

**SANIBEL CITY COUNCIL MEETING
OCTOBER 04, 2005**

Mayor Johnston called the meeting to order at 9:07 a. m.

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

Councilman Jennings gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS:

Proclamation proclaiming October as Breast Cancer Awareness Month

Councilman Brown read the proclamation and presented the proclamation to Bonnie Olsen

Proclamation proclaiming October 23 to October 31, 2005 as Red Ribbon Week supporting the Coalition for a Drug Free Southwest Florida

Councilman Rothman read and presented the proclamation to Lieutenant Scott Ashby

Recognition of City Employees Bert Smith and Sgt. Mike Cooper for taking the Amateur Radio (HAM) class and successfully passing the FCC testing for use in Emergency Preparedness

Vice Mayor Denham recognized Bert Smith and Sgt. Mike Cooper for taking the Amateur Radio (HAM) class and successfully passing the FCC testing for use in Emergency Preparedness.

Presentation by Joel Ray and Steve Tindale, Tindale Oliver and Associates regarding the feasibility of creating a Transit Authority in Lee County

Mr. Joey Ray gave a presentation regarding the feasibility of creating a Transit Authority in Lee County. Mr. Ray gave each member of Council four (4) handouts (1) Map 4-1 Lee County Municipal Boundaries & Fixed-Route Bus Network, (Lee County Transit System) (2) Map 4-2 Service Area Access Coverage (Lee County Transit System), (3) Map 4-3 Transit Choice Access Coverage (Lee County Transit System), (4) a map of the Lee Tran Route System. He stated that a meeting was being planned for December 14, 2005 that will be open to the public.

Ms. Zimomra voiced concerned with the composition of the proposed Transit Authority Board and wanted to make sure Sanibel had adequate representation.

Discussion ensued regarding a referendum necessary for the City to participate in a newly created Transit Authority and Mr. Cuyler, City Attorney stated that he did not know.

Mr. Ray stated it would depend on how the Authority was established and if taxes were levied, a referendum would be necessary.

Discussion ensued regarding the pros and cons, feasibility and effects of mass transportation on the Island.

Public Comment:

Henry Glissman spoke to the proposed Transit Authority

Claudia Burns spoke to the proposed Transit Authority.

Status of Periwinkle Restoration Master Plan

Final Approval of the Master Plan

Status of Forestry Grant

Fund Raising proposal from Periwinkle Partnership

The City Manager reported:

- City Council and the Planning Commission held a joint meeting to look at the final Master Plan.
- Conceptual plan that would be used over the next few years if approved by Council
- Action would not put any actual dollars on the plan, but did have a budget associated

- If Council approved it would give staff direction of path for restoration
- City received three grants (\$125,000 each) from the Department of Forestry for the restoration of Periwinkle; a match of \$125,000 was necessary - \$250,000 was included in the budget

Public Comment:

Ada Shissler presented a proposal from the Periwinkle Partnership to assume the work of raising tax-free funds from the public for the portion of the Periwinkle Restoration project that was not funded by the grants. She stated the Periwinkle Partnership asked for three areas of assistance from the City:

- Written direction from the City Attorney detailing the procedure for the transfer of tax-deductible contributions from the public to the City project
- Assistance with the development of materials for presentations
- Assistance with mailings or information be included in City mailings

Discussion ensued regarding tree size stipulated by grants and if they could be larger using the funding from the public, public funding used for benches and other amenities, City Manager would verify how or what the match for grant money could be used, and funding for drainage – a separate grant for \$275,500 had been requested from the Department of Commerce, and final confirmation had not been received and a Federal Grant and the State, as part of hurricane recovery would pay the match.

Councilman Jennings made a motion, seconded by Councilman Rothman, to accept the Periwinkle Restoration Master Plan, the grants and the Periwinkle Partnership proposal including their request for assistance from the City.

The motion carried unanimously.

Public Comments

Michael Valiquette spoke to questions regarding drainage and statutes or policies regarding planting trees too close to an evacuation route. He further spoke to Section 3.10 of the Sanibel Plan that required the City identify and trim trees along evacuation routes; there are no other ordinances regulating sizes of trees.

Public Comments:

Steve Maxwell reported that he wrote a letter dated September 25, 2005 to City Council and he expected a response. He compared the price of the Nave property and Tahitian Gardens and produced a copy of the Lee County Appraiser’s web site - pages 1 of 3 and 1 through 17 on the property and also pages 1 through 3 from the Lee County Property Appraiser’s web site of parcel 25-46-22-T1-00005.0040.

Council thanked Mr. Maxwell for his compliment of the Finance Department but objected to the criticism of the Legal Department and the questions Mr. Maxwell raised regarding money spent for outside legal services.

Council requested that Renee Lynch, Finance Director compile an itemization of money spent for outside legal services.

Councilman Brown reported that he attended the Florida Ethics Summit Conference and the City Attorney reported that it is a misdemeanor to make a verbal threat to a Council member. He further stated that Mr. Cuyler would provide information from the Ethics Conference to Council members.

Council recessed at 10:37 a. m.

Council reconvened at 10:52 a. m.

Michael and Maureen Valiquette reported on the “Restore Our Waters Forum” to be held at B. I. G. Arts on November 10, 2005 at 6:30 P.M., reviewed and submitted a copy of the agenda. Mr. Valiquette requested that the City assist in the following:

- Mail flyers and copy flyers if no printing company would offer to do the copy work
- Contact the League of City’s about setting up similar forums to educate their citizens regarding the adverse effects of water releases from Lake Okeechobee.

- Set up a Countywide forum for city officials and staff and invite State Legislatures to talk about what they intend to do regarding this problem.

Council comments

Vice Mayor Denham thanked the Valiquette’s for doing a fantastic job regarding the quality of water.

Councilman Jennings wished the Sanibel Fire & Rescue District a Happy 50th Anniversary, asked to have a proclamation written and distributed a flyer advertising Fire Prevention Week and scheduled events on October 15. He further spoke to National Wildlife Refuge Week (J. N. “Ding” Darling Days) would be October 9 – 15, 2005 and distributed a flyer.

Council by consensus agreed that a Proclamation should be written for the Fire District.

Mayor Johnston wished City Manager, Judie Zimomra, a Happy Fourth Anniversary with The City of Sanibel. She also requested approval to represent The City of Sanibel with the Southwest Florida delegation to attend a meeting in Washington, DC with Florida State Senators and the Army Corp of Engineers regarding releases from Lake Okeechobee to the Caloosahatchee.

City Council by consensus approved Mayor Johnston’s attendance.

Councilman Brown thanked Councilman Rothman for his fine representation of the City and all his hard work regarding the Lake Okeechobee water releases.

Mayor Johnston stated she asked Councilman Rothman if he could attend the meeting in Washington before she volunteered to go. Councilman Brown said he would like to re-read the proclamation regarding the Lake Okeechobee water release and make sure the City’s delegate goes forward with what is contained in the proclamation; that the delegate is firm and conveys the message that immediate action has to be taken. Councilman Brown suggested four changes to the proclamation:

1. Acceptance of the South Florida Water Management District that releases are causing water pollution and toxins – 16,000 pounds of dead fish have been picked up along the Causeway.
2. Immediately stop massive releases of water
3. Monitor the releases
4. Better management of elements getting into the water, i.e., chemicals, pesticides, etc.

Mayor Johnston agreed that the Army Corp of Engineers should make a definitive decision.

Councilman Brown also recommended that the Mr. Cuyler review Civility Procedures. He asked that Council permit Mr. Cuyler to review and update those procedures, especially regarding the ethics issues.

Councilman Brown stated the City should not accept the grant from South Florida Water Management District.

Councilman Jennings reported that Bonita Springs was working on the water quality issues and was funding their study.

Ms. Zimomra reported that she met with other Lee County Managers regarding water quality and Bonita Springs would be participating with the “START” program.

Planning Commission Report:

Commissioner Valiquette reported on the following:

- Discussion regarding Buildback and would continue during subsequent Planning Commission meetings
- Mr. Pfalzer spoke to the Floodplain Plan Management Report and would be discussed in a subsequent meeting

Consent Agenda:

Council pulled the following from the Consent Agenda: Items (a) and (b)

- a. **RESOLUTION 05-145 ESTABLISHING THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2005-2006; ESTABLISHING PAY GRADES AND PAY RANGES FOR NON-**

**UNION AND UNION POSITIONS; ADOPTING NEW AND REDESCRIBED JOB DESCRIPTIONS;
AUTHORIZING THE CITY MANAGER TO AMEND JOB DESCRIPTIONS AS NECESSARY TO KEEP SUCH
DESCRIPTIONS CURRENT, AND PROVIDING AN EFFECTIVE DATE:**

Staff requested this be tabled for discussion until October 18, 2005.

Mr. Cuyler stated that an item could be pulled and table then brought back for Council discussion at a future meeting.

b. Acceptance of a South Florida Water Management District Water Savings Incentive Grant in the amount of \$50,000 and authorizing the City Manager to execute the agreement:

Ms. Zimomra stated that last year the City obtained a grant for the same purpose, which was to help businesses hook-up to grey water. She gave Council the following options:

- Drop the program
- Review the budget to see if the City could fund the program
- Review other funding sources within the General Fund
- Program offered last year as a way to help potential users to hook-up to grey water
- Program would continue without the grant
- Alternative for unused grey water was to put down the deep injection well
- Due to 4 properties wanting to hook-up staff could bring back alternatives

Discussion ensued regarding not accepting the grant, money comes from taxes, reward of using grey water was reduction in the water bill, grey water used for irrigation, SFWMD had many branches and was a separate issue than the water releases, should not except grant when being critical of district, \$5,000 for hook-up, after expenditure City would reimburse half the cost of the connection, Sanibel gives \$2.5 million dollars per year in taxes, millage rate .1 mills for the Everglades Restoration Project and .5950 mills for overall operating budget,

Council directed Ms. Zimomra to bring other funding aspects to City Council at the October 18, 2005 meeting.

Public Comment

Barbara Cooley spoke to the water grant.

Henry Glissman spoke to the water grant.

Mike Valiquette spoke to the water grant.

Claudia Burns spoke to the water grant.

Discussion ensued regarding withhold Sanibel portion of the taxes that go to SFWMD, Ms. Zimomra stated those funds do not pass through the City, and the funds were collected by the Lee County Tax Collector and forwarded the funds to SFWMD.

Councilman Jennings asked if the statement "Point of Order" take precedence during discussion.

Mr. Cuyler answered that if it was a procedural "Point of Order" such as taking a motion that would take precedence.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to reject the \$50,000 grant from SFWMD, send a letter stating keeping Sanibel a sanctuary island, being conscience of the environment and being aware of the plants and fauna on Sanibel, looks for ways to conserve water and encourage and have a grey water program and wish not to participate in SFWMD grant program as not to be misconstrued as acceptance of the current policy relating to the Lake Okeechobee water releases and continue to participate with any governments and/or organizations that wish to improve water quality in South Florida, but do not feel comfortable at the current time in accepting the policies of the SFWMD.

Mayor Johnston asked to amend the motion and add that the Council was supportive of the grey water program. Councilman Brown agreed.

Discussion ensued regarding publishing the letter in the newspaper, Ms. Zimomra stated that if authorized the letter could be sent out and placed on the website, and staff work on letter over lunch and bring back to Council.

The motion carried unanimously.

OLD BUSINESS:

Request from Rotary Club to serve alcohol Arts and Craft Show scheduled for February 18 and 19, 2006 to be held at Sanibel Community Association (SCA), 2173 Periwinkle Way:

The Rotary Club requested that Council hold discussion after lunch.

Approval of Objectives for the Shared Use Path Master Plan Update.

Ms. Zimomra reminded Council that their direction was to evaluate the goals submitted by the Sanibel Bike Club for the study of the Shared Use Master Plan with input from different directors. She further stated the next step would be to solicit a consultant and the request would be to authorize staff to solicit qualifications for consultants for the study with the goals.

Discussion ensued regarding safety of the paths, amount of pavement required to make the paths 10 or 12 feet wide, the use of OGM, the need to set standards for the paths, i.e., width, parts of the paths that would be shady, areas that need make repairs, benches to sit on, request the consultant for the Periwinkle Way Restoration Project look at the Shared Use Path issue, drinking water available, police bike patrol, trash along the paths and three items were added to the Shared Use Path standards – (1) safety; (2) shade; and (3) bike patrol.

Public Comments:

Patty Sousa, Armand Ball, Steve Overbeck, Michael Fallon, spoke to the subject.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to approve the Objectives for the Shared Use Path Master Plan and direct staff to solicit qualifications for a consultant to be use for the Shared Use master Plan Study.

The motion carried unanimously.

Council recessed at 12:42 p. m.

Council reconvened at 1:35 p.m.

Rotary Club request to serve alcohol at the Rotary Arts and Craft Show – February 18 & 19, 2006 to be held at the Sanibel Community Association:

Alan Meyers spoke for the Rotary Club regarding this request stating that beer and wine would be the only alcohol sold and food would also be sold.

Discussion ensued regarding safety issues, precautions could be taken to protect others, should a specific area be established where the alcohol would be served and consumed, no one under the age of 21 would be allowed in the serving area, what was the benefit to the Island, would the approval open the door to other groups, should Council set a policy regarding selling alcoholic beverages on City property, what was the amount of profit gleaned from the sale of alcoholic beverages, and resultant to set a precedent.

Councilman Brown made a motion, seconded by Councilman Jennings, to approve the request with three conditions (1) a localized area would be determined for the sale and consumption of the beer and wine, (2) this area would be away from the road, (3) no one under the age of 21 would be allowed within 25 yards of the localized area.

The motion carried unanimously.

Council directed staff to prepare a policy and bring this policy back to Council.

Mr. Cuyler stated that if Council wanted a policy established they could still approve each request.

Public Comment:

Vern Frankwich spoke to the subject.

Mr. Cuyler stated that it was the responsibility of the Rotary Club to make sure the conditions of the approval were monitored and enforced.

Discussion and direction to staff regarding Construction of the Recreation Center

Time Line

Discussion regarding Construction of Recreation Center and status of contributions from other entities

Board of County Commissioners and Lee County School District

RESOLUTION 05-146 OF THE CITY OF SANIBEL, FLORIDA, AUTHORIZING THE ISSUANCE, SUBJECT TO THE BOND REFERENDUM HEREIN PROVIDED FOR OR NOT TO EXCEED \$ _____ GENERAL OBLIGATION BONDS FOR THE CITY OF SANIBEL, FLORIDA, FOR PROVIDING FUNDS, TOGETHER WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE OR REFINANCE A COMMUNITYWIDE RECREATION/COMMUNITY CENTER WHICH IS PART OF THE CITY OF SANIBEL'S PARKS AND RECREATION FACILITY MASTER PLAN, INCLUDING THE ACQUISITION, EQUIPPING AND CONSTRUCTION OF SUCH RECREATION/COMMUNITY CENTER AND RELATED EQUIPMENT AND INFRASTRUCTURE; PROVIDING FOR AND CALLING A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY TO BE HELD _____, 2006; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR BOND REFERENDUM PROCEDURES; ESTABLISHING ITS INTENT TO REIMBURSE SUCH CAPITAL EXPENDITURES INCURRED WITH PROCEEDS OF SUCH GENERAL OBLIGATION BONDS, AND PROVIDING AN EFFECTIVE DATE

Discussion ensued regarding funding from Lee County and the Lee County Board of Education, the need to notify the Lee County Supervisor of Elections 120 days before an election was to be held, 28% of recreation users were from unincorporated Lee County, attendance at the last Lee County Commissioners meeting and an agreement from Lee County and Sanibel that 28% was the percentage to use for non-Sanibel users, off-island versus on-island cost of construction, County/City staff would meet and agree on the cost per square footage to construct the recreation center, Vice Mayor to meet individually with each Lee County Commissioner, issue of increasing construction cost not discussed, 3 meetings held with Lee County School District and the district paying for the project within the construction that was only related to the school, Superintendent Browder and School Board member Chilmonik visited the current Sanibel recreation center, Dr. Browder stated that the school would pay for those items included for only school use, and the need for a financing partnership.

Ms. Zimomra spoke to the following:

- Staff met with Lee County officials
- Staff meeting with Lee County School District attorney
- Lee County Commissioner have requested that Vice Mayor Denham meet with them individually

Discussion ensued regarding any Council member meeting individually with Lee County Commissioners, if the proposed recreation were to fail the school would have no recreation center, Councilman Brown thanked Vice Mayor Denham and Councilmen Jennings for their work, community would be successful to raise funds for the proposed recreation center, and the need to build repour with all members of Lee County Commissioners.

Comments from the City Attorney regarding referendum Options:

Mr. Cuyler spoke to the referendum, required under agreement with the Lee County Supervisor of Elections to give 120-day notice for any type of election, Council could hold a mail or walk-in ballot. He stated the resolution established the not to exceed dollar amount of general obligation bonds to finance or refinance a community-wide recreation/community center which is part of the City of Sanibel's Parks and Recreation Master Plan. He further stated that figure would be the maximum figure that would be borrowed through bonds, He also stated that in speaking with the Supervisor once the 120 days began could the resolution be amended or another resolution adopted due to the amount of bonds needed and the Supervisor answered yes. He further explained that he thought staff would have at least 3 to 4 weeks lead time for any change. He stated the type of election and date of election need to be established and the only other blank in the resolution was the length of bonds.

Discussion ensued regarding adopting the resolution at the October 18 Council meeting, the need for a walk-in election, the need for a 30-year payment and waiting to hear the amount Lee County and Lee County Board of Education would participate, money raised by the community, Mr. Cuyler stated that bonds could be reduced if private money was raised, and the need for a written commitment and vote from Lee County and Lee County Board of Education.

Ms. Zimomra reminded Council that at their last meeting Council authorized the final drawing at 100% and suggested reviewing the official ballot language on page 3 section 6, specific statutory language in the number of words in the ballot, and Mr. Cuyler stated that ultimately bond counsel would need to be comfortable with the language.

Vice Chair Denham made a motion, seconded by Councilman Brown, to hold a walk-in election.

The motion carried unanimously.

Discussion ensued regarding Lee County using 4% per month increase in construction and interest cost post Hurricane Katrina, the need for a possible ceiling of costs, and 36% to 38% general escalation if a recreation was constructed off-island.

Public Comment:

Steve Overbeck asked what community-wide means, and Mr. Cuyler answered that community-wide means Sanibel, but if Lee County participates financially for non-City residents it was not meant to discourage any citizen from using the facility. He also asked what was related equipment or infrastructure means and Mr. Cuyler stated that it was boilerplate bond language.

Mike Valiquette spoke to the increase of construction on island and architect would monitor construction.

Armand Ball, Chairman of the Recreation Committee, thanked Council for their support and stated that funds received from private sources would not be included in the "Not To Exceed" amount.

Water quality issues

Report from staff on impact and clean up of current water quality issues

The City Manager distributed a draft letter written to the South Florida Water Management District (SFWMD) regarding Council's rejection of a \$50,000 grant.

Council reviewed the letter, edited the letter, and then signed by Council. Council requested that the letter and previous proclamation be published in the newspapers and also given to the TV news media.

Report on attendance at 30th Annual Conference on Water Management

Report on attendance at Workshop Meeting for the Gulf of Mexico Alliance

Discussion regarding South Florida Water Management District (SFWMD) Board Appointments

The above-mentioned were continued to the October 18, 2005 City Council meeting.

Steve Overbeck, spoke to the issue of the letter.

Mary Rollen, representing the non-profit Caloosahatchee River Citizens Association also known as River Watch that represents citizens of Glades, Hendry and Lee Counties spoke regarding the effects of water releases from Lake Okeechobee and advocated that photographs and information regarding fish kills be sent to agencies.

Ms. Rollen answered questions from Council.

Mike and Maureen Valiquette spoke regarding a forum being held at B. I. G. Arts on November 10, 2005 and asked the City to partner with them on the upcoming forum.

Ms. Zimomra explained that because B. I. G. Arts was located on City Land the lease agreement states that if the City uses it the user fee is waived.

Discussion ensued regarding contacting C. O. T. I. and CASI as well as other organizations should be contacted to stimulate attendance at the forum.

Vern Frankwich, and Gopal Pati, Sanibel residents spoke to the issue.

Discussion ensued regarding co-sponsoring the forum, include information in any City mailings, Mr. Cuyler stated that the meeting would be noticed due to two or more Council members being in attendance, and concern regarding using Paul Reynolds's web site for advertising the forum or for any other events involving the City.

Maureen Valiquette asked Council what they thought about setting up a countywide forum for City officials and invite State Representatives to get them involved and ask what was being done about the water quality problem.

Discussion ensued regarding the possibility of having a countywide forum.

Councilman Jennings made a motion, seconded by Councilman Brown, to excuse Mayor Johnston from the meeting at 3:30 p. m.

The motion carried unanimously.

Invitation from Lee County to participate in a visit with Local Federal Delegation and Army Corps of Engineers in Washington:

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to approve the expenses for Mayor Johnston's to go to Washington, D. C. to meet with representatives regarding the water quality issue.

The motion carried unanimously.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to approve the expenses for Councilman Brown to attend an Ethics Seminar.

The motion carried unanimously.

Council recessed from 4:00 p. m.

Council reconvened at 4:09 p. m.

New Business

Consideration of a request that City Council authorize the issuance of a Development Permit to divide an existing commercial unit into 3 commercial units. The commercial unit being located at 1711 Periwinkle Way, Sanibel, FL 33957

Ken Pfalzer, Acting Planning Director, presented an overview of the request.

Ms. Zimomra informed City Council of their options regarding this hearing.

Discussion ensued regarding the "Zoning in Progress" was due to this particular business, Council asked the owner if he originally planned to break the building from one business to three businesses, and the owner stated that the request to break the business into three businesses was from advice of the Planning staff.

Mr. Freidan, owner reported that Mr. Bruce Rogers, previous Planning Director suggested that he would prefer three businesses be in the building rather than one.

Discussion ensued regarding previous public concern that the building was being made into one business and previous small business owners leaving, "Zoning in Progress" did not permit dividing the business into three businesses, the hearing should go before the Planning Commission and it was suggested that Council look at the background of this request and listen to the transcript of the meeting when the approval for Mango Bay was granted and to also look at the signage issue.

Vice Chair Denham made a motion, seconded by Councilman Brown, to send the request to the Planning Commission.

The motion and seconder withdrew the motion.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to table the hearing until the November 1, 2005 City Council meeting to a time certain in the morning.

The motion carried by a 3 to 1 vote with Councilman Brown dissenting and Mayor Johnston being excused.

City Manager's Report

Informational items:

Appointment of Planning Director

Ms. Zimomra advised that a Planning Director was hired.

Proposed Small Business Initiative Workshop to establish project mission statement Draft Business Survey for residents

Ms. Zimomra stated that within the next two weeks the proposed Small Business Initiative Workshop project mission statement and the Draft Business Survey for residents would be distributed

Proposed joint City Council and Planning Commission Workshop for Redevelopment Study

Ms. Zimomra stated that Council and Planning Commissioners were being canvassed for availability for a Redevelopment Study Workshop.

Attendance and Designation of voting delegate for the National League of Cities Conference December 6-10, 2005 in Charlotte, North Carolina

Discussion ensued regarding Councilman Rothman attending the National League of Cities Conference December 6-10, 2005 in Charlotte, North Carolina. Councilman Jennings stated that he would also like to attend, but Councilman Rothman would be the voting member.

Monthly Tourist Development Council Report

Ms. Zimomra advised that there would be a 25% increase in revenue if the proposed bed tax were approved.

Lee County Legislative Delegation Meeting, November 17, 2005

Ms. Zimomra advised that November 17, 2005 was the date for the Lee County Legislative Delegation Meeting. She also advised that the deadline for submitting agenda items was November 3, 2005 at 5:00 p. m., and e-mail submittal would not be accepted.

Discussion ensued regarding Vice Mayor Denham attending the meeting, no comment could be made unless Sanibel was on the agenda, and Council asked Councilman Rothman to put together Sanibel's position on water management.

Periodic re-study of coastal areas on the Federal Flood Insurance Rate Map (FIRM) for Lee County by the Federal Emergency Management Agency (FEMA)

Ms. Zimomra stated that Federal Flood Insurance Rate Maps for Lee County were being re-studied and in the Planning Department.

Discussion ensued regarding each Councilmember should take a look at the maps because the proposed maps would make some homes on Sanibel nonconforming structures.

Ms. Zimomra reported that during the October 25, 2005 Planning Commission meeting a request for a development permit and preliminary plat approval for a Major Subdivision to subdivide a 76-acre parcel of land would be heard. She advised that there was no consensus with staff and the developer as to the protection for the wildlife habitat especially the gopher tortoise.

Mr. Cuyler informed the Council members that they should not be involved in any discussion or debate due to the possibility of the subject coming before Council.

Ms. Zimomra reported that Council had received e-mails regarding the repair of beach walkovers destroyed during Hurricane Charley. She further reported that a contractor was in place and they are waiting for turtle nesting season to be over so the work could begin.

Ms. Zimomra reported that residential burglaries had increased and the biggest culprit was an unlocked door and allowing contractors in homes when the owners were not present.

City Attorney's Report

Mr. Cuyler reported on the Nave property as follows:

- The list price was \$15 million and the asking price was \$12.75 million
- Two funding sources have been identified; 1) bond issue supported by ad valorem revenues; and 2) the potential for a tax that was not in effect right now, which was a public service tax on electric and water.
- The utility tax did not require a referendum, but the ad valorem tax does

Discussion ensued regarding the City purchasing the property, bring discussion back to the October 18, 2005 Council meeting, the City shouldn't be in the development business and Mr. Cuyler would continue talking with the owners.

Discussion ensued regarding road development in Lee County.

Council member's Reports:

Attendance at the Florida Ethics Conference and Attorney General's Sunshine Summit

Councilman Brown stated he would report on the Florida Ethics Conference and Attorney Generals Sunshine Summit during the October 18, 2005 meeting.

Councilman Rothman stated that he would like to attend the meeting listed as a bold and aggressive action plan regarding the Lake Okeechobee and Estuary Recovery in Okeechobee on October 10, 2005. Council members agree that Councilman Rothman should attend.

Report from Metropolitan Planning Organization (MPO) meeting of September 23, 2005, on MPO issues potentially impacting the City of Sanibel

Councilman Rothman attended the September 23, 2005 MPO meeting and reported the following:

- Highway needs assessment – (a) 12 lanes are planned for I-75 in some places, (b) the Alico Expressway will come into Summerlin
- Transit needs assessment – covered in the Tindale Olive presentation this morning.

Councilman Jennings reported that the Horizon Council contract/membership for \$2,500 should be renewed. He further stated that Sanibel was a founding member and sit on the executive committee.

Councilman Jennings made a motion, seconded by Councilman Brown, to approve the membership in the Horizon Council in the amount of \$2,500.

The motion carried unanimously with Mayor Johnston excused.

Councilman Brown stated that he doesn't want to be part of the City using Paul Reynolds's web site and would like to give the City Manager and City Attorney discretion to help other organizations.

Ms. Zimomra stated that what she understood that Council approved by motion was co-sponsoring the one workshop at B. I. G. Arts and City staff could assist with mailings, i.e., if the City had a mailing forum information would be included. She also stated that City material would be put on the City website and other material would be posted on other appropriate websites without City help.

There being no further business the meeting was adjourned at 6:00 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk