increase the FY 12 budget)

- k. Recommendation that the City Attorney be authorized to execute a final release of lien relating to 2285 Wulfert Road, Sanibel and a Code Enforcement order for Brazilian pepper removal upon payment to the City of \$428.62 in City costs, and waiving all accrued fines

Vice Mayor Denham moved, seconded by Councilman Congress, to approve the above-mentioned Consent Agenda items.

Public Comment
None

The motion carried.

Council recessed at 10:30 a.m.

Council reconvened at 10:41 a.m.

COMMITTEES, BOARDS, COMMISSION

Acceptance of a resignation from Paul Reynolds, Planning Commissioner

Vice Mayor Denham moved, seconded by Councilman Harrity, to accept Mr. Reynolds' resignation with regret.

Public Comment

None

The motion carried.

RESOLUTION 12-034 APPOINTING A MEMBER TO THE SANIBEL PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-034.

Discussion ensued regarding the current Planning Commission membership was more toward business community and at one time the number went in the other direction, a new member would have an impact on the Planning Commission and members should be balanced more in favor of the environment.

Mr. Cuyler passed out ballots.

Ballots were returned to Mr. Cuyler and he announced the votes as follows:

Ralph Sloan	0
Karen Storjohann	2
John Talmage	3

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-034 and fill in the blank with the name of John Talmage.

Public Comment

None

The motion carried.

RESOLUTION 12-036 PERTAINING TO THE SANIBEL BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES; RATIFYING THE CITY MANAGER'S APPOINTMENT OF HAROLD LAW, BUILDING DIRECTOR TO SERVE ON THE BOARD OF TRUSTEES; PROVIDING THAT SUCH MEMBER IS TO SERVE THE REMAINING TERM OF GATES CASTLE, PUBLIC WORKS DIRECTOR, COMMENCING APRIL 3, 2012 AND EXPIRING ON SEPTEMBER 30, 2013; AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-036. She explained that one member was the City Manager's designate and must be ratified by City Council.

Councilman Congress moved, seconded by Mayor Ruane, to adopt Resolution 12-036.

Public Comment

None

The motion carried.

Advisory Committees
Annual Reports
Financial Assistance Committee
Historical Preservation Committee
Parks and Recreation Committee
Vegetation Committee

Ms. Zimomra noted that the reports were in the agenda packets. She further stated that the Historical Committee recommendation to upgrade Historical plats.

Discussion ensued regarding the Financial Assistance Committee and if Council could expand the committee by two members, from 5 to 7 due to the demand of the committee work, Mr. Cuyler answered that the resolution would be amended and adopted at the May meeting to increase the membership.

Mayor Ruane moved, seconded by Councilman Jennings, to expand the Financial Assistance Committee from 5 to 7 members.

The motion carried.

Discussion ensued regarding members should be part of the New Years Eve party raising money for financial assistance for island children attending the recreation center programs, with the resignation of a parks and recreation committee member would staff be advertising, Ms. Zimomra answered that the membership was to be reduced through attrition by legislation and the committee would be within the range of 9 members.

Ballots for the Financial Assistance Committee were passed to Council.

Mr. Cuyler read the votes as follows:

Nancy Bender	5
Jean Ann Dewalt	5
Maggi Feiner	5
Shelley Greggs	5
Lynn Riddlehoover	5
Richard McCurry	5
Barry Roth	5
David Sass	1

RESOLUTION 12-029 APPOINTING MEMBERS TO THE FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-029.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-029.

The motion carried.

RESOLUTION 12-030 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra noted all members had requested to be appointed. She read the title of Resolution 12-030.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-030.

Public Comment
None

The motion carried.

RESOLUTION 12-031 APPOINTING MEMBERS TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-031. She noted that there was one member requesting not to be re-appointed.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-031 and enter all existing committee member names with the exception of the member not wanting to be re-appointed.

The motion carried.

RESOLUTION 12-032 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-033. She noted that Ann Talcott had asked not to be re-appointed.

Councilman Congress moved, seconded by Mayor Ruane, to adopt Resolution 12-032 and enter all existing committee members' names with the exception of Ann Talcott.

Council thanked Ms. Talcott for her service.

The motion carried.

Appointments of Council liaisons

Vegetation Committee	Jennings
Financial Assistance Committee	Congress
Horizon Council	Harrity/Ruane

Mayor Ruane moved, seconded by Councilman Congress, to approve the above changes.

Public Comment

Barry Roth thanked Council for expanding the committee, thanked Councilman Jennings for his service to the committee and welcomed Councilman Congress.

The motion carried.

OLD BUSINESS

Discussion regarding Public Relations Water Quality Campaign

Vice Mayor Denham spoke to the following:

- Last several years fought fertilizer pre-emption
- Need an alternative plan for the coming year called "Plan B"
- Past problems with huge fish kills and red drift algae
- 50+ communities have ordinances
- Have had a defensive strategy
- Recommend an offensive legislative strategy
 - Develop a legislative initiative to assure of all harmful discharges into all waterways
 - Develop a legislative initiative to assure authorities broad regulatory authority to control harmful discharges in to the waterways
 - Ensure cities/counties able to achieve the federal mandated stormwater quality standards
 - Bill to grant regulatory authority to cities/counties
 - Persuade local legislators to sponsor an appropriate watershed quality control bill

Mr. Cuyler spoke to a final product for next years' legislative session and start talking to organizations for their acceptance with a report in May, 2012.

Discussion ensued regarding why not a Regional Planning Council (RPC) initiative, surrounding counties and take to RPC, Council's agreement to go forward, Mayor and Vice Mayor approach other governmental entities, agenda item in May, 2012, present to RPC in June, legal to develop a bill, plays perfectly within Council goals, great timing with candidate campaigns, sponsor for the bill, include in municipal budgets, FLC concerned with topic and approach FLC attorneys.

Vice Mayor Denham continued to present the following:

- Public Relations/Education Strategy
 - Region-wide program
 - Local and civic associations
 - Retail, hotels, business
 - Use social media
 - Newspapers
 - Lee County agreed to match City funds
 - Possibility \$80,00 to \$100,000

Discussion ensued regarding getting into the budget cycle, contacting Florida League of Cities and should be an environmental priority.

Public Comments

Barbara Cooley spoke to her agreement.

Karen Storjohann spoke to cost and wonder why fertilizer companies were not marketing their product.

Rae Ann Wessell spoke to her agreement and SCCF would be willing to continue to work with Sanibel. She noted there were 50 other communities and would be beneficial with their legislative delegation. She suggested approaching with a community of regions building a momentum.

Ms. Zimomra noted that Verizon would not be here to discuss the issue on the agenda.

Due to the auditors needing to leave Council decided to hear their report. Council agreed.

Presentation of City of Sanibel's Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2011 by CliftonLarsonAllen, LLP

Marty Redovan and Rob Willows were present for discussion.

Mr. Redovan spoke to the following:

- Document excellent
- Opinion reflect the audit was complaint
- Reports on internal control – no material weakness and no events of non-compliance
- Management letter complied with investment
- Review of comments – IT had made progress from last year

Ms. Zimomra recognized Sylvia Edwards, Finance Director.

Mayor Ruane moved, seconded by Vice Mayor Denham, to accept the report.

Public Comment

None

The motion carried.

Status report regarding the Cultural Arts Center

Councilman Harrity reported the following:

- Continuation of dialog
- SCA very cooperative with B.I.G. Arts
- Looking at the recycling area
- Moving slow, but focused
- Ask permission to include the recycle area

Discussion ensued regarding aggressive were the plans for everyone and entities moving fast, but had slowed down because everyone was working together.

Public Comment

Claudia Burns asked if the Town Square/Town Center was the same discussion.

Councilman Harrity explained the possibility of having a town center/town square and was in the Sanibel Plan. He continued to explain that when he discovered SCA had plan, he felt it was an opportunity to work together, thus he began a dialog with shareholders.

Claudia Burns asked if the cultural center was a part or only the center and was the report only cultural arts.

Councilman Harrity answered that he was trying to keep Council and residents apprised of his activities.

Staff recommendation regarding island charity car washes

Mayor Ruane noted staff's recommendation.

Ms. Zimomra noted this was a policy and needed a motion.

Vice Mayor Denham moved, seconded by Councilman Congress to accept the recommendations.

The motion carried.

Matters relating to the Communication Tower approved in Resolution 11-007 to be constructed by Verizon Wireless at the Donax Waste Water Reclamation Facility property

Direction to Verizon Wireless on two issues pursuant to the requirement of Resolution 11-007 (which approved the communication tower at the Donax site):

Whether the flag pulley system is to be constructed on the inside or the outside of the communication tower (Note: The communication tower is to be constructed with a "stealth design" as a flag pole with antennae on the inside of the pole)

Whether down lighting will be required as part of construction in the event the flying of a flag is authorized at a later date

Ms. Zimomra noted this would be on the May City Council agenda.

Newly Proposed Trail Extensions

Proposed path south of Community Park

Proposed path from Pond Apple Park to Bailey Homestead

Ms. Zimomra spoke to Councilmembers walking trails with staff. She noted that since Community Park was developed staff had looked for a connectivity trail through SCCF land. She further explained it would not be a

paved trail was an upland trail and had been taken to the Parks and Recreation Committee. She also explained that the Parks and Recreation Committee recommended that the trail be extended through the SCCF land to Tarpon bay Road.

Mr. Evans spoke to the following:

- Sanibel Community Park Preserve Extension Project
 - 5.8 mile trail
 - 3 options; northern option was along Periwinkle corridor and did not give the natural experience
 - Look at Buttonwood sloth, which was an existing fire line the City maintains
 - Southern route that goes through wetter areas along a ridge that runs along historic sections of the Sanibel River
 - Extending to south would allow visitors to get to Tarpon Bay
 - Parks and Recreation Committee made a motion to recommend the southern route
 - Estimated cost of \$5,800
 - Include installing an informational kiosk
 - Alligator warning signs along the ponds
 - Would like to put in a small bench and/or picnic tables
 - Small amount of mulch to put in lower areas
 - Part of the central area in the Buttonwoods may flood seasonally, but would not be filled in
- Pond Apple Park Shipley Trail Connector Project
 - Includes all of the Pond Apple Park trail, which was 1.62 miles long
 - Loop trail that originates at the Chamber of Commerce
 - Extends around the reuse ponds
 - Adjacent to the Scholsser Preserve
 - Trail loops back to the Chamber of Commerce
 - Recommendation to extend the trail cooperatively with SCCF
 - Broadwalk would be constructed over the Scholsser Preserve, which was wetlands to the adjoining Bailey Home Preserve owned by SCCF and extends to Roadside City Park
 - 2.4 mile loop trail; one-way 1.2 miles
 - Total cost approximately \$200,000
 - Would use composite materials, which would drop the cost by \$20,000
 - SCCF would participate with a 50% cost-share
 - A grant application had been submitted to Florida Parks and Trails for the greenways program in the amount of \$74,000

Discussion ensued regarding wood needing replaced due to deterioration, concern of slipperiness of composite material, Mr. Evans answered that staff had reviewed other material, multiple organizations interested in the project and suggest staff speak with Cape Coral, Ms. Zimomra noted the deadline was March 30th for grant submission and would like to place on the list of initiatives for the budget, cost of maintenance, City Manager brought to Council's attention the budget process, Pond Apple Park extension trail may go through two budget processes due to permits, should not count on grants, SCCF partnering with Sanibel and should give staff direction.

Ms. Zimomra noted Community Park could be done within the current budget.

Councilman Congress moved, seconded by Mayor Ruane, to move forward with the Community Park Fanny s Preserve extension trail.

Public Comments

Larry Schopp spoke to his agreement.

The motion carried.

Ms. Zimomra asked Council to give staff direction to move forward and include the Pond Apple Park Trail within the budget initiative.

Mayor Ruane moved, seconded by Councilman Jennings, to include the Pond Apple Park trail within the budget initiatives.

Discussion ensued regarding if SCCF would split the project 50/50.

Public Comment

Patti Sousa spoke to SCCF splitting the cost of the project 50/50.

The motion carried.

RESOLUTION 12-035 OF THE CITY COUNCIL OF THE CITY OF SANIBEL EXPRESSING ITS INTENT TO DECLARE A SPECIAL ASSESSMENT TO FUND A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE SANIBEL CHARTER FOR THE PAVING OF NERITA STREET; 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 ASSESSMENTS, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED, AND OTHER MATTERS REQUIRED BY CHAPTER 170, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler spoke to the following:

- City does not impose paving districts on residents
- Process used was that if a neighbor wanted a street paved and wanted to go through an assessment district they approach City Council
- 80% approval requirement of those persons requesting to be assessed
- Council heard from residents that the 80% was a high threshold to get to
- Council agreed and established the threshold at 66%
- Petition brought to City Council with an excess of 66%
- Council directed staff to start on assessment district
- Resolution 12-035 the first step in the assessment process
- Would not be on tax bill
- Residents would have 3 years to pay
- Email that a property owner noted there had been a change in property owner and did not change the process
- Resident asked if City still had approval of the neighbor because if the new property was against the assessment, it would be below the 66%
- Opined that the change did not make any difference
- Under Florida Statue Council could make the improvement without residents agreement
- Received change of homeowner from resident

Scott Krawczuk spoke to the following:

- Since 1999 Nerita residents of the shell portion of Nerita from East Gulf to Junonia have requested that Public Works pave the street
- Staff supports the paving
- Reduced maintenance costs
- Could be part of the FY12 street resurfacing project

- Paving to occur in the summer

Discussion ensued regarding staff completing the process to pave Nerita Street, Mr. Cuyler noted that the requirement of a petition by resolution to be signed by property owners up to a certain threshold for approval, which was now 66%, petition submitted to Council and approved, Council gave direction to begin the assessment district and public works was working on the physical side of things and legal working through the legal side and Resolution 12-035 was the first step.

Ms. Zimomra read the title of Resolution 12-035.

Vice Mayor Denham moved, Mayor Ruane seconded, to adopt Resolution 12-035.

Public Comment

Bob Bohoken spoke to the new resident and noted the resident was not in favor of the paving and he further spoke to his disagreement of the proposed paving. He asked if there was now only 66.3% would Council go forward.

Mayor Ruane answered that the discussion was Council's deliberation.

Tom Krekel spoke to his agreement with the paving.

Gail Greenwood spoke to paving Junonia, and suggested using a different contractor because the pavement was crumbling in areas.

Larkin Hammond asked property was bought wasn't it the responsibility that there were liens?

Mr. Cuyler noted there was no lien on the property.

Phil McFadd spoke to his agreement with the paving.

Mike Arrlea spoke to his agreement with the paving.

Lynn Arrlea spoke to her agreement with the paving. She also spoke to the health hazard.

Council asked for the paving steps.

Mr. Cuyler noted the following:

- Resolution of intent on agenda
- Check property owners
- City pays 1/3 of costs
- Residents pay 2/3's cost
- Final hearing later and if adopted assessment district formed

Discussion ensued regarding legal point of view was there an option, Mr. Cuyler noted that in City processes that was a certain point in time when decisions were made and he further noted that Council had the authority to stop the process.

The motion carried.

NEW BUSINESS

Consideration of an offer to sell to the City property located on the west side of Tarpon Bay Road between Sanibel Captiva Road and the vacant former restaurant building

Ms. Zimomra noted that staff had not completed a due diligence report and if Council wanted a report, staff would proceed.

Mr. Cuyler explained the following

- Property between post office and vacant restaurant property
- Surrounding the property was SCCF and City property
- Mr. MacDonald proposed selling the property to the City
- Was advised by the Planning Department that he had one residential unit
- Wanted to recoup money
- Resident aware there was environmental land surrounding property
- Offer was \$250,000

Public Comment

Mr. McDonald purchased 3 parcels; put together plans for below market rate housing; spoke to Bob Duffy, former Planning Director; trying to recoup investment;

Discussion ensued regarding opportunity for the right price, strategically falls within town square, should Council direct staff to review to see the worth of the property, challenges with parking, challenging time to spend taxpayers money, need compelling information, tap local experts for the value, inquired of timeframe for purchase, Mr. McDonald was willing to wait for an answer while staff investigates identifying the use, direction of community benefit and incite from realtors relative to value, surrounded by Sanibel Gardens, and allow staff to investigate regarding uses of property.

Public Comment

Larry Schopp asked the total acreage and current zoning; 1.68 acres and zoned residential

Gloria Hannan spoke to the abutment of Sanibel Gardens.

Mayor Ruane moved, Vice Mayor Denham, to direct staff to identify questions, uses, acreage, cost on the west side of Tarpon Bay, with 3 realtors opinion and bring back to Council. 3 realtors.

The motion carried.

Ms. Zimomra noted that Officer Grace Toliver was in the back of MacKenzie Hall and had would graduate in April with her Masters' degree in Criminal Justice with an emphasis in forensics.

CITY MANAGER

Informational Items

Status of Lighthouse restoration

Ms. Zimomra noted the options for the lighthouse as follows:

- Painting and a cosmetic repair
- Repair of doors and platform
- Applied for a number of grants including the State's historical fund without results
- Rolled over from last year without funds
- Placed on MPO for transportation projects, but listed as a low priority for 2014/15
- Placed in current year's budget
- Staff proceed with engineering at a cost of \$6,000 to \$7,000
- In the process of asking FDOT if completed project prior to FY14/15 could costs be reimbursed
- If funded through MPO the project would be completed to federal standards
- If Council agreed ND contracted with FDOT - would they serve as the federal agent

Discussion ensued regarding all funds in budget, \$300,000 budgeted in beach parking fund to complete the project, had not taken bids and MPO putting together the 25 year MPO plan this project was a very low priority and \$5 billion short for requested MPO funding.

Mr. Krawczuk noted the doors in bad shape and some things would need attention before any funding was awarded.

Councilman Harrity moved, Vice Mayor Denham, directed staff to proceed with current plan.

Public Comment

None

The motion carried.

Building Department Monthly Revenue Report, February, 2012
Building Department Monthly Permit and Inspections, February, 2012
Planning Department Permit Activity Report, February, 2012
Planning Department Code Enforcement Activity Report, February, 2012
Grease Trap Report, March, 2012
Causeway Report, January, 2012

Ms. Zimomra noted the remaining reports were for information only.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Report of attendance at the Florida Municipal Insurance Trust (FMIT) meeting March 29 and 30th, 2012

Mayor Ruane noted the following:

- Going through process of pricing insurance and re-insurance
- Re-insurance was what insurance companies do to insure their own insurance to mitigate the downside
- Re-insurance would be more expensive in the future
- Placed throughout the United States and abroad - 220% increase
- Cover health, property, workers compensation, liability, flood and comprehensive items
- Trustee for the Investment Trust and consider going on the Pension Board
- Would provide investment returns to City Manager and Burgess Chambers because fund doing better than GEPC

Report of attendance at the March 16, 2012 Tourism Development Council (TDC) meeting

Discussion ensued regarding any reason for concern of beach funding being reallocated, went through previous allocations at 13.4% ball parks, 33.3% beaches and 53% for marketing, County attorney advise the board was not following the statute of 26% beaches, 20% ballpark and 53% for marketing, not enough money and challenges to reallocate and have no room the change percentages and the only thing to date was to increase the bed tax by 1%, gave a 2009 presentation of the impact ball parks have on the economy, Sanibel seat on TDC up 2013, time up in March, legislation that would have made cycles 2 years was dropped, 16 years before Sanibel was represented, two elected municipalities, one by population and bed tax, no legislation before Sanibel's seat expires Discussion ensued regarding any reason to be concerned with more money going to ball parks, 26% beach, 23% ball park and 56% for marketing.

Report of attendance at the City of Punta Gorda Council meeting regarding fertilizer

Vice Mayor Denham noted that he was invited to attend the Punta Gorda Council meeting for a fertilizer discussion and felt they would adopt a fertilizer ordinance at their next meeting.

Vice Mayor Denham noted that he would like to have approval to send a thank you letter to Fred Dickinson.

Mayor Ruane moves, seconded by Councilman Harrity to send a thank you letter to Fred Dickinson and allow Vice Mayor Denham sign.

The motion carried.

Councilman Harrity spoke to a new film completed by WGPU regarding tarpon fishing.

Councilman Congress noted the General Employees Pension Board of trustees meeting was scheduled for Thursday, April 05, 2012.

PUBLIC COMMENT

George Sousa thanked Council for the time they each give the City.

There being no further business the meeting was adjourned at 1:51 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk