

**CITY COUNCIL SPECIAL MEETING
FEBRUARY 09, 2005**

Mayor Harrity called the meeting to order at 11:00 a. m.

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

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

Review City Attorney proposed explanation on ballot questions.

Mr. Cuyler explained what documents were included in Council's agenda packet. He further stated that the explanation were a re-gurgitation of the ballot language. He called Council's attention to a folder that was passed out with the initiating legislation.

Discussion ensued regarding using bullets to identify pertinent facts, Mr. Cuyler called the special meeting to clarify ballot language and a concern that City Council would want to review and approve, Council should not give personal basis as not to taint the process, wording of amendments to referenda numbers 4, 5 and 6 and add the wording "adopted by Council and", other entities explaining the ballot language through mailings, phone calls, etc., to avoid any interpretation was to provide the ballot language, state law prohibits the increase of density, height, etc., City Attorney not researched the former statement, need legal opinion that State law either prohibits or not increase density, height, etc and nothing in State law that prohibits increased density.

Public Comment:

Armand Ball spoke to his disappointment that Council was discussing the merits of the referenda. He supported sending out Mr. Cuyler's explanation.

Patty Sprankle spoke to the need to understand the ballot language in the context of State of Lee County law.

Bernie Lubetkin spoke to his support of the explanation.

Discussion ensued regarding Council passing a proposed ordinance contrary to the Charter.

Homer Azuir spoke to a hypothetical problem a resident may have and if the resident could ask for a variance from the Planning Commission or referendum.

Mr. Cuyler requested Council decision on the proposed ballot explanation.

Steve Smith spoke against hypothetical questions, additional amendments proposed by Vice Mayor Walsh were not in the original ballot language and not hold a political discussion.

Steve Greenstein, Executive Director Sanibel Captiva Chamber of Commerce spoke to helping members understand upcoming legislation, received questions of ballot language and Chamber would not give opinion of ballot language due to the Chamber not understanding the referenda.

Jim Hamlin spoke in favor of the explanation and the proposed amendments.

Robert Mooney spoke to Charter Amendment 1, ""Causeway", and risk in changing words that may change the intent.

Barbara Cooley spoke in favor of the explanation.

Discussion ensued regarding not giving an opinion of the referenda.

Wayne Ponader spoke to making any changes to referenda would be inappropriate. He spoke in favor of the explanations.

Bob Laswell stated the explanation was confusing.

Homer Azuir spoke a second time of asking voters to vote without understanding.

Steve Greenstein spoke a second time to previous comments of variances, and ballot language includes an appeal law.

Bernie Lubetkin spoke a second time that the referenda would not change existing laws.

Discussion ensued regarding not including amendments as previously stated and no need to send letter of explanation to voters.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to mail letter and explanation to each registered voter.

Discussion ensued regarding the cost of mailing the letter and explanation and/or advertisement in the paper.

Motion failed three to two, with Mayor Harrity, Councilman Jennings and Councilman Brown voting in opposition to the motion, and Vice Mayor Walsh and Councilmember Workman voting for the motion.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to place an ad of the explanation in the Island Sun.

Public Comment:
None.

The motion failed three to two, with Mayor Harrity, Councilman Brown and Councilman Jennings, and Vice Mayor Walsh and Councilmember Workman voted in favor of the motion.

Vice Mayor Walsh made a motion, seconded by Councilman Brown, to adjourn.

Discussion ensued regarding Council's failure to provide information to the public and that the public have numerous opportunities to receive information regarding the referenda.

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

There being no further the meeting was adjourned at 12:12 p. m.

Respectfully submitted by,

Pamela Smith, CMC
Deputy City Clerk