

**SANIBEL CITY COUNCIL REGULAR MEETING
JUNE 03, 2008**

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

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

Councilmember Johnston gave the Invocation and led the Pledge of Allegiance.

PRESENTATION(S)

Proclamation recognizing June 2nd through 6th as Code Enforcement Appreciation Week

Mayor Denham read and presented the proclamation to Ray Hendzel and Teri Cummins, Sanibel Code Enforcement Officers.

Presentation to Renee Lynch, Finance Director and Finance Department staff with the Distinguished Budget Presentation Award – Fiscal Year 2008 Annual Budget

Mayor Denham presented the budget award to Renee Lynch, Finance Director and the Finance Department staff.

Ms. Lynch introduced her staff and stated the department worked as a team.

City of Sanibel presented the Community Sustainability Program Excellence Award for the Sanibel Recreation Center (Fit for Life) Friday, May 30, 2008 from the Florida City and County Management Association

Vice Mayor Ruane asked the Parks and Recreation Committee and Recreation staff to come forward to receive the award. He noted the award was presented to the City for the Recreation Center Fit4Life.

Ms. Phillips noted her staff's hard work.

City of Sanibel presented the Program Excellence Award: Community Partnership for the Sanibel Historic Museum and Village for a population under 20,000 Friday, May 30, 2008 from the Florida City and County Management Association

Councilman Jennings called the Historical Museum and Village, Inc. to accept the award. He noted the award was presented for the Community Partnership.

Alex Werner, Museum and Village Board president recognized many people over the years that help with the partnership.

Francis Bailey spoke to the dearness of the museum village to the Bailey family.

Proclamation honoring Raymond Hendzel, Code Enforcement Officer, upon his retirement with 14 years of service to the citizens of Sanibel

Councilmember Johnston recognized Mr. Hendzel on behalf of City Council upon his retirement. She presented a proclamation and a piece of Luke Century crystal to Mr. Hendzel.

Mr. Hendzel spoke to his time with the City.

Proclamation honoring Helene Phillips, Recreation Director, upon her retirement with 27 years and 10 months of service to the citizens of Sanibel

City Council read and presented a proclamation to Mrs. Phillips, as well as a piece of Luke Century crystal.

Several people spoke attested to Mrs. Phillips hard work throughout her tenure with the Recreation Department and as Recreation Director.

Mrs. Phillips thanked the community, City Council, the City Manager, work partners and her family.

Council recessed at 9:43 a. m.

Council reconvened at 9:54 a. m.

Public Comments

None.

Council Comments

Councilman Jennings noted that Council does not meet again until July 15, 2008. He wished Mayor Denham happy birthday, as did the rest of Council.

Vice Mayor Ruane commended the City Manager for efforts regarding the wildfire on Friday, May 30, 2008.

Ms. Zimomra spoke to the coordination of the Police Department and Sanibel Fire District.

He spoke to the early property appraiser decrease of 5.2% and the City Manager asking staff to reduce their respective budgets by 5.5%. He also spoke to the mid-year adjustments that were already made. He thanked Council for his excusing him from the last Council meeting due to his mother's open heart surgery and happy birthday to Mayor Denham.

Mayor Denham also thanked the City Manager for the efforts during the Friday wildfire.

Councilmember Johnston also thanked the City Manager for the efforts during the Friday wildfire. She announced her candidacy for Lee County Commissioner. She further spoke to a requirement to submit a resignation, which she did, that will be effective November 17, 2008 at midnight.

Planning Commission Report

Commissioner Tom Krekel gave the following Planning Commission meeting report of May 27, 2008.

- Capital Improvement Committee submitted a report and statute requirement to add a public school facilities factor to the Sanibel Plan
- Planning Commission Rules of Procedures adopted on this Council agenda for adoption
- Land Development Code Review Committee also met

Councilman Pappas asked for the origin of Planning Commission Resolution 08-06 changing the Planning Rules of Procedures.

Commissioner Krekel answered members felt that there was not enough opportunities for discussion and after discussion the item in the Resolution was brought forward by members.

Ms. Zimomra stated that initially a particular member wanted a particular topic on the agenda, but the procedures provided that only the chairman could put items on the agenda.

Council asked the difference in the proposed Planning Commission procedure and City Council procedure, and this was addressed by staff and discussed briefly.

Mr. Cuyler stated that there were 2 aspects to the Planning Commission procedures; 1) the issue of a Planning Commissioner placing an item on an agenda; and 2) a provision that any 3 Planning Commissioners could call a meeting, but that provision could be interpreted to violate the Sunshine Law and that provision was corrected.

Discussion ensued regarding any Commission member calling a meeting, and Mr. Cuyler stated that an individual Planning Commissioner could contact the Planning Director and a subsequent meeting could also be scheduled at a regular meeting.

First Reading of an ordinance and scheduling of public hearing.

ORDINANCE 08-010 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 1, - GENERAL PROVISIONS, ADDING NEW SUBSECTION 1.18 ENTITLED "IMPOSITION OF FILING FEE APPLICABLE TO ALL CITATIONS FOR VIOLATION OF MUNICIPAL ORDINANCE"; AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 1, GENERALLY, SECTION 66.37 - PENALTY; PAYMENT OF FINE; REFERRAL TO COUNTY COURT; AMENDING DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-85 - FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; ESTABLISHING A \$10.00 FILING FEE TO BE ADDED TO ALL MUNICIPAL ORDINANCE VIOLATION CITATIONS, SAID FILING FEE REPRESENTING THE FEE CHARGED TO THE CITY OF SANIBEL BY THE LEE COUNTY CLERK OF COURTS FOR PROCESSING MUNICIPAL ORDINANCE VIOLATION CITATIONS ISSUED WITHIN THE CITY OF SANIBEL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 08-010.

City Council set the second reading and public hearing for Tuesday, July 15, 2008 at 9:15 a. m.

CONSENT AGENDA

Mr. Cuyler requested that Item (e) be pulled for discussion.

- e. Approval of an Interlocal Agreement between the City of Sanibel and Lee County for Community Development Block Grant (CDBG) funds in the amount of \$43,260 for mitigating repairs to 25 multi-family units for Below Market Rate Housing (BMRH)

Mr. Cuyler stated that there was an agreement with Community Housing Resources (CHR), but the Lee County Interlocal Agreement was amended and the amendments were not reflected in the previously adopted CHR agreement. He requested Council direct the Legal Department to develop an Interlocal Agreement between the City and CHR and authorize the City Manager execute the agreement.

Councilmember Johnston made a motion, seconded by Vice Mayor Ruane, to direct the City Attorney to develop an Interlocal Agreement between the City and CHR for CDBG funds in the amount of \$43,260 for mitigation and authorize the City Manager execute.

The motion carried.

- b. **RESOLUTION 08-065 ACCEPTING A PERPETUAL UTILITY EASEMENT, GRANTOR'S AFFIDAVIT AND BILL OF SALE FOR WASTEWATER FACILITIES, FROM SANIBEL BEACH CLUB CONDOMINIUM ASSOCIATION, INC.; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**
- g. **RESOLUTION 08-070 APPROVING REVISED RULES OF PROCEDURE FOR THE PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE**
- h. **RESOLUTION 08-071 AMENDMENT/TRANSFER NO. 2008-052 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$49,000 from the General Fund Reserve for disasters to the MIS Department for the purchase of 14 laptop computers and software licenses for each to be utilized by the Structural Safety inspectors to report and transmit data to Lee County using its ARC software in the event of a disaster. This budget amendment does not increase the FY 2008 budget. The balance in the Reserve for disasters will be \$4,026,000 after this amendment. There are no new additional funds appropriated by this amendment)

Ms. Zimomra read the titles of Resolutions 08-065, 08-070 and 08-071.

Mayor Denham made a motion, seconded by Councilman Pappas, to adopt Resolutions 08-065, 08-070 and 08-071.

The motion carried

- a. Approval of Minutes –February 19, 2008 Regular Meeting and May 20, 2008 Regular Meeting
- c. Approval of an agreement for Disaster Recovery Services with Crowder Gulf Joint Venture, Inc., to provide as-needed and as-directed Emergency Recovery Services in the event of a hurricane or other major disasters and authorize the City Manager to execute same
- d. Approval of an agreement for Disaster Recovery Services with AshBritt, Inc., to provide as-needed and as-directed Emergency Recovery Services in the event of a hurricane or other major disaster and authorize the City Manager to execute same
- f. Approval of a South Florida Water Management (SFWMD) grant in the amount of \$55,000 funding the Sanibel River Restoration Project and authorize the City Manager to execute same

Councilmember Johnston made a motion, seconded by Vice Mayor Ruane, to approve the above-mentioned Consent Agenda items.

The motion was carried.

OLD BUSINESS

Continuation of discussion regarding proposal from Sanibel Dog Club, Inc.

Maps of City-owned hurricane debris processing site located on the north side of Island Inn Road currently designated as within the Environmentally Sensitive Lands Conservation District

Correspondence of May 28, 2008 received Sanibel Dog Club, Inc

Mayor Denham gave an overview of the discussion at the May 20, 2008 Council meeting.

Discussion ensued regarding the following questions; 1) placement of a dog park; 2) legal structure; 3) additional information from the Sanibel Dog Club; and 4) what costs to the City for enforcement and insurance responsibilities.

Correspondence of May 28, 2008 from Eric Linblad, Sanibel Captiva Conservation Foundation (SCCF) Executive Director of regarding dog park development

Eric Linblad spoke to the Island Inn Road being the best location.

Council discussion continued with the type of insurance policy needed, may be problems with multiple users, support for a dog park, City of Cape Coral and Bonita Springs have a dog park, there may be legal concerns, Mr. Cuyler spoke to all factual matters, identifying property, responsible for insurance, upkeep and maintenance, rules of property, fencing, who would rebuild if torn down, need parameters from Council to draft a contract, identify problems, Mr. Cuyler spoke to no clear understanding if there would be a single entity to hold a contract and fit with responsibilities, entity would be require to hold insurance and easier for a group rather than an individual, he further stated his memo spoke to the environmentally sensitive land identified must be used as a burn site, cost issue, past discussion that a dog park would be cost neutral to the City, Island Inn Road land would require a referendum, single referendum cost would be approximately \$16,000 and if on the general election the cost would be neutral and the question could be included on the ballot, proposed site would not be harmful as a dog park, 2-lane road a problem, requirement for vehicle parking facilities, Dog Club suggested that staff take the book keeping responsibility, who would assume insurance costs, permitting costs, unclear who would carrying cost to water and sewer for restrooms, City does not underwrite expenses to other island clubs, Mr. Cuyler stated that there were a number of items to be included in a contract, such as cost of referendum, and additional rules, cost and location the bigger concerns, land placed in the Environmentally Sensitive Lands District, Ms. Zimomra stated that the Natural Resources Director did not suggest the back portion of the proposed property due to wetlands, but the .65 acres was reviewed and could be utilized, Mr. Cuyler stated the determination was if the property was in the district a referendum would be require to remove from the district, was there a referendum to use the property for a burn site, Ms. Zimomra stated that in the City was in a state of emergency and the determination was that if necessary the property could be used and it was the best location for a burn site, Mr. Cuyler stated that the was a broad set of rules when in a State of Emergency, land was placed in the Environmentally Sensitive Lands District and all environmentally sensitive lands areas vary substantial and land diverse, SCCF indicated they agree with proposed site, settle the issue of the site, identified site (.65 acres), how many dogs could be accommodated on .65 acres, how close were the closest residential units, and restrict public comment to the proposed site on Island Inn Road.

Public Comment

Dr. Sugerman spoke to the Island Inn Road site being acceptable, and could there be a referendum on the November ballot. He spoke to the following:

- Some of the .65 acres on Island Inn Road would need to be used for parking
- Would need to be divided for small and large dogs
- Another proposed site would be the recycling center across from the Library

Mr. Cuyler stated that the Supervisor of Elections had stated that a mail ballot would be no earlier than December, January, February or the Sanibel General election.

David Bath spoke to the proposed property comparable to what he and his wife used as a dog park. He stated that some dogs need to be by themselves and some dogs can be let lose together.

Mr. Cuyler asked if there was a feel for capacity of .65 acres.

Karen Storjohann spoke to her concern of availability of water and sewer.

Dr. Steve Brown spoke to his agreement of the proposed location. He also spoke to the possibility of a referendum to use the property as a burn site for the future.

Ms. Zimomra stated the nearest home was 685 feet from the proposed location.

Councilman Jennings made a motion, seconded by Councilman Pappas, to accept the Island Inn Road as a potential site for a dog park.

The motion carried.

Discussion ensued regarding placing the referendum question on the general election ballot in March, 2009, must give 120 days notice to the Supervisor of Elections, Dog Club may want to pay for an earlier referendum, if there was a referendum it would be on the March General City Election, dog club should form a non-profit corporation, City could not enter into negotiations unless the Dog Club has legal standing, and corporation would allow facilitation of a contract.

Dr. Sugerma spoke to the following:

- Sanibel Dog Club was working toward becoming a 501c3
- Legal counsel stated that the club could not be a 501c3, but could become a 501c4
- Water main line by the property, as well as a water fountain
- No need for bathroom facilities
- Difference in a kennel where dog owners not present
- Dog club would fund establishment of a dog park and maintenance of park
- Small cost to City for the City Attorney's time
- No smoking

Discussion ensued regarding the need for the following information from the Sanibel Dog Club before another discussion was placed on a Council agenda; 1) a definitive legal structure (contracting with the City), 2) develop a budget of cost for first year of proposed dog park, capital and operations, dog park must pay their own costs, have a referendum first and then discuss cost, electorate would need to know a financial impact, Mr. Cuyler stated that 120 day notice was necessary for the Supervisor of Elections and a ballot question would be prepared, and Sanibel Dog Club would need to bring information back to Council by October.

Dr. Steve Brown spoke to need for the Dog Park having a plan and the City could make money. He asked if Council agreed with the project.

Mayor Denham stated yes if the questions were answered.

Dr. Sugerma asked for Council support for him to speak with City employees to work out issues particularly Mr. Cuyler and Dr. Loflin.

Ms. Zimomra stated that to work with City staff it would be necessary to come through the City Manager.

Council agreed that Dr. Sugerma could go directly to the City Attorney.

John Carney spoke to basing decisions on philosophical beliefs. He further spoke to making sure a dog park was in line with the Sanibel Vision statement.

Discussion ensued regarding City would not make money, would be opposition to dog park, nothing on Sanibel comes cheap, City would not bear any of the expenses, and an investment of the Sanibel Dog Club.

Council recessed at 11:37 a. m.

Council reconvened at 11:43 a. m.

Periwinkle Plantings Update
Review 2008 Planting Plan as prepared by Vanasse Daylor
Project Budget Update
Direction to Staff regarding perpetual easements

Ms. Zimomra spoke to the following:

- Need direction from City Council
- Mr. Mitchell Vanasse Daylor designer
- Ada Shissler representing Sanibel Beautification
- Project began in 2004 when SCCF, Sanibel Beautification and Chamber of Commerce form a partnership to do a Periwinkle Way Restoration post Hurricane Charley
- \$371, 00 Dept. of Forestry to plant large trees and limit on size of trees and Periwinkle Way Partnership contributed significant funds to upgrade trees
- Billy's Bike Rental paid for bike racks
- Lions Club paid for benches
- \$163,000 grant from Lee County for plantings to Periwinkle Partnership (grant total reimbursement after project completed)
- Periwinkle Partnership paid for amenities; i.e., \$6,500 for water fountains
- Out for bids and due back July 3rd
- Come before Council on July 15th
- Initial design was for set garden along Periwinkle Way and changed to have a more linear look throughout the length of Periwinkle Way with focal points
- Need direction to negotiate for perpetual easements, which was required by Lee County to maintain after planting
- Periwinkle Partnership prepared to work with property owners, but without perpetual easements Lee County grant funds could not be used for plantings
- As many plantings as possible would be completed in this fiscal year
- Perpetual easements planting may be rolled in to next fiscal year

Discussion ensued regarding 3 properties would need to be negotiated with for perpetual easements, Mr. Castle state that RLR seemed receptive, would vegetation be installed in front of Huxters, who would pay for landscaping on the Causeway, Mr. Castle stated that the funding was allocated for landscaping, but there was no funds for maintenance, bring back to Council for discussion, Ms. Zimomra stated there was landscaping plan was part of the Causeway Boulevard construction, City should bear no expense on Causeway Boulevard by the County project, property owners should upkeep their property, no City funds used on Causeway, State grant for large trees and planting completed, plantings in question would be 100% native understory plantings, design cost for private easement areas would be approximately \$3,000 to \$4,000 for design cost and would be taken care of by Periwinkle Way Partnership, Periwinkle Partnership would work directly with the 3 private owners, Donax intersection (portion on left-hand side was a buffer area), Bob Mitchell spoke to a natural area at the Donax intersection was not being maintained, Ms. Shissler would have a bike rack and natural area, and no need for City to incur cost.

Councilmember Johnston made a motion, seconded by Councilman Jennings, direct staff to obtain easements to install plants with continuity for the entire length of Periwinkle Way and not interested in perpetual maintenance easements.

The motion carried with Councilman Pappas voting in opposition.

Council decided to take the following agenda item.

Blind Pass project update by Lee County Division of Natural Resources staff

Robert Neal, Lee County Division of Natural Resources gave a brief PowerPoint presentation.

Discussion ensued regarding understanding compliance with Sanibel property owners in the affected area, Sanibel noise requirements on evening and weekends, Australian pine removal was in Captiva, Mr. Cuyler stated Council had the authority to approve a noise waiver, and private property owners could fell Australian pines, pines on public private on Captiva, and presents a problem that project would be completed during tourist season.

Council convened in to Executive Session at 12:30 p.m.

Council announced the Executive Session as follows:

EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS. In attendance shall be the following persons:

Mayor Mick Denham	Vice Mayor Kevin Ruane
Councilman Jim Jennings	Councilmember Carla Johnston
Councilman Peter Pappas	Sanibel City Manager Judie Zimomra
Sanibel City Attorney Kenneth Cuyler	
Jim Isom, Administrative Services Director	
Wayne Helsby, Labor Counsel (Allen, Norton & Blue)	

Council reconvened at 1:52 p. m.

Update on Financial Issues

Update regarding State Local Government Investment Pool (Vice Mayor Ruane)

Vice Mayor Ruane gave the following update:

- \$3.6 million in Pool A
- \$2.4 million in Pool B – decreased in mid-June to \$1.5
- Follow-up phone call with SBA
- Increased liquidity from \$8 to \$12 million
- Pool B in mid-June additional \$9 million liquid

Discussion ensued regarding SBA had certain guidelines and regulations, letter sent out of increase liquidity to \$12 million and pulled out every dollar as possible, should the City take a penalty, remaining \$3.6 million in Pool A, can not remove anything in Pool B, City more active with SBA, fund liquidity to \$12 million, and should be able to remove funds, if the \$3.6 can not be removed the City looking at a possible September date, Pool A come out 100% whole, Pool B may have a 15% adjustment calculation of \$1.5 million, lost approximately \$50,000, the state's on internal controls were grossly violated when purchasing securities, and may have a case against a brokerage dealer, and Mr. Cuyler stated that he did not feel it an accident that the amount made to release was the same that the City had requested.

Weigh Station Alternatives

Historical Revenues and Expenditures

Estimate for construction cost

Estimate for scales costs

Estimate of technology costs

Drawing designating City-owned altered uplands currently designated as Environmentally Sensitive Land located on the west side of Causeway Boulevard and south of the corporate boundary

Direction to City Staff regarding the evaluation of feasibility to construct Weigh Station on City-owned altered uplands currently designated as Environmentally Sensitive Land on the west side of Causeway Boulevard and south of the corporate boundary

Mayor Denham spoke to the following:

- Provides an additional source of revenue to offset roadway construction/repair
- Relief from tax burden
- Must be at the entrance of the island to be effective
- Noise to residents in the area
- Staff making progress to reduce departmental level expenses

Ms. Zimomra stated the drawing shows the area of preciously disturbed uplands and the alignment shown. She further stated that the alignment was within the existing right-of-way, but staff could go further is directed.

Discussion ensued regarding the total cost approximately \$600,000 to construct, during Causeway construction Lee County paid City staff to operate the weigh station, cost approximately \$100,000 to operate per year, traffic at the entrance of island would slow down due to ingress/egress of trucks, \$90 increase for property tax, staff recommendation not to pursue due to safety, Ms. Zimomra noted that red lines on map were environmentally sensitive altered land, and Dr. Loflin's opinion was the land could be used, would require a referendum, over the last 12 years \$371,000 annually in revenue, noise and air pollution an issue, Chamber one of the first stops people make upon entering the island, revenue benefit not cost effective, potential reduction in property values, and utility tax should be applied to reduce waste.

Public Comment

Karen Storjohann spoke to calculating the cost to the property owner and by not putting in the weigh station property owners pay the full burden to pave the roads.

David Bath ask Council to give an overview of information

Ms. Zimomra stated that at the last Council meeting it was requested to provide information on fire safety. She further spoke to questions regarding fire hazards of down trees. She asked if Council wanted to discussion this topic next because Chief Duncan was present.

Council agreed.

Regulations governing vegetative debris and potential fire hazards

Chief Duncan spoke to the recommendation that residents keep a buffer between the house and vegetation. He stated that there was nothing the Fire Department could do about old felled trees on a vacant lot.

Discussion ensued regarding trimming Buttonwoods leaning against the house, advise Natural Resources, put something on the City's website regarding what property owners can or can not do as far as trimming vegetation, the need for education on fire safety, more prescribed burns needed, SCCF preparation of fire lines, Chief Duncan may want to institute a plan and provide to Council, Dr. Loflin spoke to the fantastic handling of the Friday fire by the Fire Department, he further spoke to native vegetation could be removed if it was under 6 feet, cabbage palms need to be kept trimmed and not planted near houses.

Discussion regarding direction to staff regarding increasing recreational fees

Ms. Zimomra stated that even with increase there was still general fund support.

Discussion ensued regarding youth fees high, understand the fees were supplemented, what was the impact of usage, Ms. Zimomra stated staff did not find national numbers on elasticity and people realizing what was a necessity or not, she stated that there was an increase of people going for scholarships, Mr. Cuyler

stated this topic would come back as an ordinance, information would be shared with the Parks and Recreation Committee and would be brought back to Council as an ordinance.

Water Quality Issues
Reports from City Council members
Letter to SFWMD

Councilmember Johnston stated the letter was in the development stage.

Staff Reports

Staff report regarding South Florida Water Management District (SFMWD) Everglades project halted and **RESOLUTION 08-069 URGING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD TO IMMEDIATELY RECONSIDER AND REVERSE ITS DECISION TO HALT THE CONSTRUCTION OF THE EVERGLADES AGRICULTURAL AREA RESERVOIR A-1 PROJECT; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-069.

Discussion ensued regarding the need for this resolution, Mr. Cuyler stated that the district had decided to pay the penalty to the contractor to halt construction and initial reaction from the environmental community was that the project was not necessary, and Dr. Loflin stated this would indicated the need to settle this problem.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 07-069.

The motion carried.

Status report regarding fertilizer ordinance education/enforcement update

Ms. Zimomra stated that training and education was complete. She further stated that the first focus was education and enforcement would be as a last resort.

Dr. Loflin stated that a press release was prepared and geared around the July 01 date as approved under the existing ordinance.

Ms. Zimomra stated the SFWMD was having their next meeting June 11 and 12 at Edison Community College and if any Councilmember wanted to attend to advise the City Clerk.

Approval of FY 2008-2009 City Council goals

Councilmember Johnston made a motion, seconded by Vice Mayor Ruane, to approve their goals.

The motion carried.

COMMITTEES BOARDS COMMISSION

Acceptance of a resignation from Richard McCurry Parks and Recreation Committee member

Timeline for advertising, interviewing and appointment to fill the vacant Parks and Recreation Committee member seat

Councilmember Johnston made a motion, seconded by Mayor Denham, to accept the resignation and thank him for his work.

The motion carried.

Transmittal of the Planning Commission's Annual Review of the Capital Improvements Element of the Sanibel Plan

Informational item only.

NEW BUSINESS

RESOLUTION 08-068 OF THE SANIBEL CITY COUNCIL TO FIX A TIME, DATE AND PLACE FOR A PUBLIC HEARING TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING AND IMPLEMENTING THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT, WHICH INCLUDES ALL LOTS AND LANDS WITHIN THE PLATTED SUBDIVISIONS OF SANIBEL BAYOUS I AND II, HERON'S LANDING I AND II, BLIND PASS CONDOMINIUMS AND THE PARCEL LOCATED IN NW ¼ OF NE ¼ OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 21 EAST, WITHIN THE CITY OF SANIBEL, AS TO THE COST AND FUNDING THEREOF, THE MANNER OF PAYMENT THEREFOR, AND AS TO THE AMOUNT TO BE ASSESSED EACH PROPERTY SO IMPROVED, PURSUANT TO SECTIONS 170.07 AND 170.08, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 08-068.

Mr. Cuyler spoke to the following:

- Resolution schedules the hearing – August 19, 2008
- Assessment hearing for affected residents
- Staff prepared all cost involved
- Staff has connection, transmission and assessment of the neighborhood cost and part of 3 elements
- Hearing scheduled for 9:45 a. m.
- Individual notice to all affect property owners
- 2 notices in the News Press

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 08-068 and set the public hearing for August 19, 2008 at 9:45 a. m.

Discussion ensued regarding why schedule in August, Mr. Cuyler stated the scheduling was done as close as the project as possible, time frame for get on next years tax bill and consistent with the timeline put out by staff.

Public Comment

Barbara Cooley stated it needed to be completed for environmental reasons.

The motion carried.

Discussion regarding private street debris pick-up to meet FEMA requirements for re-imburement

Ms. Zimomra stated that FEMA and the federal government had changed fundamentally the way reimbursement was made. She further stated that when it comes to debris removal and on the fast-track to reimbursement an approved debris plan must be completed, as well as including private streets to gain reimbursement. She also stated that the risk was when there was not a national or governor's declaration. She further explained that if there was an adopted ordinance in place FEMA would allow reimbursement, but previously staff had to show that the City was picking-up debris on private streets. She stated that if Council decided not to bring an ordinance forward then the property owners need to be put on notice that debris would not be picked-up on private streets.

Council agreed by consensus to bring an ordinance forward.

CITY MANAGER

Informational Items

Revised Council liaison assignments as of May 20, 2008

Council agreed with the liaison list as presented.

Press Release regarding 100% grant funding for Dixie Beach Boulevard 77-acre Mangrove Restoration Project to improve fisheries and wading bird habitat

Press Release regarding Pond Apple Park Trail Opening

These items were for informational purposes.

CITY ATTORNEY'S REPORT

None.

COUNCIL MEMBERS' REPORT

Report regarding the Commissioner Hall meeting of Thursday, May 01, 2008 and county charter amendment proposal

Mayor Denham spoke to the above-mentioned meeting to try to get municipalities to agree to an annexation policy. He explained that the municipalities that were represented convinced Commissioner Hall that this was not agreeable.

Ms. Zimomra state that for the City of Cape Coral and Bonita Springs found this topic was a major issue on how annexations would be handled.

Discussion ensued regarding sending a letter, deferring to the City of Cape Cora; and Bonita Springs, should not send a letter, Mr. Cuyler stated that Commissioner Hall stated that this topic would be delayed for 1 year and she would work with her fellow Commissioner, would not have an impact on Sanibel, Commissioner Hall would speak with her fellow Commissioners if the cities would write a letter, and Mr. Cuyler further stated that Commissioner Hall stated there could be a charter amendment going forward that Lee County would make binding providing a municipality would be require to request permission from the County to annex.

Ms. Zimomra stated that there were some constituents of the County that were annexed without input.

Council by consensus decided not to send a letter and discuss at the August Council meeting.

COUNCIL COMMENTS

Councilmember Johnston spoke to possible time restrictions needed for yard equipment and asked if staff could look in to the matter. She further spoke to other communities instituting time restrictions.

Discussion ensued regarding regulating portable yard equipment, and Mr. Cuyler stated that those items were currently exempted from the noise ordinance.

Councilmember Johnston made a motion, seconded by Councilmember Jennings, to direct staff to researching the issue of noise from yard equipment.

Councilman Jennings spoke to being out of state for about 2 weeks. He also spoke to passing on Periwinkle Way at a double line.

Ms. Zimomra stated that there would be an increased concentration due to new officers attending the radar school.

Councilman Pappas spoke to led rather than be led regarding the budget.

PUBLIC COMMENT

Karen Storjohann spoke to reminding the audience to turn off cell phones and read the Rules of Civility.

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

Respectfully submitted by,

Pamela Smith, CMC
City Clerk