

**SANIBEL CITY COUNCIL REGULAR MEETING
DECEMBER 04, 2012**

Mayor Ruane called the meeting to order at 9:04 a.m.

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

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

PRESENTATION(S)

Proclamation expressing appreciation to Lt. Scott Ashby upon his retirement from the Police Department on December 31, 2012

Mayor Ruane presented a Luc Century vase and proclamation in recognition of Lt. Ashby's retirement after thirty plus years with the City of Sanibel.

Lt. Ashby spoke to Council and the audience of his time as an employee of Sanibel.

PowerPoint presentation by Boy Scout Kenny DiBiase regarding his Eagle Scout project on water quality

Kenny DiBiase gave a brief PowerPoint presentation on water quality.

Sharon Harrington, Lee County Supervisor of Elections

Mrs. Harrington spoke to Council regarding the November 06, 2012 election. She spoke to the following:

- Third voting system since 1985
- Funds come from ad valorem taxes
- Early voting reduced by legislature
- Four page ballot
- Required to have English and Spanish as ballot language
- Would like to see mail ballots for all municipal elections

Discussion ensued regarding issues to discuss with legislators, Ms. Harrington answered hours of early voting and additional locations, send Council the top three items to discuss with legislators, what plan does Ms. Harrington plan to use in the next election, Ms. Harrington answered that her association needs to find out what the legislature plans to do for elections going forward and more issues on the ballots that ever before, differences in Lee and Collier counties, funding needed to keep up with technology, ask legislature to amend elections law to use revenue from candidate purchase and other items to be used for equipment, bringing in precinct clerks for discussion of the November 6, 2012 general election, schedule time for precinct workers to go through the line for disabled and/or older voters, what was the process of using scanners, Ms. Harrington stated that during early voting the scanners are set-up for voting at all elections and if there was a re-count the initial machines were not swiped clean for re-use, why two precincts were consolidated, deployed an additional five units late afternoon and could not releases anymore to need, looking at the consolidation of precincts,

Public Comment

Barbara Cooley suggested using the Congregational Church rather than using the Center4Life.

Ms. Harrington noted that an agreement was sent to the Sanibel Congregational Church and would go to their Board. She further stated that if the Center4Life was publicly funded she could use the facility.

Gloria Hannon spoke to the need for precinct training and impressed with residents wanting to vote in the election.

Ms. Harrington noted that precinct workers had mandated training for conflict resolution and sensitivity training.

Council recessed at 10:15 a.m.

Council reconvened at 10:25 a. m.

Commissioner Dr. Phillip Marks gave a report on the November 13, 2012 Planning Commission meeting.

- Discussion of sidewalk sale special event ordinance to increase the number of days for a total of 67 days
- Food and beverage not included for health reasons
- Permitted thirty days in advance
- Fee \$50.00
- Allowed one sign per business
- Many stores in complex one sign with smaller sign in each business window
- Chamber would notify all businesses
- Had a going away for Susan Beck, Recording Secretary

Discussion ensued regarding that the Planning Commission vote was unanimous.

Public Comments

Barbara Harrington wanted to speak to the sidewalk sale.

Mr. Cuyler advised Council that normally there was no discussion on a first reading, but it was Council's decision.

Councilman Congress moved, seconded by Councilman Harrity to add Resolution 12-108 to the agenda.

The motion carried.

Claudia Burns spoke to the passing of Tim Gardner and wondered if the City would do something to memorialize all the deeds Mr. Gardner completed.

Karen Stori Johan spoke former Mayor Carla Johnston and Rae Ann Wessell were nominated by Florida Gulf Coast for Important Women.

Council Comments

Councilman Harrity wished Lt. Ashby good luck in his retired life.

Councilman Congress spoke to the good work done by Intern Billy Dakos for Student Government Day.

Councilman Jennings wished everyone Happy Holidays and agreed Student Government Day was well done. He further suggested a Press Release be completed to inform residents of election changes. He further spoke to the Luminary Friday, December 07.

Discussion ensued regarding waiting until the Supervisor of Elections gathering information, citizens need to know the discussion.

Mayor Ruane echoed the comments regarding the work of Intern Bill Dakos for Student Government Day. He further spoke to the passing of Tim Gardner.

First Reading

ORDINANCE 12-011 AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, IN CHAPTER 110 SPECIAL EVENTS, AMENDING ARTICLE I AND ARTICLE II FOR THE DEFINITION AND PERMITTING OF SIDEWALK SALE SPECIAL EVENTS; AMENDING CHAPTER 106 SIGNS, AND ADDING SECTION 106-140 TEMPORARY SIDEWALK SALE SIGNS; AMENDING SECTION 110-1 TO UPDATE DEFINITION FOR SIDEWALK SALE SPECIAL EVENT; AMENDING SECTION 110-49 FOR PERMIT APPLICATION LANGUAGE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-52 TO CORRECT CROSS REFERENCE; AMENDING SECTION 110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-58 TO EXPAND SIDEWALK SALE SPECIAL EVENT DATES AND IDENTIFY ASSOCIATED PERMIT STANDARDS AND REQUIREMENTS; ADDING NEW SECTION 106-40 TEMPORARY SIDEWALK SALE SIGNS TO ESTABLISH STANDARDS SPECIFIC TO SIDEWALK SALE EVENT SIGNAGE; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-011.

Council set the second reading and public hearing for Tuesday, January 15, 2013 at 9:15 a.m.

Second Reading and 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.

Vice Mayor Denham moved, seconded by Councilman Congress, to adopt Ordinance 12-009.

Discussion ensued regarding adopting this ordinance to enhance the fertilizer ordinance.

Public Comment

None

The motion carried.

**CONTINUATION OF 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 titles of Resolutions 12-097, 12-098, 12-099 and Ordinance 12-010.

Discussion ensued regarding suggested wording.

Ms. Zimomra noted that staff was directed to bring back one word.

Directors Jordan, Planning Director and Director Evans, Natural Resources Director spoke to the following:

- Council requested at the November 06, 2012 meeting further work on the Section 7.1 and Section 3.2.1 of the Coastal Zone Protect element
- Previous language read in Section 7.1 “Development and redevelopment commercial activities shall not significantly degrade the use of the beach habitat indigenous and migratory species of wildlife

Discussion ensued regarding consideration and previous discussion of the word “significantly,” suggested using “measurably,” Ms. Zimomra noted that Erik Lindblad had reviewed and agreed, measurably was not inserted, Director Jordan noted the wording was not changed in the agenda packet material, he further reminded Council that the Planning Commission recommended the word “significantly,” the original proposal to keep “significantly” was approved unanimously by the Planning Commission.

Mr. Cuyler spoke to the following:

- No question that staff did not want to degrade resources
- Question in front of the Planning Commission was degrade to low as not to stop development and the word significantly was brought forward
- Difference was “significantly” was a higher threshold and “measurably” spoke to the issue of proof

Discussion continued as above regarding quantitative and qualitative and changing the word “may” to “will, which was on page 25, and 5.”

Public Comment

Karen Storjohann spoke against the word measurable and does not address the central issue. She also spoke to Council not able to find consensus on the correct word and beaches were for wildlife and human enjoyment. She also spoke to founders seeing beaches as a lynch pin to the economy and should remember no beaches no business.

Barbara Cooley spoke on behalf of COTI against the word “measurably.”

Larry Schopp spoke against the word “measurably.” He spoke to his proposal of recommending language, the word “measurable” was a synonym of “significant.” Sanibel Plan would look the other way of encroachments on the beach. He suggested Council should have a strong policy for the natural habitat of wildlife. He asked Council to eliminate qualifiers.

Discussion ensued regarding Mr. Schopp’s suggestion, Mr. Cuyler noted that in discussion the intent of City Council was not to rewrite portion of the segment, but to come up with a particular word, “development, and redevelopment

Claudia Burns recommended using Mr. Schopp’s language.

Steve Maxwell spoke to diminishing the beach if using to play volleyball. He suggested looking qualitative words and bring goals together.

Discussion ensued regarding putting a hot dog stand on the beach, Director Jordan noted that would require a code amendment, Planning Commission voted unanimously for the word “significantly,” and recommend using “significantly degrade,” not opposed to Mr. Schopp’s language, numerous comments within the EAR regarding beach carrying capacity and all agree that City should monitor beaches, EAR charges the Natural Resources Department to complete a beach carrying capacity study, and the word “measurably” acceptable.

Public Comment

Larry Schopp spoke against the word “measurable” and was a major setback.

Claudia Burns spoke against the need for a qualifying adverb.

Karen Storijohan spoke to Council ignoring what was happening on the Causeway islands. She suggested making certain the language precludes jet skis. She asked was Council putting enough protections in to give the Planning Commission the ability to say no.

Barbara Cooley spoke to paying attention to the accumulative effect of decisions.

Councilman Jennings noted he needed to leave. He left at 1130 a.m.

Paul Reynolds spoke to two groups in the audience, 1) poetic, and 2) enforceable. He further stated that a lot of things on Sanibel were poetic.

Steve Maxwell spoke to his agreement with the word "measurable."

Councilman Congress moved, seconded by Councilman Harrity, to approve staff's recommendation of "development, redevelopment and commercial activities shall not measurably degrade.

The motion carried.

Vice Mayor Denham moved, seconded by Mayor Ruane , to change word "may" to "will" on pages 5, 13 and 25 to a more positive statement.

The motion carried

Steve Maxwell spoke to the notice of objection filed with a July 10, 2012 letter. He noted he had retained an attorney and would not waive his right to appeal. He further spoke to not receiving any comments.

Mayor Ruane moved, seconded by Councilman Congress, to adopt Resolution 12-097.

The motion carried.

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolution 2-098.

The motion carried.

Mayor Ruane moved, seconded by Councilman Congress, to adopt Resolution 12-099.

The motion carried.

CONSENT AGENDA

Pull item (m), item (i), item (j) and item (q) staff pulled (b)

b. 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

Ms. Zimomra noted that the Supervisor of Election would notify the City Clerk of the correct precinct information for inclusion on the resolution.

Mr. Cuyler noted his opinion was the resolution could be adopted.

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 12-103.

Public Comment
None

The motion carried.

i. **Transfer of the City's annual contribution to the pension funds**

Councilman Congress noted that the amount was approximately \$1.7 million to prepay the City's contribution to the City General Employees' Pension Plan and approximately \$800,000 to the Police Pension.

Councilman Congress moved, seconded by Councilman Harrity, to approve the above.

Mayor Ruane explained the unfunded pension liabilities.

Public Comment
None

The motion carried

j. **Request from the Children's Education Center of the Island, Inc., for waiver of all Special Event and associated fees for March 30, 2013 to be held at Community Park, 2231**

Periwinkle Way (this event has been previously approved & is considered a grandfathered event. The rental fees are the only fees waived in the past)

Discussion ensued regarding a grandfathered event, waived all but \$475.

Mayor Ruane moved, seconded by Vice Mayor Denham, to approve waiving fees with the exception of \$475.

The motion carried.

m. **Request from Casa Ybel, 2255 West Gulf Drive for 20 additional Special Event Permits for 2013**

Vice Mayor Denham spoke to management and making certain that noise levels were controlled.

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

Public Comment
None

The motion carried.

q. **RESOLUTION 12-108 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-008 AND PROVIDING AN EFFECTIVE DATE** (To move \$76,191 from the reserve

for contingencies for: \$27,000 for the prorated salary cost of an entry level police officer for 9 months, 5% increase salary cost for 1 sergeant position of \$2,800 and 5% increased salary cost for one additional lieutenant position for \$3,500 which will increase the Police Department staffing by one (1) FTE as a lieutenant, plus benefits. This budget amendment does not increase or decrease the FY13 budget)

Chief Tomlinson spoke to the request being due to increase crime and the need for staff, and promotional opportunities for succession as staff retires. **LISTEN 1212**

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 12-108.

Public Comment

None

The motion carried.

- f. Approval of an agreement between the City of Sanibel and Lee Memorial Hospital AND **RESOLUTION 12-105 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-005 AND PROVIDING AN EFFECTIVE DATE** (To budget \$16,060 from the Lee Memorial Health System Foundation to the Golisano Children's Hospital of Southwest Florida and the City of Sanibel for the program Sanibel Swims. A copy of agreement is attached. This amendment increases the FY13 budget by \$16,060)
- g. **RESOLUTION 12-106 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-004 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$1,000 from Barry Roth and \$10,000 from the Sanibel-Captiva Kiwanis for after school program financial assistance. This budget amendment will increase the FY13 budget)
- h. **RESOLUTION 12-107 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-007 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$7,298 from the federal forfeiture fund to the capital acquisition fund for use in the police department car video project. This amendment does not increase the FY13 budget)
- n. **RESOLUTION 12-112 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-006 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$111,000 from the West Coast Inland Navigation District (WCIND) for marina enforcement and purchase of a 27' Ameracat vessel and engines. A copy of project L-359 is attached. This amendment increases the FY13 budget by \$111,000)
- p. **RESOLUTION 12-113 DETERMINING THE REQUEST FOR AN ENTERTAINMENT TAX RECEIPT BY SANIBEL ENTERTAINMENT LLC, DBA STARFISH GRILLE, AT THE HOLIDAY INN BEACH RESORT, 1231 MIDDLE GULF DRIVE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 12-105, 12-106, 12-107, 12-112, 12-113 and 12-108.

Vice Mayor Denham moved, seconded by Councilman Congress, to adopt Resolutions 12-105, 12-106, 12-107, 12-112, 12-113 and 12-108.

Public Comment

None

The motion carried.

- a. Approval of Minutes – September 08, 2012 First Budget Hearing, September 18, 2012 Regular Meeting, October 02, 2012 Regular Meeting and November 06, 2012 Regular Meeting
- c. Approval of an agreement between City of Sanibel and MCCi, in the amount of \$27,097.10, for professional services, training and implementation of an expansion to the current Laserfiche electronic scanning, indexing and electronic forms system; waiving bid requirements as (1) a sole source provider as represented by Laserfiche and (2) as being in

the City's best interests to provide expansion through the current provider; and authorizing the City Manager to execute the agreement (this project was budgeted in the adopted FY 13 budget)

- d. Approval of an agreement between the City of Sanibel and Sanibel Youth Flag Football for flag football program between December 09, 2012 through February 23, 2013 and authorize the City Manager to execute same
- e. Approve purchase of Public Works Streets replacement flail axe boom and head (piggy back on state contract and purchase was budgeted in the adopted FY13 budget)
- k. Acceptance of 2012-2013 Lee County Community Development Block Grant funding in the amount of \$20,861 to construct a portion of the handicapped accessible walkway through Pond Apple Park; and authorize the City Manager to execute same (these funds will increase the FY13 budget by \$20,861)
- l. Approval of a Consulting Services Agreement with Dutko Poole McKinley, LLC for government affairs and legislative consulting services in the amount of \$30,000 annually, with an out-of-pocket expense reimbursement up to \$100/month; waive bid requirements in the best interests of the City due to the status of ongoing legislative issues that are being addressed with the assistance of Dutko Poole McKinley, LLC; and authorizing the City Manager to execute the Agreement
- o. Approve Professional Services Agreement with Johnson Engineering, Inc. for NPDES-related work, and authorize the City Manager to execute same (the agreement amount is \$36,475 and is included in the adopted FY13 budget)

Mayor Ruane moved, seconded by Councilman Congress, to approve the above-mentioned Consent Agenda items.

Public Comment

None

The motion carried

Council recessed for lunch at 12:15 p.m.

Council reconvened at 1:05 p.m.

OLD BUSINESS

Water Quality

Continued discussion relative to collection and management of funds for the citizen fertilizer educational program

Staff Report

Vice Mayor Denham spoke to the following:

- Area Captains program and meetings
- Sent a flow chart to be used when asked to contact legislators
- Legislators receiving committees appointments
- Met with Director Evans and Kurt Herclode, Lee County
- Staff arranging meetings with the Lee County Legislative Delegation

- Numeric numbering system adopted and may strengthen the City's position
- Asked Council to send any comments to the City Manager they would like brought forward

Discussion ensued regarding \$150,000 target for the fertilizer educational program, Lee County currently has \$200,000 budgeted, there was no additional \$100,000, should ensure Lee County commits the larger amount of funds, maybe the City would put \$40,000 to \$50,000 to fund the plan, Lee County hired a Gravina Smith Public Relations firm, more appropriate to have someone else for more ideas, how do municipalities have input and merge ideas together, how were funds appropriately appropriated, do funds need to come to the City, look at scope and modify, Commissioner Manning and other Mayors onboard but, why pay Lee County when municipalities already pay taxes to the County, everyone should send their money to Lee County, Vice Mayor Denham would like to have a meeting with Gravina Smith and Director Evans, Naples made a commitment and writing Charlotte County.

Continued discussion relative to Commercial Redevelopment and next steps

Overview and Mission Statement

Lessons Learned

Strengths

Inventory

Trends

Challenges

Next Steps

Status of Addressing Traffic Hot Spots

Review of Current Crosswalk Policy

1020- 1046 Periwinkle Way

Tarpon/Periwinkle Way south

Periwinkle Way/Casa Ybel intersection

Ms. Zimomra spoke to the following:

- Commercial Redevelopment one of three goals and next priority
- Adopted Buildback amendments
- Adopted new Resort District amendments
- Mission statement brought forward
- Staff garnered through case studies lessons learned
- Solid inventory of the commercial district and comparing to previous studies regarding square footage
- Working with Lee County to quantify the development occurring off-island that effects Sanibel

Director Jordan gave a brief PowerPoint presentation.

Discussion ensued regarding other municipal, challenges and concern, Ms. Zimomra noted staff had also reviewed those municipalities that failed, get RLR involved and ask for their return, had some work completed in the past, what trends occurring today, what was the process and go to the Planning Commission, set specific and defined goals and Ms. Zimomra noted that Council would notify of code changes.

Councilman Jennings returned at 1:46 p.m.

Public Comment

Karen Storijohan spoke against another study.

Barbara Cooley spoke to including stakeholders.

Jack Luft spoke to the revitalization of downtown Ft. Myers. Ft. Myers won national award for downtown Ft. Myers.

Steve Maxwell agreed comments made by Mr. Luft.

Ms. Zimomra spoke to the following:

- Long standing cross walk policy over a decade old
- State updated procedures and staff had not revisited
- 3 locations prudent to review during season to possibly make improvement during off-season

Director Williams spoke to the following:

- Contacted Kittleson and Associates with a long history with staff
- Periwinkle Way immediately west of Dairy Queen
- Intersection of Periwinkle Way and Casa Ybel
- Intersection of Tarpon Bay Road and Periwinkle Way west

Ms. Zimomra noted the recommendation was to piggyback on an existing agreement with Kittleson and Associates and bring back in January.

Mayor Ruane moved, seconded by Vice Mayor Denham, to direct staff to continue to proceed with the traffic hot spot traffic study.

Public Comment

None

The motion carried.

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

Director Jordan spoke to the following:

- Building must become dangerous
- Leave status quo
- Direction to staff to send to Planning Commission for discussion
- Direct staff to come back to City Council
- Proposed ordinance needs to be reviewed by the Planning staff and City Attorney

Discussion ensued regarding pass to Planning Commission and bring back immediately to City Council, was it necessary for staff to work further, Director Jordan answered the proposed ordinance could go to the Planning Commission, local municipalities contacted and most legislation relatively new and found other cities had some type of registration built within their ordinance, did not build into Sanibel's proposed ordinance, December 11, 2012 Planning Commission agenda set and the December 25th meeting canceled, Mr. Cuyler noted that

Vice Mayor Denham moved, seconded by Councilman Harrity, to forward the draft ordinance to the Planning Commission for review and return to City Council as soon as possible.

Public Comment

None

The motion carried

COMMITTEE BOARDS COMMISSION

RESOLUTION 12-110 APPOINTING MEMBERS TO THE SANIBEL PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler passed ballots to Council.

Discussion ensued regarding all committee membership attendance as a whole.

Ms. Zimomra read the title of Resolution 12-110.

Mr. Cuyler read the ballots as follows:

Chris Heidrick 5
Jason Maughan
Sean Pierce
Mike Valiquette 5

Mayor Ruane moved, seconded by Councilman Congress, to adopt Resolution 12-110 and fill in the names of Mike Valiquette and Chris Heidrick.

Discussion ensued regarding having two other excellent candidates and hope they will apply for other openings.

Public Comment

Mike Valiquette thanked City Council.

The motion carried

RESOLUTION 12-111 REAPPOINTING MEMBERS TO THE CITY OF SANIBEL CONTRACTOR REVIEW BOARD; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-111.

Councilman Congress moved, seconded by Mayor Ruane to adopt Resolution 12-111.

Councilman Congress moved, seconded by Councilman Harrity, to adopt Resolution 12-111.

The motion carried

NEW BUSINESS

Approval of two requests for a table outside the footprint of the Farmers Market held on City grounds each Sunday through April 28, 2013; 1) League of Women Voters; and 2) Friends of Ding Darling

Ms. Zimomra noted the following:

- League of Women voters request to be outside the footprint
- Farmers Market operates on Sundays and have a certain footprint
- If there was a City policy; what footprint, how to regulate; who would regulate
- Included aerial map
- Farmers Market lease and footprint map included
- Interest by non-profits
- Have one table on a rotation basis for service organizations

Discussion ensued regarding what prevents vendors from operating outside the footprint, Mr. Cuyler noted that if someone wanted to stand outside the footprint and handout political flyers, good argument to preclude driveway, the space very congested and the impacted area beyond footprint, market had very strict procedures, if Council's direction was to find space, parking along the roadway, would eliminate a parking space, along path and how to

get the table, concerned about precedent, would there be a process to sign up in advance, concerns from request and do not want to create a precedent, fragile tenant mix and interfere with the lease, should make use of alternative rotation spot within farmers market.

Public Comment

Dick Calkins spoke to a community service.

Ms. Zimomra noted that a map was included in the agenda packet and if the group wants to have a table on the Library property, permission would come from the Library.

CITY MANAGER

Informational Items

Departmental Reports

November Grease Trap Report

Planning Department Permit Activity Report October, 2012

Planning Department Code Enforcement Activity Report October, 2012

Building Department Monthly Revenue Report, October, 2012

Building Department Monthly Permit and Inspections October, 2012

Administration Monthly Report

Status of Capital Projects

Single-family homes currently under construction

Sanibel Financial Reports for quarter ending 09/30/12

Quarterly Financial Report

Treasury Investment Report by Burgess Chambers & Associates

Integrity Fixed Income Report

Recreation Center Membership and Revenue

Report into the Issues Raised by Roy Gibson at the City Council meetings of September 8 and September 18, 2012

Community Housing Resources, Inc. Financial Report as of September 30, 2012

Ms. Zimomra called Council's attention to the reports above. She further spoke of auditing each person insurance request.

Public Comment

Roy Gibson spoke to the following:

- Asking Council to resolve an inequity
- Only employee that had a registered partner
- Have never been affected by a bias because of having a same sex partner
- Found discrepancies in report
- 2001 provided supplemental health benefits, but not him
- Wants a resolution of an inequitable policy
- Legal waiver agreed by union
- Cost already funded
- No legal or financial budgetary impediment
- Supplemental health insurance allowed, but at employee expense
- Supplemental made in prior years for dental and vision

Jack Luft spoke to extending health care benefits to domestic partners. He stated that 83% of Fortune 100 companies provided health insurance to domestic partners, 63% of Fortune 500 companies provide health benefits to domestic partners.

Discussion ensued regarding the record appropriately reflect the City offer the benefits, but not the supplement, like to discuss at collective bargaining, do not want to make a decision that only affects Mr. Gibson, Mr. Cuyler answered that the Labor Attorney noted it was a part of collective bargaining and the recommendation was that Council had the legal authority to include or not in collective bargaining, would want to identify the financial impacts, make any decision for all employees, discuss at collective bargaining in the broader context, Ms. Zimomra spoke to a domestic partner policy and Mr. Gibson speaking to changing policy, policy does not distinguish a same sex partnership, domestic partnership could purchase as of this year with employee allowance major medical, dental, vision for significant other, policy does not distinguish, as of this year could purchase health care, major medical, dental and vision, but did not receive previously, cost \$400 and change, Mr. Gibson stated that the supplemental insurance does allow at the employee's expense, made request in prior years for dental and vision and finally received this year, conversation in collective bargaining and increased cost to City, which was better, issue of cost associated, hope Mr. Gibson would work with the City Manager and help to get situation resolved.

Jack Luft spoke to providing information and fairness going forward.

Councilman Congress spoke to the previous contract one of the reporting requirements was to have Community Housing Resources (CHR) submit quarterly financial reports audited, subsequently removed and the current auditor wanted to reflect in their report. He further spoke to reflecting in the minutes that that was not a requirement in the past even though it was in the contract.

Mr. Cuyler noted that if Council agreed there was no need and was not done this would take care of the matter.

Mayor Ruane noted that there was never the intent to have the reports audited.

Councilman Congress moved, seconded by Councilman Harrity, waive the requirement of audited quarterly CHR financial reports.

The motion carried.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the Florida League of Cities (FLC) Legislative Conference November 15 to 17 2012 (Mayor Ruane and Vice Mayor Denham)

Vice Mayor Denham gave a brief report as follows:

- Attended the Energy and Environmental Committee
- Fertilizer front and center again

Discussion ensued regarding having some memorial item for Mr. Tim Gardner, Bayous Preservation's idea was a memorial bench, working with Harrison Gilbert's spouse for a bench along the Pond Apple Park Trail.

Mayor Ruane spoke to the following:

- Attended the Mayors round table meeting
- Business License requirements for each vending machines and why each vending machine needed a separate license
- Working with Commissioner Manning and the City Manager to review the Causeway tolls
- Causeway bonds averaging 175% over the 120%
- Potential revenue

Councilman Congress spoke to the General Employee Pension Board meeting. He further spoke to Tim Garmager elected the chairman, annual performance 17.4%; general workshop meeting in January, CHR having fun raiser February 09, 2013.

Vice Mayor Denham moved, seconded by Councilman Congress, excuse Councilman Jennings from the portion of the meeting he missed.

The motion carried.

PUBLIC COMMENT

Barbara Cooley spoke to being surprised of the Roy Gibson issue and a matter of doing the right thing.

Steve Maxwell asked when making a public records pursuant to retention of supporting document of 2007 development intensity maps were permanent. He related that his attorney would be contacting Mayor Ruane for an appointment. Taking action that other people are not treated the way he had been treated. He further spoke to significant changes to EAR maps.

There being no further business, the meeting adjourned at 4:00 p.m.

Respectfully submitted,

Pamela Smith, MCC
Sanibel City Clerk