

**SANIBEL CITY COUNCIL SPECIAL MEETING  
SEPTEMBER 09, 2006**

Mayor Johnston called the meeting to order at 3:15 p.m.

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

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

**PRESENTATION**

**Proclamation proclaiming September 30, 2006 National Estuaries Day.**

Mayor Johnston read the proclamation and presented it to Councilman Rothman.

Councilman Rothman spoke to the reason for the proclamation was to announce National Estuaries Days.

Public Comments:

None

Council Comments.

Councilman Jennings spoke to the anniversary of 9-11, ideas for the Lee County delegation, and poor cell phone reception. He asked staff to look in to new technology for better cell phone reception.

**CONSENT AGENDA:**

Council pulled item (a), (b) and (j). Ms. Zimomra stated that staff request item (i) be pulled.

- i. **Request by BIG Arts to serve alcoholic beverages with a catered meal at the Realtors Annual Meeting to be held on October 19, 2006**

Ms. Zimomra stated that staff request this item be pulled.

Ms. Zimomra read the titles of the following resolutions:

- d. **RESOLUTION NO. 06-131 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-084 AND PROVIDING AN EFFECTIVE DATE** (to appropriate funds from the General Fund Reserve to the Recreation Center Capital Project for Builders Risk Insurance)

- e. **RESOLUTION NO. 06-130 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-083 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$250,225 of actual additional interest revenue

earned in FY06. \$125,585 is budgeted for salary and overtime costs which are projected to exceed current appropriations and the \$129,640 balance is appropriated to Ending Fund Balance for re-appropriation in the subsequent fiscal year FY07)

- f. **RESOLUTION NO. 06-132 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-085 AND PROVIDING AN EFFECTIVE DATE** (pursuant to Florida Statute wherein Building Permit-type revenues shall be expended solely for Building Department inspections, plans review, fee collection and other building-related expenditures, this Budget Amendment creates a new Special Revenue Fund to directly account for the revenue and expenditures of Building-related activities and removes the related and expenditures from the General Fund)

Councilman Brown made a motion, seconded by Councilman Jennings, to adopt Resolution 06-132.

The motion carried unanimously. Vice Mayor Denham was excused.

- g. **Approval of Interlocal Agreement (as revised) between Lee County and City of Sanibel for reimbursement for allowable CDBG/DRI funds for 2005 Hurricane Wilma CHR damage.**
- h. **Award of Contract in the amount of \$105,070 to SteMic Marine Contracting for repair of Lindgren Boulevard Box Culvert**

Councilman Jennings made a motion, seconded by Councilman Rothman, to approved (g) and (h).

The motion carried by consensus. Vice Mayor Denham was excused.

- a. **RESOLUTION NO. 06-127 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH UNITED HEALTHCARE TO PROVIDE HEALTH INSURANCE FOR CITY OF SANIBEL EMPLOYEES FOR PLAN YEAR 2006-2007 WITH THE OPTION FOR EXTENSION OF THE AGREEMENT AT THE DISCRETION OF THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 06-127.

Discussion ensued regarding continuing with Option 1 from Aetna, amount was \$193,000 annually, employee dependents would cost more, United Health Care had a large doctor network, many employees doctors were not currently under the United Health Care Plan, Mr. Isom stated the difference in Aetna Health Care with option one and option three was \$93,000, Ms. Zimomra stated that there was money in the budget to fund Aetna with option one, dependent health care would increase, changing health care to disruptive to employees, and increase cost of prescriptions may make a difference to employee health.

Councilman Brown made a motion, seconded by Councilman Jennings, to adopt Resolution 06-128 and amend to change the insurance carrier to Aetna with option 1.

The motion carried. Denham excused.

- b. **RESOLUTION NO. 06-128 SUPPORTING THE POSITION OF SANIBEL RESIDENTS THAT LEE COUNTY SHOULD INCLUDE AN EASTBOUND LEFT TURN LANE AT PUNTA RASSA AS PART OF THE TOLL BOOTH DESIGN AND CONSTRUCTION PROJECT; URGING LEE COUNTY TO RECONSIDER ITS DECISION TO REMOVE SUCH EASTBOUND LEFT TURN LANE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 06-128.

Discussion ensued regarding language in the resolution, negotiating with Lee County, toll booth already designed, Lee County willing to review the left turn lane at a later date, Commissioner-elect Mann willing to review the left turn lane at Punta Rassa, the need for a left turn lane, Councilman Rothman spoke to Commissioner Janes and would not be supportive of the left turn lane, no need to interfere with current discussions on the re-location of the weigh station, discussion at the last County Commissioner meeting on discussion of the left turn lane, no support from Commissioner Janes, Ms. Zimomra spoke to past discussion with Council of a scheduled meeting between City staff and Lee County staff being last Thursday, Ms. Zimomra explained that the discussion was to request that Lee County staff look at alternative plans for the weigh station, budget included no revenue from the weigh station, a report on September 19 of discussions on the weigh station, Ms. Zimomra stated that there had been discussions with Mr. Yarborough and e-mails to Paul Wingard when discussion began.

Councilman Brown made a motion, seconded by Councilman Jennings, to table further discussion until October 03, 2006 City Council meeting.

The motion carried unanimously. Vice Mayor Denham was excused.

- c. **RESOLUTION NO. 06-129 AUTHORIZING THE CITY MANAGER TO PURCHASE BUILDERS' RISK INSURANCE FOR THE CONSTRUCTION OF THE CITY OF SANIBEL RECREATION CENTER; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 06-129.

Mr. Isom explained the following:

- Florida League of Cities not able to provide insurance
- Quote from Brown and Brown Insurance through Lloyds of London
- Currently had \$1 million dollars for wind storm damage while under construction through Citizens Insurance
- Additional \$7.5 million dollars at a cost of \$224,359.21

- Tentative quote for an additional \$4.5 million up to the \$12 million value of the Recreation Center
- Total coverage \$8.5 million for wind coverage

Mr. Cuyler stated that the resolution would be changed provided Council approval. Councilman Jennings made a motion, seconded by Councilman Rothman, to adopt Resolution 06-129 and amend the resolution by replacing Lloyds of London through Brown and Brown.

Public Comment:  
None.

The motion carried unanimously. Vice Mayor Denham was excused.

Ms. Zimomra stated that next week would be 5 years and there had never been a comment that staff did not provide full disclosure to Council. She reminded Council that at the last Council meeting that Councilman Rothman specifically stated that he thought the staff should go to Lee County and request County staff further considers weigh station alternatives. She continued to explain that there was only a meeting with Mr. Yarborough, Lee County Parks and Recreation Director. She further explained that it was Lee County's intent to transfer the Causeway Island from Lee County Department of Transportation to Lee County Parks and Recreation Department.

j. **RESOLUTION 06-133 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-086 AND APPROVING AN EFFECTIVE DATE** (to appropriate the remaining \$422 in the General Fund Reserve for Contingencies plus \$9,765 of ending fund balance to purchase 10 AED defibrillators for the total cost of \$10,187 by piggy-backing on the Seminole County purchase contract #IFB-3125-05/JVP)

Ms. Zimomra read the title of Resolution 06-133.

Discussion ensued regarding the reason to buy new AED's.

Ms. Zimomra stated that the pulse for the AED had changed and the old AED's would be traded in and piggy backing on an existing contract.

Councilman Brown made a motion, seconded by Councilman Rothman, to adopt Resolution 06-133.

The motion carried unanimously. Vice Mayor Denham was excused.

**OLD BUSINESS**  
**Water Quality Issues**  
**Staff Reports**  
**Report from Natural Resources Department**

Dr. Loflin gave the following report:

- State of estuary in poor condition
- Rainfall from Hurricane Ernesto, coupled with water releases from the Franklin Locks
- Delay the recovery of seagrass and estuary
- Basin run-off continues to be black water with high nutrients and sediment
- Lighthouse Beach Park had soup combination of red drift algae and other algae from other areas
- Rest of island had high piles and heavy odors of red drift algae
- Water release schedule – 6 points presented with the ACOE and issues being reviewed by SFWMD and ACOE
- Should know in approximately 2 weeks if 6 points would be incorporated

Discussion ensued regarding Dr. Loflin meeting with Colonel Grosskruger.

#### **Meeting Thursday, September 14, 2006 at Lee County Commission Chambers.**

#### **Report from Merribeth Farnham, Farnham & Associates, City Public Affairs Consultant on Water Quality Issues - Actions taken to date and recommendations on next steps for Public Comment Period**

Ms. Farnum spoke to the following:

- Sent postcard to property owners regarding the September 14, 2006 Army Corps of Engineers (ACOE) Meeting
- Website updated
- Attended July meeting
- Spoke to News Press regarding editorials, which had appeared
- Coordinated with Chamber of Commerce
- Create handout for meeting
- News Releases to Community
- Possibly contacting radio shows

Discussion ensued regarding add another point to ask the ACOE that the amount of water from Lake Okeechobee to the Caloosatchee River to TSP and beyond be equalized east and west, if water was equally distributed in 2005 the Caloosahatchee River would have received 35% less water, Councilman Rothman met with Dr. Gray, data used to plan storage and ASR wells was used from 1965 to 1995, which was the dry period, the effects of the aquifer if dirty water was pumped in to it, 55,000 tons of phosphorus come in to the Kissimmee basin, 51,000 tons of phosphorus at the bottom of Lake Okeechobee

Councilman Rothman made a motion, seconded by Councilman Brown, to equalize the water that flows east and west.

Dr. Loflin spoke to the need to drop the first 2 recommendation, which were as follows:

- Change the recommended water release from 2,800 to 3,5000 cfs
- Involves the base flow to the St. Lucie

Discussion ensued regarding that since water was sent west homes had been built east, built S-79 to make the basin have the ability to keep water, Council position statement was 2,800 cfs,

Councilman Brown made a motion, seconded by Mayor Johnston, to table discussion.

The motion passed 3 to 1 with Councilman Rothman voting in opposition.

Mr. Cuyler spoke to the following:

- Councilman Rothmans' comment could be included in the comments
- Years that ACOE would release water west
- More equity in releasing water
- Policy decision to address issues

### **Meeting Reports**

#### **Report on Meeting with Senator Mel Martinez's Legislative Director, Michael Zehr**

Mr. Cuyler spoke to the following:

- Offered to help and in meeting gave suggestions of things that might be helpful

#### **Discussion of equalizing amounts of water sent east and west.**

Previously discussed under public comment period item of water issues.

### **Correspondence**

#### **Draft of Proposed Scope for the Kissimmee Chain of Lakes Long-Term Management Plan**

Dr. Loflin spoke to the following:

- Long running program to review all water regulations for the Kissimmee Chain of Lakes to the north of Lake Okeechobee
- Where most of the water comes in to the lake
- Directly affects the amount of water that goes in to Lake Okeechobee
- Try to get Lake Okeechobee managers to understand what happens once water was released

Discussion ensued regarding series of public hearing lake by lake, length of time being several years, could work with legal counsel to get letters out for the different public hearings, Councilman Rothman asked the City Attorney to speak with outside counsel regarding the east/west discharge idea.

## **NEW BUSINESS**

### **Request from Kevin Ruane, 815 Birdie View Point, for Waiver pursuant to Chapter 30, Article III - Noise, Section 30-66 - Waivers of the Sanibel Code of Ordinances for installation of generator**

Ms. Zimomra spoke to a previous public comment from Kevin Ruane regarding a wavier of the noise ordinance.

Bob Duffy, Planning Director spoke to the following:

- Letter from Kevin Ruane requesting a wavier from the noise ordinance
- Could apply to Council for the wavier request denied by the Planning Department
- Preparing code modifications to address
- Planning recommendation was to deny due to the generator exceeding the maximum sound pressure

Discussion ensued regarding adding a muffler to decrease the sound, required to get a development permit, and regulation for portable generators.

#### **Public Comment:**

Kevin Ruane spoke to no consistency with the application, review several applications that were approved, requesting a propane generator that would be put on the side of the house, must exercise once per week, perform at 57 and need to be 23 feet from the house next door, comply with 66dBA when exercising, both neighbors signed a letter that they would not have a problem with the noise, if muffled the warranty would be voided.

Discussion ensued regarding to use if power were lost, in compliance with code when generator was exercised, should consider and grant request, the need for a consistent pattern to deal with requests, alternative ways to deal with requests, consider the Planning Commission role, and possible short-term zoning-in-progress regulations.

Councilman Brown left at 5:25 p. m.

Mr. Cuyler stated that normally zoning-in-progress allows staff to review the process and freeze applications and regulations.

Councilman Jennings made a motion, seconded by Councilman Rothman, to continue until September 19, 2006.

### **Consideration of a request to authorize proposed improvements on City-owned lands for and by the Barrier Island Group (BIG) Arts at their leased facility on the City Hall grounds, 900 Dunlop Road, and to find that the proposed improvements are consistent with the Sanibel Plan, constituting a City-exempt development pursuant to Section 78-7 of the Land Development Code**

Mr. Zimomra noted that there was a request from B. I. G. Arts for proposed improvements. She further stated that the building was located on City land.

Bob Duffy, Planning Director called Council's attention to a site plan. He stated that the proposal had 3 parts. He explained that parts 1 and 2 complied with the Sanibel Plan, but part 3

- 1 Convert the existing 5,000 square foot sculpture garden located between the building and the Dunlop Road right-of-way from a pebble and flagstone surface to brick pavers
- 2 Resurface and formalize the existing pathways connecting the facility to overflow parking located at City Hall to the east across Dunlop at Saint Michael's Church to the south
- 3 Create an additional 500 square foot informal shell-surface gathering area to the east of the existing facility in the vegetated space located between B. I. G. Arts and Sanibel City Hall

Public Comment:

Shirley Jewel spoke to the proposed project.

Chuck Kettelman spoke to agreeing with the conditions from the Planning Department.

Discussion ensued regarding this project considered by Council, reducing impermeable area, washed shell 50% permeable, staff supportive of stone conversion to pavers, Councilman Jennings suggest approval.

Mr. Duffy recommended including the following conditions:

- Prior to commencement of any site work, a revised vegetation plan shall be provided indicating treatment of all native vegetation impacted by the proposed development. The plan shall be reviewed and approved by the Planning and Natural Resources Departments prior to commencement of any site work
- All landscaping of the property shall involve only the use of native vegetation. A revised landscape plan shall be reviewed and approved by the Planning and Natural Resources Departments prior to commencement of any site work
- The existing vegetation buffer between the facility and Dunlop Road shall remain intact and undisturbed
- The existing vegetation buffer between the facility and Dunlop Road shall be enhanced with new native vegetation, as well as transplanted native vegetation impacted by the development

Councilman Jennings made a motion, seconded by Mayor Johnston, to approve part 1 and 2 with the 4 conditions as stated above with part 3 needing further review by staff.

The motion carried with Councilman Rothman voting in opposition. Vice Mayor Denham was excused.

**CITY MANAGER'S REPORT**

**Informational items:**

**Ding Darling / Lee County Transportation Grant**

Ms. Zimomra stated that staff had a written request regarding what was exactly funded and the kick-off meeting was September 19, 2006.

**Total Phone Calls Report from 2002-2006**

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

Staff recommendation for consideration of a Zoning in Progress regarding residential generators to be considered on September 19, 2006.

**CITY ATTORNEY'S REPORT.**

None.

**COUNCILMEMBERS' REPORT.**

None.

Councilman Jennings made a motion, seconded by Councilman Rothman, to adjourn.

The motion carried unanimously.

There being no further business the meeting was adjourned at 5:56 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk