

**SANIBEL CITY COUNCIL MEETING  
JANUARY 18, 2005**

Mayor Harrity celled the meeting to order at 9:04 a. m.

Councilman Brown gave the Invocation and led in the Pledge of Allegiance.

Members present: Mayor Harrity, Vice Mayor Walsh, Councilman Brown, Councilman Jennings and Councilmember Workman.

Councilmember Workman asked that Council add the following Resolution to the agenda.

**RESOLUTION 05-025 ASKING CITY COUNCIL MEMBERS TO EXPRESS THEIR SUPPORT FOR FAIR ELECTIONS AND THAT ALL CANDIDATES ACT TO OBEY ALL ELECTION LAWS OF THE STATE OF FLORIDA AND THAT FAILURE TO DO SO WILL RESULT IN CENSURE BY THE SITTING CITY COUNCIL**

Ms. Zimomra read the title of Resolution 05-025.

Discussion ensued regarding specific censuring one member of Council, context of entire resolution would be that all candidate have to obey all election laws and reaffirms that there would be fair elections, Councilman Jennings stated that a decision rendering guilt or innocence had been not been given by the Elections Commission, and the resolution stating that the Election Commission had made a finding.

Mayor Harrity made a motion, seconded by Councilman Brown, to continue discussion until February 01, 2005 Council meeting.

Discussion ensued regarding the Elections Commission rendering a final order and the pending motion.

Mr. Cuyler stated that public comment would be only on the continuance of the discussion.

Public Comment:

Michael Workman, son of Councilmember Workman spoke in favor of the continuance.

Joe Small spoke to being in favor of the continuance.

The motion passed 4 to 1 with Councilmember Workman voting in opposition, and Mayor Harrity, Vice Mayor Walsh, Councilman Brown, Councilman Jennings and Councilmember Workman voted in favor of the motion.

**RESOLUTION 05-024 SANIBEL CITY COUNCIL ACKNOWLEDGING THE SETTLEMENT TERMS OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS AND PROPOSING CERTAIN REVISED TERMS OF SETTLEMENT IN THE CASE OF CITY OF SANIBEL, A MUNICIPAL CORPORATION V. LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AND THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, ITS GOVERNING BODY, CASE NO. 04-134 CA-H; SETTING FORTH A REVISED PROPOSAL FOR SETTLEMENT; PROVIDING FOR THE LENGTH OF SAID REVISED OFFER; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-024.

Mr. Cuyler advised that Council would decide whether or not to add Resolution 05-024 for discussion later in the day. He requested if Resolution 05-024 were added to the agenda that it be added after the Attorney/Client Session and there would be copies available in the back of the room if Council added it to the agenda.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman not to add Resolution 05-024 at the moment, but reserve the right to add after the Client/Attorney Session.

Mayor Harrity asked if Vice Mayor Walsh would accept an amendment to add Resolution 05-024 after the Attorney/Client Session.

Vice Mayor Walsh refused the amendment.

Discussion ensued regarding adding this item after the Attorney/Client Session and giving sufficient notice to the public. and adding an agenda item called Causeway Issues and settlement discussion and possible adoption of a resolution

Public Comment.

Nola Theiss spoke to adding Resolution 05-024 at the last minute.

Discussion ensued regarding Council had the right to add an item to the agenda and giving sufficient notice to the public,

Vice Mayor Walsh and Councilmember Workman withdrew the previous motion.

Vice Mayor Walsh made a motion, seconded by Councilman Brown, that if there were the possibility of a settlement that Council schedule a special meeting within a short period of time to take appropriate action.

Discussion ensued regarding the motion, holding the meeting at night, holding the meeting Thursday, January 20<sup>th</sup>, Mr. Cuyler suggested waiting until the Attorney/Client Session to make any decision of a special meeting and adding discussion of Causeway Issues.

Vice Mayor and Councilman Brown withdrew the second motion.

Vice Mayor Walsh made a motion, seconded by Councilman Brown, to add Discussion. of Causeway Settlement issues 9 (b).

Discussion ensued regarding the motion, and Mr. Cuyler advised that there are two ways to handle; 1) keep the motion pending as to allow for public comment; or 2) add to the agenda now and announce when there would be public comment.

#### **PRESENTATION:**

#### **Proclamation proclaiming January 30 to February 05, 2005 as Safe Boating Week.**

Mayor Harrity read the proclamation and presented it to the Marine Advisory Committee.

#### **Proclamation proclaiming January 23 to January 29, 2005 The Emergency Planning and Community Right to Know Act "EPCRA" Week in Southwest Florida.**

Councilmember Workman read the proclamation and presented it to the Sanibel Police Department.

#### **Proclamation honoring service to the City by Jerry Deutscher, Sanibel Ham Radio.**

Vice Mayor Walsh read the proclamation and presented it to Jerry Deutscher.

### **Public Comments:**

Herb Rubin spoke to the upcoming election.

Claudia Burns spoke to having a special meeting on Causeway Issues in the evening with adequate advertisement.

Marie Gargano spoke to the decision of the Florida Elections Commission regarding Councilman Jennings.

Discussion ensued regarding continual comments of Councilman Jennings election violations, election violations were outside the scope of City Council, some violations occurred after Councilman Jennings was elected, and by Councils' silence it could appear to be condoning Councilman Jennings actions.

Nola Theiss spoke to the Renaissance Academy being offered on Sanibel through Florida Gulf Coast University to be held in February and March in the evening.

Paul Andrews spoke to a trip to Tallahassee in support of the purchase of the Babcock Ranch.

John Carney spoke to City elections being non-partisan and asked Council to make clear that it is so.

Jack Samler spoke to Governor Bush disallowing tax breaks for hurricane victims so that needed money could be made available to purchase the Babcock Ranch. He also spoke to once allowing Lee County to maintain San-Cap Road corridor would proceed with four-laning the primary road.

Billy Kirkland spoke to a letter in the News Press that a local business gave money to Councilman Jennings election fund, which he did, but not for the reason of obtaining contracts through the City.

Rob Jess, J. N. "Ding" Darling Wildlife Refuge spoke of the good heart of Billy Kirkland. He also spoke to tax money the City should have received from the State through Lee County.

Marie Gargano spoke a second time of Councilman Jennings being found guilty of violating the Elections Law. She also spoke to Lee County 4-laning Periwinkle Way and the right-of-way already owned by Lee County.

Council recessed at 10:25 a. m.

Council reconvened at 10:39 a. m.

The motion passed 4 to 1 with Councilmember Workman voting in opposition, and Mayor Harrity, Vice Mayor Walsh, Councilman Brown, Councilman Jennings and Councilmember Workman.

### **Council Comments:**

Vice Mayor Walsh spoke to the joint MPO's of Lee and Collier Counties and a bill to widen I-75 to 10 lanes with 2-lanes being toll lanes and setting up a Special Authority. He also spoke to adding the settlement discussion to the agenda he would move to hold a special meeting with advanced notice.

Councilmember Workman spoke to the Summerlin fly overs issue to be built at San Carlos and Summerlin Road, Gladiolus and Summerlin Road and College and Summerlin Road..

Discussion ensued regarding Council protesting the proposed fly overs.

Mayor Harrity spoke a good luck to all candidates.

### **Planning Commission Report**

Mr. John Veenschoten gave a brief report of the January 11, 2005 Planning Commission meeting.

**CONSENT AGENDA:**

Councilman Brown made a motion, seconded by Councilmember Workman, to adopt the minutes.

The motion was passed unanimously.

a. Approval of minutes for August 03, 2004 Regular Meeting, August 29, 2004 Joint Council/Planning Meeting, October 05, 2004 Regular Meeting, October 19, 2004 Regular Meeting, October 28, 2004 Joint City Council/Planning Commission meeting, November 02, 2004 Regular Meeting, November 16, 2004 Regular Meeting, December 07, 2004 Regular Meeting and January 06, 2005 Joint City Council/Planning Commission Meeting.

b. **RESOLUTION 05-012 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-014 AND PROVIDING AN EFFECTIVE DATE.** (appropriate \$30,000 for West Coast Inland Navigation District (WCIND) for the boat ramp dock replacement)

Ms. Zimomra read the title of Resolution 05-012.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to adopt Resolution 05-012.

Public Comment:  
None

The motion passed unanimously.

c. **RESOLUTION 05-013 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-015 AND PROVIDING AN EFFECTIVE DATE.** (grant from the Tourism Development Council (TDC) for \$390,000 for Beach Maintenance Project # 201656)

Ms. Zimomra read the title of Resolution 05-013.

Vice Mayor Walsh made a motion, seconded by Mayor Harranty, to adopt Resolution 05-013.

Public Comment:  
None.

The motion passed unanimously.

d. **RESOLUTION 05-014 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-016 AND PROVIDING AN EFFECTIVE DATE.** (grant from the Tourism Development Council (TDC) for \$25,000 for beach erosion monitoring Project # 201747)

Ms. Zimomra read the title of Resolution 05-014.

Vice Mayor Walsh made a motion, seconded by Mayor Harranty, to adopt Resolution 05-014.

Public Comment:  
None.

The motion passed unanimously.

e. **RESOLUTION 05-015 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-017 AND PROVIDING AN EFFECTIVE DATE.** (grant from the Tourism Development Council (TDC) for \$50,000 for Dune Walkover Replacement Project # 201897)  
Ms. Zimomra read the title of Resolution 05-015.

Vice Mayor Walsh made a motion, seconded by Councilman Jennings, to adopt Resolution 05-015.

Public Comment:  
None.

The motion passed unanimously.

f. **RESOLUTION 05-016 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-018 AND PROVIDING AN EFFECTIVE DATE.** (grant from the Tourism Development Council (TDC) for \$20,000 for Water Quality Monitoring Project # 201898)  
Ms. Zimomra read the title of Resolution 05-016.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to adopt Resolution 05-016.

Public Comment:  
None.

The motion passed unanimously.

g. **RESOLUTION 05-017 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-019 AND PROVIDING AN EFFECTIVE DATE.** (grant from the Tourism Development Council (TDC) for \$169,500 for Beach Parks Hurricane Charley Expenses Project # 201899)  
Ms. Zimomra read the title of Resolution 05-017.

Vice Mayor Walsh made a motion, seconded by Mayor Harrity, to adopt Resolution 05-017.

Public Comment.  
None.

The motion passed unanimously.

h. **RESOLUTION 05-021 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 05-021.

The Deputy City Clerk read the names of qualified candidates as they would appear on the ballot.

Councilman Brown made a motion, seconded by Mayor Harrity, to adopt Resolution 05-021.

Due to the need the make certain the names read are as they will appear on the ballot the Clerk left the meeting to check.  
Public Comment:

Claudia Burns spoke to the elections.

Mayor Harrity made a motion, seconded by Vice Mayor Walsh, to table until the Deputy Clerk returned with the names as they would appear on the March 01, 2005 ballot.

The motion passed unanimously.

Council decided to discuss the following items.

**RESOLUTION 05-011 APPOINTING TERMS OF THE MEMBERS OF THE CONTRACTORS BOARD; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-011.

Mr. Cuyler advised that although Council appointed the members of the Contractors Board terms were not establish. He further explained that Resolution 05-011 incorporated the terms that members decided upon.

Vice Mayor Walsh made a motion, seconded by Mayor Harrity, to adopt Resolution 05-011.

Public Comment:

None.

The motion passed unanimously.

**CAUSEWAY ISSUES:**

**Report of the monthly Lee County Causeway Reconstruction and Replacement Progress meeting January 11, 2005.**

Mr. Jim Isom gave a brief report. He pointed out that most of the engineering completed the meeting would be held weekly on Tuesday of each week. He also called Council's attention the Lee County's schedule for completion with all traffic moving normally by would allow September, 2006.

Discussion ensued regarding the scheduling changes, Span A completed April/May, 2006, Span B completed July, 2006 and Span C completed September, 2006, no indication of money saved by completing Span A first, increase in construction costs, final drawings were the same as approved by Sanibel, modification include those approved by Council for Causeway Boulevard and bond issues.

Ms. Smith read the following names as they would appear on the March 01, 2005 election:

Mick Denham  
Marty Harrity  
Carla Lee Brooks Johnston  
Bob Laswell  
Eric J. Pfeifer  
Tom Rothman  
Larry C. Thompson

Mayor Harrity made a motion, seconded by Councilman Jennings, to remove the item from the table.

The motion passed unanimously.

Councilman Brown and Mayor Harrity withdrew the previous motion to adopt Resolution 05-021.

Councilman Brown made a motion, seconded by Mayor Harrity, to adopt Resolution 05-021 reflecting names mentioned above.

The motion passed unanimously.

**BOARDS, COMMITTEES, COMMISSIONS**

**RESOLUTION 05-020 APPOINTING MEMBERS TO THE 5-YEAR BUDGET COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-020. She explained that Resolution called for 7 members, but eight residents had applied for membership.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, amend Resolution 05-020 by increasing the number of members from 7 to 8 .

Mr. Cuyler advised the following amendment should be made:

**“AMENDING RESOLUTION 05-007 TO PROVIDE FOR 8 MEMBERS OF THE 5-YEAR BUDGET COMMITTEE, and change the number from 7 to 8 in the first Whereas clause.”**

Ms. Zimomra read the following names as new members of the 5-Year Budget Committee:

Doug Dietrich	Michael Miller
Al Hanser	Timothy O’Neill
Chuck Ketteman	Cynthia Rice
Frank Leonard	Steve Smith

Public Comment:  
None.

The motion passed unanimously.

Council decided to discuss the following:

**OLD BUSINESS:**

**RESOLUTION 05-022 AUTHORIZING THE SALE OF CITY-OWNED REAL PROPERTY APPROVED FOR SALE BY PUBLIC REFERENDUM; FINDING THAT THE SALE SERVES AN APPROPRIATE AND PROPER PUBLIC PURPOSE; DECLARING SAID PROPERTY TO BE SURPLUS PROPERTY AND AVAILABLE FOR SALE; AUTHORIZING THE EXECUTION OF PURCHASE AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.** (Petel Tracts)

Ms. Zimomra read the title of Resolution 05-022

Vice Mayor Walsh made a motion, seconded by Councilman Brown, to adopt Resolution 05-022.

Mr. Cuyler stated that the referendum was approved on the condition that the land would stay in the Environmentally Sensitive Land District.

Public Comment:  
None.

The motion passed unanimously.

**RESOLUTION 05-019 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, PROVIDING FOR TENTATIVE AWARD OF A CONTRACT TO E.T. MACKENZIE OF FLORIDA, INC., FOR THE CONSTRUCTION OF THE SANIBEL SEWER SYSTEM EXPANSION PROJECT PHASE 3B PURSUANT**

**TO THE FLORIDA STATE REVOLVING LOAN FUND PROGRAM, SUBJECT TO REGULATORY APPROVAL; AUTHORIZING EXECUTION OF THE CONTRACT DOCUMENTS BY THE MAYOR AND CITY MANAGER/CITY CLERK; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-019.

Discussion ensued regarding the amount of the bid, area larger, cost per property owner increased approximately 30%, one remaining project (Woodring Point) and cost increase due to the Causeway.

Public Comment:

Herb Rubin spoke to the roadway after the last sewer expansion project.

Ms. Zimomra stated that the road patches were temporary and would be made permanent in May, 2005.

Paul Andrews asked if a bike crossing would be put across San-Cap Road to Bowmans' Beach.

Ms. Zimomra states that it was in the master plan.

Mayor Harrity made a motion, seconded by Councilman Jennings, to adopt Resolution 05-019.

Public Comment:

None.

The motion passed unanimously.

Mayor Harrity announced that Council would be going in to the Attorney/Client Session, which would be concluded at 1:15 p.m. He also announced the following persons would be included in the session.

Council convened in to the Attorney/Client Session at 11:54 a. m.

**ATTORNEY/CLIENT SESSION**

**The City Attorney desires advice and consultation with the City Council pursuant to Section 286.011 (8), Florida Statutes, regarding City of Sanibel v. Lee County and the Board of Lee County Commissioners, its governing body, Case #04-134 CA-H. The Attorney-Client Session shall not be open to the public. The Attorney-Client Session shall be held on Tuesday, January 18, 2005 at 11:45 A. 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:**

**Marty Harrity, Mayor  
Dick Walsh, Vice Mayor  
Steve Brown, Councilman  
Jim Jennings, Councilman  
Judy Workman, Councilmember  
Kenneth B. Cuyler, City Attorney  
Judie Zimomra, City Manager  
Fort Myers Court Reporting Representative**

Council reconvened in to open session at 1:32 p. m.

Council recessed at 1:32 p. m. announcing they would convene at 1:50 p. m.

Council reconvened at 2:03 p. m.

Mr. Cuyler announced that Council was now at Item 9 (b) Discussion Causeway Settlement Issues. He reminded Council that the discussion earlier was to possibility add a resolution.

**DISCUSSION OF CAUSEWAY SETTLEMENT ISSUES:  
RESOLUTION 05-024 SANIBEL CITY COUNCIL DIRECTING THE CITY  
MANAGER TO CONTINUE DISCUSSION TO ESTABLISH A FRAMEWORK  
FOR SETTLEMENT IN THE CASE OF CITY OF SANIBEL, A MUNICIPAL  
CORPORATION V. LEE COUNTY, A POLITICAL SUBDIVISION OF THE  
STATE OF FLORIDA, AND THE BOARD OF COUNTY COMMISSIONERS OF  
LEE COUNTY, ITS GOVERNING BODY, CASE NO. 04-134 CA-H; AND  
PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-024.

Vice Mayor Walsh made a motion, seconded by Councilman Brown, to adopt Resolution 05-024.

Discussion ensued regarding a letter from the Lee County Manager regarding monies for the proposed recreation facility, no tie to Causeway settlement and other tax monies distributed by Lee County.

**Public Comment:**

Barbara Cooley spoke to an unrelated item being discussed during the Attorney/Client Session being a Sunshine violation. She spoke to her concern of Sanibel losing the 21% of toll money.

Mr. Cuyler stated that there was no Sunshine violation and the City Manager had the ability to relay the conversation she had with Lee County Manager.

Claudia Burns spoke to Council having a Special Meeting regarding the Causeway.

Barbara Cooley spoke to her fear regarding possible concession from Lee County either not in writing or Lee County not standing behind their agreement.

Marie Gargano spoke to the need for a public meeting for public input.

Steve Maxwell spoke to the need of a well-publicized meeting regarding the Causeway.

The motion passed 4 to 1 with Councilmember Workman voting in opposition to the motion, Mayor Harranty, Vice Mayor Walsh, Councilman Brown and Councilman Jennings voting in favor of the motion.

**EVALUATION APPRAISAL REPORT (EAR)  
ORDINANCE 05-003 ADOPTING THE 2004/2005 EVALUATION AND  
APPRAISAL REPORT (EAR) OF THE SANIBEL PLAN; AND PROVIDING AN  
EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-003.

Discussion ensued regarding dealing with property by deed instead of contracts, old case concluded Larry Bator v. City referencing a piece of property owned by more than one person, processing any application the City would deal with the owner of the deed and in the early days the City accepted sale contracts by giving owners a break from the rules,

Mr. Pfalzer gave the following report:

- February, 2004 procedure for the EAR was brought before City Council
- May, 2004 City Council reviewed a major issues list
- Planning Commission provided an Executive Summary
- Pages (Roman Numeral) V, VI & VII, which deal with;
  - Maintaining the Natural Beaches
  - Number of stories on existing buildings and number of units as it relates to build back
  - General guidance for a re-development study
  - Intergovernmental Coordination
  - Character of the Community
- Page 11 and Page 18 add “has recently completed an addition,” deleting “expanding.”
- Page 12 4<sup>th</sup> paragraph correct by adding the word “and” after the word “services” and deleting “on” after “facilities.”
- No changes of land use
- Financial Feasibility Section recounts history of last 7 to 8 years and implementation of plan was feasible
- Gross management law – City in compliance

Major Issues:

- Evacuation and Recovery Capabilities
- Peak Season, Peak Hour, Outbound Traffic Congestion at the Intersection of Periwinkle Way and Causeway and Lindgren Boulevards
- Coordination and Collaboration with other Governmental Units
- Stresses on the Carrying Capacity of Natural Systems
- Character of the Community
- Master Parks and Recreation Plan
- Directing Population Concentrations Away from the Coastal High-Hazard Areas
- Build-back
- Environmental Health and Sustainability

Mr. Pfalzer stated that pages 38 through 42 express certain amendments that could be made to the Sanibel Plan, which would require future public hearings. He further stated that staff would bring forward EAR based amendments for Council to address in 2006. He also stated that a proposed build back ordinance may come to Council in 2005. He advised Council that the Sanibel Plan had been amended 5 times since the last EAR review for the following reasons:

- Adoption of the Vision Statement and give the name “Sanibel Plan”
- Ear base plan amendments
- Rezone 18 acres for the existing water treatment plant to conform to zoning maps
- Remove 3.5 acres from the Interior Wetlands District to allow Below Market Rate Housing on Casa Ybel Road
- Remove 6 acres of commercial land the City had acquired for environmental purposes

Special State EAR Issues:

- Public Schools
- Water Issues

Special Local Issues

- Sanibel Causeway
- Hurricane Charley – condition of sustaining local economy in short-term steps to sustain in long-term
- Computerize official maps

Discussion ensued regarding County's ERA kicked back because they failed to address all major issues and Sanibel had addressed all major issues, not uncommon for large community to use all cycles to amend their plan, preservation of natural beaches and limit access by passes in other parts of the country.

Public Comment:

Hazel Schuller spoke to the EAR and beach equipment.

Mr. Pfalzer stated that there was some existing, multi-family and resort could have beach equipment on the beach, no permit to put equipment, but a permit to obtain an outside storage. He further stated that it would be difficult to control pre-positioning. He also stated that the over-night compliance level and outreach had been very successful.

Steve Maxwell spoke to page 6 of the report and the changing of the build out number. He also spoke to the date of the intensity maps being added. He further spoke to the need to add variances.

Carla Johnston spoke to the provision of Chapter 163 Florida Statutes noted within the document.

Marie Gargano spoke to BMRH subcommittee recommending 3% for the program.

Mr. Pfalzer stated that setting the level of service lower than what the City wanted to accomplish thus bringing forward a range of 2.2% to 3%.

Ellis Robinson spoke to beach capacity and the need for a considerable study.

Discussion ensued regarding taking the document section by section

Ms. Zimomra explained that the following resolution was stated that there was a companion piece of legislation.

**RESOLUTION 05-023 ELECTING TO CONDUCT PUBLIC HEARINGS PRIOR TO 5:00 P. M. ON A WEEKDAY WITH RESPECT TO A PROPOSED ORDINANCE THAT ADOPTS THE 2004/2005 EVALUATION AND APPRAISAL REPORT (EAR) OF THE SANIBEL PLAN.**

Ms. Zimomra read the title of Resolution 05-023.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to adopt Resolution 05-023.

Public Comment:

Ellis Robinson asked why not have the next public meeting hearing later in the day.

Discussion ensued regarding a night meeting and Ms. Zimomra explained that the advertisement includes an address for residents to submit comments by e-mail.

Vice Mayor Walsh made a motion, seconded by Mayor Harity to hold the next public hearing February 01, 2005 at 2:00 p.m.

The motion passed unanimously.

**CITY MANAGER'S REPORT**

**Informational items:**

**Hurricane Recovery Update.**

Ms. Zimomra reported the following:

- Placement of delineators

- Positive response from business regarding allowing “special” special events

### **Collection of debris at Gulf Dr and San-Cap Rd.**

### **Community Alert Test scheduled for Monday, January 24, 2005.**

Ms. Zimomra stated the system continues to be refined. She also stated that parameters would be set for calling, which would take place on January 24, 2005.

### **Recreation Issues:**

### **Recreation Center Open House January 25, 2005 from 3:30 p. m. until 7:00 p. m.**

Ms. Zimomra spoke to the open house and renovations.

### **Utility hook-up fees for the Modular Restrooms located at the Recreation Center.**

Ms. Zimomra reported that the sewer hook-up fee was paid by the City.

### **Update of the Planning Department current workplan.**

Ms. Zimomra called Council’s attention to the agenda packet information of pending special projects.

### **Update of correspondence with Captiva Community Panel**

Ms. Zimomra called Councils attention to the agenda packet information. She asked Council pleasure regarding Council briefings or a meeting.

Discussion ensued regarding the benefit to Sanibel to expand the sewer, Captiva residents would foot the cost for the expansion, no control over Captiva and once sewer was connected Sanibel would have to keep up with demand, potential problems with the Sanctuary if Wulfert Point plant was expanded and only allowing a certain number of sewer caps.

Vice Mayor Walsh made a motion, seconded by Councilman Brown, to direct staff to inform the Captiva Community Panel that if they were willing to pay for the cost of a preliminary engineering study and provide entire cost of funding on the front end, staff to discuss and obtain a check for cost and come back to Council.

### **Public Comment:**

A Sanibel resident spoke regarding placing a cap on the number of sewer connections.

Herb Rubin spoke against providing sewer.

Barbara Cooley recommended explanation of representation.

The motion passed 4 to 1 with Councilmember Workman voting in opposition and Mayor Harrity, Vice Mayor Walsh, Councilman Brown and Councilman Jennings voting in favor of the motion.

### **CITY ATTORNEY'S REPORT.**

None.

### **COUNCILMEMBERS' REPORT.**

None.

### **PUBLIC COMMENT.**

Steve Maxwell spoke to City Council putting out a document clarifying the charter amendments and referendum on the March 01, 2005 election ballot.

Karen Storjohann stated that the Democratic Club would have a public forum regarding the charter amendments and referendum.

There being no further business the meeting adjourned at

Respectfully submitted by,

Pamela Smith, CMC  
Deputy City Clerk