

**Sanibel City Council Regular Meeting
August 15, 2006**

Mayor Johnston called the meeting to order at 9: 06 a. m.

Members present: Mayor Johnston, Vice Mayor Denham, Councilman Brown, and Councilman Rothman. Councilman Jennings was absent due to illness.

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

PRESENTATIONS:

Proclamation recognizing the retirement of Carlos Garcia.

Mayor Johnston read and presented a proclamation to Carlos Garcia upon his retirement. Mr. Gates Castle offered complimentary remarks.

Proclamation Recognizing Industry Appreciation Week for the Horizon Council

Mayor Johnston read the proclamation.

City of Sanibel Employee Dependent Scholarship Award Presentation

Mayor Johnston read the recipients of the City's dependent scholarship awards. They were as follows:

Alicia Jordan, Seth Gleeson, Abbey Gudella and Kristina Williams.

Mayor reported that Councilman Jennings would participate by telephone.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to allow Councilman Jennings to participate in the meeting by telephone due to extraordinary circumstances.

The motion carried unanimously.

Mayor Johnston asked that an Interlocal Cooperation Agreement be added as Item 14B under new business.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to add the Interlocal Cooperation Agreement as Item 14B.

The motion carried unanimously.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to eliminate Item 12a regarding the left turn lane at Punta Rassa from the agenda.

The motion carried unanimously.

Discussion ensued regarding Lee County's decision not to have a left turning lane was very disappointing.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to direct the City Attorney to prepare a resolution stating the disappointment.

The motion carried unanimously.

Public Comment:

Betsy Belpedio – Sanibel realtor appreciated the resolution. She spoke to a meeting with Commissioner Bob Janes on this issue on August 30, 2006.

Billy Kirkland stated that Sanibel residents would also attend the meeting with Commissioner Janes.

The motion carried unanimously.

Public Comments

Claudia Burns asked if Public Comment could be at the beginning of the water quality discussion.

Council Comments

Councilman Jennings thanked Steve Brown for his quick action when was ill. He thanked family, friends and the City for prayers and best wishes.

Councilman Rothman suggested that everyone see the movie – An Inconvenient Truth about global warming.

Vice Mayor Denham wished Councilman Jennings well. He requested the budget discussion be held on time.

Councilman Brown wished Councilman Jennings well. He suggested the City apply for the City Excellence from League of Cities. Council agreed. He expressed sympathy to Councilman Rothman regarding the death of his Aunt. He also spoke to the upcoming elections for County Commission, the importance for Commissioners to help with the water quality issues that Andy Coy and Ray Judah would work on the water quality issue and that Commissioner Hall did not grasp the 6 to 9 month problem. He spoke to being elected to a terms on the Florida League Board of Directors.

Mayor Johnston spoke to the League of Cities Mayor's meeting being good and distributed paperwork received from the meeting, which was the Florida League of Cities FY 07/08 budget.

Planning Commission Report:

Jack Samler gave the following Planning Commission report of August 08, 2006.

- Approved Sanibel Sea School – CU for 24 mos.
- Discussed Shore Haven – Continued to 9/12/6 – Mtg. with Historical Committee and Parks and Rec Committee will be held.
- Continued review of Formula Retail and Neighborhood Commercial District
- Continued review of Sanibel Plan under EAR process.

Discussion ensued regarding page 3 of the Bonus Outdoor Dining Ordinance be reviewed regarding the 15% or 16 seats.

Utilities Division:

Review of Annual Budget

Ms. Zimomra spoke to the following item for consideration

- Budget
- Rate Increase
- Payback from General Fund

Review of Budget

Mr. Gates Castle, Public Works Director spoke to the budget representing the bare bones to keep Utilities Department running.

Ms. Lynch, Finance Director spoke to the repayment from the Sanibel Sewer System.

Discussion ensued regarding \$600,000 budget increase, increased debt service, overtime increased 50% from FY 06, Mr. Castle spoke to overtime overage for this budget year as well, would add another 15 to 20

lift stations, capital outlay - \$420,000 in FY 07, Mr. Castle explained that the largest portion was \$250,000 for infiltration and inflow corrections, which was critical to correct any extraneous water that was coming into the system, Ms. Zimomra spoke to controlling inflow, \$15,000 last year for tree topping and \$50,000 for tree planting, tree planting were for placement of trees around the sewer plants, topping trees around the Donax Plant would cost \$20,000, sewer plant maintenance in the budget, indirect costs was less this year than last year, and was based on the 2005 study, increase of \$2,000,000 in two years for the utility budget, Ms. Zimomra spoke to paying back the \$300,000 for the next two years, the last phase of expansion, increased operating costs because of hauling across the bridge, there would be a deduction in expansion over time but maintenance would increase over time and then will level off, delete \$100,000 from the proposed budget for overtime and native plants, do not want to be open to unforeseen costs, \$700,000 in deleted projects, and \$175,000 in reserves in the budget.

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

The motion carried 4 to 0 with Councilman Jennings not present to vote.

RESOLUTION 06-118 ESTABLISHING AND CONFIRMING AS ANNUAL SCHEDULE OF REPAYMENTS FROM THE SANIBEL SEWER SYSTEM (SEWER RE-USE FUND) TO THE GENERAL FUND TO REPAY AN INTERFUND LOAN AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-118.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-118.

The motion carried unanimously.

RESOLUTION 06-117 ADOPTING AND ESTABLISHING A REVISED SCHEDULE OF RATES, FEES AND CHARGES FOR THE SANIBEL SEWER SYSTEM PROVIDING FOR AN INCREASE IN RESIDENTIAL AND COMMERCIAL CUSTOMER RATES; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-117.

Councilman Rothman made a motion, seconded by Councilman Brown, to adopt Resolution 06-117.

Discussion ensued regarding the method of determining fees, the next review would be in July, 2007, and review the equity in sewer charges.

The motion carried unanimously.

ORDINANCE 06-009 AMENDING THE SANIBEL CODE, PART II LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XIV SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD A NEW SECTION 126-1029 BONUS OUTDOOR SEATS FOR DINING, TO ESTABLISH PROCEDURES AND STANDARDS FOR PROVIDING BONUS OUTDOOR DINING AT RESTAURANTS; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 06-009.

Mr. Duffy, Planning Director gave the following report:

- Trial period
- Parking – Procedures had been revised
- Cap on seats of 32 – would ensure parking would be adequate
- Proposed to delete the first paragraph on Page 3 and under 3 Standards – amend “B”
- Questions regarding waste and litter and additional odor – new standard was added as 3f. 3n addresses odors
- Talked about 2-year trial period. Page 2 of the ordinance, paragraph 2. Suggested wording could be amended in this paragraph – may want to consider some type of refund for fees paid by the applicant.

Discussion ensued regarding the ordinance going back to the Planning Department to make the suggested changes, cannot regulate no smoking but was it possible to add that the City recommends no smoking in the outdoor area, could here be a section for smokers or non-smokers, questioned number of required parking spaces, Mr. Duffy answered when an application was made the Planning Department would address parking issues, what happens at the end of the trial period, Mr. Duffy answered a report would be given to City Council including issues raised by neighborhood and residents, and amendments could be recommended, Council could abolish the ordinance and it could be found that the ordinance was working well, the annual review could occur when the occupational license comes up for renewal, Code Enforcement will also monitor, Council asked that a revised copy of the Bonus Outdoor Seating Ordinance be brought back to them after the Attorney Client Session and prior to the budget discussion the afternoon of August 15, 2006.

Public Comment

Billy Kirkland spoke to if a restaurant was sold would ordinance apply to the new owner.

Mr. Duffy answered that the ownership changed an occupational license would be revised for the new owner, the Development Permit would go with the address, and if the new ownership wanted to change the number of seats it would have to come back to the Planning Department.

CONSENT AGENDA:

Council pulled Consent Agenda item (b).

RESOLUTION 06-119 APPROVING A SOLID WASTER RATE STRUCTURE FOR FISCAL YEAR 2006-07; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-119.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-119

The motion carried unanimously.

RESOLUTION 06-122 APPROVING EMERGENCY REPAIR(S) TO SANIBEL POLICE VISEO SYSTEM AT TROST PARKING LOT AND WAIVING THE PURCHASING POLICY AND PROCEDURES #03-11; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-122.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-122.

The motion carried unanimously.

RESOLUTION 06-123 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-0082 AND PROVIDING AN EFFECTIVE DATE (TO MOVE \$31,802 FROM THE General Fund Reserves for contingency to the Administrative Department line-items including the benefits

lines for the 401 (a) retirement and health savings plan benefits provided to the City Manager per the November 15, 2005 agreement approved after the fiscal year 2006 budget had been adopted and for overtime to the City Clerk and her staff for extraordinary time spent on special projects such as Water Quality mailings, etc. This amendment leaves a \$422 balance in the General Fund Reserve for Contingency)

Ms. Zimomra read the title of Resolution 06-123.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-123.

The motion carried unanimously.

RESOLUTION 06-121 ESTABLISHING OCTOBER 1, 2006, AS THE EFFECTIVE DATE OF THE MANDATORY RECYCLING COLLECTION PROGRAM AND MULTI-FAMILY DWELLING UNITS; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-121.

Discussion ensued regarding what was the incentive to participate, Mr. Castle answered that county figures to determine standards regarding minimum recycling participation, educating condominium owners to the benefits of recycling, Will someone explain to condo owners the benefit of recycling, and Mr. Castle spoke to Waste Pro keeping track of the amount of garbage that was hauled away.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-121.

The motion carried unanimously.

**Water Quality Issues
Staff Reports**

James Evans presented the staff report, and Dr. Loflin participated by telephone as follows:

- Sea grass beds appear to be recovering
- Labs have reported that faster growing grasses are filling in some spaces where other grasses are disappeared.

Discussion ensued regarding J. N. “Ding” Darling Wildlife Refuge seeing little wildlife activity, water releases flowing south from Lake Okeechobee, agriculture wants the water right now, and dead fish on the beach indicates water quality.

**Meeting Reports
8/10/6 – C-43 Reservoir Design Public Meeting**

James Evans attended and reported that a water treatment be added to the project, water quality would be included in Phase 2 of the project, and water quality needed to be added to the C-43.

Discussion ensued regarding water quality issues being included, Mr. Evans answered not for a couple years, and what was the time in the C-43 decision making.

Public Comment:

Ronda Hege, SFWMD, spoke to studying what should be included.

Discussion continued when were the benchmark decision being made for water quality, Ms. Hege answered she could have the answer at the next Council meeting, present Lake Okeechobee level being 11.98 feet, when would forward pumps be installed, Ms. Hege answered she could have the answer at the next Council meeting of the installation and operation date, what level of the water in the Lake was water being taken from, Ms. Hege answered she would get a response, the reason there was no answer was

because the SFWMD does not care, many people had addressed Council and were unable to get answers, bottom line there was too much at stake, and Sanibel cares about the water quality and wildlife.

Council recessed at 11:27 a. m.

Council reconvened at 11:40 a. m.

Meeting in Labelle – Councilman Rothman and Paul Gray, Audubon Society

Councilman Rothman reported as follows:

- Atlantic Multi-decadal Oscillation
- Number of Major Hurricanes
- Water Quantity – Long Term Solutions
- The best change to alleviate the pain may be the beginning to the AMO dry cycle

Discussion ensued regarding the timing on the forward pumps, should be delivered in November and installed and operating in January, Lake Okeechobee level below 10 feet, and there would be a total of 14 pumps.

James Evans reported on the Low Rack meeting in West Palm Beach on August 3rd as follows:

- Tentatively selected plan was 1BS2M
- Many Committee members (the Caloosahatchee advocates) were against the 1BS2M because they were maintaining the level of the Lake Okeechobee at 17.25
- People on the Committee asked why this level was being maintained. They had not seen data to support this number
- If the Lake was maintained at 18.5 or higher was there a chance of dike breach
- The 17.25 was the height at which they don't have to evacuate in the event of a hurricane
- There being a 45-day comment period under NEPA. This comment period starts August 18, 2006.

Meeting with Lee County Health Department, Dr. Brown, City Staff and Health Department scheduled for August 16, 2006 at 2:30 PM

Councilman Brown talked about Love Canal and the effects of pollutants in this area.

Vice Mayor Denham reported on the Board of Realtor's Association meeting. He spoke to the forming of a subcommittee to brainstorm ideas on how they can help with the water quality issue.

Public Comment:

Paul Reynolds stated they were reaching out to other Realtor Boards across the State to try and get them interested in the water quality issue.

Correspondence

Letter to Dept. of Environmental Protection (DEP) Director Castillo

Mr. Cuyler spoke to the following:

- Letter was copied to numerous people
- EPA had a rule in progress dealing with basin transfers of water and the extent to which, if at all, State water quality will be involved in that

Discussion ensued regarding questions about what the City is doing and if letter sent to the Board of Realtors, COTI, CASI, TDC, and the Chamber, Mr. Cuyler said it had been copied to local public officials, County and other cities, also copied to State and Federal public officials, and Mr. Cuyler stated the letter would be copied to the organizations suggested by Vice Mayor Denham, putting the letters on the City's website, letters to Governor Bush and Senate President Lee and speaker Benst to appoint Mike Valiquette,

Rob Loflin, Ralph Woodring and Steve Brown to the committee that was dealing with the water issues in the Caloosahatchee basin and received a response stating that Dr. Loflin would be an alternate, Merribeth had done an excellent job, Ms. Farnum stated that the address for Woodley should be Washington, and this would be corrected, Woodley was an assistant secretary of the Army appointed by President Bush to oversee the civil works branch of Army which is the Army Corp of Engineers.

Staff report on red tide

James Evans summarized the report as follows:

- The biggest question was whether red tide occurs on-shore or off-shore
- Many researchers doing a lot of work on off-shore links
- One belief was to loop the current that brings the blooms occurring off shore
- In shore and the winds carry them on shore
- Other researchers are indicating there is a connection with land based runoff.

Discussion ensued regarding the Mayor's meeting with Colonel Grosskruger in Jacksonville, also attended a briefing given by his staff, discussed the Lake Okeechobee regulation schedule, the ACOE had their chosen model 1BS2-M, model did not use current data and ignored the biologists' ceilings in terms of the number of cubic feet per second that can be released into an estuary allowing for the estuary to survive, Mayor was able to have dialogue with his staff, The Colonel asked his staff to run some model based on using the biologists' acceptable levels as the benchmark for different scenarios, and Colonel Grosskruger asked his staff to look at what might happen in the future management of the Lake and the results are to be presented in the form of comprehensible flow charts, what Council's response was going to be on the schedule, hoping the Colonel would visit Sanibel, what would the City's response to the Army Corps of Engineers, Council started with three objectives, ACOE no acute releases down the Caloosahatchee River, proposed to shared diversity with St. Lucie, had Council actually sent a formal rebuke of the particular regulations schedule proposed by the ACOE, Mr. Cuyler reminded Council that the comment period starts the October 18th, and Mr. Cuyler stated that Council needs to have a plan as to how we get to our official response, shared diversity should be part of the comment letter, Mr. Cuyler stated that comment options would be given to Council, give collected material to outside counsel, and Mr. Cuyler reminded Council that outside Counsel was well aware of the comment period.

Letter from Jay Arends, Mayor of Bonita

Discussion ensued regarding a letter to Bonita Springs.

Council recessed at 12:50 p. m.

Council reconvened at 1:02 p. m.

Council convened into Executive Session at 1:02 p. m. PM until 1:45 PM

The City Attorney desires advice and consultation with the City Council pursuant to Section 286.011 (8), Florida Statutes, regarding S.W.F. SANIBEL, INC., a Florida corporation vs. CITY OF SANIBEL, a municipal corporation of the State of Florida. Circuit Court of Lee County; Case No. 06-CA-2970.

The Attorney-Client Session shall not be open to the public. The Attorney-Client Session shall be held on Tuesday, August 15, 2006 at 12:30 P. M. upon temporary adjournment of the regular City Council meeting that day, such meeting and the Attorney-Client Session to be held at MacKenzie Hall, 800 Dunlop Road, Sanibel, Florida. In attendance at the Attorney-Client Session shall be only the following persons:

Carla Brooks Johnston, Mayor

Mick Denham, Vice Mayor
Steve Brown, Councilman
Jim Jennings, Councilman
Tom Rothman, Councilman
Kenneth B. Cuyler, City Attorney
Judie Zimomra, City Manager
Fort Myers Court Reporting Representative

Council concluded the Executive Session at 1:45 p. m.

Council reconvened in to regular session at 1:45 p. m.

Council recessed at 1:45 p. m.

Council reconvened at 2:21 p. m.

Councilman Jennings participated by telephone

Claudia Burns spoke to water quality. She read a short passage from “Dark Light”, by Randy Wayne White on water pollution and water quality.

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Ms. Zimomra read the title of Ordinance 06-009.

Councilman Brown made a motion, seconded by Councilman Rothman, to adopt Ordinance 06-009.

The motion carried unanimously.

Council decided to discuss the following:

Budget Discussion:

Utilities Division

Review of Annual Budget

Ms. Zimomra spoke to background information and direction given to staff today by Council would be carried forward to the September 9th budget hearing.

Staff response to City Council’s request for a scenario to fund Periwinkle Way Shared Use Path \$1.5 million Improvement and Budgetary Impact

Ms. Zimomra noted that Council direction was instead of putting the Periwinkle Way Shared Use Path behind businesses was to put in front of the properties. She stated that it would cost \$1.5 million to construct the Shared Use Path in front of the businesses. She recommended the funds be removed from the following:

- \$137,000 from additional building dept revenue
- \$2.4 Ad Valorem

- \$585,000 reserve; use \$400,000
- \$350,000 reserve contingency; use \$50,000
- Decrease in Recreation Center reserve
- \$150,000 from phasing the Redevelopment Study
- \$350,000 use from funds approved today from repayment of sewer system debt
- \$40,000 out of ending fund balance

Discussion ensued regarding if \$1.5 million was spent of the shared use path what would be the remaining amount of funds left for other initiatives, the amount would be \$185,000, was there a need to make a decision today, possible components that could be removed were benches, and landscaping, Ms. Zimomra stated that any decision made today by Council could be changed, but staff needed direction to bring back a tentative budget document on September 9th, could fund the shared use path improvements over 2 or 3 years and take the money from contingency, funds could come from other sources, such as TDC, if improvements done over 2 years the cost would increase \$150,000, improvements to the shared use path should be done this year, police budget critical, crime a problem on the Island, Sanibel River needs to be cleaned, priority was health and safety, work needs to be done because Periwinkle very dangerous, on record the path was dangerous, Ms. Zimomra stated all funds must be in place for a contract, she noted that there was a 5-year capital project budget and money could be freed-up by delaying projects, money from the weigh station possibility \$800,000, could use the \$350,000 from the sewer repayment, disaster fund should not be decreased, and if funds were moved from the Recreation Center insurance would not cover the delay in construction.

Councilman Jennings off phone at 3:00 p.m.

Councilman Jennings back on telephone at 3:27 p. m.

Council recessed at 3:31 p. m.

Council reconvened at 3:39 p. m.

Discussion ensued regarding sending the budget back to staff, Ms. Zimomra stated that disaster reserve remains the same, recommended that \$100,000 be left in redevelopment; and would leave \$350,000 for other things, direct staff to take Initiative B and prioritize across departments, the need to know staff's priorities, and identify key health and safety issues.

Public Comment:

Gayle Pence, Historical Village docent read a letter dated August 15, 2006 requesting funding or an on-site administrative assistant to serve as a coordinator for all of the activities, day-to-day operations and fundraising duties to facilitate the Sanibel Historical Village/Museum.

Sam Bailey spoke to the need for an Administrative Assistant for the Historical Village, and find grants for funding.

Councilman Jennings off the telephone at 3:58 p. m.

Armand Ball, Chairman Parks and Recreation Committee asked that the Recreation Center reserve not be decreased.

Police Department/Public Safety Budgetary Issues:

Chief Tomlinson summarized the packet material as follows:

- Very important to residents – amount of safety, low crime rate and the ability to conduct the work citizens expect
- 18% increase in the volume of calls
- 3.5 calls per hour and some calls take many hours to handle

- Not enough staff to handle the calls.
- Dedicated police officers to sit in parking lots when parking lot problems increased
- Installed cameras at beach accesses and at Lindgren and Periwinkle.
- Utilizing every bit of technology
- Drug and alcohol problems have increased
- Drug and alcohol calls for minors takes a longer amount of time
- Working to educate the youth so there won't be future problems]
- Thefts have increased 100%
- 80% increase in traffic violations
- Managing exotics on Sanibel is time consuming
- Several hundred hours were spent on the monitor lizard problem
- Raccoon complaints, dog complaints, etc take time
- We don't know what issues will evolve from the Causeway
- Recruiting isn't easy

Discussion ensued regarding Police Department had done a great job, types of calls, reason employees leaving, Ms. Zimomra stated most employees leaving due to recruitment, and need a better benefit package.

Public Comment

Billy Kirkland spoke to police do great job, handling too many different chores, fighting alligators, finding lizards, etc.

Council recessed at 4:21 p. m.

Council reconvened at 4:24 p. m.

Mr. Cuyler spoke to the Interlocal Agreement between the City and Lee County regarding BMRH funds and the City acting as the recipient of the funds for CHR in the amount of \$84,901 for a number of units that suffered 2005 hurricane damage.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to approve the Interlocal Agreement.

The motion carried unanimously. Councilman Jennings did not vote.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to excused Councilman Jennings from the remainder of the meeting.

The motion carried unanimously.

Council decided to discussion the following:

Status report regarding the Police Department Boat Dock installation at Sextant Drive and direction to staff

Chief Tomlinson gave the following report:

- Trying to build for 10 years
- Chosen the site and was purchased
- Need Council direction

Four Options as follows:

- 3-lift option would be most effective for Police and Fire Department
- 2-lift option

- 1-lift option– only helps one department would not help Rescue and Fire
- Could abandoning site entirely

Mr. Duffy, Planning Director explained that the Planning Department was working with Police Department to ascertain that this project was in compliance with the Sanibel Plan. He stated that the project size was a concern and the size and dimension of the parcel pose set back issues.

Discussion ensued regarding other things important to bring to the forefront, surprised to see an additional challenge with 1 lift, but no challenge for 2 or 3 lift system, Mr. Duffy stated there were set backs constraints on how the docks were built and at what angle, each option had its own challenge, Tennis Place concerned with anything that would be built on the site, Chief Tomlinson explained different configurations of having the dock closer to Yacht Haven and Tennis Place, Mr. Cuyler spoke to issues raised by neighbors regarding the City going beyond the extended property lines of the parcel purchased, and the safest legal position was to keep it within the property lines of property purchased.

Councilman Brown made a motion to have the City purchase additional property for the boat lift and ask the Fire & Rescue District to contribute to the land purchase.

Discussion ensued regarding Council's role to make policy, the need for approval.

The motion was withdrawn.

Public Comment:

Harold Bishop spoke to being opposed to a boat dock location adjacent to Tennis Place, Sextant Drive owned by three condominium associations, the Police Department would have access to the boat dock if it were built as proposed, mangroves would be affected, and large boats may have a problem navigating the canal. He further spoke to the dock being put on the other side, would be an exempt project and an individual couldn't do what you are doing, and Tennis Place would be more impacted than other condos.

Jason Maughn, Attorney for residents of Tennis Place, distributed a diagram of the dock area. He spoke to the original plan calling for no access to the property.

Donald Bishop spoke to funding from West Coast Navigational District and understands they have requested to see permits issued by Corp of Engineers.

Mr. Cuyler stated that the City had title insurance in the amount of purchase price of the property, and the safest legal position is to local the dock within the extended property lines that the City had purchased.

Discussion ensued regarding issues of placing the dock at the boat ramp, Chief Tomlinson answered that there was not enough room due to resident/visitor traffic, looked at the boat ramp and property on Isabel Drive, talking about health, safety and welfare, Marine Advisory Committee made the recommendation to purchase the property, and need to bring back a workable design to Council.

RESOLUTION 06-120 REPEALING CITY OF SANIBEL, RESOLUTION 06-071 WHICH AUTHORIZED THE ACQUISITION BY GIFT, PURCHASE OR EMINENT DOMAIN, OF CERTAIN PERPETUAL EASEMENT INTERESTS; AUTHORIZING THE ACQUISITION OF SUCH EASEMENT INTERESTS IN ORDER FOR THE CITY TO CONSTRUCT AN ADDITIONAL SEGMENT TO THE CITY'S SHRED USE PATH (FORMERLY BIKE PATH) SYSTEM IN A LOCATION TO THE SOUTH OF CERTAIN EXISTING COMMERCIAL AND/OR RESIDENTIAL STRUCTURES LOCATED ADJACENT TO, AND IMMEDIATELY SOUTH OF, PERIWINKLE WAY TO BETWEEN 171 PERIWINKLE WAY (LOCATION OF SANIBEL, STEAKHOUSE) AND CASA YBEL ROAD; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-120.

Discussion ensued regarding putting a referendum on the election ballot, Ms. Cuyler spoke to bringing back another resolution that would repeal the above-mentioned one, he spoke to 2 issues; 1) The appraisals were going to be stale and would have to be updated if you ever want to go back to this option; 2) This authorizes staff, if someone comes in and says I want to sell my property for fair market value that you listed in your appraisal, concern that we were going to go forward with this there is a possibility that the court could award attorney fees to that individual, would like to have the shop owners help the City get a referendum passed, main concern was if for any reason we weren't able to go ahead with the other option and wanted to reconsider this were we better off eliminating it now and starting it up again or are we better off tabling it.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-120.

The motion carried unanimously. Councilman Jennings was excused.

Follow-up to Shared Use Path Master Plan Study underway Designation of prototype corridors

Dunlop Road

Bowman's Beach Road

Ms. Zimomra spoke to Council previously authorized a master plan; 1) was we would select one or two sites for a prototype design, and Mr. Castle made 2 recommendations; and 2) the Master Plan called for a workshop session and staff wanted direction from Council regarding dates. She further spoke to staff choosing Dunlop Road and Bowman's Beach Road.

Mr. Castle stated the consultants would prepare a plan for both sites.

Discussion ensued regarding e-mails suggesting other prototypes, Mr. Castle answered, Bailey Road was a suggestion and the road had two distinct sections, therefore the bid was for the section from Periwinkle to Sand Castle and children use these roads.

Scheduling of Pubic Workshop for Shared Use Master Plan Study

Discussion ensued regarding holding the workshop in mid-October, Suggest this be held in mid-October.

Pubic Comment

Mike Miller spoke to being anxious to hear from the consultant and the Bike Club would like to ask that the workshop be delayed a couple weeks for maximum participation for the second week in November.

Council agreed to the workshop the second week in November.

Report from staff regarding request from Fire Department to modify Periwinkle Way delineator alignment for passage of Emergency Vehicles during peak traffic conditions

Discussion ensued regarding taking the delineators down because we are heading toward doing the bike paths, and the problems with emergency vehicles and with cars running over them.

Councilman Brown made a motion to take delineators down.

The motion died for the lack of a second.

Mr. Castle spoke to four locations the Fire Department had identified having problems, staff working with the Fire Department, the problem area being Huxters, Sanibel Steak House, Traders and Island Cow, and no accidents since delineators were implemented.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to direct staff to work with the Fire & Rescue District to rectify problems regarding delineators along the road.

The motion carried unanimously. Councilman Jennings was excused.

Staff report regarding parking alternatives for Clam\Dinkins Bayou

Ms. Zimomra gave background information.

Chief Bill Tomlinson spoke to working with staff to identify parking alternatives and the potential sites were as follows:

- Bowman Beach
- Blind Pass Marina
- End of Henderson Road
- San-Cap Culvert cut
- Silver Key Egress
- Los Colony

Staff recommended Bowman Beach or Blind Pass Marina and the other four sites were not appropriate for various reasons, i.e., safety, not enough room for turnarounds and environmental issues.

Discussion ensued regarding Bowman Beach parking gets people to Clam Bayou, but at low tide a person can't get to the water to kayak and if a dock was fixed this would solve the problem, Blind Pass Marina and the need for authorization for the City to use this for parking, Henderson Road had an area that is very wide and could be used, was there room to put parking on Henderson Road, and Mr. Duffy stated that the right of way was 50' and there were active permits on the north side of the right of way for single family construction. Further concern was the parking would have to be parallel to the right of way and bleed off could occur., and staff met with the owner of Blind Pass Marina and parking was at the marina for a fee, do not want to park on the right-of-way, get an agreement with Blind Pass Marina, staff could discuss with owner and bring back to Council, and Council agreed.

Requests from the Parks and Recreation Committee to authorize staff to do a feasibility study over the next three months of a location for a dog park on City-owned land

No discussion

Requests by Susie Marks to be appointed to the Vegetation Committee:

Councilman Brown made a motion, seconded by Councilman Rothman to appoint Susie Marks to the Vegetation Committee.

The motion carried unanimously. Councilman Jennings being excused.

Request to repair seawall and apply for grants at Bock Peace Park located at San Carlos Bay Drive

Mr. Castle spoke to the location being at the end of Dixie Beach Blvd. He explained that the seawall had previously been repaired and staff wanted to look at more permanent repairs. He further explained that staff requested and received proposals for three different options; 1) repair seawall and construct return - \$7000; 2) leave seawall and place rip rap - \$29,000; and 3) remove seawall and replace entirely with rip rap \$46,800. He further spoke to requesting TDC funding for maintenance of park.

Discussion ensued regarding if staff was requested TDC funding, and Mr. Castle answered yea.

Council in agreement.

City Manager Report
Informational Issues
Small Business Initiative Work Plan

Ms. Zimomra spoke to business community taking on the issue of tolls, staff would prioritize items for the roundtables, and items chosen should be prioritized from the roundtables.

Scheduling September 09, 2006 Special Meeting

Councilman Rothman made a motion, seconded by Councilman Brown, to call the Special Meeting on September 09, 2006 at 1 p. m.

The motion carried unanimously. Councilman Jennings excused.

Ms. Zimomra spoke to staff receiving the new Flood Maps.

Planning Department and Code Enforcement Reports

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

Public Comments

Billy Kirkland thanked the City for the Roundtable discussions and said the business community looks forward to working with the City.

Vice Mayor Denham made a motion, seconded by Mayor Johnston, to appoint Councilman Brown as acting Mayor during Mayor Johnston and Vice Mayor Denham's absence.

The motion carried unanimously. Councilman Jennings excused.

Public Comment

Kevin Ruane spoke to looking for direction regarding generator installation and a waiver for a noise ordinance from Council. He asked to have an ordinance be put on Council's next agenda.

Discussion ensued regarding if a hurricane were coming there should be a blanket waiver of the noise ordinance, should not block a neighbors view, explore the need for special taxing district for shared use path funding.

There being no further business the meeting was adjourned at 6:02 p. m.

Respectfully submitted by,

Susan Beck
Recording Secretary