

**SANIBEL CITY COUNCIL MEETING  
MARCH 21, 2006**

Mayor Johnston called the meeting to order.

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

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

Ms. Zimomra advised Council that she had spoken to Councilman Brown who was in Cleveland, Ohio and would be having heart surgery on Thursday, March 23, 2006.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to excuse Councilman Brown from the meeting.

The motion carried unanimously.

**Public Comments:**

Claudia Burns spoke to a coloring book she placed at each Councilmember's seat regarding snowy plovers. She spoke to the importance of taken care of the snowy plovers nesting on the beach.

Mike Valiquette announced that there would be a PURRE Water Festival April 09, 2005 12:00Noon to 5:00 p.m., at Sanibel Community Association (SCA).

Peter Pappas spoke to the integrity of the Land Development Code (LDC).

Ms. Zimomra spoke to all application being posted ion the website. She further spoke to the above ground pool ordinance and that staff was interested in protecting the Sanibel Plan and LDC. She explained that from the staffs perspective the job would continue at the level residents expect, but the discussion at the last Council meeting was to make Council and the public aware of the volume of e-mails, phone calls and visits had increased two-fold.

Herb Rubin spoke to the involvement of residents. He also spoke to an approval variance eon Hurricane Lane.

Wil Compton spoke to receiving a phone all late evening from the City Manager.

Jim Lavelle spoke to Robert Duffy speaking at The Rocks Homeowners Association and a question of how the Sanibel Plan covers the architectural aspect of the island.

**Council Comments:**

Councilman Jennings spoke to March being Seagrass Appreciation Month. He also spoke to the Recreation Center referendum on Tuesday, April 04, 2006.

Mayor Johnston spoke to any further updates from Paul Wingard, Deputy Director of Lee County DOT regarding the recent photographs of the condition of Span B.

Vice Mayor Denham spoke to the Roseate Spoonbills leaving J. N. "Ding" Darling Wildlife Refuge. He also stated that visitors always request to see alligators and spoonbills.

Councilman Rothman noted the absence of Speckled Trout in Tarpon Bay.

### **Planning Commission Report:**

Mr. Tony Lapi gave a report of the March 14, 2006 Planning Commission meeting.

- Discussion regarding the Sanibel Plan – water supply, carrying capacity, solid waste, and resident survey

He also spoke to being a member of the Visit Florida Board and the work that was being completed.

Discussion ensued regarding water quality issue, and how the Visit Florida Board might bring that issue forward and water issued detracting visitors.

### **Second Reading and Public Hearing:**

**ORDINANCE 06-001 AMENDING THE SANIBEL CODE, PART II, SUBPART B. LAND DEVELOPMENT CODE, CHAPTER 126. ZONING, BY AMENDING ARTICLE XIV. SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 8. TIMESHARE UNITS, SECTION 126-1096 CRITERIA, TO PERMIT TIMESHARE UNITS TO ONLY BE LOCATED IN THE RESORT HOUSING DISTRICT AND TO REQUIRE THAT TIMESHARE ESTATES CAN ONLY BE ESTABLISHED IN A DWELLING UNIT, IF ALL DWELLING UNITS IN THE BUILDING IN WHICH THAT TIMESHARE UNIT IS TO BE LOCATED ARE ALSO TIMESHARE UNITS AND BY AMENDING ARTICLE XII. RESORT HOUSING DISTRICT, SECTION 126-634 PERMITTED USES, TO CLARIFY THAT FRACTIONAL FEE AND TIMESHARE ESTATES ARE PERMITTED IN THIS DISTRICT, AND BY AMENDING CHAPTER 78. GENERAL PROVISIONS, SECTION 78-1. RULES OF CONSTRUCTION AND DEFINITIONS, TO AMEND THE DEFINITIONS OF SINGLE FAMILY DWELLING AND TIMESHARE ESTATE AND TO ADD DEFINITIONS FOR FRACTIONAL FEE AND SINGLE FAMILY TIMESHARE DWELLING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Ordinance 06-001.

Bob Duffy, Planning Director gave the revisions to the ordinance:

- Time shares units be focused in the Resort Housing District
- Entire building (new construction or rebuilding) in Resort Housing District would be required to be entirely time share
- Alternative language , “a timeshare estate can only be established in a dwelling unit, if all dwelling units in the residential development in which that timeshare unit is to be located, except for one (1) on-site management unit, are also timeshare units”

Mr. Cuyler stated that if the amendment was adopted as submitted the title and some text changes would be necessary. He also stated that that Council could not prohibit timeshares.

Discussion ensued regarding there being no timeshares outside the Resort Housing District, Mr. Duffy spoke to fractional ownership and the focus for such would be the Resort Housing District, distinction of short-time rentals and time shares, Mr. Cuyler stated the resort housing district would not allow a single family home spilt the ownership and then owned by numerous people, but a home could be rented for not less than 28-days within the district, and Mr. Cuyler stated that there my be some on site regulations, but as long as they were in the resort housing district they would comply with City regulations.

Public Comment:

Herb Rubin spoke to his concern of a building with 4 or fewer units, and Mr. Duffy stated that the requirement project would have to become timeshare.

Larry Schoop spoke to the need to revamp the title, and Mr. Duffy stated that the City Attorney spoke to changes that would be made if the amendment was adopted.

Mr. Cuyler stated that the text and title would be changed to reflect the amendment.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Ordinance 06-001 as amended.

The motion carried unanimously. Councilman Brown excused.

**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.

Mr. Bob Duffy, Planning Director gave the following update and history of the ordinance and amendments:

Draft 1:

- Section 126-852 adding “For swimming pools, whether the swimming pool is attached to the principal structure as part of the principal structure or is a free-standing accessory structure the height of the swimming pool deck shall not be higher than 3 feet 6 inches above predevelopment grade”

Draft 2:

- Section 126-152 adding, “swimming pools with a pool basin that has a surface area larger than 125 square feet shall comply with these additional height limitations
- For a swimming pool that is attached to the principal structure as part of the principal structure or that is a free-standing accessory structure
- The height of the swimming pool deck shall not be higher than 3 feet 6 inches above the predevelopment grade of the site at the location of the proposed swimming pool

For a swimming pool that is attached to the principal structure

- The height of the swimming pool deck may be higher than 3 feet 6 inches above the predevelopment grade of the site at the location of the proposed swimming pool, but only if the accessory structure complies with the following restrictions
- The height of the swimming pool deck is not higher than one half (1/2) the distance between predevelopment grade and the elevation of the lowest habitable floor of the principal structure
- The swimming pool deck is setback is a minimum of 25 feet from the side and rear property lines

Draft 3:

- Section 83-403 add, “Not less than 30 days prior to the approval of any development permit for a swimming pool, that has a pool basin with a surface area that is larger than 125 square feet in area and that is higher

Discussion ensued regarding notification of neighbors of new pool construction, and Mr. Duffy answered the following

- Staff to determine short-form application
- Staff request comments from abutting property owners
- Allow inspection of abutting property owners
- 30 day period for comments
- Staff make decision after 30-days – to approve, approve with conditions or determine there were issue with LDC, the need for a long-form then to Planning Commission,

Discussion continued adding a vegetation buffer, if someone wants to develop a pool higher than 3’6” what would prevent that, Mr. Duffy stated that if it was consistent with the LDC and Section 86-43 a higher pool could be built, Mr. Cuyler stated Planning Commission determined no recommendation for prohibition of elevated pools, discussion that house could come to the setback as the pool, discussion of appearance and mass of house that was addressed within Section 86-43, no difference in house or pool, allows for additional notice, comments from abutting property owners, and addressed by Planning Commission struggled with fact of a mechanism already in the code to address site-by-site analysis.

Mr. Duffy spoke to the criteria of short-form, accessory use and appearance of pool

Councilman Rothman made a motion, seconded Mayor Johnston, to continue the second reading and public hearing and direct staff to amend to include a vegetation buffer.

Discussion ensued regarding Section 86-43 was adequate to address the problem, Ordinance 06-002 sent back to staff, the need to amend Section 86-43, and staff needed guidelines to amend the ordinance.

Public Comment:

Karen Storijohan spoke to 300 feet limitation of notifying property owners across a golf course.

Claudia Burns spoke adding an aboveground pool triggering a long-form application process.

John Veenschoten spoke to the need to review the Sanibel Plan and LDC and apply to proposed ordinance.

Patty Sprankle spoke to the ordinance and being affected by Section 86-43, public safety and during a storm an elevated pool adversely affecting neighbors.

Discussion ensued regarding safety discussed during the Planning Commission review, and assurances during those discussions that there would be no problem elevated pools would not be a public safety.

Mike Valiquette spoke to choosing to recuse himself.

Mr. Cuyler stated that he advised Mr. Valiquette that if he had a contract for an aboveground pool he would need to recuse himself.

Mr. Valiquette spoke to right of line of site, Section 86-43 working, create intense problems for staff and canceling the zoning-in-progress.

Jim Lavelle spoke to not having to ability to have a pool permitted until Ordinance 06-002 discussion was completed.

Toni Lapi spoke to the need of a long-form if staff had questions of the applications, and 300-foot limitation to give notice to abutting property owners.

Herb Rubin spoke to attending the Planning Commission discussions and recommended adoption.

Wil Compton spoke to the ordinance over managing.

Discussion ensued regarding the motion.

Councilman Rothman withdrew his motion.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to terminate the zoning-in-progress and reject Ordinance 06-002.

Discussion ensued regarding reviewing Section 86-43 as part of redevelopment discussion, the discussions failed the original intent since inception, the need for control on size of pools, could staff have the responsibility to amend to bring an ordinance back for Council review, Mr. Duffy answered if Council directed staff to come back in 2 weeks with revisions, Identify what elements of a current application, option to keep short-form application with more specific criteria for design, exceed a height and area there would be a trigger for a long-form, alternative short-form with explicit guideline, light, air and bulk with setback & 2<sup>nd</sup> option if application exceed height and area would require a long-form, and Mr. Duffy spoke to vegetation guidelines and procedures.

The motion failed 3 to 1 with Mayor Johnston, Vice Mayor Denham and Councilman Rothman in opposition and Councilman Brown excused.

Councilman Rothman made a motion, seconded Vice Mayor Denham, to direct staff to comeback April 18, 2006 at 9:30 a. m.

The motion carried 3 to one with Councilman Jennings in opposition and Councilman Brown excused.

Council recessed at 11:20 a. m.

Council reconvened at 11:35 a. m.

## **CONSENT AGENDA:**

Council removed Consent Agenda items (h), (i), and (k). Council brought staffs attention to missing pages of the January 31, 2006 minutes.

- a. **Approval of minutes – September 10, 2005 Budget Hearing, November 29, 2005 Joint City Council/Planning Commission Meeting, January 05, 2006 Special Meeting, January 12, 2006 Joint City Council/Planning Meeting, January 31, 2006 Special Meeting and January 31, 2006 Joint City Council/Planning Commission Meeting**

Council approved the all minutes but the 2 January 31, 2006 minutes by consensus.

- b. Accept a grant from the Florida Department of Law Enforcement for \$2,017.00 and  
**RESOLUTION 06-036 APPROVING BUDGET  
AMENDMENT/TRANSFER NO. 2006-049 AND PROVIDING AN**

**EFFECTIVE DATE** (to appropriate \$2,017.00 grant from Florida Department of Law Enforcement to offset costs for purchasing in-car video recording equipment for patrol vehicles)

- c. **RESOLUTION 06-037 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-045 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$23,368 of Community Block Grant (CDBG) funds from Lee County for rehabilitation of the Old Schoolhouse)
- d. **RESOLUTION 06-038 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-050 AND PROVIDING AN EFFECTIVE DATE** (to roll forward unspent funds from FY 2005 for Phase 3A sewer system construction)
- e. **RESOLUTION 06-039 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-047 AND PROVIDING AN EFFECTIVE DATE** (to re-appropriate a FY 2004-05 Community Development Block Grant (CDBG) award in the amount of \$35,348 from Lee County which was not spent last year. The funds are to upgrade City facilities to accessibility standards established by the American with Disabilities Act)
- f. **RESOLUTION 06-041 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-048 AND PROVIDING AN EFFECTIVE DATE** (to allocate funds from the following funds' Reserves for Compensation Adjustment to the respective departmental salary and FICA line items pursuant to union negotiations and performance evaluations of current personnel: General Fund (\$305,287), Ball Park Maintenance (\$2,782), and Sewer Fund (\$44,359). There is no effect on the overall City budget by this amendment)
- g. **RESOLUTION 06-042 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-046 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$99,782 from the State of Florida's Department of Community Affairs for hazard mitigation for the Sanibel City Hall; to include wind retrofitting the building by removing existing window shutters and purchasing and installing aluminum rolling shutters and reinforcing the roof ridge and hip caps, and to provide \$32,072 from the Capital Acquisition Fund as match for the grant. Grant agreement DCA no. [06-HM-4@-09-46-02-001](#) is attached)
- j. **RESOLUTION 06-044 CONSENTING TO THE ASSIGNMENT BY SANIBEL PUBLIC LIBRARY, INC. TO THE SANIBEL PUBLIC LIBRARY DISTRICT OF ITS RIGHTS AND OBLIGATIONS; APPROVING THE ASSIGNMENT OF THE CITY'S RIGHTS AND OBLIGATIONS TO THE SANIBEL PUBLIC LIBRARY DISTRICT RELATING TO AN INTERIM FUNDING AGREEMENT WITH SANIBEL PUBLIC LIBRARY, INC.; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 06-036, 06-037, 06-038, 06-039, 06-041, 06-042 and 06-044.

Councilman Jennings made a motion, seconded by Councilman Rothman, to adopt Resolutions, 06-036, 06-037, 06-038, 06-039, 06-041, 06-042 and 06-044.

Public Comment:  
None.

The motion carried unanimously. Councilman Brown excused

**h. Reject the bid received for the replacement of the HVAC system for MacKenzie Hall and Legal wing**

Ms. Zimomra stated that the cost had escalated and staff was requesting a rejection of the bid.

Councilman Rothman noted that he would like to see the project go forward.

Gates Castle, Public Works Director stated he hoped there would be contractors looking for work that would provide a reasonable bid. He stated the plan of action would prioritize Mackenzie Hall for FY 2008 and the Legal and Police Departments for FY 2007.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to accept the recommendation to the rejecting the bid.

Councilman Rothman asked to amend the motion and include directing staff to continue to working toward get bids for the replacement of the HVAC system for MacKenzie Hall and the Legal Department.

Councilman Jennings and Vice Mayor Denham agreed.

Public Comment:  
None.

The motion carried unanimously.

**i. Approval to delay the implementation schedule for mandatory condominium recycling**

Ms. Zimomra called Council's attention to the memorandum in the agenda packet regarding the timeline for implementation of mandatory condominium recycling.

Gates Castle, Public Works Director stated he was not ready to implement a mandatory recycling program for condominiums. He requested that Council allow the delay until August, 2006 when the garbage rates would come before Council for approval.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to accept the proposal.

Public Comment:  
None.

The motion carried unanimously. Councilman Brown was excused.

**k.. RESOLUTION 06-045 APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF SANIBEL AND VERIZON WIRELESS PERSONAL COMMUNICATIONS, LP, d/b/a VERIZON WIRELESS; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 06-045.

Mr. Cuyler explained the following:

- Public hearing in August, 2002
- City Attorney issued an opinion
- Council approved Verizon application
- Petition of writ of certiorari
- Lower court ruled against The City of Sanibel

- Verizon appealed to 2<sup>nd</sup> district Court of Appeals and was overturned
- Court ruled against the petitioner
- Negotiations of lease in agenda packet

Discussion ensued regarding any thing the City could do to help mitigate the Sanctuary issues, Mr. Cuyler answered it was a consideration to lower the visual impacts of the tower, and Verizon suggested they would be willing to build a monopole that looks like a large flag pole and the antennas would fit on the inside of the monopole, he further stated that if Council wanted Verizon would be ready for discussion.

Janna Loda, representing Verizon spoke to the following:

- Monopole approved by Resolution 02-03 with a flush mounted antenna and met the requirements
- Flag pole design was proposed early
- Flag pole design EMS equipment could not be attached on the outside of the pole and a concern of an issue to attach to the flag pole design
- Flag pole is not a similar design – wider at the base and not visual seeing equipment

Jason Laskey, Verizon spoke to the following:

- Flag pole had a canister attachments were antenna not seen
- Verizon worked with Coconut Creek for a standard monopole replacement and City enabled the City to have better service

Mike Clementi, Verizon spoke to the following:

- Canister would not allow antenna to be attached on the outside
- Will take to the top 30 feet
- Attachments on stand offs on the outside
- Inside canister there was center structure and 8 inches to mount an antenna

Mr. Cuyler stated the lease written was for 149 feet top and would be Verizon's property and 140 to 130 feet would be the City's property.

Discussion ensued regarding having EMS to review the proposed pole, question if City or EMS equipment would work, Mr. Cuyler stated that Council could approve the lease and direct the staff to work with Verizon, Ms. Loda spoke to the need for prior approval to remain in place and replace the permit drawings, Mr. Cuyler stated it was the City's request to look at another pole, any type of equipment that the City could purchase, Mr. Cuyler stated that staff would purchase the correct equipment, Ms. Zimomra stated that safety services including Fire, EMS, City, and Sheriff's Department, Chief Tomlinson spoke to the current repeater location, and was to low making communications difficult. Mr. Cuyler stated there was a 5-year period for the lease, and the need for the new tower.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Resolution 06-045 subject only to a technical analysis by City staff for the best equipment.

Discussion ensued regarding City Council approval of any changes, any provision for aesthetic improvements, Ms. Loda spoke to Verizon on the cutting edge of technology and the specific network such as E-911 services, Mr. Cuyler stated that the industry was leery of putting provision that allows the dictation of new technology, color of pole would be a non-reflective flat gray, and Verizon filed for FAA lighting, but was to lower to be lighted.

Public Comment:

None.

The motion carried unanimously. Councilman Brown was excused.

Vice mayor Denham stated that he would not be reviewing an information that arrives on Monday before a Council meeting and asked there to be a Friday deadline for supplemental information.

Ms. Zimomra asked for direction due to Councilmembers asking for material for the Council meeting.

## **OLD BUSINESS**

### **Direct staff regarding reconstruction of beach walkovers at Seagrape Lane, Buttonwood Lane, Beach Road, Donax Street, and Gulfside City Park (East walkover)**

Ms. Zimomra reminded Council of a previous discussion by a citizen regarding beach walkovers on Seagrape and Buttonwood Lane. She further stated that there were 14 walkovers damaged by Hurricane Charley and the City received FEMA funding for the restoration and all but 4 walkovers were complete. The 4 that were not completed were Seagrape, Buttonwood, Beach Road, Donax, and Gulfside City Park. She stated that staff had received e-mails from residents requesting completion of the walkovers. She also stated that at a previous Council meeting Councilman Rothman had done some research and found additional options, which were included in staffs information.

Three alternatives:

- Not construct the remaining 5 walkovers
- Construct all five walkovers to the same elevation, which was 24 inches or construct to a higher elevation
- Split recommendation and proceed construction of Gulfside City Park , Donax and decide if Seagrape and Buttonwood meet the standards for walkovers

Ms. Zimomra also stated that the language from the Sanibel Plan regarding walkovers and the specifications from Texas.

Discussion ensued regarding favoring alternative #2, major concern would be the protection of dunes, need a walkover at Rabbit Road, could implement trail counters for path use, Dr. Loflin stated that at Gulfside City Park and Donax there was a need for a dune walkover, Seagrape and Buttonwood show more than 1 trail and the recommendation was to construct a dune walkover, Beach Road traffic shows the need for a beach walkover, issue of height of walkover, Dr. Loflin stated that the key function of the walkover was not the protection of the plant underneath, but to protect the dune indentation, recognized practiced to protect dunes with beach walkovers, considerable expenses to replace walkovers further out to the beach, would get some trampling and excavation of the beach and the need to clear the dune, should the Seagrape walkover be extended, Dr. Loflin stated ending the walkover to early lends to multiple paths, rope and ballard system that directs people to the walkover, replant old trails with sea oats, Ms. Zimomra stated that FEMA only pays to replace an existing walkover, function of walkover allows the dune to remain intact under the walkover, what was currently at Seagrape and Buttonwood may not be complete due to Council stopping the construction, permit modification would be necessary to lengthen a beach walkover, and increase costs, the current project was to reconstruct the precious walkovers, and FEMA would not reimburse for an extension.

Public Comment:

Wil Compton spoke to the beach walkovers at Seagrape and Buttonwood not going beyond vegetation. He spoke to having 49 signatures from Seagrape and Buttonwood homeowners requesting a washed shell path rather than a constructed walkover. He also spoke to current construction costs.

Ms. Zimomra stated that the original paths were 3 feet wide, but due to current ADA requirements 6 feet wide walkovers were necessary.

Claudia Burns spoke to a huge pool of water in the Buttonwood access that would not allow passage due to the walkover not being there.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to approve construction of the 4 beach walkovers and look at how they intersect with dune vegetation and extend the walkovers and if necessary use the rope and ballard system (option 2) and if they need to be extended get a DEP permit and City to pay the costs.

Wil Compton spoke to him staying during Hurricane Charley and advised that the walkovers would not stay intact during a storm.

Discussion ensued regarding using washed shell at Buttonwood and Seagrape and dealing with the water at the end of the path, Mr. Castle stated that a pipe would be installed.

The motion carried 3 to 1 with Councilman Jennings voting in opposition. Councilman Brown was excused.

Council recessed at 1:08 p.m.

Council reconvened at 2:18 p. m.

### **Water Quality Issues**

#### **Red Drift Algae Final Report regarding Drift Rhodophyte Blooms in Lee County, Florida – Evidence of Escalating Coastal Eutrophication**

Dr. Rob Loflin, natural Resources Director spoke to the above-mentioned report:

- Blue-green algae
- Massive quantities of water was pushing the nutrients out to sea

Discussion ensued regarding distance the water travels and was impacting, Sanibel pursuing island-wide sewer, lends contributions to problems associated with Lake Okeechobee water releases, trying to stop discharges, volume of material in the refuge and other areas makes mechanical clean-up not useful.

Dr. Loflin passed an article by Kevin Lohler News Press regarding birding at STA 5 by the SWMD.

Public Comment:

Mike Valiquette spoke to algae hanging from the beaks of White Pelicans and tracking birds.

### **Reports on Meetings**

#### **Report on the Caloosahatchee Basin Board Subcommittee Meeting of the Regional Planning Council – March 16, 2006.**

Vice Mayor Denham gave the following report:

- Creation of the Caloosahatchee Board Basin Subcommittee
- Septic systems in unincorporated Lee County – EcoPURE system could help
- Spoke to Chairperson Tami Hall and the implementation of forward pumps

Dr. Loflin stated that sandy soil systems need at least 3 acres to work properly. He further stated that the forward pups were not in pace and Lake Okeechobee was down to 14 feet. He also stated the agriculture industry having a problem if there were a drought.

Merribeth Farnum stated she spoke to Kurt Herclorode regarding the forward pumps.

Mike Valiquette spoke to the forward pumps in place on the east end that irrigate the sugarcane fields and were back pumping.

Discussion ensued regarding FDEP sitting on 300 permits for septic systems, Mike Valiquette stated he had spoken to Representative Trudi Williams regarding septic systems, approving developments that use septic systems, septic systems contributing to the water problems,

Mike Valiquette spoke to a bill having an incentive for development and no septic systems.

### **Report on meeting of Municipal Mayors – Thursday, March 16, 2006, regarding meeting with Governor Bush on March 30, 2006.**

Mayor Johnston gave the following report:

- Met with Mayors to get ready for the Governors meeting
- All Mayors would be participating in the Governors meeting

Mike Valiquette spoke to getting a meeting with Attorney General Charlie Crist regarding a lawsuit in Wakulla Springs.

### **Report on CHNEP meeting of March 20, 2006.**

Councilman Rothman gave the following report:

- He gave the representation of the CHNEP
- CHNEP Policy meeting was disappointing
- Coconut Road interchange south of Corkscrew, north of Bonita Beach Road
- Alico expressway – preserve the expressway would go through

Discussion ensued regarding the CHNEP Policy Committee meeting once every 3 months.

### **Upcoming Meetings and Events**

#### **March 30, 2006 meeting between Municipal Mayors and Governor Bush Status of Pending Water Quality Legislation**

Ms. Zimomra stated that legislation was withdrawn for election on water board members.

#### **Model Ordinances for phosphorus fertilizers**

Ms. Zimomra called Councils attention to a matrix in the agenda packet. She also stated staff recommendation was to do soil testing on the island to see what could be detected.

Discussion ensued regarding soil maps prepared by USGS, staff would not expect a high level of phosphorous on the island, staff recommend looking at soil first and go with slow release fertilizers, and direct the Vegetation Committee for study and a report timeline, Ms Zimomra stated Council could ask the Vegetation committee

Vice Mayor Denham, made a motion, seconded by Councilman Rothman, to direct the Vegetation Committee to study and test soil on the island for phosphorus fertilizer and come back to Council in 3 months.

Public Comment:  
None.

The motion carried unanimously. Councilman Brown excused.

#### **Proposed list of City of Sanibel priorities regarding excessive discharges of polluted freshwater from Lake Okeechobee into the Caloosahatchee Estuary**

Ms. Zimomra stated that stated was trying to be responsive to Council's request.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to remove the word “draft” and the delete the wording in number 3 page 2 line 3 “**at lower level**” and change to “**12.5 feet.**”

Discussion ensued regarding the model should be updated and manage the Lake at a certain level with certain flows, model allows information input to review particular results, and could remove tiers.

The motion carried unanimously.

Ms. Zimomra spoke to a colored magazine and feature of articles called “Sanibel Spirit” promoting Ding Darling, all proceeds go to the National Wildlife Federation and Merribeth Farnum would be drafting a letter thanking them for highlighting Ding Darling and send the first 2 copies of the H2O Matters Newsletter to the Wildlife Federation board members.

Council agreed.

Ms. Zimomra also stated that staff was following Council direction to contact some of the other nation environmental groups and send the H2O Matters Newsletters.

**OTHER:**

Councilman Jennings stated that the Horizon Council was holding a meeting on Friday, March 24, 2006 on water quality.

Ms. Zimomra explained that annually Council receives City Advisory Committee reports and recommendations.

**COMMITTEE, BOARDS, COMMISSION**

**Annual Committee Reports**

**Historical Preservation Committee**

**Marine Advisory Committee**

Jim Strothers, Chairman gave the following:

- Goal to continue with Emergency Response Team and expand
- The need for identification for members to get back on the island

Council asked the Chairman send the additional recommendation to Council.

**Parks and Recreation Committee**

**Vegetation Committee**

**Wildlife Committee**

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to accept the committee reports.

The motion carried by consensus. Councilman Brown was excused.

**Resignation of Julie Schwartz and Donald Schwartz from the Vegetation Committee**

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to accept the resignations and thank them for their contributions. Councilman Brown was excused.

The motion carried unanimously.

**Interviews for Advisory Committee Appointments:**

Ms. Zimomra stated that it was a past discussion to not appoint a City employee to a committee. She stated that it would be difficult to co-mingle the work.

Discussion ensued regarding appointing an employee to a City Advisory Committee.

Ms. Zimomra stated that if Council wanted the City Clerk to make appointments please contact her for help.

Council spoke to absenteeism of City committee members, the need to provide Council with a list of those that do not attend, and Council liaison providing attendance information.

Ms. Zimomra spoke to Council creating the status of adjunct and emeritus position.

Public Comment:

Vern Frankwich spoke to the shortage of pamphlets for the Wildlife Committee.

Ms. Zimomra spoke to this request being a staffing issue as mentioned to Council during a previous discussion.

## **NEW BUSINESS**

### **Report on City of Sanibel Staffing Challenges, Recruitment and Retention in a Competitive Environment**

Ms. Zimomra called Council's attention to the agenda packet information. She gave a brief report of retirees, vacancies, attracting qualified candidates and open positions full-time and part-time. She stated that this was not a unique problem on the island or as a municipality.

Discussion ensued regarding discussion by Council, and Ms. Zimomra stated she would like to keep Council apprised, commuting time, and positions open.

Ms. Zimomra further stated there was an opportunity for carpooling and job-sharing in the private sector.

## **CITY MANAGER'S REPORT**

### **Informational items:**

#### **Report regarding the strategy for Pandemic Avian Influenza (Bird Flu)**

Ms. Zimomra stated that a general philosophy was to prepare the city and be responsive. She further stated that similarly to the Hurricane Plan the individual was made available to be prepared.

Discussion ensued regarding mailing out information to residents, and type of supplies needed for the general public.

Chief Tomlinson gave the following report:

- Development of employees that could work from home
- Quarantine people
- Council identify and address curfews, educational items
- Handling dead birds and Chief stated do not handle

Discussion ensued regarding isolation, supplies needed, Ms. Zimomra stated that Public Works employees have implemented additional protection when handling dead birds, C. R. O. W. identifying sick birds, aware there could be a problem and have a plan in case bird flu became an issue.

### **April 13, 2006 Council Goal Setting Workshop – 9:00 a. m. agenda**

#### **Status Report on Council Goals**

Ms. Zimomra called Council's attention to the agenda packet information. She advised that the workshop would be Thursday, April 13, 2006. She stated that staff would send to Council last years goals. She also asked Council to fill out a goals sheet that would be provided by staff.

**February 2006 Permit Activity Report**  
**Building Department**  
**Planning Department**

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

**Status of Independence Day fireworks**

Ms. Zimomra stated that there was a memo in the agenda packet regarding the limited space for viewing on the Causeway. She also stated that was no alternative site identified.

Discussion ensued regarding the safety issue, overflow into neighborhoods, County would make construction area secure, and City does control the parade.

Mayor Johnston made a motion, seconded by Councilman Jennings, to proceed with a fireworks contract for Tuesday, July 04, 2006.

The motion carried by consensus.

**Advisory Committee Orientation – April 05, 2006 at 1:00 p. m . – MacKenzie Hall**

Ms. Zimomra called Council's attention to Wednesday, April 05, 2006 as the date for the Advisory Committee Orientation at 1:00 p. m

**Update of Council Activities**

**Canvassing Board – Recreation Center Referendum (Councilman Rothman)**

**Thursday, March 23, 2006 9:00 a. m. (Councilman Jennings), Friday,**

**March 31, 2006 9:00 a. m., Tuesday, April 04, 2006 6:30 p.m.**

**Legislative Days – Tallahassee – March 29, 2006 (Councilman Jennings and Mayor Johnston attending)**

**Mayor Johnston's attendance at the Florida League of Mayors meeting March 29, 2006**

**Lee County Days – Tallahassee – March 27 thru 29, 2006 (Councilman Jennings attending)**

Ms. Zimomra noted that the City did deploy officers to the fire that took place Thursday, March 23, 2006, Comcast office would open as soon as possible, Congregational Church did come forward to house the Day Care, and will be meeting with the Fitness Center owner to minimize an disruption in the recovery. Council noted the Volunteer Luncheon at Sanibel Community Association (SCA).

**CITY ATTORNEY'S REPORT**

**Discussion of Council briefings by outside Counsel relating to freshwater releases from Lake Okeechobee**

Mr. Cuyler stated that he put this item on the agenda monitoring, participating and continuing to prepare as Council had directed.

Discussion ensued regarding Council having an open discussion, Mr. Cuyler stated that it would be up to Council to hold a discussion regarding any change, and continue to be briefed on issues.

**PUBLIC COMMENT**

None.

**COUNCILMEMBERS' REPORT**

**Report by Vice Mayor Denham regarding attendance at the Regional Planning Council**

In the agenda packet.

**Report by Mayor Johnston regarding attendance at the League of Cities Conference**

Mayor Johnston spoke to her report in the agenda packet. She also passed out a Congressional Directory.

**COUNCILMEMBER COMMENTS:**

Vice Mayor Denham spoke to being invited to speak at a forum regarding the Recreation Center referendum.

Mr. Cuyler stated that if a Councilmember wanted to attend the forum that would be alright.

Councilman Jennings spoke to attending the League of Cities luncheon and the speaker was the Mayor from Tarpon Springs.

There being no further business the meeting was adjourned at 4:46 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk