

**SANIBEL CITY COUNCIL REGULAR MEETING
NOVEMBER 07, 2006**

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

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

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

Public Comments:

Darla Letourneau spoke to her agreement to hold the Shared Use Master Plan Open House November 16 at B. I. G. Arts from 2:00 p.m. to 7:00 p.m. She further suggested a way for the public not attending have the opportunity to participate.

Ms. Zimomra advised Council that a postcard would go out to the property owners advising of the Open House and people will have the opportunity to have input.

Claudia Burns requested clarification of the set time for the Australian Pine discussion.

Council stated that discussion would be as close as possible.

Mike Valiquette spoke to the 1st annual membership meeting of PURRE. He explained what took place at the meeting. He presented a Certificate of Participation to Council.

Herb Rubin spoke to red drift algae and Council advised it was on the agenda.

Council Comments

Vice Mayor Denham spoke to his attendance at the new fundraising ceremony Monday, November 06, 2006.

Councilman Rothman arrived at 9:14 a. m.

Councilman Jennings spoke to following: 1) need to vote; 2) he thanked the Bank of the Islands for the reception for Legislative Appointee for Gary Aubuchon; 3) he congratulated 1 year anniversary of PURRE; 4) attending a meeting at Sanibel Harbor Resorts for a presentation of WGCU "Water Woes".

Councilman Rothman spoke to the FEMA meeting regarding the new flood regulations and the non-conforming houses and the insurance if a house was destroyed more than 51% insurance may not pay for the total replacement.

Mike Valiquette gave the following report of the October 24, 2006 Planning Commission meeting.

- 1905 Periwinkle Way continued
- Continued another hearing
- Amendment for ordination on generators
- Amendment to LDC for commercial land use regulations

First Reading of an ordinance and scheduling of public hearing.

ORDINANCE 06-017 OF THE CITY OF SANIBEL, FLORIDA, AMENDING SANIBEL CODE CHAPTER 74, WATERWAYS, ARTICLE III, BOAT RAMPS, SECTION 74-98, ENTITLED "USE OF THE CITY PUBLIC BOAT RAMP FACILITY"; AMENDING SUCH SECTION, TO MAKE IT CONSISTENT WITH

EXISTING CODE SECTION 74-96, BY PROVIDING THAT NO PERSON SHALL FISH WITHIN 100 FEET RATHER THAN 50 FEET OF THE CITY PUBLIC BOAT RAMP FACILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 06-017.

City Council set the second reading and public hearing for November 21, 2006 at 9:15 a. m.

ORDINANCE 06-018 AMENDING THE CODE OF ORDINANCES, PART II SANIBEL CODE, SUBPART A GENERAL ORDINANCES, CHAPTER 30 ENVIRONMENT, ARTICLE III NOISE, SECTION 30-65 EXCEPTIONS, TO MAKE EMERGENCY ELECTRICAL POWER GENERATORS EXEMPT FROM MAXIMUM PERMISSIBLE SOUND LEVELS; AND AMENDING PART II SANIBEL CODE, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, TO ADD A NEW DIVISION 15 EMERGENCY ELECTRICAL POWER REGULATIONS, TO INCLUDE A NEW SECTION 126-1295 GENERALLY, THAT PROVIDES DEFINITIONS AND APPLICATION REQUIREMENTS AND PROCEDURES FOR OBTAINING A DEVELOPMENT PERMIT FOR AN EMERGENCY ELECTRICAL POWER GENERATOR; AND A NEW SECTION 126-1296 STANDARDS, THAT PROVIDES THE STANDARDS, INCLUDING MAXIMUM PERMISSIBLE SOUND LEVELS, FOR EMERGENCY ELECTRICAL POWER GENERATORS; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 06-018.

City Council set the second reading and public hearing for November 21, 2006 at 9:30 a. m.

SECOND READING AND PUBLIC HEARING

ORDINANCE 06-015 AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-85 - FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; ESTABLISHING PARKING FEES AND HOURS FOR THE ENTIRE LIGHTHOUSE PARK FACILITY, INCLUDING, BUT NOT LIMITED TO, LIGHTHOUSE GULFSIDE PARKING LOT AND LIGHTHOUSE FISHING PIER PARKING LOT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE OF DECEMBER 8, 2006

Ms. Zimomra read the title of Ordinance 06-015.

Ms. Zimomra noted that there was an increase of crime and increased of incidents when there was no parking fee. She further spoke to the Wildlife Committee noticing that people circle the parking area until parking fees are no longer in affect.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to adopt Ordinance 06-015.

Discussion ensued regarding increasing security by installing video cameras, and Ms. Zimomra stated that the adopted budget included video cameras, extend parking enforcement beyond 6:00 p.m., Ms. Zimomra state that the Police Department would be monitoring the balance, down side include people who may not cause problems, the need for a security guard at the pier, Ms. Zimomra stated that it may not be cost prohibited, and cameras would be one tool, significant shortage in the Police Department, new employee could be paid out of Beach Parking, possibility of closing lighthouse park at night, and Ms. Zimomra stated closing the park would not stop residents on the east end from walking to fish and police officers responding would have to get out of their vehicle to unlock a gate to respond.

Public Comment:

Vern Frankwich, Wildlife Committee Chairman spoke to the committee in agreement of this proposed ordinance.

Gopal Pati spoke to agreement of the ordinance.

Cyril Rubin Ivler spoke in agreement to the ordinance.

Chief Tomlinson spoke to approaching the problem of increased crime with any and all ways that would accomplish the goal of reducing criminal incidents.

Discussion ensued regarding when paid parking ends currently was at 7:00 p.m.

The motion carried unanimously.

CONSENT AGENDA

Council pulled item (b).

- a. **RESOLUTION 06-157 CALLING FOR AN ELECTION FOR SANIBEL CITY COUNCIL MEMBERS; SETTING THE DATE AND POLLING PLACES FOR THE ELECTION; PROVIDING FOR BALLOT LANGUAGE; REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND CERTIFY THE RESULTS TO THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 06-157

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-157.

Mr. Cuyler called Council's attention to Section 3 and that 06 should be changed to 07 and in enactment 07 needed t be changed to 06.

Public Comment:

None.

The motion passed unanimously.

- c. **RESOLUTION 06-158 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH A MEDIA RELATIONS CONSULTANT TO ASSIST THE CITY OF SANIBEL IN CONDUCTING A MEDIA INFORMATION AND FACT PROGRAM AND EDUCATING THE GENERAL PUBLIC AND OTHER RELEVANT PARTIES REGARDING THE WATER QUALITY PROBLEMS AND RELATED**

ISSUES; AND PROVIDING AN EFFECTIVE DATE (funds included in the adopted budget)

Ms. Zimomra read the title of Resolution 06-158.

Councilman Rothman made a motion, seconded by Councilman Jennings, to adopt Resolution 06-158.

The motion carried unanimously.

- d. **RESOLUTION 06-159 ACCEPTING A PERPETUAL UTILITY EASEMENT, BILL OF SALE AND AFFIDAVIT OF NO LIEN FOR WASTEWATER FACILITIES, FROM THE SCHOOL BOARD OF LEE COUNTY, FLORIDA; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE** (no funds required)

Ms. Zimomra read the title of Resolution 06-159.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-159.

The motion carried unanimously.

- e. **RESOLUTION 06-161 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-005 AND PROVIDING AN EFFECTIVE DATE** (to roll-forward unspent funds from two Tourist Development Projects (TDC): Project #201899 Sanibel Beach Parks Re-vegetation after Hurricane Charley for \$39,107 and Project #201817 Sanibel Tree & Dune Landscaping for \$5,389)

Ms. Zimomra read the title of Resolution 06-061.

Councilman Brown made a motion, seconded by Councilman Jennings, to adopt Resolution 06-161.

The motion carried unanimously.

- b. **Request from Casa Ybel Resort for 20 additional Special Events Permits for 2006 and an additional Special Event Permits for 2007**

Ms. Zimomra noted that any complaints on file were in the agenda packet from the Police Department and Code Enforcement.

Ms. Awilda Rivers spoke to Council regarding:

- Letter to Council regarding every concern taken seriously
- Contracts advised rules and a list of island entertainers
- Hire armed security for parties of 100 or more
- Handle all events next door to resident condos and lack of cooperation or understanding from residents
- People staying at the resort have access to all the property
- Noise eliminated at 10:00 p. m.

Discussion ensued regarding complaints from owners/guest, the need not to have the Police Department respond to complaints regarding noise, the need for Casa Ybel Resort management to control the noise complaints, Casa Ybel Resort Management not aware of complaints from a specific family, complaints within the allowed time frame for noise, work closer with the complainant, Casa Ybel willing to work with staff and residents, and the need to come back to Council with a solution to the complaints.

Mr. Cuyler stated that prior to Ms. Rivera's arrival there was more City resources used at Casa Ybel Resort.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to capture the comments in the form of a letter to Ms. Awilda Rivera regarding the issues of Council discussion

The motion carried unanimously.

OLD BUSINESS

Water Quality Issues

Status report from staff on water quality conditions

Large deposits of red drift algae

Fish kill including large species

Status of beach clean-up

Dr. Loflin reported:

- Have had both a red tide kill off shore and fish kill
- No personal affects
- Dead fish kill of large fish
- No additional fish wash up the last 2 days
- Daily beach report
- Lighthouse beach in good condition
- Center of problem area of Gulfside City Park and Tarpon Bay Park
- Not recommended swimming in the water due to possible bacteria in the water from decomposing algae in the water
- West in of island Bowman's Beach and Blind Pass clear of algae
- Donax Beach access thru West Gulf Drive community access involved in red drift algae and fish kill
- Dolphins protected by federal law and state Fish and Wildlife Conservation determine the mammal(s) death by completing a necropsy for cause of death, then the mammal(s) would be buried by public works

Ms. Zimomra stated that it was Gates Castle, Public Works Director reviewing opportunities to clean-up the red drift algae.

Discussion ensued regarding numerous people requesting a beach clean-up, red drift algae mixed with sand, in the tidal zone, 4 years ago there was a clean-up the next day the material was in the inner tidal zone and came ashore after the previous day's clean-up, other municipalities may have a solution, and Ms. Zimomra stated she copied City Council on correspondence of other municipalities not having a way to address the problem, estimate of tonnage of red drift algae, number of trucks it might take to remove, removal location and time line.

Dr. Loflin stated that the State Environmental Protection would issue a permit for disposal and a large trench would need to be dug along the beach.

Gates Castle, Public Works Director stated that the volume would need to be quantified.

Discussion ensued regarding the volume of red drift algae on the beach, clean-up what was currently on the beach, need to apply for the DEP permit, bury red drift algae in a large trench along the beachfront, the tolerance among the public had been exhausted, algae loaded with bacteria, list of plus and minus getting rid of the algae.

Dr. Loflin spoke to:

- Destroying the beach and animals would be affected
- No turtle or shorebird nesting

- Destroy the tidal zone
- Beach not being used due to the algae

Gates Castle stated staff could present a solution, but it may not be one that Council would want and the contractor would need to be contacted with a notice to proceed, which may take several weeks and would take months to complete.

Ms. Zimomra stated that several local contractors had contacted staff offering to do a beach clean-up.

Discussion ensued regarding the estimate to clean-up, 2 or 3 months to clean-up the initial red drift algae, and there more clean-up as the red drift algae continues to wash ashore, Dr. Loflin stated the current red drift algae was unprecedented and divers were seeing a harder bottom, quite a bit continues to grow on the bottom, could continue to see more depending on the cold fronts and what remains off-shore, Ft. Myers Beach previously cleaned-up red drift algae and was fined due to not getting the necessary permits, Dr. Loflin stated that a root rake could be used if the material was in a perfect consistently, loader would take the top layer of sand, staff could go through the process of obtaining a permit, Councilman Jennings proposed a test area for burying algae to see if burying the algae would work, and Ms. Zimomra stated that staff could clean-up Gulfside Park as an experiment if Council wanted.

Public Comment:

Herb Rubin spoke to his agreement for clean-up and another place on the island that the algae could be trucked to and dispose of in time.

Ann Yarnel spoke to health problems with burning hurricane debris and should not be burned.

Erick Lindblad spoke to sea turtle using the beach next summer of the cumulative impact if red drift algae were buried on the beach and the need to truck to another location, but agreed something needed to be done. He further spoke to his second concern was restoring the water quality and do not clean the normal rack line on the beach.

Dr. Loflin asked Erick Lindblad if trenching was the only viable option due to no properties that would not affect residents down wind, would staying below the vegetation line and dig deep enough help not to impact nesting turtles next season, and Erick Lindblad agreed.

Evelyn Neal spoke to a book on composting of which had chapter of composting algae and see if the algae could be used as a mineral fertilizer. She suggested research on municipal composting.

Bruce Neal spoke to the viability of composting the red drift algae.

Council asked if Erick Lindblad had the facilities to analyze the algae.

Eric Lindblad noted SCCF did not have the ability to analyze the algae.

Discussion ensued regarding Councilman Brown and the City Manager attending the Tourism Development Council (TDC) meeting and the presentation by Dr. Judith Hartner, Ms. Zimomra stated that Council's policy for fish there was a standard that would trigger a clean-up and could be developed for red drift algae, and Ms. Zimomra suggested that if Council wanted staff to look at a clean-up option and try both for the least invasive process.

Vince Canosonni spoke to West Gulf Drive where the algae was thick and not wet becomes stringy and light. He further agreed to an experimental option.

Bruce Neill spoke to using trucks or backhoes to clean-up the red drift algae and the bacterial components may not be very different from leaves in ones yard.

Claudia Burns spoke to and recommended digging a pit on the island and bury the red drift algae.

Ms. Zimomra stated there would need more permits due to the water table.

Sonia Smith spoke to contacting a man named Dana at Beach tractors for clean-up and could the Sanibel problem be addressed.

Carol Mareha spoke to barging and dumping out to sea. She stated further the need to have the beach water tested. She also stated that Sanibel did not need to get a reputation for a dirty beach.

Ms. Zimomra stated there were several groups monitoring beach water and could go to the Lee County Health Department website for weekly testing results.

Dr. Loflin had pre-empted water testing for beach waters.

Mike Gareshin spoke to organisms in red algae being virus and spores and would not go away by burying the algae. He emphasized the need to send off the algae for testing.

Paul Anders spoke to the need to review the problems for nesting birds if the beach were destroyed.

Discussion ensued regarding setting up a workshop and get started cleaning-up the algae, use a portion of beach as a test, possibility of a Special Meeting to discuss alternatives, the need to send samples of algae for testing, review other communities policies, allow staff to decide the best alternative, the need to obtain permits, the need to allow nature to take it's course, and natural systems on the island need to be preserved.

Councilman Jennings made a motion to take 1,000 feet at Gulfside City Park to bury algae as a pilot.

Dr. David Berger spoke to agreeing with Councilman Rothman to allow nature to take its course and not clean-up the beach.

The motion died for the lack of a second.

Discussion ensued regarding Councilman Jennings not proposing to destroy the beach, set up a laboratory of 1,000 feet to see what works, and explore trucking off-island to see the cost.

Mayor Johnston made a motion, seconded by Councilman Brown, to immediately send algae for an analyses, staff bring back a suggestion to break the cycle of nutrients and come back to Council with options to manage the algae destruction without destroying the beaches.

Vince Canosonni spoke to the need for a permit.

Discussion ensued regarding DEP coming out today with a suggestion, Dr. Loflin stated it would not be a process to create a decomposition area on the island, bring back to Council with a recommendation, and hauling off island or digging a trench or let it be (red drift algae).

Dr. John Harries spoke to supporting Councilman Jennings suggestion.

Discussion ensued regarding no pilot program without a permit, staff would recommend 2 or 3 solutions, the motion made by Mayor Johnston .

Council recessed at 1213 p. m.

Council reconvened at 12:22 p. m.

Discussion ensued regarding requesting permits to set-up a lab on the beach as a pilot project, Dr. Loflin would call DEP this afternoon to inquire about a permit, and Council directed Dr. Loflin to request a permit from DEP.

Herb Rubin spoke to the need for staff to look at a decomposition site on the island.

The motion carried 4 to 1 with Councilman Rothman voting in opposition.

Staff Reports

Report from Natural Resources Department

Dr. Loflin gave the following report:

- Army Corps of Engineers (ACOE) choosing a new Lake Okeechobee Release Schedule with different options
- Made extensive comments of the chosen method
- Taking comments with tremendous success (2,000 comments)
- Decided to make changes to the proposed release schedule to improve the model results for the Calooshatchee River
- Meeting currently was to improve or combine the 2 plans to get the best regulatory schedule for the management of Lake Okeechobee and improve operational guidelines
- Would hold technical meetings between the various agencies
- Brand new process for the Environmental Impact Statement (EIS)
- February, 2007 with new EIS and would hold a public hearing
- June, 2007 for a final plan

Discussion ensued regarding Mayor Johnston meeting with Colonel Grosskruger, Tammy hall and other governmental representatives, the City's statement to the ACOE included 8 items for consideration, the need for a plan deviation if necessary, 2 areas due more work with proposed models, models show reduction of releases to the Calooshatchee River, the need to keep the biologists limits, Mr. Cuyler stated for clarification that the ACOE was responding to the City's request, but the SFWMD had not responded, revised EIS, there would be same public comment process as before, Mr. Cuyler stated that the SFWMS not responsive and list out that the SFWMD begin responding to previous discussions, should the comment letter to the ACOE be sent to the SFWMD and Mr. Cuyler noted the letter had been sent and Council may want to send a demand letter, and Councilman Jennings met with Colonel Grosskruger, Senator Mack, Representative Trudi Williams and Legislative Appointee Gary Aubuchon with the need for the municipalities and County agree to certain things regarding water releases, and sending water south.

Council recessed at 12:47 p. m.

Council reconvened at 2:04 p.m.

Meeting Reports

Councilman Brown report of physician meeting Wednesday, October 25, 2006

Councilman Brown spoke to the amount of information and meetings ongoing.

Vice Mayor Denham spoke to the following:

- Increased development on the Calooshatchee River
- Attended meeting to kick-off fund raising for Sanibel Captiva Conservation Foundation (SCCF) for acquisition of land (Casa Ybel Preserve)
- SCCF want to purchase 6 water sensor monitoring system along the Calooshatchee and around Sanibel Island to pinpoint pollution source
- Suggest participating in the purchase of the water sensor at a cost of \$60,000
- City Attorney noted the expenditure was admissible

Erick Lindblad spoke to the new Coastal Observatory Program sponsored by SCCF and pursued other avenues for funding. He further stated that it would be important enough to provide a catalyst and purchase

6 sensors that would sample water once per week. He also explained that there was something in the water that was absorbing the blue-light spectrum, which helps seagrass grow. He also noted that funds would provide 2 staff employees to monitor the sensors once installed, and would provide database information in a wide-range of scopes.

Discussion ensued regarding not pursuing the ACOE and SFWMD to help fund the sensors, Lee County could supply funds to help purchase sensors, the need to provide the scientific data, there are already 2 pledges for 2 sensors, SCCF inquiring about permits needed to install the sensors, sensor would be able to detect levels of nutrients, 5013c agency may not be able to do the same things.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to direct staff to prepare a budget amendment to make a donation to SCCF campaign for the purchase of water sensor in the amount of \$60,000, bring back to Council, and direct the staff to prepare an agreement.

Mr. Cuyler spoke to the need for an agreement with SCCF for sharing information. He further spoke to Council not setting a legal precedence in finding a public purpose. He also spoke to the entire system being available to the City, and in the event it ends the City would be able to capture funds.

Public Comment:

Gate Squashish spoke to the sensor equipment.

The motion carried unanimously.

Mayor Johnston asked Council if they wanted to send a letter to the AFWMD on points made today, and Council agreed.

Mayor Johnston spoke to receiving clean water networks of Florida and St. Johns River suing the EPA due to changes in water quality.

Councilman Brown noted he would speak to the Southwest Florida League of Cities.

Councilman Jennings spoke to Sanibel School students addressing WGPU at Sanibel Harbor and Resort last weekend.

Councilman Rothman noted that there was a letter to the editor from PURRE and taking a position opposed to water storage.

Discussion ensued regarding PURRE being against not providing clean water before it would go in to storage.

RESOLUTION 06-160 REPEALING CITY OF SANIBEL RESOLUTION 06-089 WHICH CALLED FOR AND SCHEDULED A BINDING REFERENDUM PERTAINING TO THE EXPENDITURE OF CITY FUNDS FOR LITIGATION RELATING TO LAKE OKEECHOBEE AND CALOOSAHATCHEE RIVER FRESHWATER RELEASES; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-160.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-160.

The motion carried 4 to 1 with Councilman Rothman opposing.

Colonel Gross Kruger, Commander of Jacksonville District Office of Army Corps of Engineers (ACOE) visit November 20 and scheduling a Special Council Meeting for 11:00 a. m. to 12:30 p.m. on November 20, 2006

Mayor Johnston explained that Colonel Grosskruger would be on the island touring, greet and meet for 10:30 a. m. and a Special Meeting beginning at 11:00 a. m.

Vice Mayor Denham made a motion, seconded by Councilman Rothman calling a Special Meeting for November 20, 2006 beginning at 10:30 a. m.

The motion carried unanimously.

Final approval of educational mailing to the electorate regarding the December 19 mail ballot question regarding Periwinkle Way Shared Use Path

Ms. Zimomra noted that all comments from Council had been incorporated.

Merribeth Farnum spoke to the changes requested by Council.

Discussion ensued regarding there being enough room for vehicles wanting to make a left-hand turn, Florida standards require 5 vehicles able to stack, include stacking explanation in mailer, water run-off at the Community Church explained by Gates Castle, and include 5 vehicles on the drawing.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to approve the newsletter with changes as mentioned above.

The motion carried unanimously.

Public Comment:

David Bath spoke to the need of the referendum.

Mr. Cuyler explained that the reason the referendum was needed was due to the acceptance by the electorate on the 2005 charter amendment.

Tom Sharber spoke to the Sanibel Bike Club approval of the mailing.

Discussion ensued regarding some electorate not voting for the December 19th referendum because it was an extension of the Small Business Initiative, for the use of segways, Mr. Cuyler stated that Council wanted to look at the Shared Use Path for safety issues of allowing segways or not, Mr. Cuyler further stated that Council could look at any issue even if the Planning Commission approves and comes to Council as an appeal, Mr. Cuyler explained that Mr. Kirkland had an 18 month approval for the use of segways and did come before the Planning Commission and the Planning Commission would have the final answer unless there was an appeal or Council found segways to be unsafe.

Discussion of December referendum on modification to Periwinkle Way

No discussion.

Status Report on Recreation Center Construction Project (3840 San-Cap Road)

Staff Status Report

Presentation by Peter Brown and Henry Woodroffe

Mr. Henry Woodroffe stated that everything was all on schedule.

Discussion ensued regarding the page of cost narrative regarding the buy out and that means that actually executed agreements with sub-contractors, re-imbusement for pre-construction services, construction issues of block deliveries and that had happened.

Ms. Zimomra stated that between 2:00 and 4:00 a. m. delivering cement blocks, make certain that Mr. Harranty was given a tour, and the Parks and Recreation Committee would be invited on a tour.

Staff report regarding the Evaluation Appraisal Report (EAR) amendments comparison to the Sanibel Plan

Bob Duffy gave the following report:

- Page 23 use storm surge rather than storm tide
- Page 24 level of tides and a separate issue was storm surge, 2nd and 3rd line spoke to tides during a storm – change to storm surge rather than storm tide

Mr. Bob Duffy spoke to the following:

- Forward the draft plan to Council
- Council requested that staff prepare a version of the plan that would reflect the various types of amendments that were included, how they relate to the EAR and in terms of interpreting the EAR to amend the plan
- Intent today was not to hold a hearing, Council could authorize and schedule the hearings

Discussion ensued regarding it taking a year to complete the EAR, and Council asked that Mr. Duffy decide the amount of upcoming discussions.

Continued from October 17, 2006 - Consideration of a Certificate of Appropriateness to relocate Shore Haven, a single-family residence listed on the local register of Historic Sites and Structures, located at 1111 Bird Lane, to the City owned property adjoining the City's public boat ramp commonly referred to as Bayview Park East pursuant to the Planning Commission's Relocation Plan and Site Evaluation Report (Property Owner is unavailable for this meeting and has requested a continuance for this item until November 21, 2006)

Mr. Cuyler spoke to a continuance request for this item to November 21, 2006. he further passed to Council a request from Jerry Stern, Attorney for Larry Thompson requesting a continuance for Tuesday, December 05, 2006.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to grant a continuance to December 05, 2006 for a time certain of 2:00 p.m.

The motion carried unanimously.

Local Business Initiative – Quarterly Report – Implementation Projects and Program:

Ms. Zimomra passed out an outline for the initiative.

Mr. Duffy spoke to:

- Property owners and business to schedule meeting with Planning staff on-line
- Increase ability for staff appointments
- Planner available at permit counter and telephone
- Unusable on the website

Discussion ensued regarding an e-mail changing the City's environment, and next step would be software update.

Status report and timeline for pending Planning Department projects

Discussion ensued regarding formular retail coming to Council, Mr. Duffy not had the time to brief Council on Planning Department projects, 1st reading of an ordinance on December 21, length of time legislation clears in the Planning Commission, legislation, only receive a cursory report from the Planning

Commission liaison to Council and need a better report, timeline for any legislation to Planning Commission, highlight Council's important issues and more detailed progress report from Planning Commission, Council and Planning liaison checking reports, and number of joint meetings in the past.

COMMITTEES, BOARDS COMMISSION

Request by Noah Stewart to be appointed to the Marine Advisory Committee

Councilman Brown made a motion, seconded by Vice Mayor Denham, to appoint Mr. Noah Stewart.

The motion carried unanimously.

Status of the Contractors Licensing Board member appointments; 2 members terms expire December 7, 2006

Ms. Zimomra stated that the terms were staggered and the 2 terms expiring was the plumber and the member at large. She advised that Council directed advertising.

Councilman Rothman, seconded by Councilman Jennings, to re-appoint the 2 expiring terms.

The motion carried unanimously.

Status of Planning Commission Board member appointments; 2 members terms expire January 09, 2007 and one member resignation as of January 01, 2007

Councilman Brown made a motion, seconded by Councilman Rothman, to advertise for the Planning Commission.

Discussion ensued regarding the appointments, interviewing the applicants, and appointing December 19 Council meeting.

The motion carried unanimously.

Request for a report from the Wildlife Committee on their conclusions/recommendations for dealing with the non-native iguana problem on Sanibel

Councilman Rothman stated that Council did not set a date for the Wildlife Committee.

Vice Mayor Denham, as the liaison spoke to iguanas on Sanibel.

Public Comment:

Karen Storijohann spoke to a large iguana population in Beachview.

Discussion ensued regarding an agenda item on iguanas in May, 2007.

NEW BUSINESS

Review of Bowmans' Beach Park (Bowman Beach Road) revised site plan as per Florida Recreation Assistance Development Program (FRDAP) for a grant in the amount of \$200,000

Discussion ensued regarding the grant, the site plan, and keeping the project within the \$200,000.

Councilman Jennings made a motion, seconded by Councilman Brown, to approve the plan.

Public Comment:

Spence Calisanti spoke to a playground at Tarpon Bay Road and other public beaches.

Ms. Zimomra answered that there would not be a playground at every beach park, but are identified in the Parks Master Plan.

The motion was unanimous.

Staff recommendations regarding Special Events Application Process and request for direction from City Council

Ms. Zimomra stated the agenda packet included the staff report and with Council's approval an ordinance would come forward.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to approve the recommendation of staff bring an ordinance forward.

Discussion ensued regarding the police service fee and Ms. Mansell spoke to an event request needing police and public works the application has an area to capture administrative costs, if damages occur the applicant would be charged, consistent with other communities, \$25 over night parking fee and thought about making that partially refundable if the grounds were cleaned, Council could direct staff to work that in to the fee schedule, Ms. Mansell spoke to administrative costs of issuing the permit, processing special events was almost a full-time job and an increase in the demand for issuing special events permits, and protected so there were not crowds of people on the beach.

The motion carried unanimously.

Ms. Zimomra passed to Council the legislative issues for the Horizon Council stated that under section 2 of the Horizon Council Councilman Jennings was able to get water quality as an issue, Councilman Jennings spoke to making an effort to work together on water quality.

CITY MANAGER'S REPORT

Informational items:

Community Housing Resources' (CHR) Quarterly Financial Statement

In the agenda packet.

Council participation in the Logistic & Accuracy Testing of Voting Machines Friday, December 15th and Canvassing Board meeting Tuesday, December 19th (request for a Councilmember to serve)

Vice Mayor Denham stated he would like to attend.

Council agreed.

First draft of proposed priorities for upcoming legislation delegation meeting

Ms. Zimomra passed out the notice for the local delegation of December 04 and the meeting would be on December 18. She further spoke to the outline that would need to be followed.

Discussion ensued regarding items to carry forward, local representative to be the sponsor, prepare form with budget implication, would come to Council at the December 05 meeting, pollution of the Calooshatchee River basin and should be the next issue for Council.

20 year membership and service award to the City of Sanibel from the National League of Cities

Ms. Zimomra noted that the City had received a plaque for the 20 years of membership.

CITY ATTORNEY'S REPORT

None.

There being no further business the meeting was adjourned at 4:48 p. m.

COUNCILMEMBERS' REPORT

Florida League of Cities Institute for Community Housing Seminar scheduled for Friday, December 1, 2006 9:30 a. m. to 3:30 p. m.

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

There being no further business the meeting adjourned at 4:48 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk