

**SANIBEL CITY COUNCIL MEETING
MARCH 07, 2006**

Mayor Johnston called the meeting to order at 9:07 a. m.

Members present: Mayor Johnston, Vice Mayor Denham, Councilman Brown, Councilman Jennings, and Councilman Rothman.

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

PRESENTATION(S)

Proclamation declaring March, 2006 Sanibel Seagrass Awareness Month:

Mayor Johnston asked the three members of the SFWMD to come forward to receive the proclamation.

Councilman Jennings read the proclamation declaring March Seagrass Awareness month.

Public Comments:

Armand Ball spoke to the issue of not having an engineering study for the current recreational facility.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to add discussion of an engineering study to the agenda.

Discussion ensued regarding adding an engineering study to the agenda, Parks and Recreation Committee had already completed research for an engineer that could complete a study, and Ms. Zimomra stated that a study could be completed by March 21, 2006 Council meeting.

The motion was withdrawn.

Ms. Zimomra stated that a licensed structural engineer would write a report on the conditions found; looking for conditions of code deficiencies and structural problems.

Council asked Mr. Ball the following:

- Could a report be completed by March 2, 2006

Mr. Ball responded as follows:

- Structural engineers working on island on other projects
- Could be completed by March 21, 2006
- Parks and Recreation Committee had tried to answer all questions
- Structural engineer would provide a report on the structural integrity of the building
- Recommend setting a limit of \$8,000

Discussion ensued regarding it not being necessary for a Structural Engineering report.

Public Comment:

Kevin Ruane spoke to

Clare Mallon spoke to the need for a study and a possible split in the community regarding the referendum. Discussion ensued regarding the need for a study to answer questions, reasonable cost of bond package, if the current recreation center was

Doug Dietrich spoke to the possibility of the report coming back safe and the cost of renovation.

Councilman Brown made a motion, seconded by Vice Mayor Denham , to not have a structural engineering study.

The motion carried unanimously.

Herb Rubin spoke to the April 9 PURRE meeting.

Mr. Cuyler stated that when staff was aware that more than one Councilmember was attending a meeting a public notice was posted.

Mike Valiquette spoke to there not being in the form of a public meeting format.

Council reminded the audience that Council was separate from PURRE.

Council Comments.

Councilman Brown spoke to the increase in paperwork for an agenda and the staff work. He recommended having a phone system that would be automated. He also spoke to the City budget not approved by a Political Action Committee (PAC) and Council members should be mindful not to attend meeting regarding the budget involving PAC's.

Ms. Zimomra gave a report of phone calls coming in to City Hall, the increase of customer walk-ins and increase in e-mails.

Vice Mayor Denham spoke to the crocodile being out at J. N. "Ding" Darling and green algae had covered the snout and back tiles of the crocodile.

Mayor Johnston agreed with Councilman Brown that Council was elected by all voters.

Councilman Jennings spoke to the increase in staff work, can not reduce staff and increase services, public support of the vote for the Library board members today, and the 6th Annual Kiwanis San-Cap Review on March 11, 2006.

Planning Commission Report:

Mr. Mike Billheimer gave the following report from the February 28, 2006 Planning Commission meeting:

- Approval of a variance in Clam Bayou for a dock
- Approval of the Cooper home site restoration
- Preparation of the Sanibel Plan amendment for the EAR

First Reading

ORDINANCE 06-002 AMENDING THE SANIBEL CODE, PART II, SUBPART B. LAND DEVELOPMENT CODE, CHAPTER 82. ADMINISTRATION, ARTICLE IV DEVELOPMENT PERMITS, DIVISION 2 PROCEDURE, SUBDIVISION II SHORT FORM, SECTION 82-403 CONDITIONS, TO REQUIRE MAILED NOTICE OF PENDING APPLICATION FOR AN ELEVATED SWIMMING POOL TO THE OWNERS OF ALL LAND LOCATED WITHIN 300 FEET OF THE PARCEL PROPOSED FOR DEVELOPMENT AND CHAPTER 126. ZONING, ARTICLE XIV SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2. ACCESSORY STRUCTURES, SECTION 126-852 REQUIREMENTS, TO CLARIFY THAT THE REQUIREMENTS OF LDC SECTION 86-43 APPEARANCE OF STRUCTURES; SIZE AND MASS OF STRUCTURES, APPLY TO ACCESSORY BUILDINGS AND STRUCTURES;

PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE:

Ms. Zimomra read the title of Ordinance 06-002.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to scheduled the second reading and public hearing for March 21, 2006 at 9:30 a. m.

CONSENT AGENDA:

Council pulled Consent Agenda items (b) and (c) for discussion.

Mr. Cuyler read the titles of Resolution 06-031 and 06-032:

- a. **RESOLUTION 06-031 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-043 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$5,000 grant from Southwest Florida Community Foundation for museum docent assistant)

- d. **RESOLUTION 06-032 AUTHORIZING THE PURCHASE OF A POLICE VEHICLE FOR THE SANIBEL POLICE DEPARTMENT AT A PRICE BELOW THAT OFFERED THROUGH THE STATE'S BID LIST; AND PROVIDING AN EFFECTIVE DATE**

Councilman Brown made a motion, seconded by Councilman Jennings, to adopt Resolutions 06-031 and 06-032.

The motion carried 4-0. Councilman Rothman was absent

- e. **Request from Metropolitan Planning Organization (MPO) for the local share costs for MPO funds for FY 2006-07 in the amount of \$813.00**

Ms. Zimomra noted that the Metropolitan Planning Organization (MPO) required a vote of acceptance by Council.

Discussion ensued regarding the funds include an additional employee for the Transit Authority, funds being the annual dues required from the City, and funds budgeted.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to approve the dues and send a letter including that this approval was not approval of a Transit Authority employee.

The motion carried 4-0. Councilman Rothman was absent

- b. **Approval of a grant from the South Florida Water Management District (SFWMD) in the amount of \$100,000 for Sanibel Island Wetland Restoration**
- c. **Approval of a grant from the South Florida Water Management District (SFWMD) in the amount of \$100,000 for Bowman's Beach Park Restoration**

Councilman Brown spoke to his strong feelings of not accepting the grants.

Discussion ensued regarding the City sending over \$2 million to the SFWMD without receiving anything in return, City expense regarding water issues, the need to accept the grants due to the amount Sanibel sends to the SFWMD, and money spent on the east coast versus the west coast.

Mayor Johnston made a motion, seconded by Councilman Jennings, to accept the grants.

Public Comment:

Barbara Cooley spoke to accepting the grants and the SFWMD worked regarding restoration of wetlands and spending \$60.9 million on a Sanitary Sewer Project.

Discussion ensued regarding criticism by different areas of no concern of fertilizer run-off, restriction of type of lawns, should not accept money from the SFWMD because of the problem with water quality, and the need for water quality prevention .

Dr. Loflin stated that there were no promises regarding reduction in water releases from Lake Okeechobee. He also spoke to the Bowman's Beach project including the restoration of the Gopher Tortoise habitat, coastal march, mangrove forest, and re-establishing the marsh habitat along the Sanibel River. He further spoke to the creation of mosquito ditches, and the need for restoration, and the only island that includes 1600 acres of fresh water habitat.

The motion carried 3 to 1. Councilman Rothman absent.

Council recessed at 10:30 a. m.

Council reconvened at 10:41 a. m.

OLD BUSINESS:

Approval of a contract with Sprinkle Consulting to prepare the 2006 Shared Use Path Master Plan Update, and authorize the City Manager to execute the agreement for professional services

Ms. Zimomra stated the following:

- City Council approved the process of selecting a consultant
- State statute that governs the process
- Required meetings and public notice postings
- Number of consultants that responded
- A committee formed to evaluate, score and rank consultant proposals
- Develop a scope of services and that was before Council for approval that would be incorporated in to a contract
- Contract includes several tasks with a cost associated with that task
- \$75,000 was appropriated within the budget
- \$25,000 pledged from the Sanibel Bike Club
- Recommended approving the contract conditionally on receiving the \$25,000 from the Sanibel Bike Club.

Gates Castle, Public Works Director introduced Theo Petridge, Sprinkle Consulting, Inc. He spoke to the following:

- Development of crosswalk standards
- Development of maintenance standards
- Development of a future paths
- Portion of scope including a survey of users
- Development of a marketing strategy for conceptual plans for future paths
- Awareness campaign to promote safety and path usage

Discussion ensued regarding issue of right-of-ways, future paths, consider alternatives to right-of-ways other than those recommended by the Sanibel Bike Club, no need for a marketing strategy, important that residents and visitors feel safe on the Shared Use Paths, the need for a methodology for maintenance of paths, Ms. Zimomra noted that large projects included multi-departmental, concern of safety issue where paths were directly beside the street, the need for flexible delineators at those areas, trucks parking on the

Shared Use Paths, consideration of environmental aspects of the island when considering additional paths, and the possibility of having a poster contest.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to approve the contract with Sprinkle Consulting, Inc., to prepare the 2006 Shared Use Master Plan update without Task 4 (a), Task 6 (a) and Task 6 (b).

Public Comment:

Mary Cutair spoke to difficulty of walking on the paths and the need for education.

Bob Winters spoke to the need for an educational campaign using different terminology for the paths.

Claudia Burns spoke to Billy Kirkland having a coloring book that includes bike safety pictures.

Doug Dietrich spoke to the Sanibel Bike Club 275 members that all may not bike, enhancement of the existing Shared Use Paths, and the items Council was considered for deleting from the consulting contract were those that would educate.

The motion carried 4-0. Councilman Rothman was absent.

Australian Pines

Update status on existing Grants that include removal of Australian Pines on Public Property

Clarification on City Policy regarding Periwinkle Way Australian Pines

Ms. Zimomra stated that there was one grant that included removal of Australian Pines, and there had been specific locations with requests from residents for removal of pines.

Discussion ensued regarding staff taking care of safety issues as needed, Ms. Zimomra called Council's attention to the agenda packet information that enumerates the location of pines included in a grant for removal, Ms. Zimomra explained the grant included removal of pines and Council's direction was removal of pines that threaten safety, removal of exotics was a condition of the grant received for Pond Apple Park, list of lift stations that were in danger from Australian Pines, concern that Australian Pines would be treated as Brazilian Pepper, resident concern that pines would be eradicated, pines taken down after Hurricane Charley should have been left, any pines taken down after Hurricane Charley were removed due to safety issues, items 3 (Palm Ridge Preserve – pines were to be removed to eliminate seed source from conservation lands and restore wildlife habitat), item 5 (Roadside City Park – pines to be removed to protect park users and park infrastructure including planned new playground to be built using the State FRDAP grant); and item 9 Bailey Beach Park – pines to be removed to eliminate seed source from conservation lands and restore wildlife habitat)

Vice Mayor Denham made a motion, seconded by Mayor Johnston, to approve staff recommendation less items 3, 5, and 9 (as noted above) with the exception of dead trees.

Public Comment:

Claudia Burns spoke to a resolution previously passed by Council regarding pines and asked the difference of a resolution and ordinance. She further suggested that pines be topped rather than cut down.

Mr. Cuyler explained that an ordinance becomes City law and would be codified into City ordinance, but a resolution was Council's policy.

Harry Vanderfeld spoke to a neighbor refusing to remove trees that threaten surrounding property. He suggested an ordinance that requires trees to be topped.

The motion carried 4-0. Councilman Rothman was absent.

Council recessed at 11:42 a. m.

Council reconvened at 1:32 p. m.

Water Quality Issues:

RESOLUTION 06-034 ENCOURAGING AND SUPPORTING EVALUATION BY THE U.S. ARMY CORPS OF ENGINEERS OF METHODS TO TREAT RELEASES FROM LAKE OKEECHOBEE AS PART OF THE PLANNED C-43 BASIN STORAGE RESERVOIR SYSTEM AND THE INCORPORATION OF A STORMWATER TREATMENT AREA OR EQUIVALENT OR BETTER TREATMENT SYSTEM INTO THE FINAL DESIGN FOR SUCH PROJECT; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-034. She explained that this resolution was in response to Council in regards to establishing a policy related to water quality issues previously discussed.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Resolution 06-034.

Discussion ensued regarding the new catholic community and college (Ava Maria) development in Immokalee, Dr. Loflin, Natural Resources Director stated that Immokalee was to the west of the any areas normally to be considered from the everglades and the outflow from Lake Okeechobee, he further stated that there were opportunities to divert flow down through canals, but was more of a west end basin issue than strictly part of the Lake Okeechobee rather than an Everglades project issue, concern regarding water flow, previous flow of water before Lake Okeechobee was opened to the Caloosahatchee River, which was straight south, any new development of land would be protected from natural water flow and would prevent any improvements to the part of the system, sheet flow to the everglades, no mention of phosphorus within the resolution, nutrients mentioned include phosphorus, bring back a resolution regarding health issues, old factories on Lake Okeechobee dumping, documented damage to Sanibel estuaries, and amendments to Resolution 06-034 are as follows:

- After the word pollutants, add **“including, but not limited to phosphorus and nitrogen”**
- Deleting the words **“supports and encourages”** in the 1st line of the last and paragraph 2nd page, and add the word **“strongly requests”**
- Delete the words **“without limitation, by”** 3rd line last paragraph 2nd page, and add **“but, not limited to”**,
- Add after the word “System”, **“the City of Sanibel strongly requests”** 4th line last paragraph
- Add **“and the City of fast tracking the implementation of this project”** after the word “Reservoir” in the last line of the last paragraph on the 2nd page

Vice Mayor Denham and Councilman Jennings amended the motion to include the above-mentioned amendments

Public Comment:
None.

The motion carried 4-0. Councilman Rothman was absent.

Councilman Jennings passed out a Facility and Infrastructure Location Index Map from the South Florida Water Management District (SFWMD).

RESOLUTION 06-033 SUPPORTING THE PROTECTION OF THE ECOSYSTEM OF THE CALOOSAHATCHEE ESTUARY BY LIMITING DRY-SEASON (NOVEMBER THROUGH MAY) FRESHWATER FLOWS THROUGH S-79, THE FRANKLIN LOCKS, TO A MAXIMUM OF 800 CUBIC FEET PER

SECOND, AND LIMITING WET-SEASON (JUNE THROUGH OCTOBER) FRESHWATER FLOWS TO A MAXIMUM OF 2,800 CUBIC FEET PER SECOND; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler read the title of Resolution 06-033.

Discussion ensued regarding the ideal situation would be no water releases into the Caloosahatchee River, Dr. Loflin explained that pulse releases include a spike release then a decreased release, stops for a time, which would allow the estuary to recover, salinity to low for species at the mouth of the river, reviewing the possibility of a continuous flow to remove the top spike due to the water being polluted, the resolution speaks to an idea situation where Lake Okeechobee had been lowered giving more room for storm season, and allow estuary species to survive, the resolution was a long term goal, release numbers were the maximums, salt water intrusions, the need for minimum numbers for water releases, releases were measured at S-77 rather than Lake Okeechobee, the need to evenly distribute water releases, St. Lucie water releases were lower due to the area the measurements were taken, water releases to the Caloosahatchee were measured at S-77 not at S-79 (Franklin Locks), Dr. Loflin stated that the study shows water was measure at S-79, but water releases were made at Lake Okeechobee, St. Lucie water releases include the basin flows, specifying the cleanest water from Lake Okeechobee, Dr. Loflin spoke to issues of design for the water control structure that releases water from the bottom of Lake Okeechobee, which releases the sediment at the bottom of the lake, water should not be released from the top of the structure because that allows all floating debris to be released, SFWMD and Army Corps of Engineer discussing a design that would release water in the middle, if design were change that would allow sediment build up behind the structure to be remove mechanically, estuaries to the north and south impacted due to nutrient loading, and the possibility of amending the resolution by adding and/or deleting the following:

- Delete in the title and all other places within the resolution **“maximum of 800 cubic feet per second and maximum 2,800 cubic feet per second”**, add in the title and other places noting the maximum flow **“flow not to exceed 800 cubic feet per second average for a 30-day period and flow not to exceed 2,800 cubic feet per second average for a 30-day period”**
- Eliminate **the 3 & 4 Whereas clause**
- Add **“Whereas, survival of seagrass and saltwater based animals required no water release in excess of the biologists recommended levels ”**
- Delete the word **“such”** after the 6th Whereas
- Add in the 6th Whereas clause after the word “literature” **“including the research of the SFWMD’s own biologist”**
- Add **“Whereas, the Army Corps of Engineers have not taken into account the recommendations from the South Florida Water Management District own biologists”**
- Add **“Whereas, the destruction of this estuary is unacceptable”**
- Add 5th Whereas after the words Caloosahatchee Estuary, **“adjacent estuaries of Southwest Florida estuaries”**
- Add **“Whereas the model for measuring the flows should not only take into account the salinity, but also nutrients”**
- Add in the last paragraph page 2 after “the City of Sanibel” **“strongly requests”**

Dr. Loflin spoke to water releases of Lake Okeechobee being weather related. He explained water flow and sediment removal. He also stated that the SFWMD had the power the make water releases if it was thought that the dike surrounding Lake Okeechobee was in trouble due to health and safety of communities surrounding.

Mr. Cuyler stated that his understanding was this resolution was to go to other municipalities and the more information that was added the more difficulty of receiving agreement from other municipalities.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to adopt resolution 06-033 with the above-mentioned amendments.

Discussion ensued regarding the amendments, Mr. Cuyler stated that Council wanted a report within 30 days, which was moved up a week and the D. C. attorneys would be in Sanibel March 15 & 16, the need to convince other municipalities to consider the City's opinion.

The motion carried 3 to 1. Councilman Brown voted in opposition. Councilman Rothman was absent.

Mr. Cuyler spoke to a letter from Council as a response to the Army Corps of Engineer

Reports on Meetings

Report by Dr. Rob Loflin at the Water Resources Advisory Commission February 22, 2006 meeting

Dr. Loflin gave the following report:

- Attending the Lower Water Resources Advisory Committee (WRAC) and the need to get Sanibel representation
- The Lower WRAC makes recommendations to the Board
- Water releases from the Lake were steady due to upper lakes being drained

Report by Dr. Rob Loflin at the Army Corps of Engineer February 22, 2006 meeting:

Dr. Loflin gave the following report:

- Public comment of preliminary changes of water releases
- Lake Okeechobee and estuaries in trouble
- Letter to Army Corps of Engineer includes technical comments important as alternatives were modeled
- Alternatives study to be completed in May, 2006

Attendance by Vice Mayor Denham at the groundbreaking of C-43 February 24, 2006:

Vice Mayor Denham gave the following report:

- Called Council's attention to the agenda packet information
- Spoke to engineer staff and contractors only in attendance

Mr. Cuyler requested general authority to send responses to the SFWMD and Army Corps of Engineer as long as it was consistent with Council's policy

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to allow Mr. Cuyler to send responses to the SFWMD and Army Corps of Engineers as long as information was consistent with Council's position.

Pubic Comment:

None.

By consensus the motion carried 3-1. Councilman Brown voted in opposition. Councilman Rothman was absent.

Upcoming Meetings and Events

Meeting of Municipal Mayors Thursday, March 16, 2006 at 8:30 a. m. regarding meeting with Governor Bush March 30, 2006 -location TBD:

Mayor Johnston advised that this meeting was schedule for Thursday, March 16, 2006 at Mel's Diner to discuss strategy when meeting with Governor Bush.

Commissioner Hall's Friday, March 17, 2006 meeting with municipal Mayors and Attorneys:

Mayor Johnston advised Council that the next municipal Mayors and Attorneys meeting with Commissioner Hall was scheduled for Friday, March 17, 2006.

She gave a brief report of the February 17, 2006 meeting.

March 30, 2006 meeting between Municipal Mayors and Governor Bush:

Mayor Johnston explained that the Governors office had called and scheduled an appointment previously requested for Thursday, March 30, 2006 at 2:30 p.m.

Discussion ensued regarding Mayor Johnston being aggressive and effective as she was at the FGCU water meeting in early February.

Water Resources Advisory Committee Final letter regarding Local Representation:

Ms. Zimomra called Council's attention to the letter in the agenda packet. She explained that this letter was sent along with 4 recommendations for WRAC membership.

Status of Pending Water Quality Legislation:

Mayor Johnston called Council's attention to the agenda packet information

Discussion ensued regarding Council receiving a brief written report for the agenda packet when a Council member attended a meeting, districting mentioned in the senate bill 2148, but not in the house bill 559 for electing SFWMD board members, preparing a letter of view or position and send to the sponsors of each bill, Council directed staff to send a message to the lobbyist and sponsors of SB 2148 and HB 559 regarding election of SFWMD board members by district, HB 1241 co-sponsor Representative Trudi Williams, Connie Mack brings forward a bill regarding water quality on the federal level, and the need for a letter of support for HB 1241.

Education Component Update

Final Draft of Issue #2 H2O Matters

Ms. Zimomra stated that Council already received the copy and the graphics. She stated that the Natural Resources Department wrote the information. She stated that the following sentence was the only addition:

"Nutrient laden water can cause harmful algae blooms including blue green algae's that are potentially toxic to humans."

Merribeth Farnham, Farnham and Associates stated this draft of the newsletter includes the captions. She Further stated that the lengthy discussions regarding oyster beds had to be deleted, but the most important Points were bulleted and put on the front page.

Discussion ensued regarding sending the newsletter to former residents residing in Shell Harbor and Shell Point, Council added "the SFWMD own biologist recommendations and to our economy and way of life lest anyone think this is devastating to only sea grasses and turtles" to the front page." Dr Loflin asked to add the following to the photo caption; "showing the decline in sea grasses as a result of the discharges from Lake Okeechobee."

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to approve the newsletter with the amendments.

The motion carried 4-0. Councilman Rothman was absent.

Vice Mayor Denham explained that Council's Caloosahatchee Basin Board Subcommittee meeting first meeting was Thursday, March 09, 2006 at the same time of the joint City Council/Planning Commission meeting. Therefore he asked to be excused from the joint meeting.
Council agreed.

Public Comment:

Barbara Cooley spoke to addressing support on a federal level due to the need for federal funding.

Discussion ensued regarding asking residents from other states contacting their senators regarding the water bill for federal funding.

Chuck Duworken spoke to the transformation of lands in the EAA lands causing less flexibility for the future alternative to get rid of water.

Herb Rubin spoke to Governor Bush message stating the Everglades Restoration Project was well underway and does not match the problems Sanibel was experiencing.

Other

RESOLUTION 06-035 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-044 AND PROVIDING AN EFFECTIVE DATE

Dr. Loflin explained that Resolution 06-035 would allow Dr. Steve Bartone to complete a study and the reporting would be done SCCF on algal Bloom Distribution and Seagrass Rates in the Nearshore Estuarine Waters of Sanibel Island at the cost of \$17,100 for the City.

Discussion ensued regarding the concern of receiving complete figures.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-035 and the content of the study.

Public Comment:

None.

The motion carried unanimously. Councilman Rothman was absent.

Council recessed at 3:21 p. m.

Council reconvened at 3:38 p. m.

Council decided to discuss the following:

Locally Owned Business Initiative

Results of resident survey

Ms. Zimomra gave a brief statement regarding the Locally Owned Survey.

Bob Duffy, Planning Director gave the following PowerPoint presentation:

- Improve communications and develop an understanding of the issues and a partnership between the City, business and residents
- 7,200 surveys mailed out January 9, 2006
- 2,221 surveys completed – 30.8 % response

Discussion ensued regarding the distribution of survey, use for redevelopment, use when Council considers the formula retail ordinance, feedback from business was the appreciation of the results, mail every business the summary, baseline survey of commercial land use and establishments, Ms. Zimomra suggested

mailing the summary to all occupational license holders, level of response and comments show concern, responses also show a high level of confidence.

Mr. Duffy spoke to the following:

- Completion of the survey of businesses
- To complete a survey of commercial land uses and establishments

Discussion ensued regarding sending a letter to those that receive the summary of the survey completed by occupational license holders, 38.8% response, completing the survey shows that people think was important, Mr. Duffy spoke to over 1,700 people responded with comments on the first question and 1,200 responded with comments on the second question, high level of confidence that City staff and Council would read the comments and listen, a number of very successful business on the island, and not all items were more expensive on island.

Staff report regarding Business roundtables

Ms. Zimomra stated that those towns having the ability to turn the tide of a declining town learn who their customers were, current customer tend to be repeating customers and growth in business come from your current business. She further stated one of the basic elements was to know your customer base.

Public Comment:

Sam Bailey spoke to local people vital to island business. He further spoke to retail business taking care of residents.

Peter Pappas spoke to living in one of the most involved communities, and residential/commercial interest run parallel.

Billy Kirkland spoke to depending on tourists. He further stated that the individual shop owner must talk to people.

Staff report regarding status of commercial properties:

Spoken to during the last discussion.

City Council to provide staff direction regarding Formula Retail Alternatives for Ordinance Drafting

Mr. Duffy spoke to the preparation of a draft ordinance that would go the City Attorney and then to Council for the necessary public hearings. He gave the following report:

- New ordinance would develop local residents serving businesses
- Sustainable commercial businesses
- Define formula retail as a conditional use with 2 sets of criteria in terms of design and function, relating to site, parking, local traffic, compliments other businesses on the island and architectural standard review
- Establishing a commercial threshold of approximately 2,000 square feet short and long form
- Establishing a threshold of 5,000 square feet for a business in a small mall
- Focus on mixed commercial use/residential use
- Focus on mixed use and pedestrian orientation

Discussion ensued regarding the difference in conditional use and/or prohibited use, Mr. Duffy explained that the Land Development Council (LDC) had 2 basic use classifications permitted, those use as of right floor area, setback, open space and development that achieve a building permit, which require a short form application, conditional uses trigger Planning Commission review or public scrutiny and include a set of criteria in the code to address such requests, the third classification would be those that were prohibited and would require a use variance, research shows some communities restrict on the basis of what a community needs, and other research shows that formular retail was restricted, and in other areas the restriction was a

number of stores within a community of the size of Sanibel, why can't the restriction be a certain number of formula retail businesses, Vice Mayor Denham recommended formula retail be prohibited after the number of 25, Mr. Duffy stated that in defining formula retail the definition would be based on several issues, standardized name of business, standardize business signage, standard architecture, trademark logo and uniforms, Mr. Duffy further stated that the Planning Commission would be looking at 2 sets of criteria; 1) related to design; and, 2) related to function. Mr. Duffy spoke to another aspect not only defining what formula retail was and criteria, but should there be a maximum number of gross square feet that could be allocated to a particular use as a stand alone use or part of a complex.

Proposed Recreation Center

Approval of final draft of Proposed Recreation Center brochure

Discussion ensued regarding adding the following to the Recreation Brochure, "If cost exceeds this amount that projects would be cut."

Councilman Brown made a motion, seconded by Vice Mayor Denham, to approve the Recreation Brochure with the above-mentioned amendment.

Ms. Zimomra reminded everyone to vote, and discuss service demands. She further stated that there was a memorandum from the Finance Director that would bring back legislation to Council for persons that had their sewer hooked-up in Phase 3B, which was delayed due to Hurricane Charlie to send out letters to all and give consideration of interest accumulated. She also spoke to the 1st July and September meeting and the require budget meetings.

CITY ATTORNEY REPORT:

None.

Councilman Brown made a motion, seconded by Vice Mayor Denham to adjourn the meeting.

There being no further business the meeting was adjourned at 4:53 p.m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk