

**SANIBEL CITY COUNCIL REGULAR MEETING  
SANIBEL, FLORIDA  
NOVEMBER 06, 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

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

**PRESENTATION(S)  
Employee of the 4<sup>th</sup> Quarter**

Mayor Ruane announced that Randy Wright, Public Works was the Employee of the 4<sup>th</sup> Quarter.

Commissioner Chuck Kettman gave the Planning Commission Report of October 09 and October 23, 2012 meetings as follows:

October 09, 2012

- Revision to Sanibel Community Church site plan
- Added 2 air conditioners for sufficiency
- 2 neighbors closest to Community Church regarding noise
- Church sound levels submitted and were lower than maximum regulations
- Approval of application and City try to mediate discussion between church and neighbors
- Considered recommended EAR changes from City Council (Section 3.2.1 policy 7.1) (recommended keep the word “significantly”)

October 23, 2012

- Final hearing on Community Church
- Postponed request for new coffee shop to November

Ms. Zimomra noted that it was Director Jordan that gave a report to the Planning Commission.

**Public Comments**

Barry Roth presented to checks in the amount of \$10,000 from Kiwanis and \$1,000 from Mr. Roth for children to attend the after school program, fun days and holiday fun days. He further explained the complete program and sited this was the 4<sup>th</sup> year. He also noted that 35% of children attend by scholarship.

Ed Schuller spoke to City Council appointing 2 members to the Planning Commission. He asked that no one associated with development be appointed to the Planning Commission.

Steve Maxwell spoke to the City Manager providing and accepting information regarding budget input.

Hazel Schuller spoke to Sanibel land use and that she was retiring from attending Council meetings.

Ric Base, Chamber Executive Director spoke to the money Lee County officials intend to spend for the Twins base ball team in the amount of \$41 million.

Karen Stori Johan spoke to her regret that Ms. Schuller would no longer be a voice for Sanibel. She further spoke to the small words making a difference and chipping away at the reason that Sanibel became Sanibel by deleting the word “significantly.”

Dianne Hartman Chesley stated that she needs to go to work and would like to speak on an item on the agenda.

Mr. Cuyler noted that Council's policy was to hear for public comment at the time of discussion, but it was up to City Council if they wanted to hear comments at this time.

Council decided to allow the comments at this time.

Ms. Chesley spoke in support of the proposed ordinance for nuisance and/or neglected.

### **Council Comments**

Councilman Jennings asked everyone to vote.

Vice Mayor Denham thanked Hazel Schuller for her continued device and comments to City Council.

Councilman Harranty spoke to Hazel Schuller as well.

Mayor Ruane spoke to his meeting with Commissioner Manning regarding the retirement of the junior lien; met with Center4Life Board regarding the building and parking considerations; the BOCC voted the have the highest bed tax entity have a permanent TDC seat; would continue to fight for Sanibel beaches; and met with residents regarding vegetation trimming at the CCCL line.

First Reading of an ordinance and scheduling of public hearing.

**ORDINANCE 12-009 PERTAINING TO CHAPTER 14 OF THE SANIBEL CODE ENTITLED "BUILDINGS AND BUILDING REGULATIONS", ARTICLE III, LICENSES, REGISTRATIONS AND CERTIFICATIONS, AMENDING DIVISION 3 – VEGETATION CONTRACTORS, SUBDIVISION I – IN GENERAL, SECTION 14-147, APPLICABILITY AND EXCEPTIONS, ADDING SUBSECTION (6); AMENDING SUBDIVISION II – CERTIFICATE OF COMPETENCY, SECTION 14-166, "APPLICATION; TESTING; ISSUANCE;" IN ORDER TO ESTABLISH SEPARATE CATEGORIES AND TESTING REQUIREMENTS FOR (1) CERTIFICATE OF COMPETENCY AS A VEGETATION CONTRACTOR, (2) CERTIFICATE OF COMPETENCY AS A VEGETATION CONTRACTOR WITH FERTILIZER ENDORSEMENT, AND (3) CERTIFICATE OF COMPETENCY – FERTILIZER ONLY; AMENDING SECTION 14-167, EXPIRATION AND RENEWAL; AMENDING SECTION 14-168, SUSPENSION OR REVOCATION; 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 12-009.

City Council set the second reading and public hearing for December 04, 2012 at 9:15 a.m.

**FIRST READING AND PUBLIC HEARING  
MATTERS RELATING TO THE ADOPTION OF THE 2012 EVALUATION AND APPRAISAL REPORT (EAR) FOR THE *SANIBEL PLAN* AND TRANSMITTAL OF THE 2012 EAR-BASED AMENDMENT TO THE *SANIBEL PLAN* TO THE STATE LAND PLANNING AGENCY FOR REVIEW**

**RESOLUTION 12-097 APPROVING THE 2012 EVALUATION AND APPRAISAL REPORT FOR THE *SANIBEL PLAN* THAT ADDRESSES CONSISTENCY WITH CHANGES IN STATE STATUTES AND ADMINISTRATIVE CODE, IDENTIFIES UPDATES, CLARIFICATIONS AND REVISIONS TO THE TEXT (INCLUDING GOALS, OBJECTIVES AND POLICIES) OF THE *SANIBEL PLAN* AND ADDRESSES CHANGES IN LOCAL CONDITIONS**

**ORDINANCE 12-010 EXTENSIVELY AMENDING AND RESTATING THE *SANIBEL PLAN* TO UPDATE AND TO CLARIFY THE PLAN, TO IMPLEMENT THE RECOM-MENDATIONS OF THE 2012 EVALUATION AND APPRAISAL REPORT OF THE *SANIBEL PLAN*, TO ADDRESS CONSISTENCY WITH CHANGES IN STATE STATUTES AND ADMINISTRATIVE CODE AND TO ADDRESS CHANGES IN LOCAL CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

**RESOLUTION 12-098 OF THE CITY OF SANIBEL, LEE COUNTY, FLORIDA, AUTHORIZING AND DIRECTING TRANSMITTAL TO THE STATE OF FLORIDA LAND PLANNING AGENCY A PROPOSED AMENDMENT TO THE *SANIBEL PLAN*, TO WIT:**

**AN ORDINANCE EXTENSIVELY AMENDING AND RESTATING THE *SANIBEL PLAN* TO UPDATE AND TO CLARIFY THE PLAN, TO IMPLEMENT THE RECOM-MENDATIONS OF THE 2012 EVALUATION AND APPRAISAL REPORT OF THE *SANIBEL PLAN*, TO ADDRESS CONSISTENCY WITH CHANGES IN STATE STATUTES AND ADMINISTRATIVE CODE AND TO ADDRESS CHANGES IN LOCAL CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**Submitted by the City of Sanibel. Application No. 12-6970SP.**

**ALONG WITH COPIES OF SUPPORTING DOCUMENTS NEEDED FOR REVIEW, AS REQUIRED BY STATE STATUTE; AND PROVIDING AN EFFECTIVE DATE**

**RESOLUTION 12-099 ELECTING TO CONDUCT A PUBLIC HEARING PRIOR TO 5:00 P.M. REGARDING A PROPOSED ORDINANCE THAT ADOPTS THE 2012 EVALUATION AND APPRAISAL REPORT (EAR)-BASED AMENDMENT TO THE *SANIBEL PLAN***

Ms. Zimomra read the title of Resolution 12-097, Ordinance 12-010, Resolution 12-098, Resolution 12-098 and Resolution 12-099.

Mr. Cuyler explained the following:

- Resolution 12-097 once adopted would approve the EAR report
- Ordinance 12-010 was an ordinance that needed to have two readings and public hearing and would be adopted once the report returns from the state
- Resolution 12-098 was to transmit report to the state
- Resolution 12-099 would authorize the second public hearing before 5:00 p.m.

Director Jordan spoke to the following:

- Sign in sheet for anyone that would like notification of EAR transmittal
- Started process 11 months ago and have gone through public hearings and legal requirements
- Objective was to keep plan current with local conditions and remain state complaint

- 2011 Community Act revised and required enact amendments to plan to remain consistent with state requirements
- Amendments
  - Changes to carrying capacity for beaches
  - Mandatory beach carrying study – Council decided to include with budget and beach carrying capacity very important and would be reviewed by Council with methods for beaches to remain viable for wildlife use; also agreed to a performance study that would measure baseline conditions and human impact with local partners (Fish and Wildlife and SCCF)
  - Section 1.3 – Economic Assumption Plan – identified economic condition base analysis was updated in 2008 – City committed to performing analysis and identify strategies for to reinforce the Sanibel Plan to be consistent with the Redevelopment and Commercial District Use Studies
  - Section 3.2.1 – Coastal Zone Protection Element - water quality (page 6) states, “island estuaries and aquatics habitats being significantly negatively impacted by the lack of environmental sound comprehensive water management plan for Lake Okeechobee releases resulting freshwater releases to the Caloosahatchee River – “significantly” stricken
  - Goals Objectives and Policies - Section 7.1 (page 17) development, redevelopment and commercial development activity shall not “significantly” degrade the use of beach habitat by indigenous and migratory species of wildlife – Planning Commission added back the word “significantly” – EAR document did not leave in the word “significantly”
  - Section 3.2.2 Conservation Element – Surface Water - removed “significantly” and consistent with other change
  - Interior Upland Conservation District –changed the acreage report previously because 72 acres was added and 6.2 acres removed
  - Wildlife Preservation (page 25) language included endangered small tooth sawfish and habitat within the estuary and water surrounding Sanibel
  - Water Quality on page 26 introduced language intergovernmental cooperation form the US Army Corps of Engineers, Florida DEP and SWFMD is essential to adequately address the regional challenges with regard to a plan for water quality
  - Section 3.2.4 Historic Preservation – acquired Shorehaven and the caretaker cottage as part of the historical village, as well as the lighthouse, caretaker cottages and surrounding grounds
  - Language clarifying the Historical Museum and Village, Inc., operates the Sanibel Museum and Village
  - Section 3.3.7 Recreation Open Space - new language acknowledges the Center4Life project and renovations being considered
  - Found the analysis report for 2012 Evaluation for the Sanibel Plan was consistent with the Plan and consistent with State Statute – staff recommendation was to adopt

Discussion ensued regarding the word “significantly,” and that staff did not add back into the report even though the recommendation from the Planning Commission was to include “significantly.”

Mr. Cuyler explained there would be two public hearings on Ordinance 12-010, the second public hearing after state approval, Resolution 12-097, if adopted would approve the EAR report to be sent to the state for comments. He further explained that Resolution 12-098 was to transmit the report and 12-099 to hold a second public hearing before 5:00 p.m.

Discussion continued regarding Planning Commission recommendation in putting “significantly “ back into the document, Director Jordan spoke to by adding the word degrade was to broad, Mr. Cuyler stated that the Planning Commission discussion was that someone might take degrade at face value and Council may want to consider the word “significantly.”

**Public Comment**

Larry Schopp spoke against deleting the word “significantly.”

Claudia Burns spoke to against deleting the word “significantly.”

Steve Maxwell spoke to filing his notice of objection; attended a July Planning Commission meeting and submitted a document outlining questions; he asked when the EAR was available to the public; he further spoke to his July 10, 2012 public records request and no response.

Karen Stori Johan spoke to degradation of the environment was not what Sanibel was about. She further spoke to fertilizer impacts, not consistent with the Sanibel Plan and a real concern would permit degradation.

Hazel Schuller spoke to the Sanibel Report and Land Use Plan brought forth in 2007. She further spoke to human uses of the 2007 EAR amendment to the Sanibel Plan regarding short term occupancy and allowing build back and no reason the above should be limited to hotel/motels. She also noted that an amendment was adopted to allow structures and buildings seaward of the coastal construction line to be redevelopment.

Director Jordan noted there was language with pending adoption of revisions of the Sanibel Plan allowing a provision for accessory structures and currently within the Gulf Beach Zone for redevelopment within the same footprint limited to swimming pools and accessory structures for resort housing use with a provision that the property owner would have to exhaust all options to take that use out of the district first and the application would be treated as a variance having a public hearing; not automatic, but a default if there were no other options for the structure to be located elsewhere.

Ms. Schuller continued to note the amendment was based on the new Land Development Code. She further asked the policy be removed about the City does need to reconsider step.

Discussion ensued regarding supporting comments to keep the word “significantly” out of the EAR, another area that the word had been removed regarding Lake Okeechobee and would like to have that word reinstated regarding water quality, anyone could hire an attorney and use the word degradation, should add the word “significantly,” Mr. Cuyler noted there was a lot of truth how significantly was defined; he further stated the Sanibel Plan was the plan and codes derived from the plan, understanding the context, the context was development, anything that degrades wildlife habitat, “any development that degrades wildlife habitat; further define degradation, reviewing the definition of degrade, Mr. Cuyler noted that comments would be given by the state, Council would continue discussion on word definitions, document as it is written today does not include the word “significantly,” could make changes during the second reading, Mr. Cuyler noted there was a requirement to have state review, does Council normally change the document after it returns from the state, Mr. Cuyler state that Council would have another public hearing, discussion and changes and adoption.

#### Public Comment

Larry Schopp suggested using “develop, redevelopment shall not reduce or diminish the usefulness of the beach for habitat for wildlife.”

Council continued their discussion as follows:

Mr. Cuyler explained the documents could be sent as is and look at alternative language to address the issue and/or met with Mr. Schopp, procedural to send document to State, recommendation to put “significantly” back in the document with more discussion when return

Councilman Congress moved, seconded by Councilman Harrity, to include the word “significantly” back into the document.

Discussion ensued regarding continuing the discussion to the December 04, 2012 City Council meeting.

Councilman Harrity removed his second

Mr. Cuyler explained about the advertising legal requirements.

Mayor Ruane moved, seconded by Vice Mayor Denham, to table items a, b, c, & d until December 04, 2012 at 9:20 a.m.

Mr. Cuyler explained the timeline was the general state seven year review; Director Jordan noted the continuation would work.

Public Comment

Mike Valiquette spoke to any significant changes should be sent back to the Planning Commission.

The motion carried.

Council recessed at 10:41 a.m.

The meeting reconvened at 10:53 a.m.

**CONSENT AGENDA**

The City Clerk asked that Item (i) be pulled for the December 04, 2012 City Council meeting. Councilman Jennings asked the items (h), (k), (l), (m) and (n) be pulled.

- i. **RESOLUTION 12-103 CALLING FOR AN ELECTION FOR SANIBEL CITY COUNCIL MEMBERS; SETTING THE DATE AND POLLING PLACES FOR THE ELECTION; PROVIDING FOR BALLOT LANGUAGE; REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND CERTIFY THE RESULTS TO THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE**

Resolution 12-103 was pulled until December 04, 2012.

- h. **RESOLUTION 12-102 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-003 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$1,880 from the US Department of Justice through the Florida Department of Law Enforcement for the purchase of three tablets. This amendment increases the FY13 budget by \$1,880)

Ms. Zimomra read the title of Resolution 12-102.

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 12-102.

The motion carried.

- k. Approval of a grant from Tourism Development Council (TDC) for Sanibel Facility/Beach Maintenance and authorize the City Manager to execute same (acceptance of this grant will increase the FY13 budget by \$1,090,900)
- l. Approval of a grant from Tourism Development Council (TDC) for Public Beach Access Dune Protection and authorize the City Manager to execute same (acceptance of this grant will increase the FY13 budget by \$10,000)
- m. Approval of a grant from Tourism Development Council (TDC) for Dune Walkover Repairs and Lookout Replacements and authorize the City Manager to execute same (acceptance of this grant will increase the FY13 budget by \$71,000)
- n. Approval of a grant from Tourism Development Council (TDC) for Beach Erosion Monitoring and authorize the City Manager to execute same (acceptance of this grant will increase the FY13 budget by \$40,000)

Mayor Ruane moved, seconded by Councilman Harrity, to approve the above Consent Agenda items.

Public Comment  
None

The motion carried.

- a. **RESOLUTION 12-100 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-002 AND PROVIDING AN EFFECTIVE DATE** ((To roll-forward \$340,479 of unspent FY12 funds for; 1)\$835 for a ball field shade structure damaged by TS Debbie; 2) \$14,012 for the Sanibel River clearing project; 3) \$196,627 for street resurfacing; 4) \$4,325 for City Hall courtyard work; 5) \$3,500 for the Dunlop Wooster shared-use path; 6) \$38,045 for removal and replacement of a vacuum truck tank; 7) \$15,000 for a generator storage building at the Donax plant; 8) \$25,000 for a lightning prediction system at the Donax plant; 9) \$43,135 for sewer pretreatment bypass. This amendment does not increase the FY13 budget)
  - b. **RESOLUTION 12-101 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE AND** Approval to purchase a marine boat in the amount of \$61,986 trading-in the old boat and motor (this purchase will be funded through an awarded West Coast Inland Navigational District grant (WCIND))
  - o. **RESOLUTION 12-104 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-052 AND PROVIDING AN EFFECTIVE DATE** (Final budget amendment for FY12 to amend revenue to actual, amend expenditures as needed and close two capital project funds. This budget amendment increases the FY2012 budget and FY2012 revenues by \$1,380,477; expenditures are decreased by \$1,475,897; ending fund balances are increased by \$2,856,374; and fund transfers out are increased by \$101,542. Revenue increases in the general fund were \$416,633. Historical committee fund \$729; road impact fee fund \$46,907; parks impact fee fund \$11,112; federal forfeiture fund \$269; Father Madden fund \$98; Shell Harbor dredging \$309; Sanibel Estates canal trimming \$1,078; Water Shadows dredging \$358; building dept. fund \$247,568; recreation center fund \$109,869; transportation fund \$23,868; debt service funds \$23,676; capital projects funds \$8,410; and beach parking \$489,59. Expenditures were decreased in the general fund by \$5,283; special revenue funds decreased by \$102,461; debt service funds increased by \$499; capital project funds decreased by \$1,265,585 and sewer fund decreased by \$103,067. Transfers: The following funds were closed out into the general fund: Rabbit Road Fund and Tarpon Bay Road Fund)
- Ms. Zimomra read the titles of Resolutions 12-100, 12-101, 12-102 and 12-104.

Mayor Ruane moved, seconded by Councilman Harrity, to adopt the above.

Public Comment  
None

The motion carried.

- c. Award aeration/clarification tank repairs and maintenance to Crom Engineering and Construction Services, Inc. (CECS) as sole source provider in the amount of \$85,720 located at the Donax Wastewater treatment facility, 930 Donax Street
- d. Request for temporary signage at the Recreation Center, 3880 Sanibel Captiva Road New Year's Eve fundraising event, and December 31, 2012

- e. Request authorization from City Council to serve alcohol (beer & wine) at the Taste of the Island Sunday, November 11, 2012 located at Community Park, 2231 Periwinkle Way (this event is sponsored by C.R.O.W.)
- f. Request from Sanibel Captiva Chamber that the City co-sponsor the Luminary to be held Friday, December 07, 2012 (this is a grandfathered special event)
- g. Request from Sundial, 1451 Middle Gulf Drive for an additional 24 Special Event Permits for 2013
- j. Request from The United Way of Lee, Hendry, Glades to locate temporary signage at the Bank of the Islands, 1699 Periwinkle Way  
Vice Mayor Denham moved, seconded Councilman Harrity, to approve the above.

Public Comment  
None

The motion carried.

## **NEW BUSINESS**

### **Presentation of a 6 minute instructional/awareness video for actions to be taken during an active shooter emergency**

Chief Tomlinson showed the above-mentioned video and spoke to using it as a training tool.

Ms. Zimomra noted there was no known threat on Sanibel, but taking the body of knowledge of such incidents this would be incorporated in emergency plans.

### **Kick-off discussion of Commercial Redevelopment and presentation of draft vision statement**

Ms. Zimomra spoke to City Council's goal of redevelopment. She further presented staff's recommendation of a vision statement: 'to establish and maintain a vibrant and healthy commercial district, consistent with the Sanibel Plan, which provides for the needs and services of Sanibel's residents and visitors.'

Director Jordan spoke to the following:

- Approval of the mission statement
- Began a complete inventory of retail, office and restaurant uses
- Analysis of regional market conditions and trends
- Anticipate involvement of state holders; i.e. shopping center owners and business owners
- Complete majority of strategies would bring back appropriate amendments to the Land Development Codes

Discussion ensued regarding make sure Council had identified and understanding the issues, vacancies and problems for existing retail, broad statement of where Council may want to go, what changes need to be made within the community, does not start , but end with the Land Development Code, proposed strategies would help to identify businesses and the need to be consistent with the Sanibel Plan.

Councilman Congress moved, seconded by Councilman Harrity, to approve the mission statement and the proposed commercial redevelopment strategies.

Public Comment  
None

The motion carried.

Discussion ensued regarding a discussion between the Vice mayor and City Manager relative to traffic studies at the new proposed coffee shop and Baileys and asked the City Manager for recommendations.

Ms. Zimomra spoke to the following:

- Staff identified three traffic hot spots
- 56% usage increase as paths were widen
- State amended crosswalk policy, but City policy not revamped
- Third location was the intersection at Jerry's.
- Report at the December 04, 2012 Council meeting

Discussion ensued regarding previous drive-through restaurant and previous traffic issues, biggest difference was the change in pedestrian cycle activity, completing paths; 1) Bailey Road; and 2) Pond Apple Park; 3) Pond Apple Trail to be extend to the Bailey tract; 4) new trail to Bailey tract; two studies this past summer; 1) path usage; and 2) extensive review of accidents, paths were extremely safe. She noted because of the improvements the paths are safer and the issue was how to continue to keep them safe with the number of users.

## **OLD BUSINESS**

### **Water Quality**

#### **Status of water releases from Lake Okeechobee**

Director Evans gave the following report:

- Currently at 15.67 feet
- Total inflow at 1500 cubic feet per second (cfs)
- Total outflows at 2900 cfs
- Flows at S-79 (Franklin lock) 1950 cfs
- Later in September flows exceeding 11,000cfs were seen
- Just getting back salinity range for oysters and sea grasses
- Beginning to see the dark river bloom retreat back into San Carlos Bay and lower estuaries
- Work with Army Corps of Engineers (ACOE)
- Released water due to dike safety
- Work with ACOE to keep flows at a manageable level
- Need to find storage in basin
- Flows from own watershed was damaging to water basin

Red Tide:

- Algae bloom at Tarpon Bay earlier in the week
- 20 miles off-shore dead fish reported
- SW winds extended the bloom to Gulfside City Park west to Shalimar mile marker 5
- Small number of dead fish on beach

Discussion ensued regarding back pumping of Lake Okeechobee; Director Evans answered that a structured permit from the Department of Environmental Protection Agency (DEP) had been requested, but may not be approved due to lake nutrients, current government agreed with putting the back pumped water into the lake.

### **Report regarding Area Captains Workshop Monday, October 29<sup>th</sup> and Tuesday, October 30, 2012**

#### **Response from elected official from letter dated September 28, 2012 from Vice Mayor Denham regarding the proposed fertilizer educational program**

Vice Mayor Denham spoke to the following:

- NBC-2 report
- Two workshops held
- Invited regional people
- Twenty-two people volunteered to be area captains
- Director Evans and Vice Mayor Denham putting together a timeline
- Would use captains to disseminate information and captains would have ten people each to contact legislators to defend home rule position to control quality of water

### **Collection and management of funds for the citizen fertilizer educational program**

Vice Mayor Denham spoke to the following:

- Commitments from local communities; Ft. Myers on agenda Monday, November 05, Bonita Springs later this week
- Various commitment for different amount of funds,
- Council's approval for Sanibel Finance Department to accept the funds
- Separate line item would be created
- What sort of money would Council commit to
- Lee County inquired of the budget and would be a significant player with possibly 75% of costs
- \$200,000 set aside by Lee County
- Education cost would be \$100,000
- Need competitive bids and need to follow state statute competitive bids
- Reached out to the County regarding Lee County funds
- Suggested Sanibel budget \$40,000 or \$50,000
- Director Evans noted Lee County put \$100,000 as a beginning point
- Director Evans met with Kurt Harcolode regarding what could be accomplished for \$100,000
- Outline calls for a significant amount of education
- Would follow bid process and retaining consultants according to policy
- Should work very closely with the County
- Mayor Ruane spoke with all Mayors
- Suggest Sanibel staff put information together
- Allow new County Board to get sworn in and continue discussions with Mayors
- Vice Mayor would like to work with Lee County staff and Director Evans
- Bring back information to Council
- Lee County had \$200,000 budget without an education component
- Program needs to be developed
- Identify what to accomplish and have all commitments
- Some funds spent by County
- Lee County should have buy-in with a role
- Make sure of consultant search

### **Continued discussion of draft ordinance adding a new article to the code regarding properties that are a nuisance and/or neglected**

Ms. Zimomra noted that the majority of Sanibel resident maintain their property with pride. She explained there was proposed legislation to address, and if Council wanted to pursue the proposed ordinance could be brought back for continued discussion in December and then forwarded to the Planning Commission.

Director Jordan and Scott Fulton, Planner gave the following update:

- Issue for Planning Department in the last several months with complaints of properties falling into the neglected category
- No legislation or enforcement tools when receiving a complaints

- Increased complaints from realtors, homeowners, parents, homeowner associations and were a hazard during storms
- Some properties in foreclosure and working with banks and realtors, but nothing effective
- Once they are neglected continue to fall into a dangerous situation
- Code amendments were to keep exterior structural problems
- Consideration of alternatives; refer to Planning Commission for consideration
- Ms. Zimomra noted that all photos were of existing properties

Ms. Zimomra noted that part of the discussion was a concern if given to Planning Commission may dilute the Planning Commission priorities, Mr. Cuyler noted that development code changes could be done at the Council level, but would need to go to the Planning Commission.

Discussion ensued regarding should code change be pursued, bring back for discussion for legal issues, bring back as a draft ordinance, number of complaints and their being separate complaints, calculation of number done by separate complaints, needs to be addressed, if homeowner contacts for a short sale, does staff write a letter, Director Jordan answered that Code Enforcement had been successful in contacting the lending institution, he asked that the complaint be forwarded to staff, Ms. Zimomra stated that if there was a true immediate danger the Police Department had contacted the bank or lending firm and staff to bring back in the form of a draft ordinance.

#### Public Comment

Yolande Welch supported the proposed ordinance for neglected/nuisance ordinance. She further spoke to an absentee homeowner that did not keep up with the yard and was blight on the neighborhood.

Mayor Ruane noted that comments should be filtered to staff with a draft ordinance at the December Council meeting.

## **CITY MANAGER**

### **Informational Items**

#### **Follow up on progress Report for Building Department Open Permits**

#### **Departmental Reports**

#### **October Grease Trap Report**

#### **Planning Department Permit Activity Report September, 2012**

#### **Planning Department Code Enforcement Activity Report September, 2012**

#### **Building Department Monthly Revenue Report, September, 2012**

#### **Building Department Monthly Permit and Inspections September, 2012**

#### **Administration Monthly Report**

#### **Status of Capital Projects**

#### **Causeway counts July, August and September, 2012**

Ms. Zimomra noted the above reports included a new capital projects and administrative report. She further spoke to a decrease in administration phone calls, but increased walk-ins and other technical work.

#### **Status report on white fly infestation & education program**

She spoke to the current white fly infestation and general questions were brought forward, but also unreasonable prices for treating the infestation. She advised that residents should get complete pricing.

Director Evans spoke to the following:

- Arrived in Miami-Dade two years ago
- Numerous pest arrived with plants
- Pest which makes a big mess, not a tree killer

- Manage pest with natural controls
- Not advocating blanketing the island with insecticides
- Florida University feels was a cycle
- Use stemic pesticides and works for six to eight months
- Reports of charges per tree more on-island
- Multi-media outlets
- Educating homeowners
- Educating contractors during vegetation class
- Information available on website
- Would complete a mass mailing

**Report regarding attendance to the first meeting of the Lee Visitor Convention Bureau (VCB) Long-term Strategic Planning**

Ms. Zimomra advised she had attended the first meeting.

**Cape Coral Veterans Day Parade Sunday, November 11, 2012 at 3:00 p.m.**

Ms. Zimomra noted that one Councilmember was participating and if other members wanted to participate advise the City Clerk. She further spoke to the Veterans Day celebration would be at the City Hall flag pole Monday, November 12<sup>th</sup>.

**Report regarding the Recreation Center's 5<sup>th</sup> Anniversary Community Block Party Saturday, December 1, 2012, 11 a.m. to 1:00 p.m.**

Ms. Zimomra presented a t-shirt to each Councilmember and noted the date and time. She further noted that newly elected officials and partners; Lee County School Board and Board of Commissioners.

**Attendance at the Florida League of Cities Legislative Conference, Orlando, November 15 & 16, 2012**

Ms. Zimomra asked any Councilmember wanted to attend please see the City Clerk.

**Historical Museum & Village Financial Report ending September 30, 2012  
Report from Sanibel Captiva conservation Foundation (SCCF) regarding the Marine Lab's 10-year Anniversary**

Ms. Zimomra noted that since SCCF was a partner, Council may find it interesting to see their 10-years of accomplishments.

**Report from City Manager**

Council asked Ms. Zimomra to give a report regarding the domestic partner issue. Ms. Zimomra noted that she and the City Attorney had meet with staff members with a completed report at the December Council meeting.

**CITY ATTORNEY'S REPORT**

None

**COUNCIL MEMBERS' REPORT**

**Attendance to the Tourism Development Council meeting Thursday, October 18, 2012**

Mayor Ruane unanimously passed the change in the two seats every two years and one as the entity of the highest generation of bed tax. He further explained there was approximately \$1 million difference between Sanibel and Fort Myers Beach.

**Attendance to the Horizon Council Strategy meeting of Tuesday, October 09, 2012**

Mayor Ruane spoke to gathering ideas for their strategic plan.

## **Attendance to the CHNEP Restoration and Management Project Review Forum about the RESTORE Act Thursday, October 04, 2012**

Vice Mayor Denham attended and thought it was due to compensation as a result of the BP oil spill. He further spoke to something called the restore act and was something that would restore any degradation of beaches.

Ms. Zimomra noted the funds were the fine BP paid as a fine. She further noted that the funds were being distributed through counties. She noted the beach communities would benefit with the funds and on the list for new County Board members.

### **COUNCIL COMMENT**

Councilman Congress spoke to the election process.

Ms. Zimomra spoke to the following:

- One site without adequate parking
- May want to adopt a resolution to capture issue to the Supervisor of Elections
- Precincts consolidated

### **PUBLIC COMMENT**

Barbara Cooley spoke to the length of time it took to vote.

Gloria Hannan spoke to a lady walking out when she arrived and mentioned that it took her 45 minutes to scan her ballot.

Claudia Burns thanked Mayor Ruane for working to obtain a permanent seat on TDC.

Here being no further business the meeting was adjourned at 12:25 p.m.

Respectfully submitted by,

Pamela Smith, MMC

Sanibel City Clerk