

**SANIBEL CITY COUNCIL MEETING  
NOVEMBER 15, 2005**

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

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

Vice Mayor Denham gave the Invocation and led in the Pledge of Allegiance.

**PRESENTATIONS:**

**Proclamation opposing drilling in the Gulf of Mexico:**

Mayor Johnston read the Proclamation

Mayor Johnston made a motion, seconded by Vice Mayor Denham, to approve the proclamation.

Discussion ensued regarding Senator Mack's commitment to stopping any proposed drilling in the Gulf of Mexico.

The motion carried unanimously.

**Proclamation recognizing Sanibel residents Doug and Scott Congress for receiving the 2005 Blue Chip Community Business Award for Lee County Thursday, November 03, 2005:**

Councilman Jennings read the Proclamation and presented it to Doug and Scott Congress for winning the Oswald Tripp Company, Inc., Blue Chip Community Business Award.

Scot Congress thanked the residents of Sanibel and City Council for the recognition.

**Proclamation recognizing Sanibel resident Sandy Stilwell for her nomination for the 2005 Blue Chip Community Business Award:**

Councilman Jennings read and presented a proclamation to Sandy Stilwell for her nomination of the Oswald Tripp Company, Inc. Blue Chip Award.

Ms. Stilwell thanked City Council.

**Presentation by Chip Merriam, Deputy Executive Director of the South Florida Water Management District:**

Mr. Merriam, Deputy Executive Director of the SFWMD gave the following presentation:

- 3 hurricane hit the area of lake Okeechobee
- Significant rain fall
- North of lake prior to Hurricane Wilma additional rain fall
- No environmental component when the system was created
- Created to drain the swap
- Entered in to an agreement with public input
- RFP sent out last week to complete project in 2009 and 2010
- Building a water supply for water conservation
- Purchase almost 60% of land needed for some projects and 100% of purchase of land for other projects

Council asked how the district was dealing with immediate projects short of 2009/2010?

Mr. Merriam answered the district could change quickly if the congressional offering changed. He stated that in the early 1920 a governor candidate had a plan to drain the everglades, which gave an acre of land for an acre of land being drained. He stated that in the 1940's drainage continued and the system was constructed and finished. He also stated that the part of the Kississmee River was restored.

Council spoke to the 4.2 billion gallons of water being released into the Caloosahatchee River and killing the estuary.

Mr. Merriam continuing to say that work would begin on the reservoir to the south of Lake Okeechobee. and discharges were being done within the regulation schedules and would continue for 7 more weeks. He spoke to the problem with sending the water south and companies and individuals that were protected owned the land surrounding the lake. He also spoke to the impacts being much larger sending it south and the community workers losing jobs. He also stated the tough question was can you switch the impact to an estuary to a system and process and project that has had national review to another area that had threatening impacts.

Discussion ensued regarding the estuaries not mentioned within the protected areas, Mr. Merriam stated that SFWMD does make recommendations to the Corps of Engineers, concern for the C-42 reservoir would hold only 4 inches of water, the proposed wells would not stop the dumping of water run-off in to the Caloosahatchee River, reservoir intended to catch to basin water and hold it to take the peak off Okeechobee water, Mr. Merriam stated that there was a Caloosahatchee water management plan, and additional storage needed.

Council asked Mr. Merriam for confine his comments to the short term of 2005/2006.

Mr. Merriam stated the following:

- Releases from the Lake Okeechobee does increase phosphorus
- Discharge water would continue
- 40% of flow goes to Caloosahatchee River
- 26% goes to St Lucie River
- 34% goes south
- Needed construction for reservoirs
- Understand the impacts of southwest Florida

Discussion ensued regarding bias of SFWMD biased, need to change policy, no representation of southwest Florida on the SFWMD, safety and welfare a catch phrase, sugar fields are dry, shared adversity, impingement of estuary and slaughtering wildlife, need to exercise emergency powers, another represented spoke to a service club and stated that Sanibel was adding to the problem with septic tanks, sea grasses need salinity balance, wildlife need the balance, water quality affects jobs, could release water on dry land and reimburse property owners for up to 2 years, and SFWMD had emergency powers to send water in other directions.

Mr. Merriam stated:

- SFWMD moved Mr. Merriam to east coast
- After discussions with Lee County did begin discussion to move water to other areas
- Approached large land owners and worked to identify private and public lands to store water
- Board does not believe the emergency authority addresses the ability to take land
- Land values increased and the SFWMD Board not able to purchase land
- \$1.5 million for reservoirs
- Suggestion to work with district
- South area small component – changes to system the water held in EAA and more difficult to send water to south

Council asked if there were ways to treat water, Mr. Merriam stated that after much research the largest man-made marsh ever created, expanded the process to treat storm and the treatment area was expanded, the bottom of the lake was dredged, but the flock at the bottom could not be picked-up, committed to Lee and Hendry Counties to identify hot spots and put projects that had the greatest value.

Public Comment:

Mike Valiquette spoke land values, St Lucie River unsafe for human contact, SFWMD not concerned with water quality, land acquisition not a concern of SFWMD, Mr. Merriam stated to his board that Lee County wanted to flood people's homes, and Colonel Carpenter stated in his closing statement that a concrete dam was being built around the agriculture area.

Eric Lindblad, Executive Director of SCCF spoke to the remarkability of ditches along sugar fields were not full of water, EAA the challenge and obvious in the maps that portray the everglades and BIG Cypress because the EAA was not even colored in, but contrived.

Dr. Loflin spoke to SFWMD owning land in the EAA and the land leased back to farmers, couldn't leases be cancelled, sea grass beds dying, and serious total estuarine collapse in the making.

Mr. Merriam stated all leases and had been taken back.

Sandy Stilwell spoke to her disagreement of run-offs, saw dead turtles and fish, dog sick due to going on the beach, dumping sewer water down the river, treat the water before dumping, and the need for innovative approaches.

Mr. Merriam stated the district was in the process to treat the water.

Barbara Cooley spoke to the destruction of the St. Lucie River, no pelicans, and no reimbursement for damage done to southwest Florida estuaries.

Henry Glissman spoke to the Apalachicola River winning a lawsuit and suggested taking legal action.

Wayne Ponader spoke to destruction of the estuary.

Discussion ensued regarding definition of health, safety and welfare by the SFWMD, criminal act in destroying the estuary, immediate water quality problem, watching the estuary die, and the community united against the SFWMD policy.

Mr. Merriam stated that he normally called the Chairman on his way back and represented the comments to the Board.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to take legal action against South Florida Water Management District (SFWMD) and the Army Corps of Engineers to cease the pulsated discharges in to the Caloosahatchee until there was a better alternative.

Discussion ensued regarding staff looking in to the possibility of a lawsuit and having an executive session regarding litigation, and looking in to what other jurisdictions were discussing regarding the affects of the water releases and if any decisions had been made regarding litigation.

Mr. Cuyler stated that he would explore the issue and find out what other jurisdictions were doing before retaining legal counsel.

The motion carried unanimously.

Council recessed at 11:00 .a m.

Council reconvened at 11:16 a. m.

Councilman Brown stated that all Councilmembers have residents that support them and were counseled by those residents. He also stated that the use of the word “handler” was not meant to upset Councilman Jennings.

**Public Comments:**

Louise Johnson spoke to Council demonstrated an impressive passion with the motion to take legal action against the Corps of Engineers and SFWMD, and also asked that an extension be made for hurricane debris pick-up.

Ms. Zimomra stated that the deadline to put out debris was November 04, 2005 and the continuation of debris pick-up was costly, clean-up date for all streets was December 16, 2005, residents could pay Waste Pro for pick-up.

Mike Valiquette reported on the Water Forum events held November 10, 2005:

- PURRE – People United to Restore Our River and Estuaries
- Looking in to legal action against the SFWMD and Corps of Engineers
- Standing room only
- Declined the offer for any reimbursement

**Planning Commission Report:**

Dr. Phillips Marks gave a brief report as follows:

- Approve a permit for installation of air handlers for Fire Department 2
- Approved open door seating without increasing seating by removing in-door seating at Doc Fords Rum Bar ad Grille
- Doc Fords removal of a septic tanks and built a deck
- Approved the Certificate of Maintenance for the Colored People School House and added the requirement of an overseer from the Historical Preservation Committee
- Discussion regarding Timeshares remain only in the Resort Housing District
- Discussion regarding build back on non-conforming structures and non-conforming uses – approval of an ordinance to come to Council
- Discussion of above-ground pools – request the Planning Department to amend the proposed ordinance including notification of home owners, moratorium in building pools

**Council Comments.**

Councilman Jennings spoke to attending the Cape Coral Veterans Day Parade, congratulations to Mike and Maureen Valiquette for the Water Forum, thanked Representative Connie Mack and asked Council to send a letter of thanks, and congratulations to the passing of the Library referendum.

Mayor Johnston spoke to the City Manager providing a book on environmental planning and she was delighted that Councilman Brown was out of the hospital.

Vice Mayor thanked Councilman Rothman in working on water quality, Mike and Maureen Valiquette for the water forum, attending the Veterans Day ceremony and the City Manager playing in the City band.

Councilman Brown spoke to the passion shown by Sanibel citizens, C. R. O. W.’s fund raising efforts, and spoke to Councilman Jennings off island governmental contacts.

**CONSENT AGENDA:**

Council pulled (d), (f), (g), (i), and (j) from the Consent Agenda for discussion. Council also moved 7d under Old Business for discussion.

Ms. Zimomra read the titles of the following Resolutions.

- a. **RESOLUTION 05-162 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-011 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$41,800 from the Sewer System Contingency Reserve to Machinery and Equipment to purchase two portable emergency generators. The price of \$20,900 each is more cost effective than renting the equipment, even if this equipment was available to rent when needed)
- b. **RESOLUTION 05-163 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-012 AND PROVIDING AN EFFECTIVE DATE** (to roll-forward beginning fund balance in the Sewer System Wulfert Operations Fund for an aluminum enclosure, fuel tank and electrical package for the Wulfert Plant Emergency Generator which were ordered in Fiscal Year 2005, but were not delivered until Fiscal Year 2006 in the amount of \$27,862)
- c. **RESOLUTION 05-164 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-013 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$1.345 million from the \$2 million General Fund Reserve for Disaster to the Special Revenue Fund established to account for Hurricane Wilma recovery expenditures. The General Fund Disaster Reserve will be replenished when the FEMA reimbursements are received)
- h. **RESOLUTION 05-166 ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENTS FROM SANIBEL PROPERTY OWNERS FOR THE SANIBEL SEWER SYSTEM EXPANSION PROJECT, PHASE 3B; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolutions 05-162, 05-163, 05-164, and 05-166.

The motion carried unanimously.

- e. **Approval of Change Order No. 2 to Sanibel Sewer System Expansion Project Phase 3B contract, to increase the contract in the amount of \$89,454.40 and 60 days for the entire removal and replacement of Open Grade Asphalt Mix in two areas of the project that previously had this surface and authorizing the City Manager to execute the change order**

Councilman Jennings made a motion, seconded Councilman Rothman, to approve Change Order No. 2.

The motion carried unanimously.

- d. **Approval of an amended to Contract #05/06-023 between RJN Group, Inc. and the City of Sanibel, for Sanitary Sewer Evaluation Survey, in the amount of \$158,283.49 (an increase of \$34,419.00), to include additional Smoke Testing and Television Inspection in the Dunes, Beachview and Gumbo Limbo Subdivisions and authorizing the City Manager to execute the amended contract**

Councilman Brown requested a brief explanation.

Gates Castle, Public Works Director stated the survey was a system analysis to find any problems with the system. He stated that the testing was needed while to water table was high.

Mr. Cuyler stated that this was an amendment of an existing contract that would add the scope pf work.

Ms. Zimomra stated that the charts showing the volume of water was shown to Council that needed treatment during the sewer plant tours. She also stated that the system was maintained to assure that all works properly.

Discussion ensued regarding that the previous approval was for further east on the island.

Councilman Brown made a motion, seconded by Councilman Rothman, to approve the amended contract.

The motion carried unanimously.

f. **Approval of a Disaster Relief Funding Agreement between the City of Sanibel and State of Florida, Department of Community Affairs regarding Hurricane Wilma reimbursement and authorize the City Manager to execute said contract**

Discussion ensued regarding extending debris pick-up, extension may not be covered by FEMA, work with FEMA to maximize the cost, reimburse 75% Hurricane Wilma cost, state 12.5% reimbursement for those activities that were eligible.

Ms. Zimomra stated that staff would continue to appeal the debris pick-up costs for Hurricane Charley, and cost of debris pick-up would be approximately \$800,000 with a total City cost of approximately \$1.5 million dollars.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to approve the FEMA agreement.

The motion carried unanimously.

g. **RESOLUTION 05-165 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-014 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$29,092 from the Sewer System Contingency Reserve to Professional Services line-item to increase the contract with RJN Group, Inc. for additional smoke, and TV testing in conjunction with the inflow and infiltration (I&I) Survey)

Ms. Zimomra read the title of Resolution 05-165.

Mr. Cuyler stated that this was a budget transfer for the previously approved contract.

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to adopt Resolution 05-165.

The motion carried unanimously.

i. **Request from Awilda Rivera, General Manager Casa Ybel Resort for 5 additional Special Events Permits for the remainder of 2005 and an additional 20 Special Events Permits for 2006**

Ms. Rivera, General Manager of Casa Ybel Resort spoke to her request:

- To hold additional weddings
- Any event of over 100 people must be held outside
- Settling 2 ADA lawsuits

Discussion ensued regarding holding events outside and no noise issues, last years additional special events were allowed without complaints, putting up a tent would require a special event permit, and Mr. Cuyler stated that Council determined to look at the request on a year to year basis.

Councilman Brown made a motion, seconded by Councilman Rothman, to approve the additional Special Events requests for 2005/2006.

The motion carried unanimously.

Council decided to discuss the following:

**Staff report in response to City Council's request a policy regarding alcohol consumption on City property**

Chief Tomlinson spoke to the following:

- Comply with the Beverage Law Florida Statute 561.702
- Comply with Beverage Law Florida Statute (Responsible Vendor Qualification)
- Events with alcohol sales or distribution on site must employ a minimum of one law enforcement officer for security
- Events selling or distributing alcohol must identify and officially mark a designated area (drinking garden) for drinking alcohol by only persons of legal drinking age. No persons under age are permitted in the designed area
- Events selling or distributing alcohol are required to ensure all persons permitted in the drinking garden are of legal drinking age.

Discussion ensued regarding City properties, B. I. G. Arts, Algiers Park, etc. for functions that sale alcohol, and Ms. Zimomra stated that it doesn't matter if the alcohol was sold or the ticket was sold with distribution of alcohol was viewed the same way. She further spoke that Council may want to look at a demarcation of large crowds, minors in the area of drinking, noting specific areas if minor were in attendance and any alcohol related problems.

Ms. Zimomra stated that Council could direct staff to develop a policy for the use at City parks and work a plan for B. I. G. Art events.

Council asked staff to come back with a policy for alcohol service for City-owned property.

j. **Request from Lee Harder, Executive Director of B. I. G. Arts to serve alcohol at B. I. G. Arts events**

Vice Mayor Denham made a motion, seconded by Councilman Brown, to support the request from B. I. G. Arts.

Mr. Cuyler stated that there could be a policy differentiating alcohol use on City owned parks versus functions with alcohol service at B. I. G. Arts.

**Public Comment:**

Barbara Cooley spoke to Council forgetting public comment.

Claudia Burns spoke to the important fundraisers take place at parks.

Ms. Zimomra stated that the 2 arts shows had not served alcohol.

The motion carried unanimously.

Council recessed at 12:25 p.m.

Council reconvened at 1:53 p. m.

**OLD BUSINESS**

Discussion ensued regarding more than one Councilmember attending a meeting, PURRE meeting not a public meeting, public notices posted, Councilmembers may not want to attend special interest groups meetings due to participation being at Council meetings, and PURRE inviting Mayor Johnston to attend the next meeting.

Mr. Cuyler stated that the simplest thing for Council was to designate someone to attend or post a public notice for the meeting. He further stated that if someone filed a compliant that 2 Councilmembers participated in a meeting, posting a public notice would avoid the wrong perception. He also spoke to Council setting policy regarding a Councilmember speaking on a given issue. He stated that it would be a good idea that one Councilmember attend non-public meetings.

Ms. Zimomra asked Council who would be the spokesperson for water quality issue and in the instance that there was a lawsuit against the SFWMD and the Corps of Engineers.

Council asked Mr. Cuyler to be the spokesperson.

**Water Quality Issues:**

**Letter mail to South Florida Water Management District November 02, 2005**

Ms. Zimomra stated that the letter was sent out to all Lee Collier and Charlotte officials. She also stated there would be two additional ads and one more mailing to elected officials.

**Follow-up discussion regarding current Lake Okeechobee water releases**

Nothing new.

**Public Comment:**

A citizen spoke to the upcoming Heart Walk at Centennial Park on December 10, 2005.

**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**

Council noted for the record that this item would be carried over until the December 06, 2005 City Council meeting.

**Public Comment:**

Karen Storijohan asked if Council if the City owned the land the Recreation Facility was currently built on.

**Update and Progress Report regarding Resident-Serving Commercial Zoning-in-Progress:**

Ken Pfalzer, Acting Planning Director gave a brief overview of the zoning-in-progress:

- The combining of commercial units if the resulting unit size would exceed 200sf in commercial floor area to the development or redevelopment of new commercial units that exceed 2000sf in commercial floor area
- The combining of commercial units if the resulting unit would have more than 50 linear feet or more of street frontage within 200 feet of the street right-of-way r the development or redevelopment of new commercial units that have more than 50 linear feet or more of street frontage within 200 feet of the street right-of-way
- The following uses shall be prohibited; Apparel and apparel accessory stores; Children's and infant's wear stores; Gift, common novelty and souvenir shops, including shell shops, and jewelry stores
- The establishment of any new residential dwelling units in the outlying areas of the General Commercial District. This does not include the areas in the General Commercial District fronting on Periwinkle Way from Causeway Boulevard and Tarpon Bay Road
- The following architectural standards shall apply to all development or redevelopment of commercial land uses, and to major improvements to the exterior of existing commercial buildings;

- Large commercial buildings shall be designed to appear as a group of buildings that vary in scale and size
- Commercial buildings shall not appear monolithic
- Commercial buildings shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian, bicyclist and motorist, appear to reduce building mass, and recognize and respect local character and site conditions
- Large facades, both horizontal and vertical, shall be broken up to present a more human scale, particularly to the public right-of-way view and the view of nearby residential uses. The following provides a basis for general standards
  - Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls
  - Articulation of facades and roofing shall be used to vary the building's elements and details
  - Facades shall provide, through the use of detail and scale, visual interest that is connect

Mayor Johnston made a motion, seconded by Vice Mayor Denham, to move ahead with a resolution including that there would be a draft ordinance for commercial zoning including comments from neighborhoods, people and commercial district.

Discussion ensued regarding zoning-in-process been in affect for a year, with the zoning-in-progress having a give and take effort such as allowing outside dining, and prevent formular retail stores on the island,

Mr. Cuyler stated that staff was contemplating bringing back a resolution incorporating the ideas brought to Council at this meeting.

The motion carried unanimously.

**Discussion regarding appropriateness of formula retail in Sanibel's commercial sector**

Mr. Pfalzer stated if Council wanted to add formular retail to the previous Zoning-in-progress.

Discussion ensued regarding stores that behave like normal retail stores,

Mr. Cuyler advised Council that the courts would look for the uniqueness. He stated there had been a national movement over recent years against formular retail stores and Council could grandfather in existing stores.

**Public Comment:**

Steve Greenstein, Chamber Executive Director spoke to analyzing the economics of any decision. He also spoke to speaking to a service group and sensed that formular retail was wanted. He further spoke to businesses going out of business, the need to streamlined a friendly permitting process, and businesses and the City working together.

**Report on ascertaining and assessing potential impacts of FEMA's Flood Insurance Rate Map (FIRM) Restudy of Lee County on the City of Sanibel**

Ms. Zimomra stated that staff had worked to capture the issue and the best way to respond to the re-mapping.

Ken Pfalzer, Acting Planning Director, gave a brief PowerPoint presentation. He stated that FEMA had not given a deadline for completion, but once given there would be a 90-day process.

Discussion ensued regarding any duplication in efforts, hope there would be a cost savings due to the same firm looking at Fort Myers Beach and Sanibel, v-zoning moving to West Gulf Drive, such as John Gee real estate business and how would that affect businesses, Mr. Pfalzer stated that due to City regulations businesses were in the v-zoned already which was consider 500 feet from the gulf and allowed under the

regulations the only option would be to elevate. He further stated that there were buildings that would not be allowed to flood proofed.

Public Comment:

Herb Rubin spoke to difference in house elevation.

Karen Storijohan asked how the new flood regulations would affect the proposed buildback ordinance.

Mr. Pfalzer stated that any building that was rebuilt must be built back to meet the new regulations.

Ms. Zimomra passed out an e-mail sent by Bob Duffy, new Planning Director regarding the Transit Authority.

Council recessed at 3:50 p. m.

Council reconvened at 4:05 p. m.

**Discussion of the City of Sanibel Draft Position Statement regarding the creation of a Transit Authority:**

Ms. Zimomra reminded Council's of the presentation by Tindale Oliver regarding the creation of a local transit authority. She also stated that there was interest in discussing the possibility. She further stated that Council directed staff to create a draft position paper that Council could consider with a clear position.

Discussion ensued regarding the technical advisory committee to the MPO, Mr. Pfalzer answered that the committee give technical analysis and recommendations for consideration, MPO includes the County Commissioners including other governmental representation, chairperson rotates, must be a City or local governmental employee, Citizen Advisory Committee, Paul Reynolds answered that there was a monthly meeting, and no discussion regarding the Transit Authority, plans to bring a trolley system to Sanibel in 2009, in order to obtain federal funds discussion must pass through the Citizen Advisory Committee, how the MPO works, Ms. Zimomra explained that whenever gas was purchase a couple of pennies was given to MPO, and MPO set priorities for 5 or more years.

Ms. Zimomra stated that state statute regulated the creation of a transit authority, and Sanibel could opt out as a community.

Discussion ensued regarding a regional transit authority, Sanibel opting out, the local transit authority could be adopted by municipalities, local Transit Authority not viable, common theme that once the authority was established, and not necessary to give up regulation authority.

Discussion ensued regarding the draft policy being negative, including a ferry transit system, transit system that residents could go to events without driving, carrying capacity of the beach, greatest control for beach usage was currently number of parking spaces, concerned of over usage of beaches, use system to go to places the City encourages visitors, Council would have the choice of type of vehicles, stops, choice of signage, hours of service, frequent runs, type of vehicles, insist on environmental friendly vehicles, governing board should be proportionate of funding, and new transit system would bring more people to the island.

Public Comment:

Karen Storijohan asked how Council would control a transit system that goes to Captiva.

Steve Greenstein spoke to being a part of the regional growth in the area, public transportation was for the handicapped or low income, any mass transit requires funding and make it affordable, opportunity to transport employees off and on the island, and transportation for emergency situations.

Paul Reynolds spoke to volunteers making the drive to the island.

Council directed staff to incorporate the discussion and bring back to Council on December 06, 2005.

**Mango Bay, 1711 Periwinkle Way Request – Continued from November 01, 2005**

**Pursuant to Section 2 of City Council Resolution No. 04-074, consideration of a request that City Council authorize the issuance of a Development Permit to divide an existing 7,814 sq. ft. commercial unit into 3 commercial units. The existing commercial unit is to be reduced to 4,569 sq. ft. of commercial floor area. The new commercial units are to be 1,645 sq. ft. and 1,600 sq. ft. of commercial floor area. The subject property is located at 1711 Periwinkle Way (SWF Mango Bay.) The application is submitted for the property owner Sanibel Center, Inc., by Howard Freidin, Esq. for SWF Mango Bay Sanibel, Inc., Application No. 05-2835DP.**

Mr. Cuyler called Council's attention to the material in the supplemental packet and stated that the applicant had withdrawn the request.

**CITY MANAGER'S REPORT**

**Informational items:**

**Hurricane Wilma Recovery Update**

Ms. Zimomra gave the following update:

- Staff engaged in a number of operations from Hurricane Wilma
- Council foresight to raised the emergency funds
- Burn site complaints, but refined the burn curtain
- \$2,000 to operate the burn site
- 30% through streets
- Extend collection and extend 3 to 4 weeks for collection
- Anticipate completion on December 26 or 27, if extended completion date would be in January
- Resident could call Waste Pro for \$9 per cubic yards

Discussion ensued regarding resident beginning to use waste pick up for normal debris, property owners arriving late to clean-up and the deadline had passed, should extend one more week, difficult to pick-up waste by appointment, and the burden to taxpayers to extend Hurricane Wilma pick-up.

**Draft Agenda for November 17, 2005 Small Business Initiative Workshop**

Ms. Zimomra called Council's attention to agenda in the packet. She gave the history of approaches to the Small Business Initiative

Discussion ensued regarding using a survey to residents, introductory presentation reference what other municipalities have done, what could individual do or the chamber could do, attendance at the Regional Planning Council, and attendance to the League of Cities Legislative Conference.

**Draft Agenda for November 29, 2005 Joint City Council/Planning Commission Re-development Workshop**

**December 14, 2005 Joint City Council/Planning Commission Meeting on Re-development**

Ms. Zimomra passed a new schedule to Council for the next redevelopment meeting due to a Transit Summit scheduled on December 14, 2005.

Discussion ensued regarding choosing another date, Council decided to change the time from 10:00 a. m. to 1:30 p. m.

**Draft Program for Student Government Day – November 18, 2005**

Ms. Zimomra noted that the school had requested a fall Student Government Day due to the timing of government studies.

**MPO Transit Authority meeting December 14, 2005**

Deferred to the next Council meeting.

**City Manager's Evaluation**

Councilman Brown made a motion, seconded by Councilman Rothman, to increase the City Manager's base salary and housing allowance by 5.5%, retroactive to July 14, 2005, and effective December 01, 2005 contribute 10% to the City's Retirement Health Savings Plan and direct the City Manager to amend the agreement and authorize the Mayor to execute.

The motion carried unanimously.

**CITY ATTORNEY'S REPORT.**

None.

**PUBLIC COMMENT**

None.

**COUNCILMEMBERS' REPORT.**

**Councilman Rothman's attendance at the November 18, 2005 15<sup>th</sup> Annual Southwest Florida Water Resources Conference, "Water Quality in the Caloosahatchee Basin" at Florida Gulf Coast University.**

Council agreed for Councilman Rothman to attend.

**Distribution by Vice Mayor Denham of a position paper entitled Redevelopment Study: "Commercial Land Use Retail" dated November 03, 2005**

Included in the Council packet.

**Report on attendance at the Lee County Management and Planning Meeting**

Councilman Rothman gave a report on his attendance.

Ms. Zimomra reminded Council to contact the school board regarding the November 22, 2005 discussion of the proposed Recreation Facility.

There being no further business the meeting was adjourned at 5:45 p.m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk