

**SANIBEL CITY COUNCIL MEETING  
OCTOBER 18, 2005**

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

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

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

**PRESENTATIONS:**

**Proclamation honoring the Golden Anniversary and 50-years of service to the community by the Sanibel Fire and Rescue District.**

Councilman Jennings read the proclamation and presented it to representatives of the Sanibel Fire and Rescue District.

Chief Dickerson thanked the City.

**Recognition of Employee of the Quarter, 4<sup>th</sup> Quarter, FY 2004-2005.**

Mayor Johnston recognized Mike Henry, Public Works as the Employee of the 4<sup>th</sup> Quarter.

**Public Comments:**

Mike Cuscaden announced that the Woodhaven CO would be given today, and the Open House would be Saturday, October 22. He further announced the new CHR Director was Scott Marsela .

Claudia Burns asked how to remove an item from the Consent Agenda. She asked that 7d be removed from the Consent Agenda.

**Planning Commission Report:**

Mr. Tony Lapi gave the following Planning Commission report.

- Buildback ordinance discussion for units above 4-stories
- Planning Commission would make modifications including the short-form process
- Conclude discussions at the November 25 meeting

Discussion ensued regarding the ordinance coming back to Council for adoption, buildback from a natural disaster, and the ordinance separates from re-development.

**Council Comments:**

Councilman Jennings spoke to his attendance at the Sanibel Fire and Rescue Open House Saturday, October 15<sup>th</sup>. He spoke to the November 8 Library referendum.

Mayor Johnston spoke to a cartoon recently in the News Press regarding drilling in the gulf, attending a meeting in Washington, D. C. regarding water quality, sending a letter or resolution to protect the eastern Gulf of Mexico.

Discussion ensued regarding sending a letter to legislators, contacting lobbyist, staff draft a letter and bring back to Council, allow Mayor and City Manager to send letter, and rather have all Council to review letter.

Councilman Brown spoke to the comment made at the end of the October 04 meeting was because Council comments were at the end of the meeting.

Vice Mayor Denham spoke to Councilman Rothman's work on water quality. He further spoke to allowing each Councilmember to take ownership on certain issues. He also spoke to attending a Loin's Club meeting and SFWMD addressing water issues and their surprise that Sanibel had a sewer system. He

further stated that staff should bring forward the use of a sewer system rather than a septic system. He also spoke to attending the Fire District open house.

Discussion ensued regarding a previous discussion on the topic of Councilmembers getting involved on certain issues.

Councilman Rothman spoke to attending the Lion's Club meeting where SFWMD had a speaker. He cautioned to recognize what Sanibel could do to improve water quality. He spoke to the Council workshop on water issues and inviting SFWMD. He spoke to holding some Council meetings/workshops at night.

Discussion ensued regarding holding evening meetings, have a time of trial evening meetings and Councilman Rothman attendance of a meeting in Clewiston for public input of the height and discharge of water from Lake Okeechobee, next meeting October 20, 7:00 p.m., at the Lee Count Board of Commissioners chambers.

**CONSENT AGENDA:**

Mayor Johnston pulled item (a), (d), (e) (j), and k), and withdraw item (p)

- a. Approval of minutes – June 07, 2005 Regular Meeting, June 21, 2005 Regular Meeting, June 27, 2005 Joint Meeting of City Council/Planning Commission/Vegetation Committee, July 05, 2005 Regular Meeting, July 8, 2005 Special Meeting, July 19, 2005 Regular Meeting and July 26, 2005 Budget Workshop.

**June 21 and July 05 minutes, July 08, 2005**

**Ms. Zimomra read the following**

**05-134, 05-135, 05-**

- b. **RESOLUTION NO. 05-134 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-001 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$10,010 from the General Fund Contingency Reserves to the Recycling Department in order to purchase two (2) 30-yard recycling dumpsters. These dumpsters will replace the two dumpsters at the City's Recycling Center on Dunlop Road which belong to Waste Service of Florida, Inc, which has been replaced as the City's Solid Waste franchisee.)

Ms. Zimomra read the title of Resolution 05-134.

- c. **RESOLUTION NO. 05-135 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-002 AND PROVIDING AN EFFECTIVE DATE** (To appropriate the \$21,120.00 Grant from the State Department of Environmental Protection (DEP) for Sanibel Gardens Preserve Exotic Plant Maintenance, Task Assignment # SW-066 to be completed June 15, 2006)

Ms. Zimomra read the title of Resolution 05-135.

- d. **RESOLUTION NO. 05-147 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-003 AND PROVIDING AN EFFECTIVE DATE** (To appropriate the \$80,000.00 Grant from the State Department of Environmental Protection (DEP) for Sanibel Island Australian Pine Eradication Assignment # SW-078 to be completed June 15, 2006)

Ms. Zimomra read the title of Resolution 05-147.

Dr. Loflin gave the status:

- Previously approved by Council
- Contract executed

Public Comment:

Claudia Burns spoke to not knowing where Australian Pines would be removed.

Peter Pappas spoke to an effort to make Periwinkle Way unique

Discussion ensued regarding all Australian Pines that were topped/trimmed did not come down during Hurricane Charley, Australian Pines re-seeding themselves, cost of removing one Australian Pines, and Dr. Loflin answered the pines hanging over power lines, over private property adjacent to City lands, \$00 to 1000 per tree with a better price for a contractor taking care of all the trees at one time, LCEC helping out and Dr. Loflin answered he would contact LCEC about topping the trees over power lines, and would there be mulch. Dr Loflin stated the cheapest way for destruction was taking the trees to the Gavin site for burning.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 05-147.

The motion carried unanimously.

- e. **RESOLUTION NO. 05-148 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-004 AND PROVIDING AN EFFECTIVE DATE** (To appropriate the \$200,000.00 Grant from the State Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) and the City's \$200,000 Reserve for Grant Match for the Community Park Development project # F06254)

Ms. Zimomra read the title of Resolution 05-148.

Discussion ensued regarding budget discussions on the above-mentioned program and the Roadside City Park and tabling discussion.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to table discussion until the recreation

The motion carried 3 to 2 with Mayor Johnston and Councilman Jennings dissenting.

- f. **RESOLUTION NO. 05-149 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-005 AND PROVIDING AN EFFECTIVE DATE** (To appropriate the \$200,000.00 Grant from the State Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) for the Bowman's Beach Park Improvements project # F06281)

Ms. Zimomra read the title of Resolution 05-149.

- g. **RESOLUTION NO. 05-150 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-006 AND PROVIDING AN EFFECTIVE DATE** (To appropriate funds (\$13,688.00) for the first year of a 3-year Study on the Ecology and Management of Alligators on Sanibel Island to be contracted to the University of Florida (UF) See attached Approval Form for the Sponsored Project, University Project # 05091253.)

Ms. Zimomra read the title of Resolution 05-150.

- h. Acceptance of a grant from the Tourist Development Council (TDC) (Bed Tax) in the amount of \$20,000 for Water Quality Monitoring and authorize the City Manager to execute agreement.**
  
- i. Acceptance of a grant from the Tourist Development Council (TDC) (Bed Tax) in the amount of \$90,000 for Causeway Beach Park Shoreline Improvements and authorize the City Manager to execute agreement**
  
- j. Acceptance of a grant from the Tourist Development Council (TDC) (Bed Tax) in the amount of \$110,000 for Family Restroom at Bowman's Beach Park and authorize the City Manager to execute agreement.**  
Councilman Jennings spoke to the bathrooms at Bowman's' and Turner Beach , which was long overdue.  
Councilman Jennings made a motion, seconded by Vice Mayor Denham, to accept.
  
- k. Acceptance of a grant from the Tourist Development Council (TDC) (Bed Tax) in the amount of \$40,000 for Turner Beach Restroom Improvements and authorize the City Manager to execute agreement.**
  
- l. Acceptance of a grant from the Tourist Development Council (TDC) (Bed Tax) in the amount of \$60,000 for Dune Walkover Replacement and authorize the City Manager to execute agreement.**
  
- m. Acceptance of a grant from the Tourist Development Council (TDC) (Bed Tax) in the amount of \$35,000 for Beach Erosion Monitoring and authorize the City Manager to execute agreement.**
  
- n. Acceptance of a grant from the Tourist Development Council (TDC) (Bed Tax) in the amount of \$440,000 for Facility/Beach Maintenance and authorize the City Manager to execute agreement.**
  
- o. RESOLUTION NO. 05-151 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-007 AND PROVIDING AN EFFECTIVE DATE (Based on Council's decision on October**

4th to reject the \$50,000 Grant from the South Florida Water Management District for providing grant rebate incentives to customers for the cost of connecting to the City's reclaimed water source for irrigation purposes, this Budget Amendment transfers \$50,000 from Sewer reserves to Grants & Aids for providing the same incentive to new reclaimed water customers during Fiscal Year 2006)

Ms. Zimomra read the title of Resolution 05-151.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 05-051.

Discussion ensued regarding a benefit to citizens for reuse water and reduction of second water bill, commitments to citizens to help with re-use water re-imbursement costs, last years grant used, citizens waiting to sign up, not enough gray water for all citizens, all native plants do not require irrigation, fairness because not all residents had access to the gray water.

Ms. Zimomra stated that the rates were set before each Councilmember were elected. She explained that water rate and the higher the usage the more the water. A built in incentive to use re-claimed water. Cost of several thousand dollars for the plumbing change and this program allows reimbursement to half of the costs. She also stated that the history brought sewer plant, open ponds, DEP mandated ponds dissolved Island Water put line down, Donax, \_\_\_\_\_, \_\_\_\_\_ available along truck line, question was there isn't enough gray water for everyone, put lines down any way, decision made to sale to maximum amount of residents, not extended off trunk line, storage issue, major capital expenditure to store gray water, need revenue stream, off sets sewer rates.

**p. City Council approval** to use a replica of the City Seal to provide funding support for the City of Sanibel Employee Dependent Scholarship Program.

Ms. Zimomra called Council's attention to the memo sent in the supplemental packet that staff requests this item be pulled.

Council recessed at 10:21 a. m.

Council reconvened at 10:34 a. m.

Council decided to discuss the following:

**OLD BUSINESS:**

**Ethics Issues:**

**Report on Ethics Conference:**

Councilman Brown spoke to attending the Ethics Conference. He further spoke to the attendees and the following being discussed:

- Sunshine Law

**Lee County Ethics & Lobbying Ordinance:**

Council by consensus agreed that Councilman Brown would work with Mr. Cuyler regarding an ordinance

**Discussion of Water Quality Issues:**

**Reports:**

**Report on attendance at 30th Annual Conference on Water Management.**

Councilman Rothman spoke to attending the Water Management Conference in September.

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

Councilman Rothman spoke to the concern regarding the Gulf of Mexico and the dumping currently taking place. He spoke to a series of articles written regarding the Gulf of Mexico by the Naples newspapers, read the following from Governor Bush to the Mississippi governor as follows: “

Discussion ensued regarding the time that Councilman Rothman had spent on the water quality issue, denial by South Florida Management District,

**Report on City's participation in Delegation to Washington, D.C., regarding Water Quality, October 4-6, 2005:**

11:39 A. M.

**Report on Lake Okeechobee and Estuary Recovery Plan (LOER):**

Councilman Rothman stated that it was hard to believe, scientist believe that the water releases don't help, but no definitive science that gives an answer, St. Lucie officials talking about suing the water district, Lake Okeechobee residents speaking to the lake dying, 4 hurricanes disrupted Lake Okeechobee, the lake received 5/6 feet of water, stopped releases, another issue in that a lot of growth along the Coloosahatchee, farm run off and sewage dumping, Coloosahatchee River Estuary Report.

He spoke to attending the (LOER) meeting where Governor Bush announced that plan that was developed by the SFWMD and the Corps of Engineers. He spoke to the attendance of 250 people, Senator Ken Pruitt (Senate President) Rep. Joe Negron, spend \$200 million over the next 5 years, plan completed in 2015, revise lake water level by December 2006 and implement in January 2007, developing a way to filter out nutrients from the lake, no objectives to releases and amount of water releases, develop total minimum daily loads coming from tributaries, asked for a meeting with a representative from SFWMD.

Attended a meeting in Clewiston

Council agreed for Councilman Rothman to attend any water quality meetings.

Councilman Rothman explained that the program was for 5 years and the Everglades Project was the long-term solution. He spoke to Colonel \_\_\_\_\_ between now and April, 2006 the lake would be taken down to 14 feet ; 1 foot of water was 152 billion gallons of water, a lot of pressure to get the lake down to 12 feet,

**Public Comment:**

Erick Lindblad, Executive Director SCCF spoke to 2001 long-range planning session, Marine Laboratory opened due to the 2001 discussions, sea grasses devastated, studies show slow/no growth in Sea Bass, fish spawn during the highest water salinity, huge release would desalinate water, October 26 meeting in West Palm to discuss Lake Okeechobee management, creation of coalition for water quality, nutrients problems in the water shed had increased and need to be address due to red tide, water district funding for the marine lab,

Hire someone that could attend meeting, assimilate information, advise of issues, organizational meeting 4:30 p.m. October 18 at SCCF

Discussion ensued regarding working with all the different entities,

Dr. Loflin, Natural Resources Director spoke to need for a clear message to the water district.

LISTEN 1216 Mike Valiquette spoke to START PROGRAM, the need to stop the program of water releases, sent e-mail to Council, would City mail out invitations to the forum in November, Council by consensus was not to mail out invitation to the forum, City co-sponsoring the water forum,

Discussion ensued regarding inviting South Florida Water Management District to speak during a Council meeting,

Ms. Zimomra asked Council if they wanted alternatives for SFWMD presentation, or schedule them to come.

Council decided to bring back for discussion at the November 01 Council meeting.

Barbara Cooley spoke to no releases.

Jack Luft spoke to the sugar cane fields.

Erick Lindblad spoke a second time to a City representative at the October 26 meeting in West Palm Beach as well as the meeting the following week.

Discussion ensued regarding Council's statement for the October 26 meeting,

Dr. Loflin spoke the issues:

- Water to move south freely put culverts under U. S. 41
- Stop water releases and sending it south
- Water Quality and keeping the lake at a lower level

Dr. Loflin bringing back for the afternoon session.

Karen Storijohan spoke to sending the water west was not the natural flow.

**Next Steps:**

**South Florida Water Management District (SFWMD) Board Appointment.**

Discussion ensued regarding speaking with The City Manager and City Attorney for recommendations, seeking the lobbyist to lobby the governor,

Mayor Johnston announced that Council would be going in to the Executive Session and the following persons would be included as follows:

Council recessed at 12:50 p. m.

Council reconvened at 1:00 p.m.

Council went in to the Executive Session at 1:00 p.m.

**EXECUTIVE SESSION RELATING TO HOMELAND AND EXECUTIVE SECURITY:**

In attendance shall be only the following persons:

**Sanibel City Council**

**Sanibel City Manager Judie Zimomra**

**Sanibel City Attorney Kenneth Cuyler**

**Police Chief Bill Tomlinson**

**Fire Chief Rich Dickerson**

**Lee County Sheriff Mike Scott or his Designee**

Council went in to open session at 1:55 p. m.

Council recessed at 1:55 p.m.

Council reconvened in to open session at 2:04 p. m.

**Appropriate role for City Committees:**

Discussion ensued regarding Council making policy for the City.

**Council consideration of purchase of Nave Property (9.6 acres bounded generally by Periwinkle Way, the Schoolhouse Theater, Dunlop Road and St. Michael & All Angels Episcopal Church).**

**Review of Agenda materials by City Attorney.**

**Discussion of negotiations, discussion of asking price of \$12,750,000, and discussion of financing alternatives by City Attorney.**

Public Comment:

Daniel Dix spoke to the purchase of the Nave property and their ownership of The Bean.

John Friedman, B. I. G. Arts Board member spoke to B. I. G. Arts not willing or able to being including in the discussion of the purchase of the Nave property.

Council asked if B. I. G. Arts would be in agreement with the purchase of the Nave property and Mr. Friedman answered yes.

Henry Glissman spoke to not having a referendum to see if the electorate was in agreement with the purchase of the Nave property.

Doug Dietrich spoke to discussions from the 5-Year Budget Committee n the City having a long-term plan/vision. He further spoke to the need of a vision and not an economical plan.

Karen Storijohan spoke to purchase for commercial interest and using part of property for expansion.

John Harris suggested negotiating a 5-month hiatus for \$50,000 to 75,000 to work out a plan and hold a referendum.

Discussion ensued regarding not ignoring the Nave property, possible collaborative purchase effort, the need for a referendum, the need for an appraisal, the new recreation center referendum

Mr. Cuyler, City Attorney spoke to the following:

- Nave reaching the age they want to sale property
- Concern 4/5 months without indication that City would purchase
- Receiving no compensation
- Council should get an appraisal
- Knave do not want the City's getting public input on their dime
- Larger companies buying the remainder tracts of land for the future
- Certain market situations that have been explored with the Nave's

Discussion ensued regarding the Nave property being in a strategic place for the City, development of property would be a mixed use, if private ownership changes the City would not have control of use, the purchase would a citizen project, City would control re-development, communities purchasing land with development input by citizens,

Appraisal

Convene collaborative ownership

Public Comment:

Jack Luft spoke to the City's involvement, appraisal would have no vision, but a business proposition. He suggested hiring a facilitator/planner for the development the Nave property.

Discussion ensued regarding the statistics regarding Pond Apple Park, what limitations in dividing the Nave property, Mr. Cuyler answered there was a commercial pieces 3 existing with 7/8 permitted, charter referendum with increase of density there would be a referendum, stay within general parameters of allowances, square footage limitations with structures as they currently exist.

Linda Jambeck spoke to the need to have a place for citizens to rest or green space.

John Harris spoke to continuing the rural setting of Sanibel and the purchase would be a great investment.

Jack Samler spoke to an economical value, 40/50% over valued, site zone would allow 4 more homes, placement of existing home would only allow for small home sites, new recreation center, alternative if residential portion was purchased Council purchase

The motion passed 3 to 2 with Councilman brown and Councilman Jennings dissenting.

Vice Mayor Denham asked if Council would re-affirm the commercial zoning in progress and add prohibition to formular retail.

Mr. Cuyler stated that Council could direct staff to look at the issue and bring back a revision to the resolution establishing the inclusion of formular retail would need to be defined

Vice Mayor Denham made a motion, seconded by to re-affirm the commercial zoning in progress and direct staff to revise the resolution for formular retail stores and bring back at the November 01, 2005. Discussion ensued regarding the difference in the previous zoning in progress and the request, .

Mr. Cuyler stated that there would be no problem with the current regulations

Motion failed for the lack of a second.

Motion to re-affirm the zoning in progress combination Denham/Brown

The motion carried unanimously.

Discussion ensued regarding when the commercial zoning in progress coming to Council November 01.

Council asked that staff bring back a Resolution

Public Comment:

Karen Storjohan asked if a retail business wanted to have another location would it be allowed?

Mr. Cuyler stated that Council would be looking at that issue due to the country-wide emergence.

### **Floodplain Management Issues**

#### **Discussion regarding 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 since 1979 the City had been involved in a Flood Management Program. She further stated that FEMA changes the flood maps. She advised that the one change on the preliminary ma was the V-Zone, which would be increased, A-Zone would have increase flood elevation, B-Zone 7.8 scale. She further explained that in 1998 the City opposed the FEMA study.

CRS rating sheet noted that the

Taking elevation 1, 2or 3 feet above flood elevation

Evaluate adopting regulations

Required to have 1 public hearing

Public Body to take the discussion, which was Planning Commission

Recommendation:

Proceed hiring a consultant to evaluate properties that would be affected costing approximately \$18,000

Take the map and overlay the FEMA maps by the GIS consultants

Augment current staff

Begin the CRS review with the Planning Commission

Discussion ensued regarding the timeline for the consultant CRS review, approximately 45 days, Planning Department would be involved in the project, fact gathering and analysis by consultant, work toward a CRS number of 3, which would be a savings of 10% to residents,

Policy question – does Council keep with Council or delegate to existing body such as the Planning Commission – go with a third entity ad hoc committee

Mayor Johnston made a motion, seconded by to hire a consultant and ask the Planning Commission to complete the study and hold the appropriate public hearings.

Discussion ensued regarding forming an ad hoc committee with the expertise, Planning Commission would need the minimal level of support,

**Staff recommendation to secure professional assistance in review of Federal Insurance Rate Map (FIRM).**

Vice Mayor Denham Secure professional assistance and declaring an emergency, seconded by Councilman Rothman

The motion carried unanimously.

**Status of CRS re-certification.**

**Implementation schedule for review of recommendations in the Floodplain Management Plan.**

Next Steps

**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**

Ms. Zimomra read the title of Resolution 05-145.

Discussion ensued regarding having a transportation planner, not able to justify a transportation planner, the need for a transportation planner, Traffic Committee recommendation, total package closer to \$100,000, Questions regarding the difference in the Administrative Services job descriptions, Finance employee additions, staff prepared to discuss positions,

Council request to have briefings on the item and bring back at the November 01 Council meeting.

Ms. Zimomra stated that any employee included would not receive reclassification until Council approves the resolution.

Council recessed at 4:19 p. m.

Council reconvened at 4:32 p.m.

Mayor Johnston stated that the canvassing board would convene October 20 at 9:00 a.m., November 04 at 9:00 a. m., and November 08 at 6:00 p. m.

Councilman Brown agreed to attend with the City Clerk.

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

**Board of County Commissioners**

**Lee County School District**

Mayor Johnston stated that staff was hopeful the Lee County Board of Commissioners may make a decision Tuesday, October 25, 2005 also, Mayor Johnston, Judie Zimomra, Helene Phillips, Don Stilwell, meeting with Commissioner Bob Janes, Wednesday, October 19, 2005.

Discussion ensued regarding Commissioner Janes' feeling on the financial support of the proposed recreation center, Commissioner Judah agreed with \$4.5 million and Commissioner Janes agreed to \$2.5 million, County using a core package which does not include a pool as part of the equivalent core package, numerous discussions with different commissioners, request that there be a full commission when the vote for the financial support for the proposed recreation center was discussed, increased in school construction costs, 28% of non-Sanibel residents use the recreation, elevated building due to school regulations, Commissioners swayed by staff in-put,

Mr. Cuyler stated that the way Council was proceeding was the way to continue. He also stated that information the City Manager had provided was founded.

Ms. Zimomra stated that it would be premature in announcing the recreation center and the may be hard recommendations if there was no participation from the County and the Board of Education. She continued to say that it makes it difficult from families that use the after-school program.

Discussion ensued regarding parents and residents calling the Lee County Board of Commissioners regarding the possibility of ending the after-school program, participation by non-Sanibel residents, drop the Causeway lawsuit due to the County decreasing the tolls, participate financially in the proposed recreation center, residents, non-residents, children, employees of Sanibel businesses, etc., and to attend the Lee County Board of Commissioner meeting when the discussion of financial participation would be on a County agenda.

Armand Ball Chairman of the Parks and Recreation Committee stated he hoped there would be no continued delays or set arbitrary points.

**Public Comment:**

Steve Maxwell spoke to his involvement and ultimate winning of not having a tax increase. He suggested using proportional use ratio analysis rather than un-incorporated users.

Ms. Zimomra stated that Lee County auditors have agreed with the 28% proportional users.

Discussion ensued regarding Lee County building other recreation centers in different parts of Lee County, and disproportioned cost.

Council decided to discuss the following after the item was delayed until the recreation discussion.

**RESOLUTION NO. 05-148 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-004 AND PROVIDING AN EFFECTIVE DATE** (To appropriate the \$200,000.00 Grant from the State Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) and the City's \$200,000 Reserve for Grant Match for the Community Park Development project # F06254)  
Ms. Zimomra read the title of Resolution 05-148.

Vice Mayor Denham made a motion, seconded by Mayor Johnston, to adopt Resolution 05-148.

Discussion ensued regarding Council deliberating carefully because of the total amount of recreation dollars.

**RESOLUTION 05-146 OF THE CITY OF SANIBEL, FLORIDA, AUTHORIZING THE ISSUANCE, SUBJECT TO THE BOND REFERENDUM HEREIN PROVIDED FOR, OF 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 COMMUNITY-WIDE 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 ON \_\_\_\_\_, 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**

**Presentation of Fiscal Year 2004 Audit by Marty Redovan, CPA, Partner, Schultz, Chaipel, Redovan & Baker, CPA's, LLP.**

Ms. Zimomra explained that Mr. Marty Redovan had prepared the audit for 8 years.

Council asked the seriousness of the findings and Mr. Redovan answered:

Mr. Redovan stated the following:

- City not following it's own policies
- Recent event that policies not being followed
- Loosening of control not noticed in the past
- Increase in activity in general
- Satisfied with the corrected action
- Action plan implemented immediately
- Follow-up with the FY 05 audit in April, 2006
- 2 comments existing from last year

Discussion ensued regarding Mr. Redovan checking and coming back to Council with the implementation of corrective action in 13 weeks, make certain the checks and balances remain in place,

Councilman Brown made a motion, seconded by Vice Mayor Denham, to report back to Council in 13 weeks.

Mr. Cuyler stated that since there was no Council action on Resolution 05-146 the resolution would be carried over to the November 01 Council meeting.

**NEW BUSINESS**

**Establish Criteria for City Council members to participate in council meetings by phone in case of emergencies:**

Councilman Jennings spoke to the participation of a Councilmember by phone. He spoke to several Attorney General opinions, and the last opinion rendered by Charlie Crist, Attorney General that only in extenuating circumstances Council could allow the participation by phone. He further spoke to his proposal of guidelines are as follows:

- Serious illness of the Council member or serious illness of a Council member's immediate family or a death in the family of a Council member
- Council member is out of the City on City business or other absence due to legal obligations
- Council member is out of the City on pre-arranged personal or business travel and a special meeting of the Council is convened

Ms. Cuyler stated that Councilman Jennings' assessment of the opinion was correct. He also stated that Council would decide if it was to be lenient. The policy would be set by Council because the Attorney General did not get into specifics, but allowed Council to determine what would be extraordinary circumstances. He explained the extraordinary circumstances and the question for Council becomes: are there any extraordinary circumstances or add any other extraordinary circumstances determined by Council.

Discussion ensued regarding no need to make it harder for Council members to participate, Councilmembers could miss 3 meetings without an excuse, add "any extra extraordinary circumstances as determined by Council," if Council decides to cancel a Council meeting, then not decide to have a meeting on the cancelled date, and Council decided not to vote on a policy, but follow what had been previously followed.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to include the 4 above-mentioned points to be the criteria in attending meetings.

The motion carried unanimously.

Ms. Zimomra gave the following report.

- Tropical Storm Wilma was now a hurricane
- 12<sup>th</sup> named hurricane
- Noon winds 75 m.p.h.
- Friday pass the tip of Cuba
- Southern Florida remains at risk
- If it follows the track landfall 8 p.m. Sunday
- Possible Council session on Thursday and Friday
- Make hurricane preparations
- Lee County declared a 7-day state of emergency

Ms. Zimomra stated that a resident took several photos of the Monitor Lizard and James Evans, Conservation Officer saw the lizard today.

Councilmember Rothman left at 6:00 p. m.

Ms. Zimomra passed out the draft of the short-term and long-term Lake Okeechobee releases.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to approve the draft statement and call for action regarding Water Released from Lake Okeechobee, direct the City Manager to hire Mary Beth Farnham.

Dr. Rob Loflin spoke to the critical meeting Thursday, October 20 7:00 p. m. at the Lee County Board of Commissioner Chambers.

Council agreed.

Brown/Denham to excuse Councilman Rothman.

The motion carried unanimously.

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

#### **Informational items:**

#### **Request from Historical Committee for staff assignment to prepare grant application.**

Ms. Zimomra called Council's attention to the request from the Historical Committee for staff help in obtaining a grant.

Council agreed.

#### **Updated Planning Department Work Activities.**

Ms. Zimomra called Council's attention to the updated workload for the Planning Department.

Discussion ensued regarding Council make a decision to move some of the projects to pending, November 08 hearing on neighborhood-based resident-serving commercial uses could be delayed, if there was a transportation planner that position could address a position paper on the request from MPO to establish a Transit Authority, some items coming before the Planning Commission and staff work complete, possibly look at an Assistant City Manager position, and interested in hearing from the new Planning Director on workload.

#### **Re-development Workshops:**

#### **Joint City Council and Planning Commission Redevelopment Workshop One – Historical Overview of Existing Documents, Tuesday, November 29, 2005, 10:00 a.m.**

Ms. Zimomra stated that Council and the majority of Planning Commissioner was available.

Discussion ensued regarding the scope of the meeting on a larger discussion.

#### **Joint City Council and Planning Commission Redevelopment Workshop Two – Issue Identification, Wednesday, December 14, 2005, 9:00 a.m.**

Ms. Zimomra stated that this meeting had already been scheduled.

#### **Small Business Initiative Workshop – Thursday, November 17, 2005, 9:00 a.m.**

#### **Items to be included on Workshop Agenda:**

**Approval of Mission Statement**

**Approval of Surveys**

**Next Steps**

Ms. Zimomra stated that staff would prepare an agenda.

#### **Request from the Sanibel & Captiva Islands Chamber of Commerce to co-sponsor the 2005 Luminary.**

Ms. Zimomra stated that the Chamber has requested co-sponsoring the luminary for \$800.

Council agreed.

#### **Causeway Counts for September 2005.**

Ms. Zimomra stated that the traffic counts were down.

**CITY ATTORNEY'S REPORT.**

None.

**COUNCILMEMBERS' REPORT.**

None.

**There being no further business the meeting was adjourned at 6:23 p. m.**

**Respectfully submitted by,**

**Pamela Smith, CMC  
City Clerk**