



# MEMORANDUM

DATE: April 28, 2005

TO: **City Councilmembers**

FROM: **Judith Zimomra, City Manager**

SUBJECT: **Supplemental Materials for City Council Meeting, May 3, 2005**

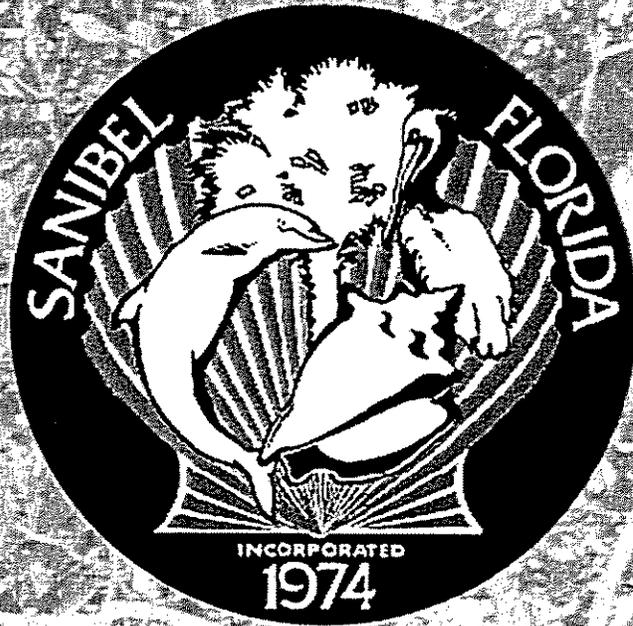
---

Attached are the Supplemental Materials for the May 3, 2005 City Council packet.

Included are:

- A copy of the proposed Environmental Handbook (Item 9b)
- The current Planning Department Work Plan (Item 10a)
- The EAR section regarding power lines and the existing LCEC City of Sanibel contract and the new City of Marco Island LCEC contract. (Item 12a)
- The Budget for the Old Schoolhouse Renovation Project and the Packing House Renovation Project including Revenue Sources (Item 8a)
- Parks and Recreation Committee Recommendations (Items 9a 1&2)

JAZ/dlm



*Drop down*

# ENVIRONMENTAL HANDBOOK

**Sanibel Vegetation Committee**

*REMOVE*

Through our involvement in vegetation inspections and the education of landscape contractors, the City of Sanibel Vegetation Committee recognized a need to get native plant and other environmental information to the public. With this Environmental Handbook we hope to provide many of the answers to the myriad questions we have been asked.

The recent hurricanes taught some valuable lessons. Large, tall trees are vulnerable. Australian pines cannot withstand high winds, but smaller native trees and native shrubs fare well.

We know this Handbook will prove helpful and will spike your interest in the natural world of our beautiful Southwest Florida barrier island.

Prepared by City of Sanibel Vegetation Committee

Approved by Sanibel City Council

MMM.../YYYY



***The Sanibel Vegetation Committee  
gratefully acknowledges the support of the  
J. N. "Ding" Darling National Wildlife Refuge***

Reproduction of this material permitted for educational purposes

## Contents

### **Sanibel Vision Statement**

#### **I. Introduction**

- A. Volunteerism
- B. City Appointed Advisory Commission and Committees

#### **II. Beach Management**

- A. Beach Protocol
- B. Beach Erosion

#### **III. Conservation**

- A. Water
- B. Recycling

#### **IV. Vegetation**

- A. Native Plants
- B. Non-native Plants
- C. Mangroves
- D. Coastal Construction Control Line (CCCL)
- E. Soil, Compost, Mulch, and Sod
- F. Herbicides, Pesticides, and Fertilizers
- G. Vegetation Committee
- H. Vegetation Permits
- I. Vegetation Contractors
- J. References
- K. Organizations

#### **V. Wildlife**

- A. Living with Sanibel Wildlife
- B. Landscaping for Wildlife
- C. References
- D. Organizations

#### **VI. Hurricane Preparedness**

#### **VII. Questions and Answers (Q & A)**

#### **VIII. Acknowledgements**

#### **IX. Phone numbers & Websites**



# VISION STATEMENT

## BACKGROUND

To provide a sense of direction for the future, this Vision Statement was set forth as a confirmation of the community's shared values and goals to guide future decisions.

## SANCTUARY

Sanibel is and shall remain a barrier island sanctuary, one in which a diverse population lives in harmony with the island's wildlife and natural habitats. The Sanibel community must be vigilant in the protection and enhancement of its sanctuary characteristics.

The City of Sanibel will resist pressures to accommodate increased development and redevelopment that is inconsistent with the Sanibel Plan, including this Vision Statement.

The City of Sanibel will guard against and, where advisable, oppose human activities in other jurisdictions that might harm the Island's sensitive habitats, including the Island's surrounding aquatic ecosystems.

## COMMUNITY

Sanibel is and shall remain a small town community whose members choose to live in harmony with one another and with nature; creating a human settlement distinguished by its diversity, beauty, uniqueness, character and stewardship.

**Diversity:** The City of Sanibel cherishes its cultural, social, ecological and economic diversity, and will endeavor to maintain it.

**Beauty:** The City of Sanibel will foster quality, harmony and beauty in all forms of human alteration of the environment. The community aesthetic is defined as a casual style; one which is adapted to a relaxed island quality of life and respectful of local history, weather, culture and natural systems.

**Uniqueness:** The City of Sanibel chooses to remain unique through a development pattern which reflects the predominance of natural conditions and characteristics over human intrusions. All forms of development and redevelopment will preserve the community's unique small town identity.

**Character:** The City of Sanibel chooses to preserve its rural character in its setting within an urbanizing county. "Auto-urban" development influences will be avoided. The commercialization of natural resources will be limited and strictly controlled.

**Stewardship:** In keeping with the foregoing principles, the City of Sanibel affirms a land ethic that recognizes landholding - both public and private - as a form of stewardship, involving responsibilities to the human and natural communities of the Island and its surroundings, and to future generations.

## ATTRACTION

The Sanibel community recognizes that its attractiveness to visitors is due to the Island's quality as sanctuary and as community. The City of Sanibel will welcome visitors who are drawn by, and are respectful of, these qualities; it will resist pressures to accommodate visitor attractions and activities that compromise these qualities.

## HIERARCHY OF VALUES

This three-part statement of the community's vision of its future is hierarchy; one in which the dominant principle is Sanibel's sanctuary quality. Sanibel shall be developed as a community only to the extent to which it retains and embraces this quality of sanctuary. Sanibel will serve as attraction only to the extent to which it retains its desired qualities as sanctuary and community.

Vision Statement adopted by Ordinance No.97-16

October 11, 1997



## **I. Introduction**

Living on Sanibel Island is both a privilege and a responsibility. People choose Sanibel for its determination to protect its natural beauty and to live within its natural environment. In the early 1970's Island citizens saw the need to keep Sanibel from uncontrolled development by incorporating as the City of Sanibel (1974). An eighteen-month moratorium on building was put in place while the Sanibel Plan was developed. Ordinances and rules were written at that time.

**For applicable ordinances see section VIII.**

Sanibel's inhabitants have accepted the stewardship of the Island and the many responsibilities related to preserving its unique character.

Volunteerism has always been a major force in helping to fulfill the Sanibel Vision Statement. Volunteers are a valuable resource on the Island. The City of Sanibel has one commission, five standing committees and one board. Each one is established by ordinance or resolution by the City Council, and is manned by volunteers.

### **A. Planning Commission**

The broad objectives of the creation of the Planning Commission are to:

- a) further the welfare of the citizens of the City by helping to promote a better, more helpful, convenient, efficient, healthful, safe and attractive community environment and
- b) insure that the unique and natural characteristics of the Island are preserved.

This Commission was established in 1975.

### **B. Historical Preservation Committee**

The charge of this Committee is to:

- a) prepare a list of historic places with resumés for the consideration of the City Council, and if approved, thereafter designate them as historically valuable.
- b) acquire information from state and federal agencies, concerning legal protection of these historic sites and buildings, and to coordinate the Committee's activities with these agencies.
- c) contact the owners of such properties, advise them of the designation and seek their cooperation.
- d) explore ways in which funds might be obtained (such as state or federal grants, public subscription, etc.) to buy or restore historic properties.
- e) maintain a list of historic places with resumés for the consideration of Council and if approved, thereafter designate them as historically valuable.

- f) perform duties imposed on the Committee under the historic preservation provisions of the Land Development Code.
- g) supervise the operation of the Island Historical Museum, and the acquisition, display and de-accession of items within.

The Historical Preservation Committee was established in 1975.

### C. Marine Advisory Committee

The charge of this Committee is to:

- a) consider all matters referred to it by City Council concerning fishing and boating in and around the City of Sanibel.
- b) consider such matters on its own initiative as it deems advisable.
- c) render to the City Council such advice and recommendations as it seems fitting and proper to ensure the safe and healthful use, enjoyment, preservation and conservation of the City's water-related environment for fishing and boating activities.

The Marine Advisory Committee was established in 1985.

### D. Parks and Recreation Committee

The charge of this Committee is to:

- a) help interpret the parks and recreational needs and desires of the community on both short and long term basis.
- b) study and evaluate the existing programs in the community.
- c) act as a clearing agency for suggestions.
- d) advise City Council regarding local traditions and recreational usage patterns and offer guidance when departures from these norms are contemplated.
- e) stimulate community members to participate in various programs by showing the values to be derived from their participation.

The Parks and Recreation Committee was established in 2001.

## E. Vegetation Committee

The charge of this Committee is as follows:

- a) advise the City Council and the Planning Commission about sound ecological management of vegetative resources in the city and may review and comment about proposed development.
- b) collect, analyze and disseminate information on basic ecological principles as they relate to island vegetation.
- c) make available to the best of its ability expert technical assistance for any person on the Island who desires advice concerning clearing or landscaping for a development activity. Such assistance shall include, but not be limited to, the identification of individual specimens of vegetation that should be preserved, advice on arrangements for the transplanting of individual specimens to other parcels on the Island, and the location of appropriate native species for landscaping.

The Vegetation Committee was established in 1976.

## F. Wildlife Committee

The charge of this Committee is as follows:

It shall study and advise City Council on Council's request, or when the Committee believes such study and advice is warranted on matters pertaining to:

- a) population trends of the various species of wildlife on Sanibel, changes in the population thereof, and causes of such changes;
- b) public and private land uses, policies, practices and activities which could adversely affect the wildlife of the City;
- c) plans and policy for the protection, preservation and possible reintroduction of Island wildlife;
- d) possible danger to the public posed by any species of Island wildlife, the reasons therefore and proposals for alleviating such dangers;
- e) public information and educational programs which help to protect and preserve Island wildlife and to increase public awareness of possible dangers to wildlife from wildlife.

The Wildlife Committee was established in 1984.

## G. Contractor Licensing Board

The charge of this Board is as follows:

- a) establishing a system for licensing, registration and regulation of construction contractors;
- b) providing for examination of contractor licensing applicants;
- c) setting forth a procedure to obtain a contractor's license;
- d) providing for the status of licenses;
- e) providing for reciprocity with other contractors licensing jurisdictions;
- f) providing for restrictions, prohibited activities, and contractor discipline;
- g) providing for additional remedies;
- h) setting forth types and categories of contractors licenses;
- i) providing for emergency special license provisions;
- j) providing for the establishment of licenses and related fees, and changes to such fees, by resolution.

The Contractor Licensing Board was established in 2004.

From time to time ad hoc committees are set up to advise Council on specific issues.

1101 Periwinkle Way D-104  
Sanibel, Florida 33957  
(Across from Dairy Queen)



**472-2121** fax 472-5344

My "VERY IMPORTANT NOTES"

*That I will probably misplace!*

*The blank page opposite  
Licensing Contractor's  
Board is a pic. of  
"Sanibel City Hall"*

*Vegetation Competency  
Card is on page opposite*

Issue date: SEPTEMBER 17, 2000

Expiration date: SEPTEMBER 30, 2001

Retest date: OCTOBER, 2001

**Performing or allowing the performance of vegetation contracting work without on-site supervision by a duly certified vegetation contractor is unlawful & prohibited.**

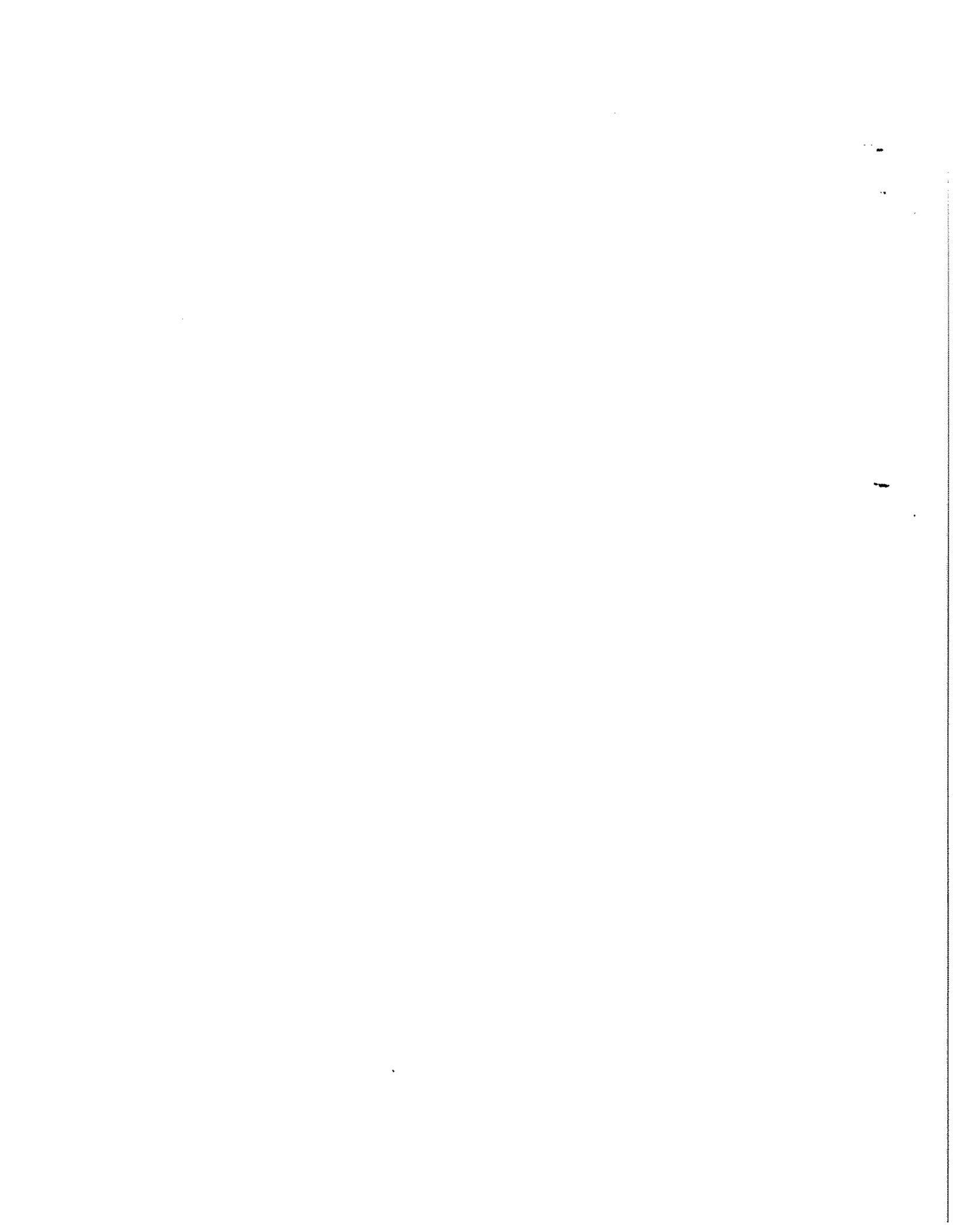
**CITY OF SANIBEL  
VEGETATION CONTRACTOR  
COMPETENCY CARD**

Issued to: JOHN DOE

License #: 00-12345

**SANIBEL BUILDING DEPARTMENT  
239-472-4555**





## **II. Beach Management**

### **A. Beach Protocol**

A number of ordinances deal with the health of the beach and beach creatures. Please observe them:

Within the City of Sanibel, no person shall harvest or possess at any time any live shellfish. This includes sea stars (starfish), sand dollars and sea urchins.<sup>1</sup> This is to ensure future generations of marine life.

The grooming or non-selective raking of natural organic beach debris (grass, algae, fish, shells, etc.) is not allowed.<sup>2</sup> This debris is a food source for wildlife.

Storage of beach equipment (chairs, umbrellas, tents, boats, etc.) is not allowed on the dune and only on the rest of the beach during daylight hours. This equipment must be moved and stored off the beach between 9:00 PM and 7:00 AM when not in use.<sup>2</sup> This keeps the beach free of man-made obstacles that impede nesting sea turtles, and also prevents the deterioration of critical dune vegetation.

Observe all signage related to nesting birds and sea turtles. Tampering with, or being on or within nesting areas is a Federal offense. It is especially important to keep all pets out of nesting areas.

Dogs must be leashed at all times for protection of shore birds and public safety. Dog waste is to be removed from the beach, not buried.<sup>2</sup>

Lights (interior and exterior) must not illuminate the beach.<sup>2</sup> Female turtles may return to the water without laying eggs if lights disturb them. Sea turtle hatchlings emerge after dark, using the light of the horizon to orient them toward the water. Artificial light near the beach can lead the hatchlings away from the water where they will soon die from dehydration, exhaustion or being crushed by cars.

Fireworks are prohibited on the beach and throughout the Island.<sup>2</sup>

### **B. Beach Erosion Control**

There are a variety of native plants that prevent beach erosion. All these plants are protected by Sanibel statute,<sup>2</sup> and may not be destroyed or removed. Sea Oats are protected by State statute as well. A list of such plants is available at the Department of Natural Resources, the Planning Department and the Sanibel Captiva Conservation Foundation Native Plant Nursery. Mowing of the dune area is prohibited and only native vegetation is authorized for planting in this area.<sup>2</sup>

- Please use designated beach walkovers to protect dune vegetation. -



**ISLAND  
WATER  
ASSOCIATION  
3651**

### **III. Conservation**

#### **A. Water**

Water conservation is an issue of increasing importance. More and more nations of the world are recognizing the fact that this planet's resources are finite.

The population of Florida is growing rapidly; the State's water supply is not. Therefore, water conservation is critical.

Sanibel and Captiva Islands drinking water is drawn from the Suwannee Aquifer. The water is pumped from a series of wells to our Reverse Osmosis (R.O.) Water Treatment Plant located at 3651 Sanibel-Captiva Road. It is brackish water that has a moderate salt content. The salt content of the raw water is the primary reason that R.O. is used as Island Water Association's treatment technology. Check with IWA for watering restrictions.

Effluent, reuse, and non-potable refer to the same quality of partially treated water. Its appearance is not different from tap water. It is not fit for drinking purposes because it is not fully sanitized. Effluent water from Island treatment stations is being used by Island golf courses and resort sprinkler systems.

Install irrigation devices that are the most water efficient for each use. Micro and drip irrigation and soaker hoses are examples of efficient devices. Sprinklers work best in turf areas. Turf requires no more than one-inch of water each week, and shrubs even less. Less water makes the root system go deeper looking for water – making the root system more durable. Sprinkler heads should be checked regularly for clogs, direction of spray, and head damage. In bedded areas of trees, shrubs and/or ground covers, a bubbler or drip system is more efficient. Irrigation timers should be adjusted as temperatures and rainfall fluctuate. Florida law requires that sensors be on irrigation systems. A sensor assures that your system doesn't irrigate when it is raining.

A sensor called a "Mini-Clic" can be added to older irrigation systems. It is available at the Sanibel-Captiva Conservation Foundation (SCCF) Native-Plant Nursery located at 3333 Sanibel-Captiva Road (mile marker one), 472-2329 or from the Island Water Association, 3651 Sanibel-Captiva Rd, 472-1502.

Participation in the Mobile Irrigation Laboratory Evaluation Program is encouraged. This free program is operated by the U.S. Department of Agriculture, Natural Resources Conservation Service (995-5678). Field observations are made to determine the uniformity and efficiency of the irrigation system and a written report makes recommendations to enhance the landscape and conserve water. Call to schedule an appointment.

Note: Homes with wells must also comply with restrictions for water use.

#### **Water Wise Tips (South Florida Water Management District):**

- Native plants, once established, require less water than non-natives
- Water only when needed (grass blades will fold up when they are under water)

stress; new growth on other plants will droop when water is needed.)

- Use mulch to retain moisture in the soil and control weeds that compete with plants for water.
- Operate automatic dishwashers and washing machines when they are fully loaded or set the level for the size load you are washing.
- Check your water meter reading to make sure your home is leak free.
- Replace your shower head with an ultra-low-flow version.
- Retrofit all household faucets by installing aerators with flow restrictors.
- Turn the tap off as you brush your teeth or shave.

## B. Recycling

The City of Sanibel Recycling program provides green plastic bins to homeowners for weekly pick up at residences. Aluminum cans, plastics numbered 1-7 (on bottom of container within recycle symbol), tin, newspapers, magazines, junk mail, brown paper shopping bags, phone books and light cardboard are accepted. Styrofoam is not accepted. Certain supermarkets will recycle Styrofoam and plastic shopping bags.

Recyclable materials are also accepted at the City of Sanibel's Recycling Center located opposite the Sanibel Library on Dunlop Road. Several local organizations, such as Noah's Ark or GoodWill, recycle wearable used clothing, and household articles. Used automotive oil, transmission fluid, auto/boat batteries may be dropped off at the Sanibel Shell station at 2435 Periwinkle.

Alkaline batteries purchased after 1993 are non-hazardous and should be thrown into your normal garbage. Ni-Cd, lithium, buttoncell, pre-1993 alkaline batteries, computer and camcorder batteries should be placed in a clear plastic bag and placed beside your recycling bin on waste pick-up day or call the Division of Solid Waste, 338-3302, for location and dates of household hazardous waste drop off sites in Lee County.



**city of sanibel  
recycling center**



## V. Vegetation

### A. Native Plants

Native vegetation is protected by City of Sanibel law.<sup>3</sup> It is against the law to remove or destroy any native vegetation (subject to certain size and height considerations) without a City permit.

Native trees and shrubs provide an attractive island atmosphere and are essential in preserving Sanibel's habitat. Their presence is critical to the survival of many species of wildlife. If not recognized and protected, many rare native plants may become extinct.

A native plant is one that has evolved in our sub-tropical climate and sandy soil. "Florida native plant" refers to those species occurring within the State boundaries prior to European contact, according to the best available scientific and historical documentation. More specifically, those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape. Native plants require much less water than non-natives. Much of our native vegetation can withstand months of drought. Most species also have adapted to survive our intense summer heat, as well as days in standing water after torrential summer downpours. They can flourish without fertilization or insecticidal spraying, avoiding the introduction of harmful chemicals into the environment. Planting native saves you money and water use.

Native plants:

1. Provide habitat and food sources for wildlife.
2. Have adapted to this environment. Most are drought and salt tolerant.
3. Do not require frequent watering once established.
4. Do not require fertilizers and pesticides.

For new or substantially improved structures, the City requires that at least seventy-five (75) percent of all in-ground trees, shrubs, and groundcover by count be native.<sup>3</sup> It is recommended that there be a diversity of native plants. The remaining 25% of the vegetation may be either native or non-invasive non-native species. If the property owner chooses to use non-native plants, the non-native plants may not exceed 25% by count of installed plants in each of the three following categories: 1) trees ; 2) shrubs or shrub-like plants; and 3) ground cover.

The use of native plants is encouraged for all landscape projects.

The City of Sanibel Vegetation Standards usually require that property owners transplant all good quality native plants (in the approved area of development) that are greater than 2 inches in diameter 2 feet above the ground or 6 feet tall in total height and shrub-like species greater than 2 feet tall, prior to development.<sup>3</sup>

If you have a plant that you cannot identify, take a large sample to the Native Plant Nursery at SCCF or the Department of Natural Resources at City Hall.

One of the most abused native plants is the Cabbage or Sabal palm. The Cabbage/Sabal palm is Florida's state tree. Poor landscaping practices have contributed to the death or deformity of these important trees. Please follow these guidelines:

Cut only fronds that are completely brown, back to the trunk. Cutting green fronds:

- o Steals the palms' source of nutrients. Permanently stunts growth, invites disease and reduces natural resilience to high winds.
- o Reduces valuable shade, increasing ground water evaporation and creating a need for irrigation.
- o Over-pruned palms develop bottleneck trunks. In high winds and hurricanes this stressed and weakened point will cause the palm to break off and die.
- o Makes the palm's heart cold sensitive and susceptible to disease and death.
- o Causes wildlife to lose valuable food, shelter and nesting area.

Please say "no" to landscapers who want to prune green fronds; and exclude annual harsh-pruning from your landscape contract.

Keep lawn mowers, weed eaters, chain saws and climbing spikes away from the trunk. Wounds made by these implements allow disease to enter the palm.

Mulch around palms to conserve water and to eliminate the need for weed eaters.

#### 1. Native, non-invasive

The vast majority of native plants are non-invasive. A list of horticulturally available native plants can be obtained from the City of Sanibel Planning Department or the Native Plant Nursery at SCCF.

#### 2. Native, invasive

The native invasive vines such as coin, morning glory, nickerbean, Virginia creeper and white vine may be removed by the homeowner without a permit.

### B. Non-native Plants

Non-native or "non-indigenous" plants have been introduced on purpose and accidentally to Florida since the first Europeans arrived in the 16<sup>th</sup> century. It is believed that as much as 29% of all of Florida's plant species growing on their own are not native. Because such a plant is frequently not suitable for our climate or soil conditions, it requires human help if it is to thrive. The non-native plant may need regular watering, fertilizing and possibly spraying. In the process, harmful chemicals are introduced into our ecosystem, and water is used in excessive quantities.

#### 1. Non-native, non-invasive

Not all non-native plants pose a threat to our native species. These non-invasive plants may be used within the 25% non-native allowance. Staff members at the Native Plant Nursery can suggest acceptable non-native, non-invasive plants.

#### 2. Non-native, invasive

Many non-native plant species are invasive, having the ability to act like weeds and can spread extensively on their own, displacing native plants and wildlife as well as disrupting natural ecological processes. Nearly forty of these plant species call Sanibel home.

Conservation land managers continue to remove them from Sanibel's natural areas and in an effort to reduce and eventually eliminate the spread of the "worst offenders" from the Island, the City of Sanibel has enacted legislation regulating certain invasive non-native pest plant species. These species are not permitted to be intentionally planted, transplanted or otherwise introduced in any way on Sanibel. Before the issuance of a Certificate of Occupancy, they are required to be removed from the property, which must be maintained free of these plants in perpetuity. A current list of these plants follows; however, always check with the Planning or Natural Resource Department for new additions.

Sanibel has eight plants that are not allowed.<sup>4</sup> They are:

1. Brazilian pepper (Schinus terebinthefolius)
2. Cajeput (Melaleuca quinquenervia)
3. Earleaf acacia (Acacia auriculiformis)
4. Java plum (Syzygium cumini)
5. Exotic inkberry (Scaevola frutescens)
6. Lead tree (Leucaena leucocephala)
7. Snake plant (Sansevieria hyacinthoides)  
(aka bowstring hemp, mother-in-law's tongue)
8. Air potato (Dioscorea bulbifera)

Australian pines are also considered invasive non-native plants, and may not be propagated, sold, planted, or transplanted within the State of Florida. Their removal is strongly encouraged, but not required by City Ordinance.

There are also undesirables that we urge you not to plant. Some examples in this category are:

- |                    |                             |
|--------------------|-----------------------------|
| Carrotwood         | (Cupaniopsis anacardioides) |
| Cuban laurel       | (Ficus retusa 'Nitida')     |
| Mahoe/Sea hibiscus | (Hibiscus tiliaceus)        |
| Mexican Petunia    | (Ruellia brittonia)         |
| Umbrella tree      | (Schefflera actinophylla)   |
| Wandering jew      | (Tradescantia zebrina)      |
| Wedelia            | (Wedelia trilobata)         |

Follow-up maintenance for re-growth is CRUCIAL when removing and ultimately controlling invasive non-native pest plants.

The Florida Exotic Pest Plant Council (FLEPPC) was founded in Florida in 1984. FLEPPC goals are directed toward building public awareness about the serious threat invasive non-native plants pose to native ecosystems, securing funding and support for control and management of non-native plants, and developing integrated management and control methods to prevent the spread of invasive non-native plants throughout the United States. According to FLEPPC, invasive non-native plants are biological pollutants that wipe out more natural habitat every year than development. FLEPPC lists invasive species in two categories:

- I. Those that are invading and disrupting native plant communities in Florida,
- II. Those that have a potential to do so.

A complete list of invasive non-native plants may be found on their web site [www.fleppc.org](http://www.fleppc.org).

## C. Mangroves

Mangroves are tropical trees growing in tidal areas and are absolutely vital to the ecology of Florida. Both the State of Florida and the City of Sanibel recognize the importance of mangroves and have established laws for their protection.<sup>3,4</sup> The State of Florida has delegated authority to the City of Sanibel to regulate the trimming and alteration of mangroves on the Island.

There are three types of mangroves:

Red Mangrove – *Rhizophora mangle*

Black Mangrove – *Avicennia germinans*

White Mangrove – *Languncularia racemosa*

Mangroves are extremely valuable:

- They provide essential habitat for more than 80 percent of the finfish and shellfish that are sought by commercial and sports fishermen.
- Their decomposing leaves and detritus are the basis of the marine food chain, and account almost entirely for an estuary's productivity.
- They block wind and wave energy during storms and stabilize soil with their roots, protecting upland property.
- They improve water quality through uptake of nutrients.
- They are used by herons, egrets and other wading birds as roosting and nesting sites.
- Key deer in South Florida depend on mangroves for food and cover.

Several threatened or endangered species - the green turtle, hawksbill turtle, Atlantic Ridley turtle, American crocodile, bald eagle, wood stork, and the piping plover - depend on mangroves for their survival.

Stringent criteria involving notification, inspection and permitting apply to any trimming or alteration of mangroves. The law provides for substantial fines and extensive mitigation for any violation.<sup>4</sup>

**AN INSPECTION BY THE CITY'S NATURAL RESOURCES STAFF IS REQUIRED PRIOR TO TRIMMING MANGROVES.**

#### D. Coastal Construction Control Line (CCCL)

The original Coastal Construction Control Line (CCCL) was set down by the State Department of Natural Resources (DNR) in 1974 to define and facilitate protection of Florida's coastal beaches. This line is used in the Sanibel Comprehensive Land Use Plan and Land Development Code to define the land seaward of the CCCL as our Gulf Beach Zone.

The native plant community is extremely important in stabilizing the dynamic area forward of the CCCL. Therefore, human disturbance must be minimized to protect the public interest. Vegetation permits are required for the removal or trimming of any vegetation seaward of the 1974 CCCL, and shall be subject to the following requirements:<sup>3</sup>

- The removal or permanent destruction of native species is prohibited.
- Trimming for height reduction of the following native species is not permitted:
  - Joewood (Jacquinia keyensis)
  - Sea Oats (Uniola paniculata)
  - Bay Cedar (Suriana maritima)
  - Cabbage Palm (Sabal palmetto)
- Trimming shall not reduce the overall height of the individual plant to less than four (4) feet above the substrate.
- Stump removal is never permitted as this would loosen the soil and cause erosion.
- If Australian pines or other listed non-natives have been removed, a re-vegetation plan must be submitted with the permit application.

Before any clearing is done landward of the 1974 line on property abutting or partially within the Gulf Beach Zone, the line must be staked and fenced to prevent intrusion into the zone. The fence must remain in place until all development activity has ceased.

The non-native tree found most often in the Gulf Beach Zone is the Australian pine. Some beach areas are heavily populated with this non-native. The beach Australian pines form dense masses of trees and seedlings just inches apart and are very prone to uprooting in storms. Needles dropping from these trees form a thick blanket that smothers growth of vegetation except poison ivy and an occasional prickly pear cactus. This can be devastating to wildlife that normally would forage on the displaced plants. For these reasons the City and the Vegetation Committee encourage removal of Australian pines along the beaches, and replacement with native vegetation. For each Australian Pine over four inches in diameter, two feet above the ground, that is removed, three suitable native plants, or 9 native ground covers in gallon size containers should be planted for beach stabilization. The City of Sanibel Horticulturally Available Native Plant list may be obtained from the Planning Department.

The only new structures allowed seaward of the CCCL are elevated dune walkways. Their use is encouraged because they lessen the likelihood of disturbing vegetation in this very sensitive area. A building permit is required for construction of a walkway.

## E. Soil, Compost, Mulch, and Sod

### 1. SOIL

We live on a barrier island that is made up of limestone, sand and shell. The soil pH is high and there is no practical way of lowering it. There simply is too much lime present to neutralize. So choose plants accordingly and remember that native plants tend to tolerate this harsh pH. Also, when planting your landscape, be aware that different areas in your yard could have different soils because of fill. Choose plants that are compatible with the growing conditions (i.e. sunshine, shade, wetland), amend the soil by adding organic matter, such as compost or cow manure, and mulch 3" deep. This will build the structure of the soil by attracting earthworms, providing nutrients, and retaining moisture.

### 2. COMPOST

Sanibel residents may compost. A closed container should be used, as Sanibel has a large raccoon/rodent population and open air composting will contribute to the problem. Several companies carry circular closed containers which are easily turned for mixing. Worm bed systems also work nicely and do not need to be turned because the earthworms do that for you. Remember to keep either system elevated to prevent ants and flooding from heavy summer rains. Both systems are odorless and beneficial for controlling waste. Kitchen scraps, coffee grounds, shredded paper, yard waste, etc. can be incorporated and as the system breaks the elements down, beautiful organic matter is left behind for a happier, healthier yard.

### 3. MULCH

Mulching is an important part of landscaping and the majority of homeowners do not realize its function in the landscape. Mulch:

- Buffers soil temperature
- Prevents water loss by evaporation
- Improves water filtration
- Prevents erosion
- Suppresses weeds
- Organic matter from mulch decomposition builds soil structure and enhances pH

Environmentally friendly mulches:

#### Pallet

Old pallets shredded and bagged.

#### Eucalyptus

Currently a renewable resource raised on plantations.

Inhibits germination of weeds.

#### Melaleuca (Cajeput)

Inhibits germination of weeds.

Termites do not eat (research through University of Florida – Gainesville).

#### Pine Bark

By-product of the forestry industry.

## Pine Straw

Pine plantations where it is raked and baled.

High nutrients.

Inhibits germination of weeds.

## Australian Pine

Chipped Australian pine trimmings.

## Utility

Recycled tree waste / right of way prunings.

High nutrients.

Caution: know the source - may contain seeds of invasive non-natives

Please do not use Cypress mulch - it is not raised on plantations. Native stands are being destroyed for mulch.

It is recommended that you keep a 3" to 4" thick layer of mulch on your beds.

## 4. SOD

Minimize sodded areas. We live on a barrier island which means water is critical in our lives. A year-round green lawn necessitates chemical applications (fertilizers, herbicides, etc.) that are released through our porous soil as runoff causing algae blooms and contamination of canals and bayous. Less sod means less mowing, less water use.

IT'S WHAT YOU APPLY TO YOUR SOD THAT MAKES IT UNDESIRABLE. MOW WHAT GROWS!

## F. Herbicides, Pesticides, & Fertilizers

Overuse of fertilizers, pesticides, and herbicides is a major cause of water pollution. Remember that what you put on your lawn and plants ends up in area rivers, bays, beaches and the food chain. Pesticides, herbicides and fungicides should be used only when absolutely necessary and be implemented very sparingly with the least toxic introduced first. Instead of your whole yard, treat only problem areas. For safety's sake, store chemicals in a closed container on a high shelf.

### 1. HERBICIDES

Herbicides may be used to eradicate troublesome grass and weeds. Weeds can be hand pulled, but if the area is too large, use herbicide spray. The product best suited for the job is Brush-B-Gone (7% Garlon) for woody species, Roundup (only use in upland dry areas) for grasses, and Rodeo (only use in wetlands).

Invasive non-natives such as mahoe and Brazilian pepper are extremely difficult to eliminate in a landscape. For large peppers and mahoe, treat the fresh-cut stump with a 30% solution of Garlon and vegetable oil. When treating, one must cut and then **immediately** paint Garlon solution on the entire stump. Both of these species heal quickly and will sucker if not treated promptly and properly. Hand pull small saplings or spray Brush-B-Gone around the circumference from the ground to a point 12" up the stem.

Note: Those individuals sensitive to poison ivy, may be sensitive to Brazilian pepper.

## 2. FERTILIZERS

Fertilize plants to give them a boost. An organic fertilizer such as cow manure or fish emulsion will provide simple macronutrients to allow a "greening up" and growth spurt.

Native palms DO NOT need fertilization at all. If a native palm in the landscape is struggling please call the Native Plant Nursery. Non-natives do need a boost about once a year. Use a well balanced palm fertilizer with minor elements.

**Important: Any time fertilizer is applied the amount of watering doubles. Save water - fertilize during the rainy season.**

### ORGANIC FERTILIZERS

<i>Fish emulsion</i>	excellent organic fertilizer BUT will attract raccoons so sprinkle area with cayenne pepper or black pepper.
<i>Bone meal</i>	supplies necessary phosphates for sturdy roots; stimulates growth.
<i>Blood meal</i>	provides nitrogen promoting green foliage and lush top growth.
<i>Seaweed and Kelp</i>	conditions soil and stimulates growth.

## 3. PESTICIDES

Try nontoxic methods first to control pest problems. Employ traps to manage rodent population and use a species-specific biologic, rather than a broad-spectrum toxic compound to eradicate individual pest problems.

### ORGANIC PEST CONTROL

<i>Boric acid products</i>	use for "sugar ants" and roaches that may invade the kitchen.
<i>Neem</i>	safe for beneficial insects, biodegradable and does not build genetic resistance. May be sprayed or used systemically.
<i>Insecticidal soap</i>	apply with sprayer. Use for aphids, scale; may need repeat treatment.
<i>Diatomaceous earth</i>	use for pest control by sprinkling around infested area. Made from fossils of one-celled diatoms. Sharp edges "nick" insects' outer shells. Best used outdoors; dangerous to breathe. Must be "gardening grade."
<i>Tri-die</i>	use for eradication of carpenter ants; best for spraying into small cracks.
<i>Dipel dust</i>	for caterpillars, web worms, etc.; apply wet with sprayer or dust (1/4 C per gallon of water).
<i>Sulfur</i>	for rust, powdery mildew, spider mites, etc., dust over entire plant or wet and spray (1/4 C per gallon).

More organic solutions are available at SCCF's Native Plant Nursery.

**Recipe to fight scale, aphids, whitefly and spider mites:**

- 1 Tbspn Ivory Liquid Dishwashing Soap
- 1 Tbspn Vegetable Oil
- 1 Gallon Water

Mix together and saturate infected area, making sure to cover both upper and lower parts of foliage. Apply every 4 to 5 days until there are no signs of the pest, or soft-bodied pests flake off at a touch.

Other solutions:

- 1 Tbspn Murphy's Oil Soap to 1 gallon water or
  - 1 Tbspn Organicide to 1 gallon water or
  - 1 Tbspn TKO to 1 gallon water or
- Safer Insecticidal Soap (follow label directions)

**G. Vegetation Committee**

There has long been an environmental philosophy on Sanibel, resulting in a great diversity of native plants flourishing in a nurturing environment. The Vegetation Committee has played an important role in achieving this.

In addition to the responsibilities cited in the introduction, members conduct on-site vegetation inspections for the City Manager<sup>3</sup> and develop and administer the competency test for certification or re-certification of vegetation contractors.<sup>6</sup>

Committee members must pass the same competency test required of vegetation contractors licensed on Sanibel. Committee members have only advisory authority. A property owner may appeal an inspector's recommendation to the Planning Department.

Members of the Vegetation Committee urge you to learn about native plants and use them to beautify and enhance your landscape.

Future owners need to learn as much as possible about the parcel they are considering buying. Low-lying areas should be especially noted, as well as the types of plants and trees already present. Understand the eco-zone your property is located in - whether mid-island ridge, mangrove coastal wetlands, interior wetlands, or Gulf beach ridge. Visit the SCCF's Native Plant Nursery to learn about the species of vegetation that will do best in your location and in different parts of your lot.

## H. Vegetation Permits

A Vegetation Permit is required:<sup>3</sup>

1. To obtain a development permit,
2. For removal of native species over six (6) feet in height, *or* more than two (2) inches in trunk diameter two (2) or more feet above the ground, *or* native shrubs that are more than two (2) feet in height. The Department of Natural Resources should be notified before the removal of any dead or diseased plants - this is for the homeowner's protection,
3. For removal or trimming of any vegetation seaward of the Coastal Construction Control Line (CCCL),
4. For trimming and alteration of mangroves,
5. For removal of Brazilian pepper by use of mechanical equipment or from undeveloped property by hand-held equipment, or otherwise,
6. For chemical control of aquatic plants,
7. For pruning and/or trimming of more that 25% of the leaf area of any native tree or shrub over six (6) feet in height or two (2) or more inches in diameter, two (2) feet or more above the ground.

## I. Vegetation Contractors<sup>6</sup>

The City of Sanibel requires all landscape contractors working with vegetation on the Island to possess a valid Certificate of Competency. Sanibel Code<sup>6</sup> requires that all persons hired to plant, transplant, remove, prune, trim trees, plants or shrubs must have a current Competency Card or be supervised by someone who does.

An important exception to the ordinance applies to persons hired and supervised by a homeowner or tenant at a home occupied by the homeowner or tenant. Anyone hired and paid by a homeowner to do yard work involving native vegetation needs a proper occupational license. Work requiring tree trimming, removal or topping also requires a Competency Card. Homeowners will be held responsible for violations of the Vegetation Standards occurring on their property.

An applicant for a Certificate of Competency must pass both a written test covering the vegetation requirements in the Sanibel Land Development Code and a field test consisting of native plant identifications as well as non-native invasives banned on Sanibel. These tests are given several times a year.

Questions about vegetation standards, Vegetation Permits and Certificates of Competency should be directed to the **City of Sanibel Planning Department** at **472-4136** or the **Department of Natural Resources** at **472-3700**. Current listing of contractors holding Competency Cards is available in the **Building Department** at **472-4555**.

## J. References

Information Package for the Vegetation Contractors Certification of Competency  
- available at City of Sanibel Building Department

<i>National Audobon Society Field Guide to Florida</i>	Peter Alden
<i>A Gardener's Guide to Florida's Native Plants</i>	Rufino Osorio
<i>Native Florida Plants</i>	Robert G. Haehle, Joan Blackwell
<i>Growing Native</i>	Richard W. Workman
<i>Guide to Florida Wildflowers</i>	Walter Kingsley Taylor
<i>Florida Wild Flowers and Roadside Plants</i>	<i>C. Ritchie Bell and Bryan J. Taylor</i>
<i>Seashore Plants of South Florida and the Caribbean</i>	David W. Nellis
<i>The Shrubs and Woody Vines of Florida</i>	Gil Nelson
<i>The Trees of Florida</i>	Gil Nelson

## K. Organizations

Native Plant Nursery, Sanibel-Captiva Conservation Foundation

Weeds and Seeds Study Group, Sanibel-Captiva Conservation Foundation

Florida Exotic Pest Plant Council (FLEPPC) [www.fleppc.org](http://www.fleppc.org)

Florida Native Plant Society [www.fnps.org](http://www.fnps.org)

Association of Florida Native Nurseries [www.afnn.org](http://www.afnn.org)



## **V. WILDLIFE**

### **A. Living with Sanibel Wildlife**

Do not feed **any** wildlife or provide fresh water for manatees.

#### **1. Alligators:**

The alligator is one of the most interesting and valuable of our wildlife species as it patrols and protects bird rookeries from marauding raccoons and supports a healthy fishery.

Never attempt to touch or feed them.<sup>9</sup> An alligator accustomed to being fed by people loses its natural fear of humans and is then more likely to approach people for food. Even the smallest alligator is capable of inflicting a serious bite.

Any molesting or feeding of alligators is strictly against the law anywhere in Florida and may incur a fine of up to \$500.<sup>9</sup>

Children and pets should never be left unattended near alligator habitats. Alligators may be found in any body of water, including swimming pools. Small children freely roaming or playing near open bodies of water could become victims of an attack by an alligator 'conditioned' by irresponsible human feeding. Anyone who feeds an alligator or allows children to play unattended near alligator habitats is contributing to a potential tragedy.

Alligators' short legs limit their traveling on land. Nevertheless, they are capable of remarkably quick speeds over short distances. In the water, their long undulating tails make them very fast swimmers.

Alligators can stay submerged for up to twenty minutes without air.

Baby alligators should be left alone, as their mother is never far away.

If you see someone feeding or harassing an alligator, or you encounter a nuisance alligator, call the Sanibel Police at 472-3111.

#### **2. Birds:**

Hand feeding wild birds is illegal.<sup>7</sup> Feeding makes them lose their fear of people. This loss of fear results in a loss of natural feeding habits, exposes them to injury in going after handouts and may cause serious injury to those doing the feeding.

Enjoy watching the birds, but keep a respectful distance.

Observe all signage related to nesting birds. Tampering with or even being on or within these areas is a Federal offense. It is especially important to keep all pets out of nesting areas. Dogs must be leashed at all times for protection of shore birds and public safety.

#### ***Birds and fishermen:***

Don't feed the birds;<sup>7</sup> keep bait covered. Birds don't need fish scraps or bait to survive.

Watch where you cast. Cast netting is not allowed from the pier, only at the beach.

Discard waste, including fishing line, properly; the State of Florida and City of Sanibel

prohibits the disposal of fishing line in the water. In addition, the City of Sanibel prohibits the disposal of fish line on beaches, public parks and recreational areas.

All fishing poles must be attended; you must be within arm's length of them. If keeping fish on a stringer, tie a large egg sinker to the end to keep the fish and hook out of birds' reach.

If you should encounter a hooked or injured bird:

Reel the bird in slowly.

If in a boat, use a landing net and boat the bird.

If on a pier, walk the bird to shore slowly.

Cover the bird's head with a shirt or towel to calm it; hold the middle of the bill with one hand and place your other arm over the bird's back and around his wings.

Cut the line close to the hook and get ALL monofilament off wings, legs and body.

If injured, place in a large box or wrap in a towel and take to Clinic for the Rehabilitation of Wildlife (CROW), 3883 San-Cap Road, (472-3644).

Fishing license information may be found by dialing 1-888-347-4356 or online at [marinefisheries.org](http://marinefisheries.org).

Alcoholic beverages are not permitted on the pier.

### **3. Shells:**

All Sanibel beaches and near shore waters to one half mile from shore are protected by the State of Florida Department of Environmental Protection Rule 46-26. This rule prohibits the harvest and possession of live shellfish. Sand Dollars, Sea Stars and Sea Urchins are also protected. A fine may be incurred.

Strong northwest winds and extreme temperatures in summer and winter often deposit many shells on Sanibel beaches. As those extremes abate, most of the shells are capable of returning to their normal activities. Some species, such as olives, horse conches and others, that live close to shore, can be temporarily beached at these times and even during normal low tides. Even though these live shells are beached and possibly in distress, they are still protected by the City Shelling restriction, and returning them to the water will likely save most to produce future generations.

### **4. Snakes:**

Leave snakes alone! All snakes, whether venomous or non-venomous will bite when feeling threatened, and can strike 1/3 to 1/2 their body length.

Sanibel has four poisonous snakes. They are the diamondback rattler, pigmy rattler, cottonmouth (water moccasin) and coral snake.

The very poisonous coral snake is similar in marking and easy to confuse with the non-

poisonous scarlet king snake. They both have yellow, black and red bands.

A well known jingle says:

"Red touch yellow, kill a fellow—(coral snake)

"Red touch black, friend of Jack—(scarlet king snake)

The indigo snake is Federally protected and all other species are locally protected on Sanibel.

### **5. Turtles and Tortoises:**

Sea turtle nesting season is from May 1<sup>st</sup> to October 31<sup>st</sup> of each year:

- 1) Keep lights out on Gulf beaches because they can potentially discourage female turtles from nesting and disorient hatchlings emerging from nests.
- 2) Sanibel Code<sup>2</sup> prohibits beach furniture and equipment, when not in use, to remain on the beach between 9:00 p.m. and 7:00 a.m. as it may entangle mother or hatchling sea turtles.

Observe all signage related to nesting sea turtles. Tampering with, being on or within these areas is a Federal offense. It is especially important to keep all pets out of nesting areas.

Plastic bags, fishing line and six-pack holders are deadly entanglements for wildlife. Plastic bags are mistaken for food by sea turtles. Cut open the circles of six-pack holders before disposing of properly.

#### *Fresh water turtles:*

There are many species of fresh water turtles in Florida and on Sanibel Island. Some, such as the snapping turtle, alligator snapping turtle and the Florida softshell, are capable of inflicting a very serious bite. Most turtles, however, are benign.

#### *Gopher tortoises:*

In the state of Florida gopher tortoises are listed as a "species of special concern." This listing could be changed to threatened or endangered as habitat continues to be lost and vehicular traffic increases.

Gopher tortoises are **LAND** reptiles. They can **NOT** swim. **DO NOT** try to return them to water.

Their life expectancy is in excess of 60 years. It is prohibited to disturb gopher tortoises or their burrows. The burrows are frequently shared with other wildlife including snakes.

Take care in helping a turtle/tortoise cross the road. If there is no traffic, stand behind the turtle and encourage it to move along. If traffic is a problem, pick the turtle up from behind by placing one hand underneath its body and the other hand holding the rear of the shell. If a car floor mat or piece of cardboard is available, place that under the turtle and lift it up. Always head the turtle in the direction it was going.

## 6. Raccoons:

Intentional feeding of raccoons is expressly prohibited.<sup>8</sup>

Creation or maintenance of any condition which causes or encourages raccoons to feed upon garbage is expressly prohibited.<sup>8</sup> Cover all trash cans, dumpsters and receptacles to prevent raccoons feeding from them.

## 7. Other wildlife:

Other wildlife frequently seen on Sanibel include opossums, armadillos, palm rats, mice, marsh rabbits and bobcats.

Dolphins, otters and manatees frequent the bays and Gulf waters around Sanibel.

**Take injured animals to CROW ---- 3883 SanCap Road, 472-3644.**

## B. Landscaping for Wildlife

SCCF's Landscaping for Wildlife offers a home certification program that encourages homeowners to view their landscapes from a perspective of providing year-round food, shelter, water and nesting areas for birds, butterflies and mammals.

Members are asked to eliminate invasive non-natives such as Brazilian pepper; to plant or preserve specific native plants; to eliminate the use of harmful lawn and garden chemicals; and to accept landscape water conservation practices.

## C. References

- |   |   |
|---|---|
| <i>National Audobon Society Field Guide to Florida.</i> | Peter Alden                                 |
| <i>Shorebirds; an Identification Guide.</i>             | Peter Hayman, John Marchant,<br>Tony Prater |
| <i>Beginner's Guide to Shorebirds.</i>                  | Donald and Lillian Stokes                   |
| <i>Collectible Florida Shells.</i>                      | R. Tucker Abbott                            |
| <i>Florida's Birds, a Handbook and Reference.</i>       | Herbert W. Kale, David S. Maehr             |
| <i>Field Guide To Bird Life and Behavior.</i>           | David A. S. Sibley                          |
| <i>Field Guide To Birds; Eastern Region.</i>            | Donald and Lillian Stokes                   |
| <i>Butterflies of Florida Field Guide.</i>              | Janet C. Daniels                            |
| <i>Florida Butterfly Gardening.</i>                     | Marc C. Minno                               |
| <i>Florida's Snakes.</i>                                | Richard D. Bartlett                         |

<i>Florida's Fabulous Reptiles and Amphibians.</i>	Pete Carmichael, Winston Williams
<i>Be Careful in Florida; Know these Poisonous Snakes, Insects, Plants.</i>	Francis Wyly Hall
<i>Guide to Florida's Poisonous Snakes.</i>	Robert Anderson
<i>The Loggerhead Turtle in the Eastern Gulf of Mexico Sanibel Island.</i>	Charles LeBuff Lynn Stone

#### D. Organizations

- Bailey-Matthews Shell Museum
- Clinic for the Rehabilitation of Wildlife
- Gopher Tortoise Council
- International Osprey Foundation
- J.N. "Ding" Darling National Wildlife Refuge
- Sanibel-Captiva Audubon Society
- Sanibel Captiva Conservation Foundation Sea Turtle Program

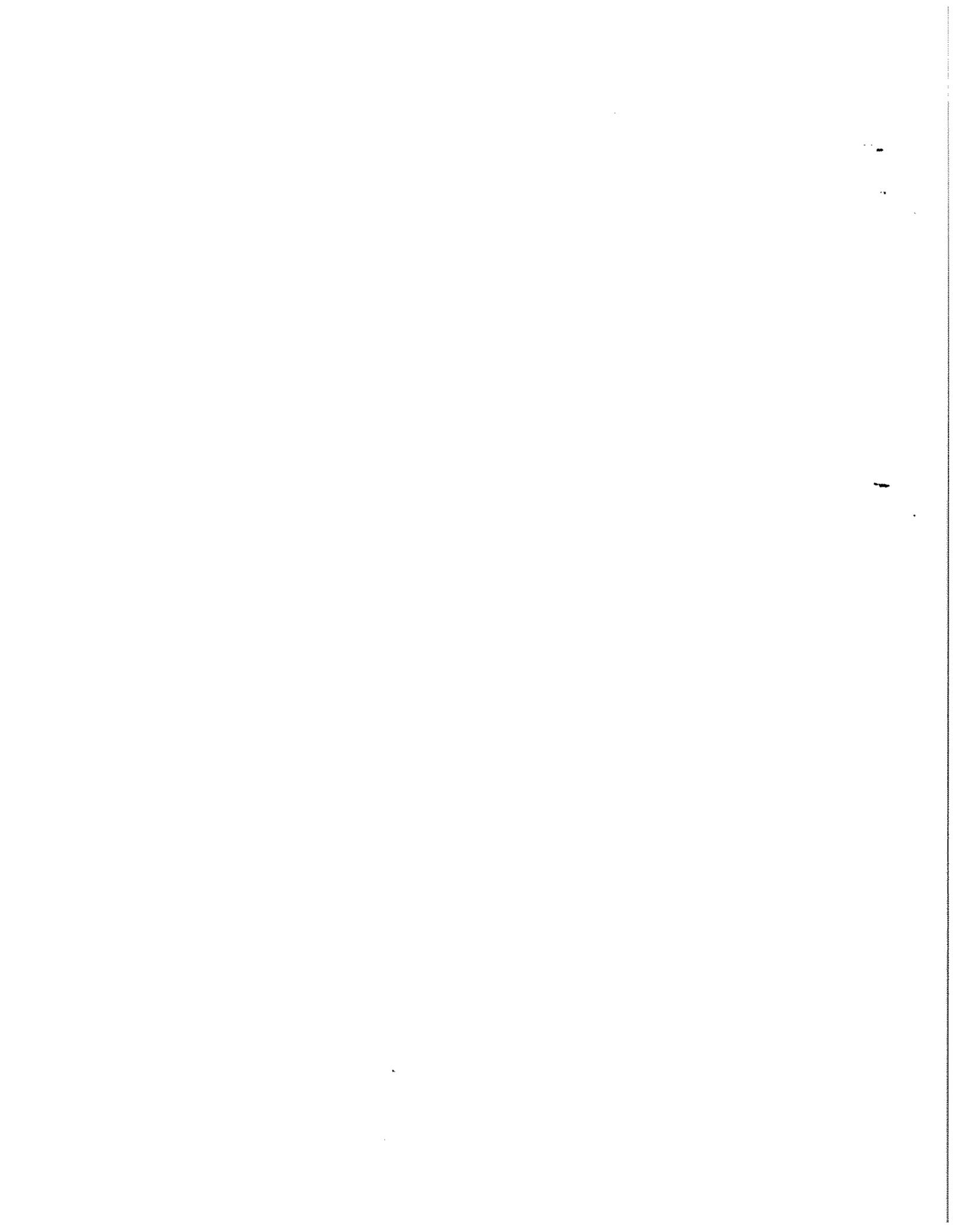


## **VI. Hurricane Preparedness**

The City of Sanibel and Lee County work with the National Weather Service and National Hurricane Center to monitor storm and flood threats, and advise the community accordingly over local radio and television stations. Residents can tune into WDRR, 98.5 FM radio or any local cable television station for Sanibel specific emergency notices, or call the Hurricane Hotline at 800-933-6093.

The Sanibel Emergency Management Plan (SEMP) uses a system of "alert radios" to inform people about storm advisories, evacuation news, weather advisories, and other information from City Hall. These radios provide weather-related data for our local population. The radios operate on AC or battery power, and are available to the public through the Sanibel Police Department for a fee.

When it is necessary for public safety to restrict re-entry to Sanibel following a serious storm, residents will need their driver's license or voter registration card showing their Island address to gain access to the Islands. Non-resident property owners or employees of Island businesses will be required to present hurricane identification cards or a property tax bill and photo ID at the Causeway toll booth or other checkpoint to gain access. These identification cards are available at the Sanibel Police Department.



## VII. Questions and Answers (Q & A)

Q. **Where do I obtain a Vegetation Permit?**

A. The Planning Department at City Hall.

Q. **What should I do if I have vegetation questions or need help deciding whether I need a permit?**

A. Call the Natural Resources Department at the City of Sanibel at 472-3700. Someone will be glad to help you regarding any vegetation matter.

Q. **What is a Native Plant?**

A. A native plant is a plant deemed to be native by the City of Sanibel as per the list of horticulturally available native plants. Typically these plants have existed on Sanibel for the last one to two hundred years, before other species were brought here on purpose for farming or landscaping or arrived here by some accident.

Q. **Native plants are important for what reasons?**

A. They provide food and habitat for wildlife. They need little water after they are established. They grow well in the extremes of warm temperatures. They need no fertilizer and are resistant to pests. Most of the time they are maintenance free.

Q. **Where will I find a listing of Native Plants?**

A. At the City of Sanibel Planning or Natural Resources Department or the SCCF Native Plant Nursery.

Q. **When must I obtain a vegetation permit to remove a native tree or native shrub?**

A. If a native tree's trunk is either 2 inches or greater in diameter at a point two feet up from the ground or the tree is 6 feet or more in total height you must obtain a permit.

Similarly, if a native shrub is equal to or greater than 2 feet in height you must obtain a permit.

Q. **What is the 75 percent/25 percent rule?**

A. Requiring homeowners to have only native plants on their property would maximize the amount of habitat available for wildlife, but would be overly restrictive. There are beautiful non-invasive non-native plants that can grow well on Sanibel Island. The City of Sanibel, with input from its residents, chose to require that a minimum of 75 percent of plants on a property be native, allowing the other 25 percent to be native or non-invasive non-natives or a combination of the two.

**Q. What is a Vegetation Plan?**

A. A Vegetation Plan describes all native plants within the area to be disturbed and must include:

1. An inventory and the location of all native vegetation (subject to certain size and height considerations) within the area to be impacted by construction.
2. A plan for relocation and survival of native vegetation in the area to be cleared for construction.

Native vegetation outside the area to be disturbed must be left in place.

**Q. What are the regulations regarding the amount of sod areas I may have?**

A. The sodded area allowed varies with the eco-zone in which the property is located. The Building and Planning Departments regulates this permitted area under a separate ordinance at the time of construction.

The Vegetation Committee strongly encourages a natural look using native plants and grasses with little or no sod.

**Q. Am I required to landscape my property after my house is constructed?**

A. No. You are not required to landscape your property. However, you must replace those plants specified in your vegetation permit and the portion landscaped must be in the 75/25 ratio. If you later decide to do more extensive landscaping, the 75/25 percent native/non-native rule must be followed.

**Q. May I cover my yard with stone?**

A. You may not cover your yard entirely with stone. This practice is no longer allowed. However, some percentage of stone may be used. Check with the Building Department for the percent allowed for your property.

**Q. Where do you purchase native plants?**

A. The SCCF Native Plant Nursery is located at 3333 Sanibel-Captiva Road (mile marker one.) In addition, you may purchase at All Native Garden Center and Plant Nursery, 300 Center Road in Fort Myers or check with the Association of Florida Native Nurseries at 877-352-2366 for other plant nurseries throughout the State.

**Q. What are the invasive-non-native plants currently prohibited by the City of Sanibel?**

A. Brazilian pepper, lead tree, Java plum, air potato, earleaf acacia, exotic inkberry (*Scaevola frutescens*), melaleuca, snake plant (*Sansevieria hyacinthoides*). A free brochure called *Alien Invasion* with photographs is available at City Hall and the SCCF Native-Plant Nursery.

**Q. What are examples of "undesirable" invasive non-native plants?**

A. Some of the undesirables we urge you not to plant are: carrotwood, Cuban laurel, Mexican petunia, mahoe (seaside hibiscus), schefflera, wandering jew and wedelia, .

**Q. Is a naturalized plant a native plant?**

A. No. A naturalized plant is a non-native plant that has escaped into the wild. That is, it is growing and reproducing on its own outside of cultivation, without human assistance. The term is often misinterpreted to suggest that a non-native plant has "become native" in its new habitat.

**Q. Is a coconut palm a native plant?**

A. Although coconut palms (*Cocos nucifera*) are not native to Florida, they are considered a neutral species - they are not counted in your plant inventory as either native or non-native.

**Q. Is a Sabal (Cabbage) Palm protected?**

A. For the Sabal or Cabbage palm, the determining factor is the height of the crown, which is measured from the ground to the point where the stem of new fronds exit the trunk. If this height is 6 feet or more, the Sabal palm is protected.

**Q. Does the property owner have to remove Australian pines?**

A. Australian pines are considered invasive, non-native plants, and may not be sold, planted, or transplanted within the State of Florida at any time. Their removal at the time of development is strongly encouraged, but is not required by City Ordinance.

**Q. How much may I trim mature native vegetation?**

A. No more than 25% of the leaf area of a native tree or shrub may be trimmed in any one year.

**Q. May I remove (eliminate from my property) a non-native tree or shrub?**

A. Any non-native tree or shrub may be removed from developed property by the homeowner, at any time, without a permit. Clearing of non-natives from vacant property does require a permit.

**Q. May I move a native plant to another property without a permit?**

A. No. A permit from the City of Sanibel must be obtained first.

- Q. A native plant on my property died. May I remove it without a permit?**
- A. No. Most likely you will be allowed to remove a dead plant, but once a plant is removed, it is difficult to tell if the plant died before or after it was removed. To protect yourself from possible violation and forthcoming mitigation, you should call the Natural Resources Department about applying for a permit.
- Q. If there is a storm (or other event not of my doing) and one or more native plants on my property are badly damaged or destroyed, must I get a permit to remove them? Must I replace them?**
- A. The City hopes that the homeowner will do what he can to save vegetation damaged by storms by righting trees and replacing what is lost, but replacement is not required. However, a permit will be required to remove the plants.
- Q. Are there fees for a vegetation permit?**
- A. There are no fees for a permit to move or remove a native plant from an existing property. There are fees for altering mangroves, for altering vegetation forward of the 1974 Coastal Construction Control Line, and for mechanical alteration of vegetation.
- Q. What should I inquire of a landscape contractor whom I hire to do work on my property?**
- A. It is very important that the contractor or landscaper fulfill two requirements. You should ask him first, if he has an occupational license from the City of Sanibel. Second, the contractor should have a Vegetation Competency Card. This means that he/she has passed a test given by the Vegetation Committee covering City vegetation standards, identification of native plants, and of prohibited invasives. If the contractor does nothing but mowing and edging a Vegetation Competency Card is not necessary.
- Q. What department issues Vegetation Competency Cards?**
- A. City of Sanibel Building Department. Personnel in this office can also tell you when the next Competency test will be offered. Homeowners may also call this Department to find out if a specific landscaping contractor has a Vegetation Competency Card.
- Q. How long is a Vegetation Competency Card valid?**
- A. A Competency Card must be renewed every year by October 1. Retesting is required every 5 years.
- Q. There is still considerable Brazilian pepper in my neighborhood. When will the property owners have to remove it?**

A. The City Department of Natural Resources is engaged in a systematic program for the eradication of pepper from Sanibel. This task is so large and time consuming that the City concentrates on only one area at a time. To find out when the property owners in your neighborhood will be required to remove pepper, and what the procedure is, call the Department of Natural Resources at 472-3700.

**Q. May I clear cattails from the wetland on my property?**

A. Hand removal of cattails is permitted. Chemical herbicides for aquatic areas may only be applied by persons qualified by the State of Florida. Such action would also require a permit.

**Q. Are green buttonwoods considered mangroves?**

A. They are not considered mangroves, though they do grow in wet areas. They are subject to all rules regarding native plants.

**Q. Is there poison ivy on Sanibel?**

A. Yes, it grows beautifully here. Also, some people develop a similar rash from Brazilian pepper.

**Q. I have a strangler fig tree that is growing close to my house. May I remove it?**

A. Strangler figs may be and often are root pruned. You may also prune up to 25 percent of the leaf area per year. This may solve the problem. If the roots are threatening your foundation, however, you will be permitted to move or remove it. A Vegetation Permit is required.

**Q. What if there are gopher tortoise burrows on property that I am about to build on?**

A. Tortoises may only be relocated on-site. If the burrow/s are active, the Department of Natural Resources will require you to relocate the tortoise to an area of your lot that will not be disturbed. This requires a State permit and an environmental consultant. Some portion of the property must be enhanced for gopher tortoise habitat, by planting plants gopher tortoises feed on such as gopher apple, ground cherry, golden creeper and prickly pear cactus. You must plant at least three species of forage plants and at least 30 plants per tortoise.

**Q. How are Sanibel's Vegetation Ordinances enforced?**

A. Concerned residents call City Hall when they see an action that appears contrary to Sanibel's environmental standards. A City staff member or member of the Vegetation Committee may observe a violation. A Department of Natural Resources staff member or one of the City Code enforcement officers will then check on the situation.

**Q. What penalties may be assessed?**

A. The City can issue an immediate "stop work" order that stands until the deficiency has been corrected. The City can also withhold the issue of a Development Permit, causing a delay in the start of a project, or withhold the issue of a Certificate of Occupancy, thus delaying the owner's moving in. Fines can be imposed, the amount varying with the nature of the violation. Mitigation may also be required.

**Q. What is mitigation?**

A. Mitigation could mean planting numerous small native trees on the property where a large native tree has been removed. Property owners may in some cases be required to provide and install large numbers of native plants on another property.

**Q. What recourse does a property owner have if his application for a Vegetation Permit is denied?**

A. Enforcement of vegetation standards is exclusively the purview of the City Manager or his/her designee. The applicant may ask for a review of the decision from the Planning Commission, 1) which may uphold the decision, 2) remand the application for further consideration, or 3) reverse or modify the City Manager's determination.

## **VIII. Acknowledgements**

### **Resource Book Sub-Committee Members:**

Julie Schwartz, Vegetation Committee  
Gloria Hannan, Vegetation Committee  
Don Schwartz, Vegetation Committee  
Ann Talcott, Vegetation Committee  
Beth Degrauwe, SCCF Native-Plant Nursery Director

### **Thank you:**

William Wollschlager, Vegetation Committee

### **Special thanks:**

Carol Rothman of West Gulf Digital, Inc. of Sanibel

### **Source Material from:**

Sanibel Code  
City of Sanibel Vegetation Standards

### **Other:**

Island Water Association, Inc.  
South Florida Water Management District

### **Sanibel Code Sections:**

- 1 Florida Administrative Code 68B – 26.003 (1) (b), Resolution 95-06
- 2 Sanibel Code Section 74-182
- 3 Sanibel Code Section 122-146
- 4 Sanibel Code Section 38 and Florida Mangrove Trimming and Preservation Act of 1995, Florida Statute 403.92-409-9333.
- 5 Sanibel Code Section 2-156:158
- 6 Sanibel Code Section 14
- 7 Sanibel Code Section 10-9
- 8 Sanibel Code Section 10-8
- 9 Sanibel Code Section 10-7
- 10 Sanibel Code Section 10-67
- 11 Sanibel Code Section 10-6

City Council periodically updates the codes

**IX. Phone numbers & web sites:**

area code 239

**City of Sanibel**

Administrative Offices	472-3700
Planning Department	472-4136
Natural Resources Department	472-3700
Building Department	472-4555
Utilities/Sewer Department	472-1008
Police Department	472-3111
Public Works	472-6397
Sanibel Hurricane Hotline	1-800-933-6093

**Lee County**

County Cooperative Extension Service	461-7500
Florida Recycling Services, Inc.	332-8500
Division of Solid Waste	338-3302
USDA Service Center for Ft. Myers	995-5678
Mobile Irrigation Laboratory	
Mosquito Control	694-2174

## Vegetation and Wildlife

Sanibel/Captiva Conservation Foundation	472-2329
Native Plant Nursery	472-1932
J.N. "Ding" Darling United States National Wildlife Refuge	472-1100
CROW (Clinic for the Rehabilitation of Wildlife)	472-3644

## Water

Island Water Association	472-1502
South Florida Water Management District	338-2929

## Web sites

City of Sanibel (all departments)	<a href="http://www.mysanibel.com">www.mysanibel.com</a>
CROW (Clinic for the Rehabilitation of Wildlife)	<a href="http://www.crowclinic.org">www.crowclinic.org</a>
J.N Ding Darling National Wildlife Refuge	<a href="http://dingdarling.fws.gov">dingdarling.fws.gov</a>
Sanibel/Captiva Conservation Foundation & Native Plant Nursery	<a href="http://www.sccf.org">www.sccf.org</a>
Gopher Tortoise Council	<a href="http://www.gophertortoisecouncil.org">www.gophertortoisecouncil.org</a>
Lee County (click on departments and divisions)	<a href="http://www.lee-county.com">www.lee-county.com</a>
Mosquito Control	<a href="http://www.lcmcd.org">www.lcmcd.org</a>
Island Water Association	<a href="http://www.islandwater.com">www.islandwater.com</a>
South Florida Water Management District	<a href="http://www.sfwmd.gov">www.sfwmd.gov</a>
USF Institute of Systematic Botany	<a href="http://www.plantatlas.usf.edu">www.plantatlas.usf.edu</a>

**CITY OF SANIBEL**  
**PLANNING DEPARTMENT WORK ACTIVITIES**

Work in Progress	Pending Projects	Completed Projects
<ul style="list-style-type: none"> <li>• <b>Emergencies</b> Status: No emergencies identified at this time.</li> <li>• <b>Routine Operations</b> Status: See memo identifying these activities provided with this chart.</li> <li>• <b>Periwinkle Corridor Restoration</b> Status: Contract awarded to Vanasse-Daylor. Initial phase of community input complete. Master Plan preparation underway. Initial funding requests are in process.</li> <li>• <b>Redevelopment Study</b> Status: Scope of Services for RFQ being developed. Initial phase funded in 2004-2005 budget (funds in hurricane recovery reserve).</li> <li>• <b>Regulations Pertaining to Build-back</b> Status: Amendment to <i>Sanibel Plan</i> and LDC currently being drafted. Alternatives for regulations can be presented to City Council in July.</li> <li>• <b>Regulations Pertaining to Timeshare (Fractionally Owned) Units</b> Status: Ordinance to amend LDC has been drafted. Ready for City Attorney review and Planning Commission hearing in May.</li> <li>• <b>Regulations for Neighborhood-based, Resident-serving Commercial Uses</b> Status: "Zoning in Progress" Resolution adopted. Alternative regulations presented to City Council in April 2005. Planning Commission will continue this work in May.</li> <li>• <b>LDC Amendment for Nonconforming Resort Housing</b> Status: Ready for City Council hearing during May.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Carrying Capacity of the Beaches</b> Status: Alternative approaches being developed with Natural Resources Department.</li> <li>• <b>EAR-based Plan Amendment</b> Status: State mandate requires submittal within 18 months after the EAR is found sufficient.</li> <li>• <b>Compatibility Standards for Single Family Dwellings</b> Status: Alternatives for regulations being developed.</li> <li>• <b>Conversion of Regulatory Maps to Computerized Format</b> Status: ESLCD Map adopted, Resort Housing, Wetlands Conservation Lands, Commercial District Maps 90% completed. Development Intensity, Ecological Zones, Traffic Circulation Maps being formatted. RFQ for Professional Services required to continue project.</li> <li>• <b>Regulations and Procedures for Special Events</b> Status: Application form being revised.</li> <li>• <b>Regulations to Protect Bald Eagles</b> Status: Proceeding with review of Federal Guidelines.</li> <li>• <b>Equitable Commercial Buffer Requirements</b> Status: Developing alternative approaches.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Evaluation and Appraisal Report of the <i>Sanibel Plan</i></b> Adopted by City Council 4/19/05. Submitted to FDCA for sufficiency review.</li> <li>• <b>LDC Amendment for Building Access for People with Disabilities</b> Adopted by City Council.</li> </ul>

**Resources for all projects**

Acting Planning Director and Three Planners  
 One Contract Planner @ 35 hours/week beginning in May  
 Two Code Enforcement Officers, One Administrative Secretary, One Recording Secretary

# MEMORANDUM

Date: April 28, 2005

To: City Manager

From: Ken Pfalzer,  Acting Planning Director

## RE: PLANNING DEPARTMENT ROUTINE WORK ACTIVITIES

The Planning Department consists of the following personnel, Acting Planning Director, 3 Planners, 2 Code Enforcement Officers, the Planning Commission Recording Secretary, and an Administrative Secretary. In addition to Special Projects, the Planning Department is responsible for the following day-to-day activities.

### MEETING WITH RESIDENTS, PROPERTY OWNERS AND THE PUBLIC

Since the creation of the Planning Department, this activity has been the Department's first priority. Responding to inquiries pertaining to land development regulations and procedures and to answer general questions, includes:

meeting with the residents, property owners and the public or their agents (such as attorneys, realtors, engineers, surveyors, architects, contractors, insurance agents, and appraisers)

addressing inquiries concerning development that is underway, development that is pending or development that may happen.

addressing speculative inquiries (hypothetical permitting), such as, can a pool be built on this property? what can be built on this property? what can my neighbors build on their property?

Responding to inquiries, whether in person, over the telephone or by letter or e-mail, requires immediate service delivery.

### PROCESSING APPLICATIONS AND ISSUING PERMITS

This is the Department's predominate regulatory function and is part of its first priority in providing customer service. This activity includes:

reviewing applications administered at the staff level, such as minor subdivisions, single family dwellings, additions to residential and commercial buildings, accessory structures, such as docks, swimming pools, pool enclosures, signs, outdoor storage of beach equipment, site alterations and the placement of fill, changes of use, and occupational licenses

reviewing applications requiring Planning Commission approval, such as major subdivisions, commercial buildings, multi-family buildings, conditional use approvals, and variances

reviewing applications requiring City Council approval such as development by the City (City-exempt), final plat approvals, any development requiring the dedication of land or funds, amendments to the Land Development Code, and amendments to the *Sanibel Plan*

## **MONITORING ACTIVE APPLICATIONS AND PERMITS** for compliance with land development regulations

Site inspections of pre-development conditions, development activities, and "as-built" conditions are essential for this code enforcement activity.

## **CONDUCTING CODE ENFORCEMENT ACTIVITIES**

This activity includes:

responding to complaints, investigating alleged violations, conducting inspections, and issuing notices of violation.

supporting enforcement of the mandatory Brazilian pepper removal program, the beach lighting program for turtle nesting, conditions of special events, fire hazard abatement, and FEMA notices of violation.

setting code enforcement hearings before the Hearing Examiner, presenting the case at the hearing and executing the Examiners order.

## **PROVIDING ASSISTANCE TO THE PLANNING COMMISSION**

This support activity includes:

providing support for two (2) meetings each month, including preparing legal notices, agendas, staff reports, minutes, preparing and maintaining the record file, with the City Attorney's Office preparing resolutions

providing support for the four (4) committees of the Planning Commission: Land Development Code Review; Permitting Process Review; Capital Improvements Element Review; and BMRH Program Review, including preparing agendas, minutes, and committee reports

## **PROVIDING ASSISTANCE TO THE CITY COUNCIL**

(Most of these activities are identified as special projects in this memorandum.)

This support activity includes administration of the *Sanibel Plan*, such as:

preparing the state-mandated Evaluation and Appraisal Report (EAR)

preparing the state-mandated EAR-based Plan Amendment

processing applications submitted by the private sector

This support activity also includes administration of the Land Development Code, such as preparation of land development regulations addressing "build-back" of buildings that are substantially damaged by natural disasters, retaining and supporting resident-serving businesses, and ensuring neighborhood and community compatibility.

## **OTHER DEPARTMENTAL ACTIVITES**

These activities include monitoring for compliance with the *Sanibel Plan* and supporting efforts of City departments as part of other projects, such as

- preparation and implementation of the Master Parks and Recreation Plan
- preparation and implementation of the Master Plan for Wastewater Treatment
- preparation and implementation of the Surface Water Management Plan

These activities include monitoring near-island development activities, such as

- reconstruction of the bridges of the Sanibel Causeway
- Lee County improvements to Causeway Boulevard
- applications for rezoning and development of County impact in the Summerlin/ McGregor Boulevards Corridor

These activities also include:

- updating the City's Federal Flood Insurance Program Floodplain Management Plan
- updating the Commercial Land Use Inventory
- updating and completing the street addressing program
- conducting an orientation program for new realtors
- developing an orientation program for new businesses
- performing other tasks that are assigned from time to time.

## **PROFESSIONAL TRAINING AND INFORMATION EXCHANGE**

These activities include,

- continuing education (American Planning Association, American Institute of Certified Planners, Florida Association of Code Enforcement, Florida Institute of Government)
- researching codes and programs of other municipalities
- providing information on City codes and programs, as requested, to other municipalities and students in planning programs.

# MEMORANDUM

Date: April 28, 2005

To: City Manager

From: Ken Pfalzer, Acting Planning Director

## RE: PLACING POWER LINES UNDERGROUND

The Plan Amendment Section of the 2004/2005 Evaluation and Appraisal Report of the *Sanibel Plan* includes the following statement pertaining to underground power lines.

In the **Other Human Support Systems Element** (Section 3.3.8)

In the Plan for Electric Utility:

*The replacement and expansion of the substation in 1999 removes the need to consider where a second substation should be located so that a site will be available when the present substation reaches capacity.*

The combining of existing provisions that pertain to underground electrical lines will be proposed as follows:

*All future electrical distribution transmission lines should be installed underground when the state of the art makes it practical and economically feasible. When it becomes practical and economically feasible, the city and the power supplier should consider preparing plans to rebuild underground if a hurricane or other disaster destroys a substantial part of our overhead power distribution system so as to reduce vulnerability in the future.*

[Character of the Community]

additions are underlined and deletions are ~~struckthrough~~

Ours

CITY OF SANIBEL  
ORDINANCE NO. 75 - 78

AN ORDINANCE GRANTING TO LEE COUNTY ELECTRIC CO-OPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, OR THE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION, THE RIGHT, PRIVILEGE AND FRANCHISE TO OPERATE AN ELECTRIC UTILITY WITHIN THE BOUNDARIES OF THE CITY OF SANIBEL; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; SEPARABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF SANIBEL, FLORIDA, HEREBY ORDAINS, PURSUANT TO ITS CHARTER AND OTHER APPLICABLE STATE LAWS, AND PURSUANT TO THE GENERAL POWERS TO PROTECT THE PUBLIC SAFETY, HEALTH AND WELFARE, THIS ORDINANCE:

Section 1. That there is hereby granted to Lee County Electric Cooperative, Inc., a corporation organized and existing under the laws of Florida, its successors and assigns, or the Administrator of the Rural Electrification Administration (hereinafter called "Grantee"), the right, privilege and franchise (non-exclusive) for a period of thirty (30) years, from and after January 1, 1975 to construct, maintain and operate an electric utility in, over, upon, under and across present and future streets, alleys, avenues, easements, for public utilities, highways, bridges, and other public places of the City of Sanibel, Florida (hereinafter referred to as "Grantor"), and its successors, in accordance with established practice with respect to electrical construction and maintenance, electric light and power facilities (including conduits, poles, wires and transmission lines, and, for its own use, telephone and telegraph lines) for the purpose of supplying electricity to Grantor, and its successors, the inhabitants thereof, and persons and corporations beyond the limits thereof.

Section 2. This Grant is made in consideration of the construction, maintenance and operation of such facilities, as outlined in Section 1 by the Grantee as now and heretofore existing and as may in the future be required as herein provided for, and for the benefits and conveniences of the Grantor as a result hereof.

Section 3. The Grantor hereby reserves the right at and after the expiration of this grant to purchase the property of the Grantee used under this Grant, as provided by the Laws of Florida,

in effect at the time of Grantee's acceptance hereof, and as a condition precedent to the taking effect of this Grant, Grantee shall give and grant to the Grantor the right of purchase so reserved, Grantee shall be deemed to have given, and Grantor received such right of purchase by its acceptance hereof, which shall be filed with the Grantor's Clerk within thirty (30) days after this ordinance takes effect.

Section 4. That the facilities shall be so located or re-located and so erected as to interfere as little as possible with traffic over said streets, alleys, bridges, and public places, and with reasonable egress from and ingress to abutting property. The location or relocation of all facilities shall be made under the supervision and with the approval of such representatives as the governing body of Grantor may designate for the purpose, but not so as unreasonably to interfere with the proper operation of Grantee's facilities and service. That when any portion of a street is excavated by Grantee in the location or relocation of any of its facilities, the portion of the street so excavated shall, within a reasonable time and as early as practicable after such excavation, be replaced by the Grantee at its expense and in as good condition as it was at the time of such excavation.

Section 5. Grantor shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by Grantee of its facilities hereunder, and the acceptance of this franchise shall be deemed to be an agreement on the part of the Grantee to hold the Grantor completely harmless and indemnify it from any and all liability, loss and damage of every nature whatsoever resulting from the Grantee's operations and facilities, which may accrue to the Grantor by reason of the neglect, default or misconduct of Grantee in the construction, operation, or maintenance of its facilities hereunder.

Section 6. All rates and rules and regulations established by Grantee from time to time shall, at all times, be reasonable, and Grantee's rates for electricity shall at all times be subject to such regulation as may be provided by law.

Section 7. That within thirty (30) days after the first anniversary date of this grant and within thirty (30) days after each succeeding anniversary date of this grant, the Grantee, its successors and assigns, shall pay to the Grantor and its successors an amount which added to the amount of all taxes, licenses, and other impositions levied or imposed by the Grantor upon the Grantee's electric property, business, or operations, and those of Grantee's electric subsidiaries for the preceding tax year, will equal 3% of Grantee's revenues from the sale of electrical energy to residential and commercial customers within the corporate limits of the Grantor for the twelve (12) fiscal months preceding the applicable anniversary date. Further upon the expressed condition that in the event the Grantee is required by another Municipality under which it is presently or may in the future be franchised to pay a greater percentage franchise consideration than that herein provided, the Grantee shall also pay the same increased percentage fee to the Grantor under this agreement upon the Grantor giving written notice of such increase. Such increased fee shall be effective as of the date of imposition by such other Municipality, and shall be payable upon the same terms and conditions as herein provided. The Grantee shall promptly notify the Grantor of any franchise fees paid to any other Municipality in excess of that herein provided. The Grantor may, at any reasonable time during business hours, make examinations at the Grantee's office of any and all of its books and records for the purpose of verifying any of the statements of revenue herein provided for, and for any other purpose whatsoever connected with the duties or privileges of the Grantor or Grantee under this ordinance.

Section 8. As a further consideration of this franchise, said Grantor agrees not to engage in the business of distribution and selling of electricity during the life of this franchise, or any extension thereof in competition with the Grantee, its successors and assigns, and the Grantee agrees to pay the franchise fee as set forth in Section 7 herein, from January 1, 1975 to the effective date of this ordinance.

Section 9. That failure on the part of the Grantee to comply in any substantial respect with any of the provisions of this franchise shall be grounds for a forfeiture of this Grant, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by Grantee until a court of competent jurisdiction (with right to appeal in either party) shall have found that Grantee has failed to comply in a substantial respect with any of the provisions of this franchise, and the Grantee shall have six (6) months after the final determination of the question to make good the default before a forfeiture shall result with the right in Grantor at its discretion to grant such additional time to Grantee for compliance with such provisions as necessities in the case may require.

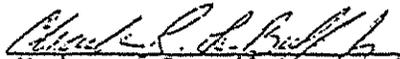
Section 10. If any word, phrase, clause, sentence, section or provision of this ordinance shall be held unconstitutional, invalid, or otherwise of no effect, such unconstitutionality or invalidity shall not in any wise affect the remainder of this ordinance not so specifically determined unconstitutional or invalid.

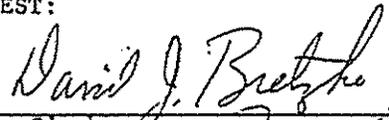
Section 11. Any ordinance, or part thereof, in conflict herewith is hereby repealed, and is to be held void and of no further effect.

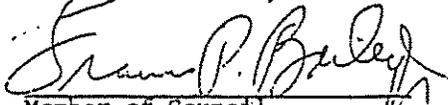
Section 12. This Ordinance shall become effective two (2) days after adoption.

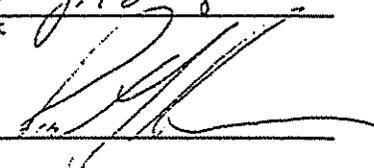
DULY PASSED AND ENACTED in open and regular session of the City Council of the City of Sanibel, Florida, this 16th day of December, 1975.

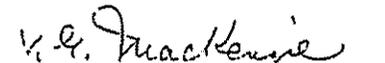
ATTEST:

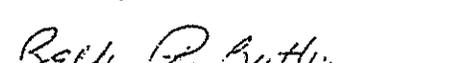
  
Member of Council

  
City Clerk

  
Member of Council

  
Mayor

  
Member of Council

  
Member of Council

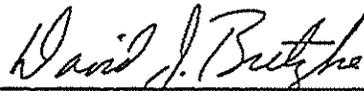
November 18, 1975 First Reading

November 21, 1975

November 28, 1975 Publication Date

December 16, 1975 Second Reading

FILED in the Office of the City Clerk this 16th day of  
December, 1975.

  
\_\_\_\_\_  
City Clerk

ACCEPTANCE OF CITY OF SANIBEL  
ELECTRIC FRANCHISE ORDINANCE NO. 75-78

December 16, 1975

City of Sanibel  
Sanibel, Florida

The Lee County Electric Cooperative, Inc., does hereby accept Ordinance No. 75-78, it being:

"AN ORDINANCE GRANTING TO LEE COUNTY ELECTRIC COOPERATIVE, INC., ITS SUCCESSOR AND ASSIGNS, OR THE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION, THE RIGHT, PRIVILEGE AND FRANCHISE TO OPERATE AN ELECTRIC UTILITY WITHIN THE BOUNDARIES OF THE CITY OF SANIBEL; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; SEPARABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH."

This instrument is filed with the City Clerk of the City of Sanibel, Florida, in accordance with the provisions of Section 3 of said Ordinance.

THE LEE COUNTY ELECTRIC COOPERATIVE, INC.

By

James T. Stewart  
President

ATTEST:

[Signature]  
Secretary

I hereby acknowledge receipt of the above Acceptance by The Lee County Electric Cooperative, Inc., of Ordinance No. 75-78, it being:

"AN ORDINANCE GRANTING TO LEE COUNTY ELECTRIC COOPERATIVE, INC., ITS SUCCESSOR AND ASSIGNS, OR THE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION, THE RIGHT, PRIVILEGE AND FRANCHISE TO OPERATE AN ELECTRIC UTILITY WITHIN THE BOUNDARIES OF THE CITY OF SANIBEL; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; SEPARABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH,"

and certify that I have filed the same for record in the permanent files and records of the City of Sanibel, Florida, this 16th day of December, 1975.

Albert Muench  
City Clerk

ORDINANCE NO. 04- \_\_\_\_\_

AN ORDINANCE GRANTING TO LEE COUNTY ELECTRIC COOPERATIVE, INC., (LCEC) ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR QUARTERLY PAYMENTS TO THE CITY OF MARCO ISLAND, FLORIDA; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marco Island, Florida recognizes that the City of Marco Island and its citizens need and desire the benefits of electric service; and

WHEREAS, the provision of such service requires substantial investments of capital and other resources in order to construct, maintain and operate facilities essential to the provision of such service in addition to costly administrative functions, and the City of Marco Island does not desire to undertake to provide such services; and

WHEREAS, Lee County Electric Cooperative, Inc. is a corporation organized under the laws of Florida which has the demonstrated ability to supply such services; and

WHEREAS, Lee County Electric Cooperative, Inc. and the City of Marco Island desire to enter into a franchise agreement providing for the payment of fees to the City of Marco Island in exchange for the nonexclusive right and privilege of supplying electricity and other services within the City of Marco Island, free of competition from the City of Marco Island, and for the non-exclusive right to construct, operate and maintain in roads, streets, alleys, bridges, easements, rights-of-way and other public places, within the City, electric light and power facilities, pursuant to certain terms and conditions; and

WHEREAS, Lee County Electric Cooperative, Inc. understands and acknowledges that policies of the City of Marco Island strongly favor undergrounding of utilities and the improvement of safety and aesthetics and the City understands and acknowledges the LCEC tariff regarding undergrounding and the Florida Public Service Commission's position on allocation of costs of undergrounding utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THAT:

Section 1. The City of Marco Island, a Florida municipal corporation (hereinafter called "City") hereby grants to Lee County Electric Cooperative, Inc., its successors and assigns (hereinafter called "LCEC"), for the period of twenty (20) years from the effective date hereof, the nonexclusive right, privilege and franchise (hereinafter called "franchise") to construct, operate and maintain in, under, upon, along, over and across the present and future roads, streets, alleys, bridges, easements, rights-of-way and other public places (hereinafter called "public rights-of-way") throughout all of the incorporated areas, as such incorporated areas may be constituted from time to time, of the City, in accordance with LCEC's customary practice and practices prescribed herein, with respect to construction and maintenance, electric light and power facilities, including, without limitation, conduits, including underground conduits, poles, wires, transmission and distribution lines, fiber optic, and all other facilities installed in conjunction with or ancillary to all of LCEC's operations (herein called "facilities"), for the purpose of supplying electricity and other services to the City, the inhabitants thereof, and persons beyond the limits thereof. Franchise will renew automatically for one (1) ten (10) year extension unless either party provides written notification to the other party, at least one hundred eighty (180) days in advance of the date of automatic extension, of intent to amend or terminate the franchise.

Section 2. The facilities of LCEC shall be installed, located or relocated so as to not unreasonably interfere with traffic over the public rights-of-way or with reasonable egress from and ingress to abutting property. To avoid conflicts with traffic, the location or relocation of all facilities shall be made as representatives of the City may prescribe in accordance with the City's reasonable rules and regulations with reference to the placing and maintaining in, under, upon, along, over and across said public rights-of-way; provided, however, that such rules or regulations (a) shall not prohibit the exercise of LCEC's right to use said public rights-of-way for reasons other than unreasonable interference with motor vehicular traffic, (b) shall not unreasonably interfere with LCEC's ability to furnish reasonably sufficient, adequate and efficient electric service to all of its customers, and (c) shall not require the relocation of any of LCEC's facilities installed before or after the effective date hereof in public rights-of-way unless or until the installed facilities causes unreasonable interference to the alteration of the transportation, storm drainage, or City utility system. When any portion of a public right-of-way is excavated by LCEC in the location or relocation of any of its facilities, the portion of the public right-of-way so excavated shall within a reasonable time be replaced by LCEC at its expense and in as good condition as it was at the time of such excavation. The City shall not be liable to LCEC for any cost or expense in connection with any relocation of LCEC's facilities required under subsection (c) of this Section, except, however, LCEC

shall be entitled to reimbursement of its costs from others and as may be provided by law. If the City requests LCEC to relocate overhead lines to underground lines, the parties agree that they will use their best efforts to provide for undergrounding in accordance with currently applicable and successor LCEC tariffs. The City shall reimburse LCEC for costs associated with such relocation.

Section 3. The City shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by LCEC of its facilities hereunder, and the acceptance of this ordinance shall be deemed an agreement on the part of LCEC to indemnify City and hold it harmless against any and all liability, loss, cost, damage or expense which may accrue to the City by reason of the negligence, default or misconduct of LCEC in the construction, operation or maintenance of its facilities hereunder.

Section 4. As a consideration for this franchise and as the reasonable rental for the rights-of-way granted herein, LCEC shall pay to the City, commencing thirty (30) days after the end of the calendar quarter following the effective date hereof, and each calendar quarter thereafter for the remainder of the term of this franchise, an amount which will equal five percent (5%) of LCEC's billed revenues from the sale of electrical energy, less actual write-offs, to residential, commercial and industrial customers within the incorporated areas of the City (excluding public street, highway and private area lighting) for the quarterly billing period ending 30 days prior to each such payment. Effective date for the commencement of this five percent (5%)

franchise fee shall be within forty-five (45) days of the effective date of this ordinance. Further, upon the expressed condition that in the event LCEC is required by another municipality under which it is presently or may in the future be franchised to pay a greater percentage franchise consideration than that herein provided, LCEC shall also pay the same increased percentage fee to the City under this agreement upon the City giving written notice of such increase. Such increased fee shall be effective as of the date of imposition by such other municipality, and shall be payable upon the same terms and conditions as herein provided. LCEC shall promptly notify the City of any franchise fees paid to any other municipality in excess of that herein provided. The City reserves the right, at its sole discretion, to reduce the franchise fee from the initial level of five percent (5%), upon ninety (90) days written notice to LCEC.

Section 5. As a further consideration, during the term of this franchise or any extension thereof, the City agrees: (a) not to engage in the distribution and/or sale, in competition with LCEC, of electric capacity and/or electric energy to any ultimate consumer of electric utility service (herein called a "retail customer") or to any electrical distribution system established solely to serve any retail customer formerly served by LCEC, (b) not to participate in any proceeding or contractual arrangement, the purpose or terms of which would be to obligate LCEC to transmit and/or distribute, electric capacity and/or electric energy from any third party(ies) to any other retail customer's facility(ies), and (c) not to seek to have LCEC

transmit and/or distribute electric capacity and/or electric energy generated by or on behalf of the City at one location to the City's facility(ies) at any other location(s).

Nothing herein shall prohibit the City, if permitted by law, (i) from purchasing electric capacity and/or electric energy from any other person, or (ii) from seeking to have LCEC transmit and/or distribute to any facility(ies) of the City electric capacity and/or electric energy purchased by the City from any other person; provided, however, that before the City elects to purchase electric capacity and/or electric energy from any other person, the City shall notify LCEC. Such notice shall include a summary of the specific rates, terms and conditions which have been offered by the other person and identify the City's facilities to be served under the offer. LCEC shall thereafter have 90 days to evaluate the offer and, if LCEC offers rates, terms and conditions which are equal to or better than those offered by the other person, the City shall be obligated to continue to purchase from LCEC electric capacity and/or electric energy to serve the previously-identified facilities of the City for a term no shorter than that offered by the other person. If LCEC does not agree to rates, terms and conditions which equal or better the other person's offer, all of the terms and conditions of this franchise shall remain in effect.

Section 6. If the City grants a right, privilege or franchise to any other person or otherwise enables any other such person to construct, operate or maintain electric light and power facilities

within any part of the incorporated areas of the City in which LCEC may lawfully serve or compete on terms and conditions which LCEC determines are more favorable than the terms and conditions contained herein, LCEC may at any time thereafter terminate this franchise if such terms and conditions are not remedied within the time period provided hereafter. LCEC shall give the City at least sixty (60) days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for LCEC herein, advise the City of such terms and conditions that it considers more favorable. The City shall then have sixty (60) days in which to correct or otherwise remedy the terms and conditions complained of by LCEC. If LCEC determines that such terms or conditions are not remedied by the City within said time period, LCEC may terminate this franchise agreement by delivering written notice to the City Clerk and termination shall be effective on the date of delivery of such notice.

Section 7. If as a direct or indirect consequence of any legislative, regulatory or other action by the United States of America or the State of Florida (or any department, agency, authority, instrumentality or political subdivision of either of them) any person is permitted to provide electric service within the incorporated areas of the City to a customer then being served by LCEC, or to any new applicant for electric service within any part of the incorporated areas of the City in which LCEC may lawfully serve, and LCEC determines that its obligations hereunder, or otherwise resulting from this franchise in respect to rates and service, place it at a

competitive disadvantage with respect to such other person, LCEC may, at any time after the taking of such action, terminate this franchise if such competitive disadvantage is not remedied within the time period provided hereinafter. LCEC shall give the City at least ninety (90) days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for LCEC herein, advise the City of the consequences of such action which resulted in the competitive disadvantage. The City shall then have ninety (90) days in which to correct or otherwise remedy the competitive disadvantage. If such competitive disadvantage is not remedied by the City within said time period, LCEC may terminate this franchise agreement by delivering written notice to the City Clerk and termination shall take effect on the date of delivery of such notice.

Section 8. Failure on the part of LCEC to comply in any substantial respect with any of the provisions of this franchise shall be grounds for forfeiture, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by LCEC until there is final determination (after the expiration or exhaustion of all rights of appeal) by a court of competent jurisdiction that LCEC has failed to comply in a substantial respect with any of the provisions of this franchise, and LCEC shall have six (6) months after such final determination to make good the default before a forfeiture shall result with the right of the City at its discretion to grant such additional time to LCEC for compliance as necessities in the case require.

Section 9. Failure on the part of the City to comply in substantial respect with any of the provisions of this ordinance, including, but not limited to: (a) denying LCEC use of public rights-of-way for reasons other than unreasonable interference with motor vehicular traffic; (b) imposing conditions for use of public rights-of-way contrary to Florida law or the terms and conditions of this franchise; (c) unreasonable delay in issuing LCEC a use permit, if any, to construct its facilities in public rights-of-way, shall constitute breach of this franchise and entitle LCEC to withhold all or part of the payments provided for in Section 5 hereof until such time as a use permit is issued or a court of competent jurisdiction has reached a final determination in the matter. The parties recognize and agree that nothing in this Franchise Agreement constitutes or shall be deemed to constitute a waiver of a party's delegated sovereign right of condemnation and that each party, in their sole discretion, may exercise this right.

Section 10. The City may, upon reasonable notice and within 90 days after each anniversary date of this franchise, at the City's expense, examine the records of LCEC relating to the calculation of the franchise payment for the year preceding such anniversary date. Such examination shall be during normal business hours at LCEC's office where such records are maintained. Records not prepared by LCEC in the ordinary course of business may be provided at the City's expense and as the City and LCEC may agree in writing. Information identifying LCEC's customers by name or their electric consumption

shall not be taken from LCEC's premises. Such audit shall be impartial and all audit findings, whether they decrease or increase payment to the City, shall be reported to LCEC. The City's right to examine the records of LCEC in accordance with this Section shall not be conducted by any third party employed by the City whose fee, in whole or part, for conducting such audit is contingent on findings of the audit.

Section 11. The franchise fees collected pursuant to this ordinance may be placed in a special utility fund and the expenditures therefrom shall be to pay the cost of placing current overhead utility facilities underground, to include costs associated with capital projects such as bond issuance costs, payment of interest and the repayment of principal on debt issued to fund capital projects, and administrative expenses. It is recognized by the City that all such expenditures shall be an exception to the Spending Cap of Section 1.03 of the City Charter as defined therein.

Section 12. Upon the City's annexation of any property and appropriate written notice to LCEC, the portion of the City's electrical system that may be located within such annexed territory, and upon the streets, alleys or public grounds, shall be subject to all the terms of this Franchise Agreement within ninety (90) days of receiving reasonable and sufficient written notice from the City.

Section 13. The provisions of this ordinance are interdependent upon one another, and if any of the provisions of this ordinance are found or adjudged to be invalid, illegal, void or of no effect, the

entire ordinance shall be null and void and of no force or effect. This ordinance embodies the entire agreement and understanding between the Parties, and there are no other agreements and understandings, oral or written, with reference to this subject that are not merged or superseded.

Section 14. As used herein "person" means an individual, a partnership, a corporation, a business trust, a joint stock company, a trust, an incorporated association, a joint venture, a governmental authority or any other entity of whatever nature.

Section 15. As a condition precedent to the taking effect of this ordinance, LCEC shall file its acceptance hereof with the City Clerk within 30 days of adoption of this ordinance. The effective date of this ordinance shall be the date upon which LCEC files such acceptance.

Section 16. Incorporation, Conflict and Severability.

- a. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or other appropriate word.
- b. Florida Statutes, all Collier County Ordinances or parts of ordinances and all Collier County Resolutions or parts of resolutions made applicable by the City Charter in conflict

herewith are hereby repealed to the extent of such conflict.

- c. If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

Section 17. Effective date.

This ordinance shall take effect immediately upon approval at second reading and acceptance by LCEC of the Electric Franchise in the City of Marco Island, Florida granted by Ordinance No. 04-\_\_\_\_\_.

APPROVED AT FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
Terri DiSciullo, Chairwoman

ATTEST:

Approved as to form  
and legality:

\_\_\_\_\_  
Laura Litzan, City Clerk

\_\_\_\_\_  
Rich Yovanovich, City Attorney

ACCEPTANCE OF ELECTRIC FRANCHISE  
ORDINANCE NO. \_\_\_\_\_  
BY LEE COUNTY ELECTRIC COOPERATIVE, INC.

City of Marco Island  
Marco Island, Florida

\_\_\_\_\_, 2004

Lee County Electric Cooperative, Inc. does hereby accept the electric franchise in the City of Marco Island, Florida, granted by Ordinance No. \_\_\_\_\_, being:

**AN ORDINANCE GRANTING TO LEE COUNTY ELECTRIC COOPERATIVE, INC., (LCEC) ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR QUARTERLY PAYMENTS TO THE CITY OF MARCO ISLAND, FLORIDA; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Which was passed and adopted on \_\_\_\_\_, \_\_\_\_\_, 2004.

This instrument is filed with the City Clerk of the City of Marco Island, Florida, in accordance with the provisions of Section 15 of said Ordinance.

LEE COUNTY ELECTRIC COOPERATIVE, INC.

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Assistant Secretary

I HEREBY ACKNOWLEDGE receipt of the above Acceptance of Electric Franchise Ordinance No. \_\_\_\_\_ by Lee County Electric Cooperative, Inc., and certify that I have filed the same for record in the permanent files and records of the City of Marco Island, Florida on this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
City Clerk  
City of Marco Island, Florida

MEMORANDUM

DATE: April 28, 2005  
TO: City Manager Judith Zimomra  
FROM: Recreation Director Helene Phillips   
RE: Old Schoolhouse and Packinghouse Renovations and Display Case Purchase Budget

• **Old Schoolhouse Budget**

Revenue:	TDC -	\$150,000
	Spoth Fund -	\$107,500
	General	<u>0</u>
		\$257,500
Expenses:	Acquisition	\$150,000
	Relocation	\$ 43,000
	Demolition	\$ 14,500
	Renovation	<u>\$ 50,000</u>
	Total	\$257,500

The Harriet Spoth fund was established several years ago. The contribution to the City by the Spoth Trust was to be used for the sole purpose of Historical Preservation on Sanibel. This is the first request to withdraw money from the fund. There will be approximately \$100,000 left after the money is carried forward. The Historical Preservation Committee unanimously recommended the funds be used for this purpose.

• **Packinghouse Budget**

Revenue:	Fashion Show Fundraiser -	\$16,549
	Morning Glories Fundraiser -	\$ 4,650
	General Budget -	<u>0</u>
	Total	\$21,199
Expenses:	Shelving	\$13,000
	Building Preparation	<u>\$ 6,000</u>
	Total	\$19,000

• **Display Case Budget**

Revenue:	Morning Glories Fundraiser -	\$2,300
	General Budget	<u>0</u>
	Total	\$2,300
Expense:	Purchase of Display Case -	\$2,300

The purchase of a display case is not part of the schoolhouse or packinghouse renovation. It was an approved budget item from FY 2004. Unfortunately, due to the hurricane we were unable to purchase the case and are requesting the money be carried forward into FY 2005.

Memorandum

April 28, 2005

To: City Council

From: Armand Ball, Chair, Parks and Recreation Committee

Re: Dunlop Road Shared Use Path

The Parks and Recreation Committee at its April 27, 2005 meeting reviewed the matter of the easement along Dunlop Road opposite Periwinkle Pines referred to the Committee by you on April 19, 2005.

Public Works Director Gates Castle was present to brief the Committee on the relation of the use of this easement related to the eventual Periwinkle-Dunlop Share Use Path. We had public comment from the President of the Periwinkle Pines Homeowners' Association and members of the Sanibel Bicycle Club, all in support of the easement for a shared use path.

The Committee reviewed the Master Plan for Shared Use Paths, and the priorities of the Committee at the time the Committee approved the Plan. The Dunlop Road from Periwinkle Way to Palm Ridge was one of the five priorities suggested to Public Works Director Gates Castle at that time. The Committee felt that the ability to meander the path along that area was a plus

**The Parks and Recreation Committee recommends that the City Council accept the easement along Dunlop Road opposite Periwinkle Pines, and, at the time that the Periwinkle-Dunlop Shared Use Path is constructed, the path meander through that area.**

Memorandum

April 28, 2005

To: City Council

From: Armand Ball, Chair, Parks and Recreation Committee

Re: Rabbit Road Shared Use Path

The Parks and Recreation Committee at its April 27, 2005 meeting reviewed the matter of the alternatives for the Rabbit Road Shared Use Path, which is several hundred feet west of the actual roadway, referred to the Committee by you on April 19, 2005.

Public Works Director Gates Castle was present to brief the Committee on the concerns expressed by a member of the public related to alligators and six alternatives Director Castle had developed. We had public comment from the members of the public including members of the Sanibel Bicycle Club, all in support of retaining that shared use path in its present location, given that is one of the most scenic paths on the island. Mr. Messenger explained his observations of tourist families as well as persons with dogs on that path, and his concern that they are not aware of the danger of alligators, particularly in the area where the path is bordered by a lake on one side of the present path and conservation wetland on the other.

The Committee reviewed the Master Plan for Shared Use Paths, and the priorities of the Committee at the time the Committee approved the Plan. Though shared use paths along Rabbit Road itself were discussed as one of the suggestions of the public, the Committee did not consider that approach wise or a priority. Therefore, the Committee eliminated Alternatives "D" and "E". Alternative A would require securing an easement plus two state and federal permits. Alternative "B" and "C" both would required continual maintenance.

The Committee felt that it is critical that signs warning persons using the path of the possible danger of alligators should be erected yet this year, and that with the widening of the path to eight feet already scheduled for FY 2006 would be sufficient.

**The Parks and Recreation Committee recommends that the City Council accept the Alternative "E" to widen the existing path to eight feet, maintain a minimum two foot shoulder, and place alligator warning signage a key points on the path.**