

**SANIBEL CITY COUNCIL REGULAR MEETING
OCTOBER 02, 2012**

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

Members present: Mayor Ruane, Vice Mayor Denham, Councilman Congress, Councilman Harrity and Councilman Jennings.

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

PRESENTATION(S)

Proclamation proclaiming October as Breast Cancer Awareness Month

Mayor Ruane announced that the proclamation would be forward to Susan G. Komen.

Lee Memorial Health System presentation relative to drowning prevention education

Dr. Steve Brown spoke to the following:

- Toddler drownings
- Introduced Michelle King
- Approached Community Association for a \$20,000 grant tot each schildren to swim

Mrs. Michelle King spoke to the following:

- Director of Child Advocacy Program
- Only Pediatric Intensive Care unit
- 39 children treated for near drown; 6 died
- Under the age of 4 years
- Consistent message throughout the State
- Designated water watcher (one person only watches children)
- Children drown when no one was at the pool or water
- Recommend layers of protection
- Recommend CPR for families
- Offer more compression only CPR classes
- Offer more full CPRAED classes
- Voucher program for parent/child swim classes

Andrea Miller, Recreation Director spoke to the following:

- Offer swimming lesons to all after school children from pre-school to 8th graders
- Free swim lessons during summer camp

Planning Commission Report

Chairman Mike Valiquette gave the following report:

- Jeremy Kane given permission to open an ice cream shop at the Bailey Center pending removal of two driveways

Public Comments

Sonja Smith asked about the upcoming cell tower.

Ms. Zimomra noted that the cell tower construction was up to the contractor.

Mayor Ruane explained the delay was due to budget cuts.

Mr. Cuyler noted the following

- Company contacted for upcoming construction and very closeMust apply to begin procedures

Council Comments

None

Mayor Ruane moved, seconded by Councilman Harrity, to excuse Councilman Jennings.

The motion carried.

Second Reading and Public Hearing

ORDINANCE 12-008 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED "FEES", ARTICLE I, IN GENERAL, AMENDING SECTION 90-17, VEGETATION PERMITS, SUBSECTION 2(b) TO REDUCE THE PERMIT FEE FOR MANGROVE TRIMMING AND REMOVAL; ESTABLISHING SUCH REDUCED FEE AND SUPERSEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-008.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Ordinance 12-008.

Discussion ensued regarding reducing fees from \$108 to \$72.00 and why not have the remainder the same, Director Evans answered the reason for keeping other fees the same such as forward of the 1974 Coastal Construction Contraol Line (CCCL) was good for three years, while the mangrove trimming permit was in accordance to the 1976 mangrove trimming preservation act (state regulation) could only be a annual permit including pre and post-trimming inspection taking more staff time.

Public Comment

None

The motion carried.

CONSENT AGENDA

Staff requested item (d) be pulled and Vice Mayor Denham pulled items (b) and (c).

- c. Approval of an agreement between the City of Sanibel and Sanibel Youth Soccer, Inc., for soccer program between October 01, 2012 through December 08, 2012 and authorize the City Manager to execute same

Discussion ensued regarding having liability insurance and the City Attorney related that this was a contract and the various leagues had their own insurance, as well as the City covered by property and liability insurance under normal circumstances.

Vice Mayor Denham moved, seconded by Mayor Ruane, to approve the above-mentioned.

Public Comment

None

The motion carried.

d. Request by the Sanibel Community Church, 1740 Periwinkle Way for three additional Special Events permits for 2012 (the 6 permits authorized by code have been used for 2012)

Ms. Zimomra noted that the Sanibel Community Church had requested additional special event permits and at least one of those would be held in the sanctuary. She advised that City Council was aware that the Certificate of Occupancy was on hold due to the air conditioners issue. She asked if Council approved, on recommendation from the City Attorney the approval be on the condition the church receive the Certificate of Occupancy.

Mayor Ruane moved, seconded by Vice Mayor Denham, that the request be approved on the condition that the church goes before the Planning Commission to get their permanent Certificate of Occupancy.

Public Comment

None

The motion carried.

b. **RESOLUTION 12-096 OF THE CITY OF SANIBEL ESTABLISHING COMMITTED FUND BALANCES FOR DISASTER RESERVE, ENVIRONMENTAL INITIATIVE RESERVE AND INSURANCE DEDUCTIBLE RESERVE FOR THE CITY OF SANIBEL; PROVIDING SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 12-096.

Discussion ensued regarding the funds could be used the funds for various purposes, Director Edwards noted the amounts were adopted in the FY13 budget and the resolution commits the fund balance due to the adoption of the budget, but Council could lower the fund balance by resolution.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-096

Public Comment

Claudia Burns asked what the Environmental Fund Initiative Reserve included.

Ms. Zimomra advised that the funds had previously been used for environ

The motion carried.

a. **RESOLUTION 12-093 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-001 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward \$1,016,865 of unspent FY12 funds for: 1) \$18,672 for the City Hall footbridge to BIG Arts; 2) \$24,395 for HVAC coils for the recreation center; 3) \$1,810 for laserfiche upgrade; 4) \$14,500 Tyler Positive Pay Purchasing card; 5) \$12,353 Tyler travel; 6) \$17,000 for police in-car video system equipment; 7) \$20,000 for the Dunlop/Wooster shared use path; 8) \$280,000 for the Dixie Beach Blvd. and Bailey Road shared use paths; 9) \$200,000 for the Dinkins Bayou dredging; 10) \$30,000 for the Clam Bayou box culvert; 11) \$78,135 for a sewer ground monitoring plan; 12) \$20,000 for sewer pretreatment bypass and 13) \$300,000 for lighthouse rehabilitation. This amendment does not increase the FY13 budget)

Ms. Zimomra read the titles of Resolution 12-093.

_____ moved, seconded by _____, to adopted Resolutions 12-093 and 12-096.

Public Comment

None

Ms. Zimomra answered that it could be used for _____, _____, _____ and not used for purchase of environmental land.

The motion carried

The motion carried.

- e. Request from Marvo Entertainment Group to use the City Seal as a limited and one time use and acknowledgment for the City's contribution towards the creation of the film "America's Darling" the life of J.N. "Ding" Darling
- f. Approval to distribute the three (3) Affordable Care Act Medical Loss Ratio rebate checks for calendar year 2011 (\$1,663.01; \$11,455.56; and \$973.18) based on the percentage of total contribution by the City and employees by plan. The employees' portion of the rebate will be used to reduce the annual premium for policy year 2012-2013 for those employees covered by the group health policy on which each rebate was based
- g. Approval of an Amended Agreement between the City of Sanibel and Sonia Dalmau increasing the contract amount to \$20,000 in order to provide for an additional number of classes (Zumba) at the Sanibel Recreation Center and authorizing the City Manager to execute same
- h. Approval of an Amended Agreement between the City of Sanibel and Dalia Jakubauskas increasing the contract amount to \$45,600 in order to provide for additional types and number of classes (Cycling, Bosu and Ball, Land Aerobics, Body Sculpting and Bosu Pilates) at the Sanibel Recreation Center and authorizing the City Manager to execute same
- i. Approval of an Amended Agreement between the City of Sanibel and Mahnaz Bassiri increasing the contract amount to \$18,200 in order to provide for an additional number of classes (Land Aerobics and Body Sculpting) at the Sanibel Recreation Center and Center 4 Life and authorizing the City Manager to execute same

Vice Mayor Denham moved, seconded by Councilman Congress, to approve the above-mentioned.

Public Comment

None

The motion carried.

OLD BUSINESS

Water Quality

Area Captains Fertilizer Legislation Outreach and Advocacy Workshop

Vice Mayor Denham spoke to the following:

- Began the process of forming a group of area captains and designed to support Council in their outreach and advocacy program

- Letter gone out to interested parties to attend a workshop 1) October 29 at 1:00 p.m. and 2) October 30 at 5:00 p.m.
- Help people understand the requirements
- Provide sample letters
- Provide information to House and Senate
- Area captains would designate an additional 10 persons each to make contact with legislators
- Area-wide education program
- Planning to piggy-back on Lee County program
- Look at various municipalities and counties to fund
- Various entities have noted funds would be available

Discussion ensued regarding captains from Sanibel and not yet regional, may expand group, any captains from Captiva, no, send captains group to all Councilmembers, initial intent was to create a wide-spread approach and assign captains throughout the region, regional captains more than could be handle at present, Lee County allocated \$200,000, some Lee County funds sent, would like to have an additional \$100,000, may or may not be an annual program, should take baby step and need area captains through Lee County, meet with the City Manager and Director Evans, intent was to ask all entities to allocate funds, at the Horizon Luncheon the Mayors of Ft. Myers and Fort Myers Beach requested a letter, which was sent, Bob Raymond would be sworn-in as Fort Myers Beach Mayor next week, Commissioner Manning noted at the Kiwanis meeting he was working with five Mayors, Mr. Cuyler would keep Council apprised on legislative movements, more effective when citizens contact legislators, number of partners, Florida League of Cities and Government Affairs Consultants as partners and others such as the Sierra Club. Carol Greene, Bonita Springs lobbyist

Public Comment

Karen Storjohann spoke to ALEC American Legislative Exchange Council – free package legislation and ALICE – organization of companies that put together legislation for companies.

Approval of Council's FY 12-13 Goals

Ruane/Harrity

Public Comment

None

The motion carried.

NEW BUSINESS

Discussion and draft ordinance adding a new article to the code regarding properties that are a nuisance and/or neglected

Ms. Zimomr aspoek to the following:

- Planning Department working list for on-year
- Goal to address properties
- Economic downturn Sanibel had seen a few dilapated properties

Director Jordam spoke to the following:

- Properties gone in to foreclosure

Consistent with

Discussion ensued regarding triggering proposed ordinances, planning department saw needs and more instances of complaints with downturn of the economy, how many houses, within 3 years have had 12 documented examples, work with property owner, success working with banks, instances of property owners legal process, but not interested in investing funds to bring in to compliance, make sure that Council understands the components, number of houses, time it took to receive cooperation, do not want staff to over react, important to explain the need, important that process was defined, Ms. Zimomra noted the draft memorandum was in Council's packet, need to explain the need, allow proposed ordinance go to Planning Commission, may want to consider an evaluation and inspection and look at bigger institutions, may want a different set of procedure for foreclosed properties and see how much of the problem could be identified, City Manager sent a list of properties that was more than twelve, staff would exhaust all avenues allowed,

Public Comment

Barbara Cooley spoke to litter and clutter and a problem was abandoned properties were used to store larger junk.

Gloria Hannan spoke to the proposal being overdue.

Claudia Burns spoke to the reservation being to much government and maybe the owner should be contacted first with a reasonable amount of time

Ms. Zimomra noted this proposal would give tools to those property owners that do not come into compliance.

Discussion ensued regarding continue that staff looked at more than three communities with legislation and nuisance property ordinance gave more leverage to bring property into compliance, property registration to identify whom was responsible, get Council a copy of PowerPoint, understand how many properties fall outside _____ parameter, provide addresses of properties to Council, was there a comprehensive data base, Director Jordan noted staff had that information and smaller due to some properties coming into compliance, became aware through citizens complaints, list of foreclosures, Ms. Zimomra noted two ways; 1) citizen complaints and foreclosed work with bank, PD follow-up for immediate danger, contact lending institution, identify and bring back presentations

Mike Cuscaden spoke to not seeing many commercial properties and found coming through a back door, which was a dump and a fire hazard.

Ms. Zimomra noted fire code enforced by the Fire department and all rear buildings was reviewed during the off season and any time please contact City staff.

Director Jordan noted that if the ordinance was adopted it would address commercial properties.

Discussion of Draft Ordinance amending the City's vegetation contractor Code provisions to establish a "Certificate of Competency – fertilizer only", in addition to the "Certificate of Competency as a vegetation contractor" and "Certificate of Competency as a vegetation contractor with fertilizer endorsement" and specifying educational and testing requirements for each category

Mr. Cuyler spoke to the following:

- Staff indicated the certificate of competency that do nothing that apply fertilizer only have to take to vegetation test and many employees do not pass the vegetation test
- Any way to attend classes and take fertilizer portion of the test
- Wanted Council to review before going to Vegetation Committee
- Addressing the Vegetation Competency testing of the code, not the fertilizer

Director Evans spoke to the following: **LISTEN 1050**

- Approached by several pest control companies

Discussion ensued regarding supporting proposed ordinance, staff consider allies regarding fertilizer, was a fertilizer endorsement and would have a fertilizer only comp card, _____ and _____, take to vegetation committee, then back to Council

Discussion and draft ordinance expanding the number of annual sidewalk sales and amending the sign requirements for these temporary events LISTEN 1055

Ms. Zimomra stated when a restaurant approached Council at public comment for an opportunity to hold sidewalk sales and was at the Planning Department level,

Discussion ensued regarding making the code consistent with practice, could go back to what was in the code or change, every year there had been a request to extend sidewalk sales, what was the community requesting, may prevent Council approval every year, signs on shared use path should not be accepted, too many signs on island, with code proposal and instruct staff to bring back to Council, allowing sidewalk sales without updating code, Council decided to have staff to review and see the violations, key issue was commercial property and must not send to many things to the Planning Department and Planning Commission,

Harrity/Congress to direct staff to take the proposed ordinance before the Planning Commission review and back to Council

Public Comment

Karen Storjohann spoke to a commercial property maintaining building to use proposed ordinance.

Gloria Hannan spoke to not having a circus atmosphere by allowing additional sidewalk sales.

The motion carried.

Council recessed at 11:17 a.m.

Council reconvened at 11:25 a. m.

Mayor Ruane noted that a resident came before Council regarding domestic partnership.

Ms. ZImomrar stated that this would come back with a full report at the November meeting.

CITY MANAGER

Informational Items

Planning Department Permit Activity Report August, 2012

Planning Department Code Enforcement Activity Report August, 2012

September Grease Trap Report

Lee Visitor Convention Bureau (VCB) Long-term Strategic Planning

Council authorize the City Manager to serve on the above. She recommended if members respond in the affirmation to bring back for re-appointment.

Timeline for Contractor's Review Board members' expiring terms on December 07, 2012

Two seats up and both have expressed a desire to serve another term. She noted that Council would want to appoint at the December meeting and advertise no.

Council agreed by consensus to advertise.

Timeline for Planning Commission members' expiring terms on January 07, 2013

Student Government Day Friday, November 09, 2012 at 10:15 a.m. – MacKenzie Hall

CITY ATTORNEY'S REPORT

Mr. Cuyler stated that a notice of Appeal for the federal courts dismissal of the boat dock litigation

COUNCIL MEMBERS' REPORT

Attendance at the Florida Municipal Insurance Trust (FMIT) and Florida Municipal Insurance Investment Trust (FMIvT) meetings September 19 to 21, 2012

Mayor Ruane noted his attendance to the two meetings and that the City had accepted FMIT for their health insurance and FMIT retained 99% of their customers. He also spoke to the FMIvT meeting and Florida being 46th in the nation to recover. He further noted attending the Kiwanis meeting and Commissioner Manning spoke to the intent was for Sanibel to have a permanent seat at TDC

Councilman Harrity spoke to the Lighthouse Association review for painting free to preserve. Ms. Zimomra noted that the company would be coordinating with the Public Works Department. He further spoke to moving Shorehaven.

Ms. Zimomra spoke to

PUBLIC COMMENT

None

There being no further business the meeting was adjourned at 11:38 a.m.

Respectfully submitted by,

Pamela

Smith,

MMC