

**SANIBEL CITY COUNCIL REGULAR MEETING  
SEPTEMBER 18, 2007**

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

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

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

**PRESENTATION(S)**

**City of Sanibel Employee Dependent Scholarship Awards Presentation**

Mayor Denham invited board members of the Good Neighbor Community Foundation of Sanibel Captiva to help present the scholarships. He presented the scholarship check to Nickolas Murray and Lauren Williams. He also presented continued scholarships to Seth Gleason, Christina Williams and Alicia Jordan.

**Public Comments**

Judy Minchie spoke to her business being broken into the past weekend. She asked what police patrols were being done by the Police Department.

Ms. Zimomra spoke to when officers were free and/or not on assignment building checks were being done. She further spoke to the activity level increased during the past summer. She also spoke to calling business owners with problems and can not be individual security officers for each business and suggested creating checklist when opening the business.

Yoland Welch spoke to a letter to the editor regarding the County proposal of cutting the spoiled island trees.

Rob Jess, Executive Director J. N. "Ding" Darling Wildlife Refuge spoke to the 75<sup>th</sup> Federal Duck Stamp contest on October 13<sup>th</sup> and 14<sup>th</sup>. He requested to put 25 18 x 24 signs on Periwinkle Way for the event a day of two prior to the event.

Ms. Zimomra stated there was a Special Event permit submitted and the code allows staff to authorize 6 signs. She further stated that the application also requested an electronic sign on Sanibel, but have since decided to put the sign on the roadway in advance of the island approach.

Mr. Cuyler stated that Council could decide the number signs allowed above the 6 permitted.

Discussion ensued regarding setting a precedence of 25 signs, and how many signs would be needed if they were put at particular directional spots.

Councilman Ruane, seconded by Councilman Pappas, to allow up to 25 signs along Periwinkle Way for the 75<sup>th</sup> Duck Stamp

The motion carried.

Mr. Jess stated the refuge gave a grant of \$20,000 for the Iguana and Nile Monitor Lizard eradication program.

Steve Maxwell spoke to his many memorandums sent to Council regarding actions by an employee, and numerous public records requests. He further spoke to originals not in a particular file and his request was for the City documents, as well as the resignation of the deputy Planning Director.

## **Council Comments**

Councilman Jennings spoke to Representative Mike Davis' passing.

Councilman Pappas spoke to the comments made by Steve Maxwell. He further stated that Mr. Cuyler had prepared several communications to Mr. Maxwell and he would read those. He also stated that he would like to know why the records were missing from an original file.

Vice Mayor Johnston stated that the matter was in the hands of the City Manager and City Attorney.

Mr. Cuyler stated the following:

- Mr. Maxwell stated letter were sent to the legal department and City Council and the legal department had responded
- His recommendation was to allow the legal system to take it's course

Discussion ensued regarding if Mr. Maxwell's comment were part of litigation, Mr. Cuyler stated a suit was file by Mr. Maxwell and was dismissed, and Mr. Cuyler further stated the neighbors had filed a federal case claiming damage regarding the easement.

Mayor Denham spoke to his disappointment of the public and one of the Island newspapers not in attendance at the 1<sup>st</sup> budget public hearing.

## **Planning Commission Report**

Patty Sprankle gave the following report:

- Resolution approval to extend Sanibel Bayou Development Corporation plat approval to 35 lots subdivision permit extending to December, 16, 2009
- Resolution approval of a development permit from C. R. O. W. for construction of a 2-story 4,800 square foot animal hospital and a 4,800 square foot educational center
- Approve the Code review report, Capital Improvement report and Below Market Rate Housing Code review report

First Reading of an ordinance and scheduling of public hearing.

**ORDINANCE 07- 013 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; ESTABLISHING THE CURRENT SCHEDULE OF FEES AND SUPERCEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 07-013.

Council set the second reading and public hearing for October 02, 2007 at 9:15 a. m.

Second Reading and Public Hearing

**ORDINANCE 07-005 EXTENSIVELY AMENDING AND RESTATING THE SANIBEL PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE 2004/2005 EVALUATION AND APPRAISAL REPORT OF THE SANIBEL PLAN, TO ADDRESS CONSISTENCY WITH CHANGES IN STATE STATUTES AND ADMINISTRATIVE CODE, TO ADDRESS CONSISTENCY WITH**

**CHANGES IN THE STATE COMPREHENSIVE PLAN, THE  
SOUTHWEST FLORIDA REGIONAL STRATEGIC POLICY PLAN AND THE  
PLANS OF STATE AND REGIONAL AGENCIES; PROVIDING FOR  
CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND  
PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 07-005.

Mr. Duffy, Planning Director and Mr. Pfalzer gave the following report:

- Adoption hearing culminates a 3-years plus work product
- 6-part process
- 4<sup>th</sup> time the Sanibel Plan had been amended
- Preparation of the initial Evaluation Appraisal Report (EAR)
- Planning Commission conducted 11 public hearings
- Council conducted 4 public hearings
- March 23, 2007 report sent to DCA
- Department of Community Affairs (DCA) commended the City on the EAR
- Only one objection by DCA
- LDC won the National Planning Award
- August 21 Council meetings discussion for 1) Water Quality and Conservation; 2) Sanibel Bridge and Causeway; 3) Below Market Rate Housing; 4) Island and beach carrying capacity; and 5) Elimination of Septic and Package Treatment Plants with amendments made
- Staff prepared amendments to respond to DCA, as well as ensuring the Sanibel Plan
- Submitted 2 minor revisions; 1) Wetlands Protection Policy; and 2) Revised Island carrying capacity to reflect Council comments
- Sign-in sheet for citizens wanting to speak

**Public Comment**

Steve Maxwell read a memo regarding the EAR amendments.

Mr. Duffy stated that on May 25, 2007 Council received the correspondence from DCA and there were no comments regarding the March 07 comments.

Discussion ensued regarding the titling on carrying capacity needed to be corrected, criteria for mitigation on wetlands and priority to do on-site mitigation, then secondary on-island mitigation, Mr. Duffy stated that the new policy of 1.4 removed from Beach Conservation element to the conservation as follows:

“the city shall strive to manage the island’s carrying capacity to ensure that the Island’s natural resources are sustained” followed by the new Policy 1.4, consistent with Council goals, Mr. Duffy further spoke to the importance of wetlands protection and provided to Council the evolution in a brief report that traces the current wetlands policy with the protection element and the revised element to DCA, as well as the recommended revisions discussed by Council on August 21<sup>st</sup>.

Discussion ensued regarding the need for specific reason for wetland mitigation, not sure people understand mitigation, should educate developers, Mr. Cuyler stated that Council would like to be as tight as possible, and he felt the constraints would effect what Council envisioned.

Vice Mayor Johnston made a motion, seconded by Mayor Denham, to accept the language in the supplemental memo of September 17, 2007

Discussion ensued regarding Councilman Pappas being in a modern platted subdivision and property had been separated, Councilman Pappas asked if he should vote, Mr. Cuyler stated that the comments do not effect the amendments and there was no conflict of interest.

The motion carried.

**RESOLUTION 07-125 CORRECTING THE ZONE BOUNDARY ON THE COMMERCIAL DISTRICT MAP OF THE SANIBEL PLAN AND THE COMMERCIAL ZONING MAP OF THE LAND DEVELOPMENT CODE, BY INCLUDING LOT 16 AND THE EASTERLY 15 FEET OF LOT 10; BLOCK 22; SANIBEL GARDENS SUBDIVISION; UNIT 3, IN THE COMMERCIAL DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 07-125.

Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Resolution 07-125.

Councilman Jennings spoke to the need of a large scale map. Mr. Duffy stated that the maps had been converted to GIS and would allow the ability to reproduce the maps in any scale.

Discussion ensued regarding eliminating the lot divisions of Sanibel Gardens, work with the City Attorney to eliminate the lot divisions.

The motion carried.

Mr. Cuyler stated that Section 5 of Ordinance 07-005 had been revised regarding the effective date.

Vice Mayor Johnston made a motion, seconded by Mayor Denham, to adopt Ordinance 07-005.

**Public Comment**

Patty Sprankle spoke to the inclusion of the wetland mitigation issue.

The motion carried.

Mr. Pfalzer stated that in order to transmit the document to the State Council needed to designate a representative.

Mayor Denham made motion, seconded by Councilman Ruane, to designate the City Manager as the representative to transmit the amendment to DCA.

The motion carried.

**ORDINANCE 07-011 REPEALING CITY OF SANIBEL ORDINANCE NO. 03-008 WHICH ESTABLISHED AN UPDATED AND REVISED SCHEDULE OF RECREATION USER FEES FOR CITY OF SANIBEL RECREATION PROGRAMS; PROVIDING FOR THE ESTABLISHMENT OF RECREATION PROGRAMS FOR FISCAL YEAR 2007-08; AUTHORIZING THE CITY MANAGER TO APPROVE NEW ADDITIONAL RECREATION PROGRAMS DURING FISCAL YEAR 2007-08 AND ESTABLISH FEES FOR SUCH PROGRAMS, PROVIDED THE FEES ESTABLISHED DO NOT EXCEED THE COST OF OPERATION OF THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 07-011.

Public Comment

Karen Storijsjohann asked if the fees would be self sustaining to cover the cost of operating the Recreation Center?

Ms. Zimomra stated that Council's direction would off-set the cost, but not totally cover the cost. She further stated that staff was given flexibility to implement new programs.

Dr. Berger spoke to user fees were suppose to be reasonable for services appropriate to the services and needs of residents. He also spoke to the need of appropriate equipment.

Discussion ensued regarding the first year as a trial year and changes would be reviewed, and Ms. Zimomra stated that Council direction was to review program demand for the first year and bring back to Council for consideration.

Councilman Pappas spoke to the fees were generated

Mayor Denham made a motion, seconded by Councilman Pappas, to adopt Ordinance 07-011.

The motion carried.

**ORDINANCE 07-012 AMENDING ORDINANCE 07-003 REGULATING THE USE OF FERTLIZERS CONTAINING NITROGEN AND/OR PHOSPHORUS WITHIN THE CITY OF SANIBEL; AMENDING SECTIONS 5(B)(2) AND 9(A) TO CHANGE THE REQUIRED PERCENTAGE OF MINIMUM SLOW RELEASE NITROGEN FROM 70% TO 50%; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 07-012

Dr. Loflin spoke to this being a minor revision that reduces to slow release nitrogen and make more products available for use.

Discussion ensued regarding the reduction of nitrogen and phosphorus.

Mayor Denham made a motion, seconded by Vice Mayor Johnston, to adopt Ordinance 07-012.

The motion carried.

**CONSENT AGENDA**

Staff requested that item (l) be removed for discussion.

Council recessed at 10:22 a. m.

Council reconvened at 10:32 a. m.

b. **RESOLUTION 07-126 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-093 AND PROVIDING AN EFFECTIVE DATE** (to appropriate a \$3,810.00 grant from the U.S. Fish and Wildlife Service for algae research per modifications #2-4 of agreement #401815J020. This amendment will increase the FY07 budget for the additional funds of \$3,810)

c. **RESOLUTION 07-121 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-076 AND PROVIDING AN**

**EFFECTIVE DATE** (to appropriate \$99,668 from Lee County TDC to reimburse the City the cost to clean red drift algae off beaches in FY07)

- e. **RESOLUTION 07-119 APPROVING THE RESULTS OF THE ANNUAL JOB AUDITS CONDUCTED TO ENSURE COMPETITIVENESS IN THE LABOR MARKET AND TO RECOGNIZE SPECIFIC POSITION CHANGES IN DUTIES AND RESPONSIBILITIES; ADOPTING REVISED JOB DESCRIPTIONS TO REFLECT CURRENT JOB DUTIES; ESTABLISHING PAY RANGES FOR ALL JOB CLASSIFICATIONS; AUTHORIZING THE CITY MANAGER TO AMEND JOB DESCRIPTIONS AS NECESSARY TO KEEP SUCH DESCRIPTIONS CURRENT; AND PROVIDING AN EFFECTIVE DATE**
  
- f. **RESOLUTION 07-128 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-095 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$44,484 for Change Order #11 plus \$82,067 for the purchase of furniture, fixtures & equipment \*FF&E) from the project contingency fund)
  
- g. **RESOLUTION 07-120 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-080 AND PROVIDING AN EFFECTIVE DATE** (to appropriate the projected FY 2007 amounts of revenue and expenditures for the Vehicle Weigh Station operations. This budget amendment transfers the balance of the Vehicle Weigh Station Fund to the Transportation Capital Project Fund, thereby reducing the funds needed for Transportation Capital Projects from the General Fund in the FY 2008 budget)
  
- i. **RESOLUTION 07-127 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-094 AND PROVIDING AN EFFECTIVE DATE** (to roll forward the FY 2007 actual unappropriated beginning fund balances in several funds to align the final amended budget with the actual operating results of the fiscal year which ends on September 30, 2007)
  
- j. **RESOLUTION 07-129 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-097 AND PROVIDING AN EFFECTIVE DATE** (to appropriate the final transfers between the Hurricane Charley special revenue and debt service funds and the General Fund to close-out the completed project)
  
- k. **RESOLUTION 07-122 AUTHORIZING AN INCREASE IN THE SUPPLEMENT TO THE CAFETERIA ALLOWANCE FOR CITY EMPLOYEES WHO COVER DEPENDENT FAMILY MEMBERS UNDER THE CITY'S HEALTH INSURANCE PLAN; AND PROVIDING AN EFFECTIVE DATE**
  
- r. **RESOLUTION 07-131 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-96 AND PROVIDING AN EFFECTIVE DATE** (to transfer the \$71,001 balance from the General Fund Contingency Reserve to the Transportation Capital Fund to provide funding for engineering, plans, permitting

and the reimbursement to Lee County for reconfiguring the Sextant Drive entrance to Causeway Boulevard)

Ms. Zimomra read the above-mentioned Resolution titles.

Mayor Denham made a motion, seconded by Councilman Ruane, to adopt the above read Resolutions

The motion carried.

- l. Discussion of direction to Staff to initiate procedures to review all currently designated City telecommunications sites to evaluate whether such sites remain physically available in light of continued build out, change of ownership, land use changes and other relevant issues affecting availability; discussion of direction to Staff to temporarily halt acceptance and/or processing of any permits relating to the placement of telecommunications facilities on such sites during such evaluation

Mr. Cuyler explained the City established a telecommunications ordinance with telecommunication tolerant sites around the City some years ago, and with the current designated sites staff was concerned that with buildout and use change/additions of property may cause the site(s) to no longer be available. He further explained it prudent to review the existing sites to determine if they were still available or other sites that may be available. He asked that Council direct staff to expeditiously review the telecommunication tolerant sites, as well as other possible tolerant sites, to direct staff not to accept any applications for new tower facilities at the existing telecommunication tolerant sites, and to direct the City Attorney to formalize the direction.

Discussion ensued regarding the length of time necessary for review, and Ms. Zimomra stated not more than 60 days, no applications submitted, 9 sites, good idea for a review, Ms. Zimomra stated that there had been significant changes in technologies, need for cell phone coverage throughout the island, one location on the east end of the island, look for possible new areas as well as old areas, and Mr. Cuyler stated the review would be fairly quickly and see if issues could be addressed.

#### Public Comment

Judy Michie spoke to telecommunication towers developed in different models.

Wayne Ponader spoke to the issue as being sensitive and a good ordinance in place.

Ms. Zimomra stated that the existing 9 sites have had significant physical changes of the existing sites.

Mayor Denham made a motion, seconded by Councilman Pappas, to direct staff to perform an expeditious review of both existing and/or potential telecommunication sites, for staff not to accept or process any tower facilities applications at existing tolerant site and direct the City Attorney to formalize the direction to staff.

The motion carried.

- d. Request from BIG Arts, 900 Dunlop Road, for 82 Special Event permits for 2008 and the authority to serve a 2 ounce wine tastings during intermissions
- h. Approval of a one-year extension of the lease agreement for the Lighthouse property, 1 Periwinkle Way, between the United States Coast Guard and the City of Sanibel and authorize the City Manager execute the same

- m. Acceptance of a grant award of \$8,008 from the Department of State, Division of Historical Resources, Historic Museum Grant Program for General Program Support and authorize the City Manager to execute same
- n. Approval of Reimbursement Agreement with Sanibel Marina, Inc for the City's proportionate share of cost for dredging of the entrance to Shell Harbor canal system
- o. Approval of Reimbursement Agreement with Sanibel Harbour Association for the City's proportionate share of cost for dredging of the entrance to Sanibel Harbour canal system
- p. Approval to purchase a high pressure sewer jetter from US Jetting in the amount of \$32,728; no new funds to be allocated; funded from sewer department capital equipment fund
- q. Approval to purchase two 26Kw portable emergency generators from Neff rentals in the amount of \$28,656 to support lift station operations during power outages; no funds to be allocated; funded from sewer department capital equipment fund
- s. Request from the Retired Military Officers for the City to co-sponsor Veterans' Day Program at historical levels
- t. Request from the Sanibel Captiva Conservation Foundation for the City to sponsor the coastal clean-up day at historical levels

Councilman Jennings made a motion, seconded by Vice Mayor Johnston, to adopt the above-mentioned items.

The motion carried.

## **OLD BUSINESS**

### **Consideration of a schedule and milestones for the Periwinkle West District Plan; and Approval of Joint City Council/Planning Commission meetings for 9:00 a.m., Tuesday, October 23, 2007 and 9:00 a.m., Tuesday, November 13, 2007**

Ms. Zimomra stated that staff was looking for 2 joint City Council/Planning Commission meetings. She further stated that one would be prior to the visioning workshop and one meeting post.

Discussion ensued regarding move the proposed October 23 to October 16, Council decided that the October 16 Council meeting would adjourn at 2:30 p.m. and convene the joint Council/Planning Commission meeting, move the November 13 joint meeting to November 06 at 2:30 p.m.

Mayor Denham made a motion, seconded by Councilman Pappas, to schedule the 2 joint meetings at October 06 at 2:30 p.m., and the next joint meeting for Tuesday, November 06 at 2:30 p.m.

The motion carried.

## **Water Quality Issues Reports from City Council members**

## **Staff Report**

### **Northern Everglades and Estuaries Protection Act**

Dr. Loflin reported the following:

- Lake Okeechobee Protection Act had been extended to north of the lake, east to the estuaries providing funding for various projects
- Meeting once per month
- Meeting in Okeechobee
- Members include ACOE, DEP, City of Stuart, Martin County, Lee County and Sanibel
- Requested specific project within the basin and recommend projects
- Projects should include the most water quality and storage
- Involved filter marshes, changing land use, changing land use, better water treatment, practices of sewage disposal, etc.

Discussion ensued regarding adding waste water process changes to eliminate nitrogen at sewage treatment facilities, and Dr. Loflin spoke to the concern of phosphorus with most forgetting about nitrogen.

Vice Mayor Johnston made a motion, seconded by Mayor Denham, to approve the list with the one exception of including the nitrogen issue.

Public Comment

None

The motion carried.

## **Algae Management Program**

### **Status of the study**

Ms. Zimomra stated that previous Council direction to staff was to have an algae plan by October. She further spoke the direction being 1) study cause and sources; 2) test pilot to determine best process and equipment; and 3) long-term algae management program if needed.

Ms. Zimomra spoke to the study as follows:

- County serve in RFQ process
- Lee County adopted a resolution to hold a joint study
- Received 4 proposals
- Joint proposal from FGCU and SCCF
- Previously presented all proposals to Council
- Reviewing the scientific components of the study
- Working with Lee County staff to identify potential funding sources
- Final proposal from FGCU and SCCF
- Ft. Myers Beach would like to be kept involved, but could not participate through funding

Discussion ensued regarding a study at the Regional Planning Council level.

## **Status of Algae Removal Program**

### **Permit issued for pilot program from Florida Department of Environmental Protection**

Ms. Zimomra stated the permit was issued for temporary testing until February 15, 2008 and it was important to note that there were 23 conditions with a caveat concerning sea turtle nesting and nesting bird population.

Discussion ensued regarding the process of the permitting, SCCF a partner, and SCCF attended the meeting with DEP officials.

### **Staff report on Algae Management Program**

Ms. Zimomra spoke to 7 different proposals for the test pilot including City equipment which showed a psi to high to use, one proposal was changed to an equipment proposal (Hydrocede interested in being an equipment supplier), mobilization from 12 hours to 7 days with a mobilization costs, cost whether used or not, can not conduct the testing without algae present, psi comes from loaded equipment with algae, staff recommendation was not to do any testing without algae being present.

Council agreed.

Ms. Zimomra stated that there would be testing procedures established including, the weather conditions, date and time, contractor, witnesses present, what type of equipment tested, sand density (required by DEP), amount of algae present, video testing, taking note of noise, odor and disturbance to wildlife. Ms. Zimomra also spoke to a final plan coming before Council by October, identified 5 locations for public access which had been identified that had adequate room to park equipment, maintain and storage without any dune damage. She further stated that if approved by Council staff would seek discussion with private owners for approval of land usage. She also explained that Dr. Loflin recommended no testing at Silver Key due to environmental concerns.

Dr. Loflin spoke to Silver Key used by wildlife, but not frequented by humans. He further stated the dune was just recovering and recently planted.

Discussion ensued regarding Council approval of the 5 locations, staff would approve the actions/steps to be taken, CASI in the past stated they would be willing to assist with the part of the plan where land may be needed, several pieces of equipment, the length of time equipment would be stored, Ms. Zimomra stated the testing would include , productivity of the equipment, no one has utilized the equipment as proposed by staff, series of issues that need to be work out at each location, part of the pilot was to document issues such as odor, noise, etc., test results would come back to Council, Ms. Zimomra stated one-year ago a draft of trigger points was brought to Council and the issue was put on hold.

Ms. Zimomra if Council wanted to provide any direction and staff wanted to being elements of the program, staff recommendation was for Council to establish a trigger, which was developed by Dr. Loflin.

Dr. Loflin stated the background of the issue environmentally was that heavy equipment was not allowed on the beach, with the exception of minor equipment for fish clean-up and beach re-nourishment. He further stated there would be destruction and disturbances of the foraging areas for wildlife, but an environmental purpose to clean-up the beach due to the nitrogen release from algae. He explained the least disturbance to the beach was to let the algae come ashore and clean-up only when there was significantly amount of algae.

Discussion ensued regarding having confidence in staff, cleaning up the algae consistent with the permit, state regards Sanibel beaches as special, and people are looking for the will on part of the City to remove the algae.

Council recessed at 11:51 a. m.

Council reconvened at 11:57 a. m.

Continued discussion and leave discussion of the trigger point issue until October 02 Council meeting, information needed to evaluate impacts, send something in the mail, process normally use Council meeting as public forums, unless further directed by Council there would be no mailing.

#### Public Comment

Claudia Burns spoke to the beach being gorgeous on Sunday. She further reported that the latest count for nesting sea turtle east 0822, and west end 0826 with late hatching, 20 or less nests on the west end.

Ric Base, Executive Director Sanibel Captiva Chamber asked the mobilization time. Would the staff wait for the trigger components? He felt that it would be unusual that people would be upset with equipment on the beach if algae were being picked-up.

Ms. Zimomra stated that the contractor stated it would take 7-days to mobilize from beach collecting to pick-up. Ms. Zimomra stated

Discussion ensued regarding that the trigger point, Council's current policy was that staff could not go on the beach with equipment without permission, when equipment was tested Council would not be called in to session, Ms. Zimomra requested Council direction with a motion to test equipment

Erick Lindblad, Executive Director SCCF asked if Council would be discussing the trigger at the next Council meeting and Mayor Denham answered yes.

Karen Storijohann spoke to putting the responsibility on staff when the testing should be conducted and how can they conducting without a trigger? She further stated there would be various specifics of response.

Ms. Zimomra stated that Crowder Gulf had a 48 hour mobilization.

Judy Minchie spoke to the trigger for beach clean-up and problem complicated by allowing algae to stay on the beaches longer.

Ms. Zimomra stated that throughout the summer if there was a practical way to test without algae it would have been done. She further stated that vendor would have to evaluate salt intrusions on equipment.

Mayor Denham made a motion, seconded by Councilman Pappas, to approve the proposed staging areas.

Discussion ensued regarding the cost of beach clean-up, how could a sense could be found, Ms. Zimomra stated that the single biggest factor was the variable of the volume of algae, TDC has \$300,000 in reserves, cost could reach up to \$1 million dollars if the volume was like last year, can not evaluate the cost until test was run.

The motion carried with Vice Mayor Johnston voting in opposition.

Council agreed to discuss the trigger points on October 2, 2007.

Discussion ensued regarding the need for trigger point adoption before Council could give direction to begin mechanical testing, the need for Council to give criteria to staff without Council having to convene a meeting for the decision, was there a cost for testing and Ms. Zimomra answered yes.

Councilman Pappas made a motion, seconded by Mayor Denham, under the guidance of the City Manager and staff to proceed with testing operationally and scientifically when algae appears on the beach with mechanical equipment and be conducted under the components of the DEP permit.

Dr. Berger spoke to testing of clean-up by using the same parameters as would be used in the potential final clean-up.

Karen Storijohann suggested looking at the cost of mobilization.

Ms. Zimomra stated that a multiple page RFQ was submitted and brought to Council. She further stated anyone wanting to review those could and there were a number of associated costs, which would be \$25,000.

Erick Lindblad spoke to the practical aspect of testing and to be done in a scientific and accurate way

The motion carried.

Council recessed at 12:48 p. m.

Council reconvened at 1:34 p. m.

**RESOLUTION 07-130 OF THE CITY OF SANIBEL, FLORIDA, EXPRESSING ITS GRATITUDE TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD FOR ITS RECENT VOTE TO CEASE BACK-PUMPING INTO LAKE OKEECHOBEE; SPECIFICALLY RECOGNIZING AND THANKING SOUTH FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD MEMBER, CHARLES DAURAY, SANIBEL'S DISTRICT REPRESENTATIVE, FOR HIS VOTE TO CEASE BACK-PUMPING WHICH GREATLY AFFECTS THE CITY OF SANIBEL'S SURROUNDING WATERWAYS, INCLUDING THE CALOOSA HATCHEE RIVER AND ITS ESTUARIES; AND PROVIDING AN EFFECTIVE DATE**

Mr. Cuyler called Council's attention to the title change of the Resolution.

Ms. Zimomra read the title of Resolution 07-130.

Councilman Jennings made a motion, seconded by Vice Mayor, to adopt Resolution 07-130.

The motion carried.

**Council action to thank SFWMD Boardmembers who voted in opposition to back pumping of Lake Okeechobee**

Vice Mayor Johnston made a motion, seconded by Councilman Pappas, to thank SFWMD Boardmembers.

The motion carried.

**Upcoming Annual Conference of Everglades Coalition to be held January 10 through 13 on Captiva**

Ms. Zimomra stated this conference included state representatives. She further stated if Council wanted to attend to notify the City Clerk.

Mayor Denham, Vice Mayor Johnston, Councilman Jennings and Councilman Ruane noted that they would like to attend.

**RESOLUTION 07-123 STRONGLY ENCOURAGING THE EXTENSION OF COLONEL PAUL L. GROSSKRUGER AS COMMANDER, JACKSONVILLE DISTRICT, U.S. ARMY CORPS OF ENGINEERS BEYOND HIS ANTICIPATED NORMAL ROTATION DATE OF JULY 2009; ENCOURAGING OTHER CITIES IN THE JACKSONVILLE DISTRICT AFFECTED BY LAKE OKEECHOBEE WATER RELEASES TO PROVIDE SIMILAR SUPPORTING DOCUMENTATION; AND PROVIDING AN EFFECTIVE DATE**

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, to adopt Resolution 07-123.

Vice Mayor Johnston spoke to the reason for the resolution and the profound job that Colonel Grossgruger has done in his tenure.

Council wanted a mailing to other municipalities and counties.

Public Comment  
None.

The motion carried.

### **Recreation Center Update Staff Status Report and Construction Manager Report**

Henry Woodroffe, made the following report:

- On target for December 01
- On target to be final complete by the end of October
- October 02 walk through for substantial walk through
- Middle November staff soft opening
- One-year warranty by contractor
- Training process for employees the 1<sup>st</sup> and/or 2<sup>nd</sup> week of October

Discussion ensued regarding how long would the contractor on site, and Mr. Woodroffe stated that after the October 02 date and gone by the end of October.

### **Change Order 11 for area separation fencing, gate alarm, youth cubbies, media distribution, final fence around pool slide required by Lee County Health Department**

Councilman Ruane made a motion, seconded by Councilman Jennings, to approve Change Order 11.

The motion carried.

### **Approval of mailing**

Ms. Zimomra spoke to coming back for final mailing approval at the October 02 Council meeting. She passed out the version that would be mailed to property owners. She explained the mailer and items included on the mailer.

Discussion ensued regarding mailing includes playgrounds listed, as well as the 2 playgrounds that would be under construction.

### **Update of Financial Matrix**

Ms. Zimomra stated that the matrix was further updated.

### **RESOLUTION 07-132 ESTABLISHING CITY COUNCIL POLICY REGARDING THE EXCUSED AND UNEXCUSED ABSENCES OF CITY COUNCIL MEMBERS FROM REGULARLY SCHEDULED CITY COUNCIL MEETINGS; SETTING FORTH THE CRITERIA FOR AN EXCUSED ABSENCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 07-132.

Discussion ensued regarding including "City business under section 3, list of reasons for absences, called to jury duty, and add "on those occasions that City Council deems necessary," Section 3.07 of the Charter addresses absences by Council, difficult for Council to excuse someone from a Council meeting, not something Council could decide, adult situation and in years passed members have been absence more than usual, the electorate measuring results, and increases workloads.

Mr. Cuyler stated that Council could grant the absence on a case-by-case basis or provide a list. Mr. Cuyler stated that from a legal perspective the Charter guides Council. He explained that a policy of excused absences and finding extraordinary circumstances to participate by phone and vote, which was in relationship to an Attorney General opinion. He also explained that Council was not required to adopt a resolution and Councilman Jennings past concern was of a member participating by phone knowing they were going to be on vacation.

The resolution was not supported or adopted by Council.

## **COMMITTEES BOARDS COMMISSION**

### **Acceptance of a resignation from Jackie Rauschert member of the Historical Preservation Committee and advertising for a committee member**

Council accepted with regret and asked staff to prepare and send a letter.

## **NEW BUSINESS**

### **Request from the Sanibel Historical Museum & Village, Inc 850 Dunlop Road to conduct storytelling lantern tours beginning November 15<sup>th</sup> for 151 evenings through the calendar year**

A request to delay discussion until October 02, 2007.

### **Donax Area Traffic Study**

#### **Donax, Nerita, Junonia, Cardium traffic management options and staff recommendations for area study**

#### **Defer consideration to pave Junonia Street from Donax Street to Nerita Street pending completion of the Donax area traffic study in view of a Petition from residents of Junonia Street to pave roadway**

Ms. Zimomra spoke to the request by the residents of Junonia and Council's existing policy. She further stated that the minimum number of signatures had been submitted and if Council directed the paving to be done, it would be done in the Spring. She also spoke to traffic issues in the areas, not limited to speeding issues on Donax, radar studies, suggestions of closing streets, one-way streets and a variety of traffic techniques. She stated that most of the problems had been in the evening when vehicles were exiting the island by cutting through streets to avoid the traffic on Periwinkle Way and staff is requesting authority to perform traffic counts during peak times and bring back to Council after compiling numbers with recommendations for Council's consideration.

Discussion ensued regarding the length of the study, when the study would commence, Mr. Duffy stated that the completion of the traffic study completion would be in April, 2008, but traffic counts would be done both in off-season and peak-season, would paving be done in May, 2008, Ms. Zimomra stated that typical paving was done in May, 2008.

Ms. Zimomra stated that there had been different proposals and there had been no study completed for the neighborhood.

#### **Public Comment**

John Morse spoke to the petition of residence on Nerita Street to block Cardium Street, but the Cardium request was not the same situation of the prior. He recommended straightening Junonia Street and the study would have no impact on the paving of Junonia Street.

A resident spoke to collecting the required signatures to request that Junonia Street be paved due to the fine dust raise by vehicles.

Claudia Burns spoke against paving Junonia Street. She also spoke to fast vehicles with paving.

Judy Michie spoke to problems with gravel and further stated she represented residents of Nerita and Cardium and they did want their streets paved.

Donna Ruhe spoke to paving Junonia Street and the health concern from the fine dust.

Mr. Duffy, Planning Director and Ms. Rutherford, Transportation Planner spoke to the memo in the Council's packet, the history and previous comments. He further stated that some traffic information was provided and outlined a study approach.

Ms. Zimomra stated that staff was not advocating not to pave, but in an effort to solve the neighborhood issues a study is recommended.

Discussion ensued regarding would the study be outsourced, Mr. Duffy stated this study would be done internally, the total cost was less than \$25,000, do not want to deprive the paving of the streets as requested, project being completed internally, Ms. Zimomra stated the traffic count would be the only item outsourced, and many people approached Councilman Ruane during his campaign due to health issues.

Councilman Pappas made a motion to follow the staff's recommendation and approve study.

Motion withdrawn

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, to approve the study for the whole area and complete the project by next tourist season and bring back recommendations next Spring.

The motion carried.

### **Invitation from the Fort Myers Beach City Council to convene a Joint meeting tentative dates of Wednesday, November 14 or Friday, November 16, 2007**

Ms. Zimomra stated that Fort Myers Beach had requested a joint meeting regarding issues of concern after budget hearings. She stated the above-mentioned dates had been suggested.

Discussion ensued regarding the joint Council/Planning meeting scheduled to piggyback a joint meeting with Ft. Myers Beach on a regular Council meeting possibly December 04, was there an agenda, the purpose of the meeting, the need for more definitive objections on the issues before scheduling the meeting, and possibly transportation issues.

Ms. Zimomra stated that water quality had the most commonality. She asked Council to give any travel schedule to the City Clerk.

## **CITY MANAGER**

### **Informational Items**

#### **Legislative Delegation Meeting**

Ms. Zimomra stated the meeting information was in the agenda packet. She explained that legislators can only introduced 2 or 3 pieces of legislation and must be introduced at a preliminary meeting with the delegation. She further explained that by having few requests in the past they have been considered. She also stated that Senator Saunders had reached term limit, therefore this may be the year to request his help.

#### **Update on Lizard Management Program**

Ms. Zimomra spoke to the brochure, t-shirts and signage for vehicles for the contractors. She stated that 86 Iguanas had been removed and 2 Nile Monitor lizard burrows had been found. She advised it was the same contractors that worked on Boca Raton.

Discussion ensued regarding how many days per week, Ms. Zimomra stated that there was an increased population on Pine Island.

Ms. Zimomra stated that the Lizard contractor was wearing a yellow T-shirt, vehicle signage, worked 2 days and taking 88 iguanas, approach was different for the Nile Monitor Lizard, as well as the method of compensation. She stated that the compensation for an Iguana was \$20 and \$500 bonus for the capture of a Nile Monitor Lizard. She stated the contractor work on Boca Raton taking over 6,000 lizards.

Discussion ensued regarding a lizard population on Captiva, Ms. Zimomra stated that there was a population on Pine Island.

#### Public Comment

Claudia Burns asked what happened to the Iguana lizards. She further spoke to an article on Iguanas of harvesting the eggs. She also noted that there was a box that would encourage the female to lay her eggs inside the box.

Ms. Zimomra answered that the capture was brought to the Police Department and disposed off-island. She further stated that SCCF was part of the group that made the recommendation and the refuge put \$20,000 toward the cost. She stated that 2 PhD's from Tampa advised staff.

**Development Permit Activity Report for August 2007**  
**Code Enforcement Activity Report for August 2007**  
**Building Department Monthly Revenue Accumulative Report**  
**Building Department Permits and Inspections Report**  
**General Employees' Pension Fund Performance Review, June 2007**  
**Causeway Vehicle Counts, June 2007**

For informational purposes.

#### **CITY ATTORNEY'S REPORT**

None.

#### **COUNCIL MEMBERS' REPORT**

Councilman Ruane spoke a request to the City Manager of a chart showing beginning balance and a separate list for reserves.

Vice Mayor Johnston requested attendance to the National League of Cities in November in New Orleans.

Councilman Jennings stated he would also be attending as the President of the Southwest Florida League of Cities.

Council agreed by consensus.

#### **PUBLIC COMMENT**

Patty Sprankle spoke to wetland mitigation and the need to carefully define a wetland. She further spoke that the Duck Stamp Art Opening will be a B. I. G. Arts.

Discussion ensued regarding wetland mitigation and educating Council and Planning Commission, any language in State law that defines wetlands, Mr. Cuyler stated that there are jurisdictional wetlands that come under various permitting agencies, but the Planning Commission discussion was if the wetland was a viable wetland and if Sanibel Environmental Department thought it should be replace or destroyed without replacement.

Karen Storjohann spoke to a mike worn by someone at a Lee County meeting and would like to see Council use the wireless piece of equipment.

Steve Maxwell spoke to scheduling public hearing when residents can attend. He requested a number of lots not being taken care of and were overgrown. He also spoke to the code needing to address private roads. He further mentioned a departmental budget summary. He also spoke to new construction in a quarterly report. He stated he asked prior for a statement of when build-out would be reached, number of existing dwellings units on island and Council stated it was in the budget.

Ms. Zimomra stated that Mr. Maxwell was talking about the hand-out from the Finance Director and it would be provided to the public.

Judy Michie spoke to the reason Fort Myers Beach wanted to meet with Sanibel Council was due to the expertise Council had developed on water quality. She asked for a list of Representative and Senators provided by City staff so she could provide to visitors.

Ms. Zimomra stated that that information had been mailed to island residents/business owners and was provided in a number locations.

There being no further business the meeting was adjourned at 3:19 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk