

**SANIBEL CITY COUNCIL REGULAR MEETING  
NOVEMBER 20 2007**

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.

Mayor Denham spoke to the passing of retired employee Coby Amadio.

Vice Mayor Johnston gave the Invocation and led the Pledge of Allegiance.

**Public Comments:**

Ralph Clark spoke to a collaborative vision for Periwinkle Way West District, expansion of St. Michaela church, shared parking. B. I. G. Arts looking for an 18,000-foot expansion and a meeting being set-up with the consultants.

Discussion ensued regarding Periwinkle Way West District process, Ms. Zimomra stated that December 18 would be the next consultant report, and directing the consultants to bring back specific recommendations to Council.

Mickey Kaplan spoke to consultants considering designs for 32 condominiums for the residential property of the Knave property and could the line be moved? Could unused residential capacity of the town Center be reallocated in another area?

Discussion ensued regarding no instructions for 32-unit residential assisted housing, and should allow process to proceed.

Bernie Lubetkin spoke to visiting the new Recreation Center. He congratulated City staff and the Parks and Recreation Committee.

Karen Storjohann spoke to moving toward redevelopment and recommended untying the hands of the consultants.

Ric Base, Executive Director of Chamber of Commerce spoke to the 2007 Luminary, and invited Council to the lighting of the Sanibel Community Center Christmas tree at 5:45 p. m. with service of refreshments.

Roger Tabor spoke to the need of a meeting for discussion of the Periwinkle Way West District Plan.

## Council Comments

Councilman Jennings spoke to Dr. Lamato coming back to the island. He also spoke to

Vice Mayor Johnston spoke to attending the Florida League of Cities Fiscal Council meeting November 08, and attending the National League of Cities Conference November 12 to November 15, 2007. She also spoke to her update of water initiatives in the agenda packet. She also spoke to Council having two employees the City Manager and City Attorney and asked that Council have the City Attorney's evaluation on a future agenda and specific direction the Periwinkle Way West District Plan consultants.

Mayor Denham spoke to attending the dedication of Bowman's Beach and the groundbreaking of C. R. O. W.

## Planning Commission Report:

Mr. Robert Duffy, Planning Director gave the following report:

- Adopted 2 resolution 1) shoreline erosion control structure to proceed with addition use and development permit; 2) amended a site plan for a medical center
- Hearing for an elevated swimming pool and continued until December 11, 2007
- Report from Mayor Denham
- Considered 3 items from the Sanibel Code subcommittee 1) outdoor dining; 2) telecommunications devices; and 3) Periwinkle Way West District Plan

First Reading of an ordinance and scheduling of public hearing.

**ORDINANCE 07- 015 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED "FEES", ARTICLES I, II, III AND IV, AMENDING THE PERMIT, DEVELOPMENT REVIEW AND ADMINISTRATIVE FEES SET FORTH THEREIN; AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS FOR PERMITS OR APPROVALS REQUIRED BY THE LAND DEVELOPMENT CODE; ESTABLISHING THE CURRENT SCHEDULE OF FEES AND SUPERSEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; AND PROVIDING EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 07-015.

Council set the second reading and public hearing for Tuesday, December 04, 2007 at 9:45 a. m.

**ORDINANCE 07-016 AMENDING CHAPTER 110 –SPECIAL EVENTS, OF THE SANIBEL CODE TO ESTABLISH CRITERIA AND AN APPLICATION PROCESS FOR STUDENT OR YOUTH GROUP EVENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 07-015.

Council set the second reading and public hearing for Tuesday, December 04, 2007 at 10:00 a. m

## **CONSENT AGENDA**

- b. **RESOLUTION 07-154 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-016 AND PROVIDING AN EFFECTIVE DATE** (to roll forward from FY07 to FY08 the following: 1) \$23,784 for air conditioning the MIS department; 2) TDC grant #402072 of \$268,232 for fishing pier protection; 3) \$11,028 for engineering services at Sextant Drive and Causeway Boulevard; 4) \$285,708 for Periwinkle Way improvements from Roadside Park to Community Church; 5) US Fish and Wildlife grant #401815J020 of \$41,015 for: a) \$26,823 for firelines and management access lines on Sanibel conservation lands and b) \$14,192 for shorebird and algae research; 6) \$2,490 of TDC grant #401747 for beach monitoring and \$2,490 of beach parking funds to match the TDC grant funds; 7)FRDAP grant #F06281 of \$3,743 for Bowman’s Beach park improvements. This amendment increases the FY2008 budget by \$638,490. There are no new or additional funds appropriated by this amendment)

Ms. Zimomra read the title of Resolution 07-154.

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, to adopt Resolution 07-154.

The motion carried.

- a. Request from Casa Ybel for 14 additional Special Events Permits for 2008
- c. Approve purchase of a center mounted crane truck from Sterling and Western Star Trucks of Tampa, utilizing Florida Sheriffs Contract #07-15-0827 for \$74,270 (to be funded through the Utility Division’s Capital Improvement budget as authorized in the adopted budget – no new funds being appropriated)
- d. Approve purchase of a 4,000 gallon truck from Sterling and Western Star Trucks of Tampa utilizing Florida Sheriffs contract #07-15-0827 for \$178,450 (to be funded through the Utility Division’s Capital Improvement budget as authorized in the adopted budget – no new funds being appropriated)

Councilman Ruane made a motion, seconded by Councilman Jennings, to approve Consent Agenda items (a), (c) and (d).

The motion carried.

## **PRESENTATION(S)**

**Presentation by T. Wayne Gale, Executive Director, Lee County Mosquito Control on the proposed Federal Administrative Regulations to establish a national policy by amending The Mosquito and Mosquito-Borne Disease Management Policy pursuant to the National Wildlife Refuge System Improvement Act of 1997 to establish a policy that refuge managers will follow concerning mosquito and mosquito-borne disease management on units of the National Wildlife Refuge System**

Wayne Gale, Director Lee County Mosquito Control District spoke to the following:

- U. S. Fish and Wildlife Service published in the Federal Register a draft mosquito control management policy pursuant to the National Wildlife Refuge System Improvement Act 1997 and requested public comment by November 29, 2007
- Lee County concerns; 1) does not clearly identify large numbers of pestiferous mosquitoes (salt marsh) emerging from the refuge as a health threat and allow for control in the aquatic stages; 2) policy does not allow for the control of disease-carrying mosquito until after a disease threat has been declared
- Need to prevent disease by control mosquitoes in the immature stages
- Florida law addresses the need to address pest mosquitoes in Chapter 388
- Draft policy at odds with State law

Discussion ensued regarding process and implementation of policy, inadequate time for public comment, public comment period published October 15, 2007, Mosquito District request public comment period extension, has Lee County Mosquito Board requested letters from various governmental entities, and need positive recommendations.

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, that Council prepare public comments with the advise of Dr. Loflin to be submitted to Fish and Wildlife, and post on the City's website, as well as sending the comments to other entities as necessary.

Discussion ensued regarding speaking with Jeff Cohen in Representative Connie Mack's office, send a letter to local boards, CASI, Chamber, Board of Realtors, COTI, and Ms. Zimomra stated the acting director of J. N. Ding Darling Refuge was present.

#### Public Comment

Ann Yarnel spoke to attending a national conference in the 80's on breast cancer and pesticide spraying.

Patrick Martin, Acting Refuge Manager spoke to his understanding/assurances that the intent was not to discontinue spraying. and it appeared the comment period would be extended by 60 days.

Judy Minchie asked what the current policy was and what was being changed?

Mr. Martin stated the current policy was to recognize that the natural resources were all needed to function.

Discussion ensued regarding the motion speaks to clarification and specificity of public health, concern that disease was spread by mosquitoes.

Larry Schoop spoke to the need of a letter requesting an extension of time for public comment.

Ann Yarnel spoke a second time to make certain that the public was informed.

Mr. Cuyler stated that staff could prepare a letter stating a position and requesting an extension.

Dr. Loflin spoke to the following:

- The need for flexibility
- The need for a better definition for health impact

Discussion ensued regarding no control to spray for mosquitoes.

The motion carried.

## **OLD BUSINESS**

### **Water Quality Issues**

#### **Reports from City Council members**

#### **Attendance at the Consumer Fertilizer Task Force public workshop November 14, 2007**

Mayor Denham gave the following report

- Attended the task force that was set out to establish common fertilizer rules
- Voted unanimously to have minimum requirement for communities, but entities could adopt more stringent measures by justifying need
- Fertilizer Industries willing to have a zero phosphorus fertilizer sold and level of nitrogen under discussion

#### **Florida League of Cities Urban Planning Council regarding water issues**

Mayor Denham gave the following report:

- Principle issue was fertilizer and ways to control
- Draft legislation for water contamination

#### **Florida League of Cities Board of Directors meeting regarding fertilizer and water issues**

Councilman Jennings gave the following report:

- Fertilizer and water information mailed to the Board
- Endorsing funding of Hoover Dike

#### **Report on the acquisition of the Sanibel Bayous sewage treatment plant**

Mr. Cuyler City Attorney gave the following report:

- Public hearing of acquisition of utility and contract on the December 18, 2007 agenda
- Contract forwarded to owner
- Legal reviewing easements, surveys and title works

## Public Comment

Bernie Lubetkin spoke to his understanding of the purchase was because it was not in compliance.

Discussion ensued regarding package plant unstable and suspect it is leaking into the water, and no treatment facilities should be on any barrier island, idea opportunity to take control and bring into the central sewer system.

Larry Schoop spoke to the DEP report cited certain design flows in the retention pond. He asked the City Attorney to outline the public hearing

Mr. Cuyler stated it would be a normal public hearing with criteria evaluation by City Council with public comment.

Barbara Cooley asked if the City was receiving monthly DEP reports of the Sanibel Bayous Package Plant.

Ms. Zimomra stated the City had a standing public records request.

## Staff Reports

Mr. Evans, Natural Resources spoke to the Northern Everglades Project:

- Northern Everglades Program including areas north of Lake Okeechobee with review of the technical plan
- Caloosahatchee River projects will be ranked

## Joint City Council/Fort Myers Beach Meeting –December 17, 2007

Ms. Zimomra stated that staff had notified the Town of Ft. Myers Beach regarding the availability of Sanibel Council and thus far no offering of a meeting date was forthcoming. She recommended waiting until after the holidays.

## Recreation Center – Corporate membership and Sponsorship Opportunities

Ms. Zimomra request authority to offer to all home owner associations to have their annual meetings at the Recreation Center.

Council supported that request by consensus.

## COMMITTEES BOARDS COMMISSION

### Scheduling Planning Commission applicant interviews to be appointed at the City Council meeting of December 04, 2007

Ms. Zimomra stated the inclusion of the deadline for applications, received 4 applications and 2 of the 3 sitting members requested to be appointed. She further stated that staff would schedule interviews for Council, and appointment would be on December 04, 2007.

**CITY MANAGER**

**Informational Items**

**Upcoming Events**

**Recreation Center Dedication –Saturday, December 01 – 10:00 a. m.**

**Employee Appreciation Luncheon – Thursday, December 06 Casa Ybel Resort  
11:30 a. m.**

**Chamber Luminary Friday, December 07**

Ms. Zimomra advised Council that Senator Saunders would attend the December 04, 2007 Council meeting with a greet and meet beginning at 8:30 a. m. in MacKenzie Hall. She further advised that Representative Aubuchon would attend the December 18, 2007 Council meeting.

Ms. Zimomra stated that 100 had RSVP'd to attend the Recreation Center dedication scheduled for Saturday, December 01, 2007.

**FEMA Flood Insurance Rate map Update**

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

**CITY ATTORNEY'S REPORT**

None

**COUNCIL MEMBERS' REPORT**

**Attendance at the National League of Cities Conference in New Orleans**

Councilman Jennings spoke to his attendance to the above-mentioned conference and thanked Council for agreeing for him to attend. He also spoke to green facility ideas, alternative energy, working with staff and changes that may occur with baby boomers retiring.

Vice Mayor Johnston called Council's attention to the report in the agenda packet.

**Attendance at the Florida League of Cities Council meetings November 08, 2007**

Mayor Denham and Vice Mayor Johnston attended the above mentioned Legislative Council meetings held on November 08, 2007.

**Attendance at the Florida League of Cities Legislative Conference and League Board of Directors meeting**

Councilman Jennings spoke to this earlier in the meeting.

**COUNCILMEMBERS' COMMENTS**

Councilman Ruane asked what date the public hearing for acquisition of Sanibel Bayous Package Plant.

Mr. Cuyler answered it would be December 18, 2007.

Discussion ensued regarding the schedule joint meeting between City Council and Planning Commission on December 18th, inadequate time for discussion at the previous joint meeting; Ms. Zimomra stated the joint meeting was scheduled for 2:00 p. m., Council decided to schedule the discussion of Sanibel Bayous on January 15, 2008 and no time certain to adjourn the joint City Council/Planning Commission meeting on December 18<sup>th</sup>.

Councilman Pappas spoke to receiving a letter from Gopal Pati, Wildlife Committee Chairman requesting a new liaison.

Discussion ensued regarding the need for the liaison being present at the Wildlife Committee meetings, liaison should stay the same and attend the committee meetings, and Councilman Pappas stated he would attend the meetings, charter did not create advisory committees, but created by Council, should the Wildlife Committee continue in the future, and have Council discussion regarding Advisory Committees on a future agenda.

Councilman Jennings thanked the City Clerk for the work she has done in the past few weeks.

**PUBLIC COMMENT**

Judy Minchie presented fruit cake to Council.

There being no further business the meeting was adjourned at 10:58 a. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk