

**SANIBEL CITY COUNCIL MEETING  
SEPTEMBER 10, 2005**

Mayor Johnston called the meeting to order at 1:55 p. m.

Council, at the morning session excused Councilman Rothman from the meetings and by motion allowed Vice Mayor Denham to participate by phone.

Members present: Mayor Johnston, Councilman Brown and Councilman Jennings. Vice Mayor Denham participated by phone. Councilman Rothman was excused.

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

**PRESENTATION:**

**Proclamation proclaiming September 19 to 23 as Industry Appreciation Week:**

Councilman Jennings read the proclamation.

**Proclamation regarding water releases from Lake Okeechobee**

Mayor Johnston read the proclamation.

Discussion ensued regarding sending the proclamation to the media, other municipalities, and the state delegation, and the destruction of the bay and estuaries by the freshwater releases.

**Public Comments:**

Michael Valiquette spoke to the release of water from Lake Okeechobee. He suggested a forum be held sponsored by The City of Sanibel.

Discussion ensued regarding directing Mr. Cuyler, City Attorney to call Dave Owens, Lee County Attorney regarding the water release and the detriment the polluted water was causing Lee County waters.

Dr. Loflin spoke to the polluted water being released from Lake Okeechobee, red tide in Sarasota for months, and red tide reacting with a bloom when coming in contact with the released water.

Maureen Valiquette spoke to pushing elected officials for help.

**Council Comments.**

Councilman Jennings spoke to the community helping with Hurricane Katrina relief.

Ms. Zimomra noted that City staff was available to be deployed if requested.

Councilman Brown spoke to new Australian Pines growing on the beach. He also stated Council needed a policy regarding Australian Pines.

Mayor Johnston noted Happy Birthday to Councilman Jennings. She passed information to Council regarding a meeting at the Leadership Council of the Lee County Coalition for a Drug Free Southwest Florida.

**SECOND READING:**

**Presentation by Bob Wallace, Tindale Oliver Associates regarding the User Fee Study for the Building and Planning Departments**

**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. She reminded Council of the briefing each had received regarding the study.

Discussion ensued regarding Page 7 Sec. 90-103 of Resolution 05-013 being a flat fee rather than on a fixture basis, and fees exemptions for the Below Market Rate Housing Program.

Mr. Cuyler explained that the general rule to remember with regard to fees was that they would be fees for services. He continued to explain when Council exempted an entity from paying the fees the general public ends up paying the fees instead. He explained that many counties had a deferment plan for below market rate housing projects.

Discussion ensued regarding erosion control and the fee for review of the permit, charging a fee for a request that was not allowed by the Sanibel Plan, and the fee being discussed was for staff reviewing the application.

Mr. Pfalzer explained the following:

- Reference of increased fees in the fee schedule for increased density related to the Below market Rate Housing Program
- Procedure for request for increased density page 17 under plan amendment

Discussion ensued regarding the fee for a request for increased density, non-conformity process was for City Council decision and incurred a cost, Council asked if Ordinance 05-013 were adopted could Council revisit the issue, and Mr. Cuyler answered the document before Council was to update the fees and Council could amend the ordinance at any time, page 6 "Fee for Exterior Lighting" 90-103 as \$700 fee for up to 10 light fixtures, and Mr. Wallace answered that there was no charge for up to 10 lighting fixtures, but \$80 charge per fixture (top of page 7).

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Ordinance 05-013.

Public Comment:

Jack Samler spoke to page 5 and change line 4 as in line 3.

The motion carried unanimously.

Ms. Zimomra stated that this ordinance would allow the minimization from the General Fund, improvements to the departments and maintain the quality of the codes and enforcement of said codes.

**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.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Ordinance 05-014.

Public Comment:

None.

The motion carried unanimously.

**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. She noted that Lee County would continue to open the waste facility at night.

Councilman Jennings made a motion, seconded by Councilman Brown, to adopt Ordinance 05-016.

Mr. Cuyler noted that two blanks needed to be filled in as follows:

- Page 11 "Any know violation of Chapter \_\_\_\_ Article \_\_\_\_ " to "Chapter 54 Article II"

Public Comment:

None.

The motion carried unanimously.

**RESOLUTION 05-125 APPROVING A 5% SOLID WASTE FRANCHISE FEE AND A PER TON SOLID WASTE DISPOSAL SURCHARGE OF \$20.00 PER TON FOR FISCAL YEAR 2005-06; ESTABLISHING MAY 1, 2006, AS THE EFFECTIVE DATE OF THE MANDATORY RECYCLING COLLECTION PROGRAM FOR MULTI-FAMILY DWELLING UNITS; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 05-125.

Councilman Jennings made a motion, seconded by Councilman Brown, to adopt Resolution 05-125.

Public Comment:

None.

The motion carried unanimously.

**CONSENT AGENDA:**

Councilman Jennings pulled items (a) and (f)

- b. **RESOLUTION 05-128 ADOPTING THE VANTAGECARE RETIREMENT HEALTH SAVINGS PLAN WITH THE ICMA RETIREMENT CORPORATION FOR EMPLOYEES OF THE CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 05-128.

Councilman Brown made a motion, seconded by Councilman Jennings, to adopt Resolution 05-128.

The motion carried unanimously.

- c. **RESOLUTION 05-129 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE FRATERNAL ORDER OF POLICE; AND PROVIDING AN EFFECTIVE DATE**

Ms Zimomra read the title of Resolution 05-129.

Councilman Jennings made a motion, seconded by Councilman Brown, to adopt Resolution 05-129.

The motion carried unanimously.

- d. **RESOLUTION 05-130 AMENDING THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2004-2005; ADOPTING A NEW JOB DESCRIPTION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 05-130.

Councilman Brown made a motion seconded by Vice Mayor Denham, to adopt Resolution 05-130.

The motion carried unanimously.

- e. **RESOLUTION 05-131 APPROVING AND ADOPTING THE 2005 COMPREHENSIVE FLOODPLAIN MANAGEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 05-131.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 05-131.

The motion carried unanimously.

Councilman Brown made a motion, seconded by Councilman Jennings, to excuse Vice Mayor Denham at 3:07 p. m.

- a. **Approval of minutes May 17, 2005 Regular Meeting, May 19, 2005 Joint City Council/Planning Commission Meeting, June 07, 2005 Regular Meeting, June 21, 2005 Regular Meeting.**

Council remanded the minutes to the September 20, 2005 Council meeting.

- f. **Acceptance of extension of the Interlocal Agreement for interim funding of the Sanibel Library during the time of the referendum and until September 30, 2006 and authorize City Manager to execute the Interlocal Agreement between the City of Sanibel and Lee County**

Councilman Jennings spoke to this agreement being a good thing for the City.

Councilman Jennings made a motion, seconded by Councilman Brown, to accept the Interlocal Agreement.

The motion carried unanimously. Vice Mayor Denham excused.

#### **OLD BUSINESS**

##### **Staff request to provide fill for the proposed Recreation Center from Clam Bayou Projects.**

Ms. Zimomra explained the following:

- Council previously approved all quality fill removed from Phase 3 B go to the recreation facility and be stock piled behind the recreation center
- Use the fill from the Clam and Dinkins Bayou project in the same manner as the sewer fill expending \$12,000 and saving \$71,000

**RESOLUTION 05-140 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2005-052 AND PROVIDING AN EFFECTIVE DATE** (to purchase fill for the Recreation Center from the Clam/Dinkins Bayou Capital Project thereby saving \$71,000 (under market prices) for the Recreation Center Project and providing \$12,500 to the Clam/Dinkins Project)

Ms. Zimomra read the title Resolution 05-140.

Councilman Brown made a motion, seconded by Councilman Jennings, to adopt resolution 05-140.

The motion carried unanimously. Vice Mayor Denham excused.

#### **CITY MANAGER'S REPORT:**

**Informational items:**

**City Clerk officially approved entry for Master Municipal Clerk Accreditation:**

Ms. Zimomra called Council's attention to the packet information announcing Pamela Smith, City Clerk's entrance into the Master Municipal Clerk accreditation.

**Raccoon Bite Information:**

Ms. Zimomra called Council's attention to Press Release regarding a recent raccoon bite where people were feeding raccoons. She further stated that Council might want to request the Wildlife Committee looking an educational program.

Discussion ensued regarding raccoon being purposefully fed, spaying raccoons, and continued education.

**Recreation Aide/Lifeguard Recruitment and Retention:**

Ms. Zimomra stated that the challenge was attracting young people off island and getting those currently working to stay on the island.

**CITY ATTORNEY'S REPORT.**

None.

**COUNCILMEMBERS' REPORT.**

None.

**PUBLIC COMMENT:**

Jack Samler urged the City not to pursue the Knave property. He stated an alternative was to move the existing theater on the west side of City property. He also recommended Council meetings at 1:00 p.m.

There being no further the meeting was adjourned at 3:26 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk