

**SANIBEL CITY COUNCIL MEETING  
AUGUST 16, 2005**

**Reception for retiring Utilities Director John Hefty**

Council gave a reception for John Hefty, Utilities Director due to his retirement.

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

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

Mayor Johnston gave the Invocation and led the Pledge of Allegiance.

**PRESENTATIONS:**

**Presentation of City of Sanibel Employee Dependent Scholarships for academic year 2005-2006**

Mayor Johnston announced the recipients of the City of Sanibel Employee Dependent Scholarship Fund as follows:

- Seth Gleeson
- Abbey Gudella
- Kristina Williams

Council congratulated the each recipient.

**Presentation of a proclamation to John Hefty, Utilities Director retiring August 19, 2005**

Mayor Johnston presented a proclamation to John Hefty.

Council wished Mr. Hefty farewell and good luck in future endeavors.

**Reading of a proclamation to the citizens of London, England**

Mayor Johnston read the proclamation regarding the recent bombings in London, England

**Presentation by Sheriff Mike Scott**

Sheriff Scott spoke to the following and introduced two of his deputies:

- Partnership with the City of Sanibel
- Deputize under county authority on the Sanibel Marine Officers
- WCIND grant money requires that a GPS be used for manatee patrolling
- Passed to Council a sheet of satellite imagery of the Causeway and Sanibel for enforcement
- Increased law enforcement presence on Causeway
- City of Sebring forward was Region 6 and Collier County Sheriff Hunter the director
- Arresting approximately 3,000 persons per day nationwide and released with a summons to appear
- 1 boat for marine patrol and adding 1 boat to partner with the Coast Guard and neighboring municipalities for additional enforcement

Chief Tomlinson spoke to working well with the Lee County Sheriff's Department.

Discussion ensued regarding homeland security, drawbridge used as criminal activity deterrent, Cuban landing a couple weeks ago, and enforcement.

**Public Comments:**

Hazel Schuller spoke to reinstating the Gulf Beach Zone long form application process.

Jon Liljequist spoke to the Vision Statement and read portions of same and the News Press August 14, 2005 article in the Tropicalia Magazine.

Claudia Burs spoke to the issue of safety on Shared Use Paths, budget items such as Periwinkle Way Corridor Restoration project, proposed Recreation Center, and making the Shared Use Paths a priority.

Karen Storijohan thanked Council for the Special Meeting on August 23, 2005.

Steve Greenstein, Executive Director of Sanibel-Captiva Chamber of Commerce spoke to the inability to control the media, Chamber contacted by Island Press, which publishes books on the environment and published a book. He presented the book titled "Nature Friendly Communities" to City Council.

Gail Ponce spoke to Shared Use Path behind businesses on Periwinkle Way removal from the budget. She suggested moving the parking area of businesses involved behind their business and enlarges the path.

**Council Comments.**

Mayor Johnston spoke to the proposed deduction of tolls beginning November 1, 2005, thanked Marge Meeks for winning a contest for Edy's ice cream and an employee picnic at the Sanibel Community Association Friday, the Employee Picnic at the Dunes Sunday, August 14, 2005.

Councilman Brown noted that the decrease in tolls was part of the conclusion of the lawsuit between Lee County and City of Sanibel.

Councilman Brown made a motion, Councilman Jennings, for a PR campaign for the reduction of Causeway tolls and direct the City Manager to draft a document for Council's review.

Discussion ensued regarding working in cooperation between the City and Lee County,

Council agreed the PR campaign should be positive.

Ms. Zimomra requested that the Parks and Recreation document be included for the August 23, 2005 Council meeting.

Council carried by consensus.

Councilman Brown passed to Council regarding an Ordinance adopted by Lee County for lobbying and asked the discussion be put on a future Council agenda.

Councilman Rothman spoke to attending a meeting of the Charlotte Harbor Estuary Program Committee and updated the Committee of the sewer, newly established hazardous waste day program and Zone 5 of eradication of Brazilian Pepper.

Councilman Jennings thanked Councilman Brown for his proposed positive PR toll campaign, decreasing tolls further, and not referring to Shared Use Paths as unsafe.

Ken Cuyler, City Attorney agreed with Councilman Jennings that Council should not refer to the City's Shared Use Paths as unsafe, but may need to be improved.

Councilman Jennings also spoke to Sheriff Scott being a native of Lee County, higher law enforcement profile on the Causeway and thanked Sheriff Scott.

Vice Mayor Denham spoke to all proposed budget requests having merit and the difficulty Council would have during budget discussions.

Councilman Brown spoke to Jan Hyatt leaving the City and Council should recognize her efforts at Community Housing Resources (CHR).

Councilman Rothman spoke to September 24 being celebrated as National Estuaries Days.

Councilman Rothman made a motion, seconded by Councilman Brown, to produce a Charlotte Harbor National proclamation and invite Lisa Beaver, Executive Director.

Council agreed by consensus.

Councilman Rothman spoke to the reception for Colonel Carpenter that would oversee the implementation of reservoirs, 3 20 thousand acres reservoir accepting water that comes from Lake Okeechobee.

Discussions ensued regarding the releases from Lake Okeechobee and the everglades restoration, and funding decision of \$1.8 billion would be upcoming.

**Planning Commission Report:**

Patty Sprankle gave the following report:

- Concluded a variance of a dock in Clam Bayou - approved
- Variance of construction of boat dock and lift by 2 individuals wanting the construct 2 lifts and 1 dock – approved
- Discussion on elevated pool issue – vote by Planning Commission on July 14 – tie vote – August 10 – tie vote
- Received copies of the chapter pertaining to Sanibel in the book “Nature Friendly Communities”

Mayor Johnston requested that the following discussion item be moved up for discussion.

Council agreed.

**Discussion regarding September 6, 2005 City Council meeting to Saturday, September 10, 2005.**

Mayor Johnston noted that September 6 was the day after Labor Day and called Council’s attention to the agenda packet information of topics coming before Council in the future.

Ms. Zimomra stated that bids openings coming before Council, items could come before Council on September 10 if the meeting was rescheduled to September 10.

Discussion ensued regarding elimination of the September 6 meeting, Homeland Security briefing, vacation booked due to Council discussion of moving the September 6 meeting, and participating by phone, adding consent agenda items to August 23 meeting, Ms. Zimomra suggested September 20.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to cancel the September 6, 2005 Council meeting.

The motion carried by consensus.

Council recessed at 10:45 a. m.

Council reconvened at 11:02 a. m.

First Reading of an ordinance and scheduling of public hearing.

**ORDINANCE 05-013 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED “FEES”, ARTICLES I, II, III AND IV, AMENDING THE PERMIT, DEVELOPMENT REVIEW AND ADMINISTRATIVE FEES SET FORTH THEREIN; AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS FOR PERMITS OR APPROVALS REQUIRED BY THE LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE**

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

Council set the second reading and public hearing for September 10, 2005 at 2:00 p.m.

**ORDINANCE 05-014 PERTAINING TO CHAPTER 14 OF THE SANIBEL CODE ENTITLED "BUILDING AND BUILDING REGULATIONS"; AMENDING ARTICLE IV, PERMITS, SECTION 14-191, FEE SCHEDULE, AND ARTICLE V, STANDARDS, SECTION 14-212, VALUE OF PROJECT OR WORK; AMENDING THE BUILDING PERMIT AND BUILDING REGULATION RELATED FEES SET FORTH THEREIN; AND PROVIDING AN EFFECTIVE DATE**

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

Council set the second reading and public hearing for September 10, 2005 at 2:00 p. m.

**ORDINANCE 05-015 AMENDING THE SANIBEL CODE, PART II, SUBPART B. LAND DEVELOPMENT CODE, CHAPTER 126. ZONING, BY AMENDING ARTICLE XIV SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2. ACCESSORY STRUCTURES, SECTION 126-852 REQUIREMENTS, TO ESTABLISH A HEIGHT LIMIT FOR ACCESSORY SWIMMING POOLS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Ordinance 05-015.

Council set the second reading and public hearing for September 20, 2005 at 9:30 a. m.

**ORDINANCE 05-016 GRANTING TO WASTE PRO OF FLORIDA, INC. A FRANCHISE TO OPERATE A SOLID WASTE COLLECTION AND DELIVERY SERVICE WITHIN THE TERRITORIAL LIMITS OF THE CITY OF SANIBEL, FLORIDA FOR A PERIOD OF 5 YEARS; PROVIDING FOR EXTENSION OF THE FRANCHISE PERIOD; SETTING FORTH OPERATOR'S OBLIGATIONS CONCERNING COLLECTION AND DELIVERY SCHEDULES, INSURANCE, BOND, AND PERFORMANCE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 05-016.

Council set the second reading and public hearing for September 10 at 2:15 p. m.

**SECOND READING:**

**ORDINANCE 05-013 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED "FEES", ARTICLES I, II, III AND IV, AMENDING THE PERMIT, DEVELOPMENT REVIEW AND ADMINISTRATIVE FEES SET FORTH THEREIN; AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS FOR PERMITS OR APPROVALS REQUIRED BY THE LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra advised Council that staff requested this be pulled and rescheduled for the next Council meeting.

**ORDINANCE 05-014 PERTAINING TO CHAPTER 14 OF THE SANIBEL CODE ENTITLED "BUILDING AND BUILDING REGULATIONS"; AMENDING ARTICLE IV, PERMITS, SECTION 14-191, FEE SCHEDULE, AND ARTICLE V, STANDARDS, SECTION 14-212, VALUE OF PROJECT OR WORK; AMENDING THE BUILDING PERMIT AND BUILDING REGULATION RELATED FEES SET FORTH THEREIN; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra did not read due to this advised Council that staff requested this be pulled and rescheduled for the next Council meeting.

**ORDINANCE 05-012 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 SANIBEL, FLORIDA; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Councilman Jennings made a motion, seconded by Vice Mayor Denham to adopt Ordinance 05-012 and the amended language as follows:

Mr. Cuyler read the following as an inclusion in Section 1 of Ordinance 05-012 and deleting **“It is recognized by the City that LCEC must construct and maintain certain electric equipment in order to adequately serve the citizens of the City and the City will not unreasonably withhold LCEC permits to construct its conduits, including underground conduits, poles, wires, communication facilities, transmission and distribution lines, fiber optic and similar equipment and facilities in the City’s public rights-of-way in accordance with the terms of this ordinance unless the operation, construction and maintenance of such would unreasonably interfere with the public’s health, safety and welfare”** and replace with the following: **“It is recognized by the City that LCEC must construct, maintain and own electric related sites and facilities for transmission and distribution of electric related sites and facilities for transmission and distribution of electric power in order to adequately serve the citizens of the City and the City will not unreasonably withhold LCEC permission or permits to construct such facilities within the City’s public-rights-of-way or authorized easements unless the operation, construction and maintenance of such facilities would unreasonably interfere with the public’s health, safety and welfare.”**

Discussion ensued regarding the length of the contract, precluded new technologies, include state that LCED would abide by Sanibel ordinances, and the franchise agreement does not address the telecommunication tower issue.

Lewis Walton, LCEC representative spoke to referring to the League of Cities recommendations such as performance and the contract could be cancelled, competition was covered in Section 7 and make a competitive offer, structure of LCEC was a distribution cooperative on behalf of customers, (purchase of power from Seminole Power) which was a pass through to customer, non-exclusive agreement, built in the ability for City to manage the current franchise rate or increase/decrease, ability to sell power back to Seminole Power for compensation, example – net metering, which measures the consumption and production of home (sun panels), different things on the horizon to produce power, customer does not have to accept power from LCEC if they are self-sufficient and LCEC policy was an option to put electric wires underground with a non-binding cost estimate for project, percentage paid for cost analysis and non-refundable deposit.

Discussion ensued regarding the contract precluding the City from becoming a power electric entity, City owning and distributing power, franchise agreement term typical of length for other municipalities, any incentive to find the least expensive power, Board of Trustees governing LCEC, LCEC active and diligent in following power costs, 22 years since base rate increase and LCEC requirement of agreement certainty.

Mr. Cuyler stated that language could be included to address LCEC representative coming before Council with a report every 5 years.

Discussion ensued regarding LCEC was it’s customers, City under the contract could notify LCEC during the term of the agreement to increase a portion or up to the highest municipal franchise agreement percentage, which was currently 5%, impact of 3% versus 5% on general fund and could notify LCEC if decision was to increase franchise fees.

Mr. Cuyler read the following language that could be included in Ordinance 05-012; **“LCEC shall, however, provide a report and update to City Council every 5 years, on the anniversary date (or as soon thereafter as possible) of the effective date of this ordinance. Such report and update shall advise City Council of LCEC, major efforts through the previous 5 years to enhance its facilities and service provided to serve the citizens and City of Sanibel. Such report and update shall also generally outline LCEC’s plans for facilities and service improvement for the next 5 years. The**

**report and update shall be an opportunity for the exchange of ideas, comments and recommendations between LCEC and the City Council in order to maintain LCEC and the City for the benefit of Sanibel's citizens and LCEC customers."**

The motion carried unanimously.

**CONSENT AGENDA:**

Council removed the following Consent Agenda items (e), (j), and (m) for discussion.

- a. **RESOLUTION 05-116 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-116.

Councilman Rothman made a motion, seconded by Councilman Jennings, to adopt Resolution 05-116.

The motion carried unanimously.

- b. **RESOLUTION 05-117 TO AUTHORIZE THE CITY MANAGER TO AMEND THE GROUP MASTER CONTRACT WITH AETNA FOR HEALTH INSURANCE COVERAGE AND AMEND THE GROUP POLICY INSURANCE LANGUAGE WITH JEFFERSON PILOT FINANCIAL TO PROVIDE FOR EMPLOYEE PLUS ONE COVERAGE TO COMPLY WITH THE APPROVED AGREEMENT BETWEEN THE CITY AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 05-117.

Councilman Rothman made a motion, seconded by Councilman Brown, to adopt Resolution 05-117.

The motion carried unanimously.

- c. **RESOLUTION 05-118 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-050 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$13,188 for the installation and three month maintenance fee for security monitoring system monitoring system at the Historical Village to be completed by September 30, 2005)

Ms. Zimomra read the title of Resolution 05-118.

Councilman Rothman made a motion, seconded by Councilman Jennings, to adopt Resolution 05-118.

The motion carried unanimously.

- d. **RESOLUTION 05-119 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-051 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$5,118 from the General Fund Reserve for Contingencies to the Recreation Department to fund the "Just for Middle School" activity session pilot program for the remaining portion of FY 2005)

Ms. Zimomra read the title of Resolution 05-119.

Councilman Rothman made a motion, Councilman Brown, to adopt Resolution 05-119.

The motion carried unanimously.

- f. Approval of the recommendation for the top-ranked architectural firms for Council approved park projects and direction to staff to proceed with contract negotiations

- l. **Approval of a contract between The City of Sanibel and John Hefty.**

Council by consensus approved Consent Agenda items (f) and (l).

- g. **RESOLUTION 05-120 ADOPTING AND ESTABLISHING A REVISED SCHEDULE OF RATES, FEES AND CHARGES FOR THE SANIBEL SEWER SYSTEM PROVIDING FOR A 3% INCREASE IN RESIDENTIAL AND COMMERCIAL CUSTOMER RATES; AND PROVIDING EFFECTIVE DATES**

Ms. Zimomra read the title of Resolution 05-120.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 05-120.

The motion carried unanimously.

- h. **RESOLUTION 05-121 ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENTS FROM SANIBEL PROPERTY OWNERS FOR THE SANIBEL SEWER SYSTEM EXPANSION PROJECT, PHASE 3B; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-121.

Councilman Rothman made a motion, seconded by Councilman Jennings, to adopt Resolution 05-121.

The motion carried unanimously.

- i. **RESOLUTION 05-122 APPROVING AND GRANTING AUTHORITY FOR THE CITY MANAGER TO EXECUTE MODIFICATION #01 TO THE TEN YEAR REVOCABLE LICENSE ISSUED BY THE UNITED STATES COAST GUARD TO THE CITY OF SANIBEL, FOR USE OF COAST GUARD REAL PROPERTY, NAMELY THE SANIBEL ISLAND LIGHT STATION; PROVIDING FOR THE EXTENSION OF THE LEASE THROUGH MAY 4, 2006 OR UPON OWNERSHIP TRANSFER OF THE REAL PROPERTY, WHICHEVER OCCURS FIRST; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 05-122.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 05-122.

The motion carried unanimously.

- k. **RESOLUTION 05-124 RE-APPOINTING RENEE LYNCH, MIKE CUSCADEN AND BILL HILDEBRANDT TO THE SANIBEL GENERAL EMPLOYEES PENSION BOARD; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 05-124.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to adopt Resolution 05-124.

The motion carried unanimously.

- e. **Approval of change of scope and Approval of an agreement with the Department of Protection for a Florida Recreation Development Assistance Program (FRDAP) grant in the amount of \$150,000 for Bowman's Beach Park and authorizing the City Manager to execute.**

Councilman Jennings made a motion, seconded by Councilman Rothman

The motion carried by consensus.

- j. **RESOLUTION 05-123 CITY OF SANIBEL RESOLUTION NOMINATING JUDITH ANN ZIMOMRA, SANIBEL CITY MANAGER, FOR CONSIDERATION FOR THE FLORIDA LEAGUE OF CITIES "CITY MANAGER OF THE YEAR" AWARD; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 05-123.

Councilman Brown requested that Council include the following language:  
“Whereas, City Manager puts in long hours and always has a cheery disposition

Whereas, the City Manager is beloved by the employees and citizens of Sanibel

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 05-123 with the inclusion of the above-mentioned language

The motion carried unanimously.

- m. **Authorization to expend up to \$55,000 for the redesign of a portion of the Sanibel Sewer System Phase 3B from a gravity sewer system to a low pressure system with funds to come from the Utility Department contingency fund.**

Discussion ensued regarding delaying the sewer project or the installation of 40 meters/

Mr. Castle, Public Works Director stated there were positives and negatives to both recommendations, but due to the thickness of the asphalt on San-Cap Road negated the possibility of a gravity sewer system. He further stated that staff was asking Council to appropriate funds.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to authorize the expenditure.

The motion carried by consensus.

Mayor Johnston passed out to Council a document to establish a “Founders Day” and nominate Grace Whitehead as the first recipient. She called Council’s attention to the agenda packet information regarding Ms. Whitehead’s many contributions.

Discussion ensued regarding asking the papers to put forth that Council would like to establish a Founders Day, not having a person in mind, allowing public input, annual Founders Day, establishing the first nominee as Grace Whitehead and allowing nominees for future years

Mayor Johnston made a motion, seconded by Councilman Brown, to establish a Founders Day direct the CM to bring a written policy back to Council August 23, 2005.

The motion carried by consensus.

Discussion ensued regarding the Mayor preparing a letter for the mailing of Resolution 05-123 to the League of Cities.

Council recessed at 12:30 p. m.

Council reconvened at 1:35 p. m.

**OLD BUSINESS:**

**Status report from staff regarding water conservation**

**Current City Legislation**

**Current SFWMD**

**Water Conservation Enforcement in Other Local Communities**

**Island Water Association Proposals**

**Status report of Reclaimed Water**

**Direction to Staff to Draft Legislation**

Ms. Zimomra stated that this discussion resulted from Council’s direction. She further called Council’s attention to the agenda packet information.

Roger Blind, Executive Director of Island Water spoke to the following:

- Physical curtailment of water service to very high users
- New higher water rate tier(s) to discourage very high consumption
- Publication of the names of very high water consumers
- Enforcement of existing (or modified) Ordinance Chapter 70, Section 70-66, regarding irrigation restrictions

He addressed the above-mentioned as follows:

- Consider a increased water rate for costs reasons not environmental reasons
- Could not publish high user names
- Spoke to high users with some results
- City could help by enforcing the ordinance
  - Compliant driven basis
  - Fridays 10 a. m. to 4 p. m.
  - February through April enforcement due to highest violations
  - IWA willing to help with enforcement

Ms. Zimomra recommended utilizing Code Enforcement for violators if Council directed staff to enforce water uses. She stated that a page would be included in the Annual Report for Water Conservation.

Discussion ensued regarding reclaimed water, enforcement, water conservation a goal for Council, how to expand the reclaimed water system and cost of expansion, City of Albuquerque using a rebate for replacement of water friendly appliances, City require 2 separate meters, not cost effective for 2 meters, outdoor/indoor education of water usage, and publish names of high users, as a last resort fines and include a message on the water bill.

Ms. Zimomra stated that there was an upcoming City-wide Flood Facts mailing and water conservation education could be included.

Mr. Blind stated that he included water conservation as an article in the quarterly newsletter and thought the message at the bottom of the water bill was a good idea.

Council by consensus agreed to start the educational program with a letter on water conservation in the annual "Flood Facts" mailing, report on reclaimed water, and combining the incentive/enforcement program.

**Presentation by staff of major points for proposed build back ordinance and staff analysis of building with 4-stories**

Mr. Pfalzer, Acting Planning Director spoke to the following:

- 4 stories exceeding the 45 feet
- Allowing

Discussion ensued regarding if a 4-story building destroyed could be re-built in the pre-disaster foot print and if could not re-build in the foot print the owner could come before Council for a variance to be built back above the 45 foot height restriction, decision of what units would be lost.

Mr. Cuyler stated that the ordinance would include practical alternative wording and giving Council the ability to look at all alternatives.

Discussion ensued regarding Section 82-52, association on behalf of unit owners would make application to the City, only involves 6 multi-family structures for buildback that would need to go above the 45-foot height restriction if destroyed would come before Council for consideration, and pre-disaster registration,

condominium complex must submit a plan as well as a vegetation plan, stipulated that there was only 6 buildings and make certain that a building could not move seaward.

Mr. Pfalzer spoke to non-conformance:

- Question would be the adjustment of the footprint (same footprint revised)
- Allow a property to re-locate the footprint to reduce or eliminate a non-conforming structure
- Require Planning Commission hearing for site plan review
- Impact neighbors

Public Comment:

Mary Cutair spoke to the 6 properties affected by buildback that would not be able to use the pre-disaster footprint and asked for a certainty in the ability of being able to buildback.

Bruce Rogers asked Council not to consider a broad buildback policy.

Billy Kirkland asked if his current location would be allowed to remain commercial and built back.

Mr. Pfalzer answered that he would be able to build back.

Discussion ensued regarding

Council recessed at 3:48 p. m.

Council reconvened at 4:00 p. m.

**NEW BUSINESS:**

**Discussion access to the Shared Use Paths by Persons with Limited Mobility.**

**Memo from Chief of Police on current procedures**

**Report from City Attorney on current law**

Councilman Jennings explained disabilities.

Mr. Cuyler explained that City staff was aware of the law and tried to adhere to it.

Chief Bill Tomlinson stated it was important to have guidelines for enforcement and qualified equipment that could be use on Shared Use Paths.

Discussion ensued regarding the types of vehicles that could be used by disabled persons, electric wheelchair acceptable to the medical community, in reviewing the Shared Use Master Plan consider disabled persons equipment, and research the American Medical Association's approval of medical devices for disabled persons.

**Solid Waste Issues:**

**RESOLUTION 05-125 APPROVING A 5% SOLID WASTE FRANCHISE FEE AND A \$20.00 PER TON SOLID WASTE DISPOSAL SURCHARGE FOR FY 05-06; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra explained that staff requested this discussion be pulled until discussion of Ordinance 05-016 Solid Waste Franchise Agreement.

Council decided to discuss the following:

**Acquisition and Preservation of Historical Structures from Existing Causeway**

Councilman Jennings explained his idea to consider obtaining the bridge tender house, lights underneath the bridge, and plaques on the bridges to be place in the Historical Village. He contacted Commissioner Janes and the suggestion was for staff to contact staff regarding acquiring the historical structures.

Discussion ensued regarding referring the discussion to the Historical Preservation Committee.

Council decided to refer the matter to the Historical Preservation Committee.

Public Comment:

Karen Storijhan spoke to putting the tollbooth on the island and charge tolls.

**Recycling Options for Multi-family Residential Units. (multi-family 5 units or more)**

Ms. Zimomra explained that the term mandatory recycling means it is mandatory to recycle and there would be charge for the service. She further explained that the Stewardship Committee recommended allowing condominium complexes the opportunity to recycle.

Gates Caste, Public Works Director explained that with the new solid waste contract there would be the same charge for participation/non-participation of single-family dwellings. He further stated that prices would be established for price unit pricing. Staff recommendation if Council wanted to promote recycling charge for a 10 gallon bin to recycle regardless if there was recycling or not and the cost would be approximately \$43 per unit. He also stated the cost would change if the complex decided to go with a large unit for recycling.

Discussion ensued regarding if payment was necessary regardless of participation there would be a higher percentage of participation, rates changing with new contract, residential does not subsidize recycling costs, single-family dwellings was already paying for recycling in the bill.

Mr. Castle stated recycling was an option for condominium complexes, but if it were mandatory there would be a charge per month depending if they choose individual containers or large dumpsters (96 gallon totters).

Ms. Zimomra explained the history behind recycling for condos.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to make recycling mandatory for condominium units.

**CITY MANAGER'S REPORT**

**Informational items:**

**Community Housing Resources Annual Report:**

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

Councilman Brown stated that Jan Hyatt was the real backbone of CHR and the need of Council to make certain that the same program continue.

Discussion ensued regarding the completion of Woodhaven.

**Status of Council Goals:**

Ms. Zimomra called Council's attention to the status Council's 2005-06 goals as follows:

**Goals:**

- **Adopt a Buildback Ordinance**
- **Complete a Plan for Re-development**
- **Construct a Recreation Center**
- **Charge the City Manager to approve a job description for the Planning Director and Approve a prioritized work plan for the planning department**
- **Approve a plan to restore the Periwinkle Way Corridor from Hurricane Charley**
- **Create a Small Business Initiative to protect existing businesses and assist with recovery**
- **Improve traffic conditions**

- Establish a consortium to evaluate beach carrying capacity
- Improve communications with citizens
- Continue to promote and support water conservation

**Status:**

- Pending final direction by City Council on August 16<sup>th</sup>. Draft ordinance to be presented on 09/13/05 to Planning Commission
- Staff currently drafting a request for proposals (RFP). Draft RFP to be submitted to City Council for discussion on 10/05/05
- Request for Capital Funding contribution submitted to Lee County. First hearing scheduled for September 8<sup>th</sup>. Architect to deliver 50% drawing to City Staff for review on August 19, 2005. Construction Manager to deliver generated maximum price (GPM) to City on September 7, 2005. Architect to present alternatives for design/build cost savings at City Council meeting of 9/20/05
- Job description approved by City Council; position advertised nationally. 61 applicants received.; 14 top candidates short-listed for first round consideration. Evaluated final 6 scheduled for interview on 9/13, 9/14 and 9/20
- Design concept complete and approved by City Council and Planning Commission, through grants pending with State Department of Forestry, awards to be announced 9/15/05. Council to discuss allocation of funds for grant matches during budget hearings
- Staff recommends September Workshops to discuss work plan based upon four basic elements: Legislative Assistance; Communication Channel for Small Business Input; and Re-development
- Transportation Planner to be discussed during Budget, staff recommends traffic calming studies in 2005-2004 for Donax & Rabbit Roads; per Council's direction Lindgren/Periwinkle Way intersection to be held until Causeway Construction completed for further evaluation
- Staff to present draft of Study Goals at September 6, 2005 City Council meeting & September 13, 2005 Planning Commission Meeting

Discussion ensued regarding the delay of the Causeway Boulevard/Lindgren Boulevard/Periwinkle Way intersection project until after the conclusion of the bridge construction

**Special Council Meeting to Discuss Budget & Provide staff with Direction (Tuesday, August 23rd, 2005 - 9:00 a.m.)**

Ms. Zimomra requested that Council provide any budget list that they would like to include for the upcoming meeting.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to have a Special Meeting on Tuesday, August, 23, 2005 at 9:00 a. m.

**Invitation to Partner with the Sanibel Captiva Chamber of Commerce on September 15, 2005 regarding a symposium entitled "You Can Survive! 10 Critical Success Factors for Small Business Survival on Sanibel and Captiva Islands"**

Ms. Zimomra explained that Council was invited to attend a symposium entitled "Can You Survive 10 Critical Success Factors for Small Business Survival on Sanibel and Captiva Islands."

Steve Greenstein, Executive Director of Sanibel Captiva Chamber of Commerce invited Council to participate.

**Request from South Florida Water Management District (SFWMD) regarding district update at a future City Council meeting**

Ms. Zimomra stated that staff had been contacted by the SFWMD to make a presentation at an upcoming Council meeting.

Council agreed to October 18, 2005.

**CITY ATTORNEY'S REPORT.**

None.

**COUNCILMEMBERS' REPORT.**

**Role and expectations of Council member liaison to the Planning Commission.**

Vice Mayor Denham asked for guidance at the role and Council's expectation as the Planning Commission liaison.

Discussion ensued regarding that the liaisons role was to be a passive member of the audience, liaison privy to discussions that may come before Council, but as long as the liaison does not participate in the discussion, committee liaison interface with City Council, and public notices were posted so that more than 1 Councilmember could attend.

Ms. Zimomra asked which of them wanted to attend the League of Cities Conference.

Mick Denham  
Jim Jennings

**Role of Council Liaisons during Council Agenda Discussion Items**

Councilman Jennings asked if consideration could be given to the committee liaison or preference to a Councilmember to make a motion or second an item that might be more important to that Councilmember. He also stated that it was a good idea to take the least important presentation first so the room would not be empty.

**Request for future Executive Session for the purpose of Homeland Security Briefing**

Councilman Jennings asked for an Executive Session for the above-mentioned topic.

Mr. Cuyler advised that it was a recent change in the law to allow for this type of Executive Session.

Ms. Zimomra recommended inviting partners.

Councilman Rothman reported attending the Charlotte Harbor Committee meeting and a discussion of dredging in the aquatic preserve. He further stated that is a channel had been dredged before then it could be re-dredged, but no new dredging. He further stated that the committee asked for a study and would be reviewing the permit for re-dredging.

Councilman Jennings spoke to different cities having vaccines for raccoon.

Ms. Zimomra stated that 2 years ago there was a rabies breakout off island.

Councilman Rothman made a motion, seconded by Vice mayor Denham to adjourn the meeting.

There being not further business the meeting adjourned at

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk