

**SANIBEL CITY COUNCIL REGULAR MEETING  
APRIL 01, 2008**

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

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

Members present: Mayor Denham, Vice Mayor Johnston, Councilman Jennings, Councilman Pappas, and Councilman Ruane.

**Election of Mayor and Oath of Office**

Mr. Kenneth Cuyler, City Attorney explained the process for the Mayoral election. He asked for nominations from Council.

Vice Mayor Johnston nominated Mick Denham for Mayor.

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, to elect Mick Denham as Mayor.

The motion carried.

Judith Zimomra, City Manager administered the Oath of Office.

Mayor Denham spoke to being honored to continue the role as Mayor.

**Election of Vice Mayor and Oath of Office**

Mayor Denham asked for nominations for Vice Mayor.

Councilman Pappas nominated Vice Mayor Johnston for another term for Vice Mayor.

Mayor Denham nominated Councilman Ruane for Vice Mayor.

Councilman Jennings nominated himself.

Vice Mayor Johnston thanked Councilman Pappas for his nomination and his confidence in her, but declined the nomination.

Mayor Denham thanked Vice Mayor Johnston for her work on Council as Mayor and Vice Mayor.

Mayor Denham asked for a voted by raising hands. Mayor Denham, Vice Mayor Johnston, Councilman Pappas and Councilman Ruane raised their raised hands.

Mayor Denham made a motion, seconded by Councilman Ruane, to nominate Councilman Ruane for Vice Mayor.

The motion carried.

Judith Zimomra, City Manager administered the Oath of Office.

Council recessed at 9:12 a. m.

Council reconvened at 9:27 a. m.

## **PRESENTATION(S)**

### **Proclamation proclaiming April as Water Conservation Month**

Mayor Denham read and presented the proclamation to Deb Teasley, SFWMD as the Intergovernmental Relations representative.

Ms. Teasley thanked City Council for the proclamation.

## **Public Comments**

Herb Rubin requested that the City allow the placement of clothes lines in resident's back yards.

Claudia Burns spoke to bikes being on Sanibel roads rather than using the Shared Use Paths.

Mr. Cuyler stated that bikes were an authorized use on roadways.

Rae Ann Wessell, SCCF spoke to the fertilizer bill and a meeting this week of the Senate Conservation and Preservation committee. She also spoke to the pre-emption and governmental entities having to consult to have an ordinance and back dated to effective date of January 5, 2008. She stated it takes 3 votes to kill the bill. She also spoke to

Mr. Cuyler stated that if the next comment was on the item it could not be commented on at this time. She requested the Forever Florida resolution be pulled from the Consent Agenda.

Ed. Seibert congratulated Mayor Denham and Vice Mayor Ruane for the elections. He spoke to possible revenue from a weigh station. He further spoke to the amount of heavy truck traffic on island, as well as signage for the Shared Use Paths.

Ms. Zimomra stated that at Council's direction staff was re-evaluating the weigh station previous sites and would develop a matrix to show advantages and disadvantages. She further stated that staff anticipated bringing the staff report at the first May Council meeting. She also stated that staff was working with the Sanibel Bike Club and would bring a report back to Council in the next quarter for Shared Use Path improvements including a system-wide signage system.

Marty Harrity commended Council for their efforts. He suggested Council considering a normal progression of everyone holding the office of Mayor and Vice Mayor.

Mayor Denham spoke to a possible agenda item for the future selection of Mayor and Vice Mayor.

Mr. Cuyler stated there was nothing in the charter prohibiting that type of selection. Discussion ensued regarding historically there was a rotation of Mayor and Vice Mayor, Mayor and Vice Mayor seats hold no more power than other Councilmember's.

Karen Storijohann spoke to multiple bikes in the roadway on West Gulf Drive abreast precluding vehicular passing.

## **Council Comments**

Mayor Denham spoke to the following:

- In Tallahassee last week
- Look at the fertilizer issue going through the legislature
- Impressed with Councilman Jennings legislative contacts in Tallahassee
- Councilman Jennings an important asset for City Council

Councilman Pappas spoke to the Dick Sette presentation on beach re-nourishment and possible funding. He stated the question was is there any case law that points to the direction of who was responsible for beach front property re-nourishment.

Mr. Cuyler stated that there were at least half-dozen issues and he would provide a memo.

Vice Mayor Ruane thanked Council for his election of Vice Mayor.

Councilman Jennings congratulated Mayor Denham and Vice Mayor Ruane.

### **Planning Commission Report**

Commissioner Les Forney gave a report of the March 25, 2008 Planning Commission meeting as follows:

- Discussion of large house issue

Mr. Cuyler stated that there was an issue of approval of a single-family dwelling and there had been a number of public hearings in front of the Planning Commission, with public attendance and input. He advised that information needed to stay general, i.e., issue discussed, number of people attending and meetings were the open meetings for discussion.

Mr. Forney continued:

- Hearing last several hours
- Applicant requested a continuance

### **First Reading of an ordinance and scheduling of public hearing.**

**ORDINANCE 08-006 AMENDING THE CODE OF ORDINANCES, SUBPART A GENERAL ORDINANCES, CHAPTER 30 ENVIRONMENT, ARTICLE III NOISE, SECTION 30-65 EXCEPTIONS, TO MAKE EMERGENCY ELECTRICAL POWER GENERATORS EXEMPT FROM THE MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS; AND AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, DIVISION 16 EMERGENCY ELECTRICAL POWER GENERATORS, SECTION 126-1305 GENERALLY, TO REVISE AND ADD DEFINITIONS AND CHANGE PROCEDURES FOR PERMITTING EMERGENCY ELECTRICAL POWER GENERATORS; AND CHANGE SOUND PRESSURE LEVEL STANDARDS FOR EMERGENCY ELECTRICAL POWER GENERATORS; AND ADDING A NEW SECTION 126-1307 ADMINISTRATION AND ENFORCEMENT; AND AMENDING SECTION 82-401 TO ADD PERMANENTLY INSTALLED EMERGENCY ELECTRICAL POWER GENERATORS TO THE LIST OF ITEMS ELIGIBLE FOR A SHORT FORM DEVELOPMENT PERMIT; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-006.

Council set the second reading and public hearing for April 15, 2008 at 9:15 a. m.

**ORDINANCE 08-007 AMENDING ORDINANCE 07-014 WHICH ESTABLISHED MEMBERSHIP FEES FOR THE CITY OF SANIBEL RECREATION CENTER; ESTABLISHING FEES FOR CERTAIN SUMMER AQUATICS PROGRAMS; AMENDING ORDINANCE 07-011 TO REVISE CERTAIN FEES FOR THE**

**YOUTH SUMMER PROGRAM AND SUMMER AQUATICS PROGRAMS;  
PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR  
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-007.

Council set the second reading and public hearing for April 15, 2008 at 9:30 a. m.

**ORDINANCE 08-008 OF THE CITY OF SANIBEL ESTABLISHING THE CITY  
COMMUNITY PARK LOCATED AT 2221 PERIWINKLE WAY AS A  
TOBACCO FREE PUBLIC SPACE; PROVIDING FOR ENFORCEMENT AND  
PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICT AND  
SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN  
EFFECTIVE DATE**

Ms. Zimomra read the titles of Ordinance 08-008.

Council set the second reading and public hearing fro April 15, 2008 at 9:45 a. m.

**SECOND READING AND PUBLIC HEARING**

**ORDINANCE 08-004 AMENDING THE SANIBEL CODE, PART II LAND  
DEVELOPMENT CODE: CHAPTER 82 ADMINISTRATION, ARTICLE IV  
DEVELOPMENT PERMITS, DIVISION 2 PROCEDURE, SUBDIVISION III  
LONG FORM, SECTION 82-421 APPLICATION, TO REQUIRE A LONG  
FORM PERMIT APPLICATION, AND REVIEW BY THE PLANNING  
COMMISSION, FOR ALL PRINCIPAL STRUCTURES THAT INCLUDE AN  
INTEGRALLY ATTACHED ACCESSORY STRUCTURE THAT REQUIRES A  
LONG FORM PERMIT; PROVIDING FOR CONFLICT AND SEVERANCE;  
PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-004.

Mayor Denham noted this was unanimously approved by the Planning Commission.

Discussion ensued regarding a reason there would be a future case after a storm where City Council would over ride, Mr. Duffy stated that in the event of an emergency on a case-by-case buildback would be in place, Mr. Duffy stated that the Land Development Code allowed Council to name a project City exempt.

Herb Rubin spoke to a situation of a long-form permit not required for a home, but for an above-ground pool. He further spoke to set backs.

Mayor stated that the Planning Commission would be reviewing these issues.

Robert Pritt, Attorney objected to any attempt to sway Council for the above-mentioned home construction under the Planning Commission report. He asked Council amend the ordinance by adding a section that any applications already in the Planning Department be exempt from this ordinance requiring a long-form.

Mr. Cuyler stated that any adopted ordinance would apply to an application after the adoption. He agreed with the above-mentioned comments.

Claudia Burns reminded Council and the audience that the Planning Department had offered resident pre-registration for buildback.

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to adopt Ordinance 08-004.

The motion carried.

**ORDINANCE 08-005 AMENDING CHAPTER 14 OF THE SANIBEL CODE, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE III, LICENSES, REGISTRATIONS AND CERTIFICATIONS, DIVISION 2, CONSTRUCTION CONTRACTORS, SECTION 14-127, PREREQUISITE TO ISSUANCE OF AUTHORIZED CONTRACTORS LICENSE, AND SECTION 14-138, TYPES OF AUTHORIZED CONTRACTOR LICENSES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-005.

Discussion ensued regarding pricing for licenses a class II or Class III license or does there need to be a separate license, Mr. Law spoke to changes brought forward by the Contractor Review Board for Class III and structural aluminum, which was an old county classification and found the need to change to structural Class II, and the other classification for pool section was new from the state, and all other changes were house keeping in nature, how many licenses a contractor would need, multiple of separate for different jobs, Mr. Law stated that a full contractor licenses could be purchased, as well as only purchasing one license for a specific job.

Public Comment  
None

Vice Mayor Ruane made a motion, seconded by Councilman Pappas, to adopt Ordinance 08-005.

The motion carried.

**CONSENT AGENDA**

Items (f), and (g) were pulled for discussion.

- g. **RESOLUTION 08-049 OF THE CITY OF SANIBEL URGING THE 2008 FLORIDA LEGISLATURE TO ENACT LEGISLATION TO CREATE AND FUND A SUCCESSOR PROGRAM TO THE FLORIDA FOREVER PROGRAM AND TO IMMEDIATELY DOUBLE FUNDING FOR FLORIDA FOREVER DUE TO THE ENORMOUS NEED FOR LAND CONSERVATION FUNDING IN OUR STATE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-049.

Rae Ann Wessel spoke to the funding being kept at the historical level rather than doubling the amount from \$300,000 million to \$600,000 million. She further stated the House had a committee bill that would discuss the funding and move the Florida Community Trust to DEP State Lands, but does not deal with the same topics as the Florida Community Trust. She further spoke to her concern of this above-mentioned change.

Discussion ensued regarding removing the funding section of the resolution, and Council agreed the funding should remain at the historic level.

Councilmember Johnston made a motion, seconded by Councilmember Jennings, to adopted the Resolution and direct staff to amend the resolution with the following changes; removing the clause that pertains with double funding and replace with "keeping the current funding level," also add the phrase " keep the special mandate and program oversight, " and send to Tallahassee.

The motion carried.

f. **Award 2008 Shared Use Path Repairs contract to Florida Paving and Landscaping, Inc. in the amount of \$162,919.05 and authorize the City Manager to execute same**

David Bath asked for reassurance that the repairs do not widen the Shared Use Path beyond the current 8-foot width, and Mr. Castle stated this item was for only repairs to existing paths.

Ms. Zimomra stated that annually staff reviewed the Shared Use Paths for repairs. She further stated that the following would have repairs made if approved.

- Periwinkle Way
- San-Cap Road
- Palm Ridge Road
- Rabbit Road
- Donax

Tom Sharbaugh spoke to staff's need to pay close attention to the quality of work by contractors.

Mr. Castle stated if contractors work was not performed satisfactorily the construction was done over.

Mayor Denham made a motion, seconded by Councilman Jennings, to approve the above item.

The motion carried.

Discussion ensued regarding work on Rabbit Road, and Mr. Castle stated that the majority of proposed work was on Rabbit Road, and in the future with cooperation from SCCF the path would be widened.

b. **RESOLUTION 08-047 APPROVING REVISED RULES OF PROCEDURE FOR THE PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE**

Discussion ensued regarding 3 Planning Commissioner calling a meeting and the need to send back to the Planning Commission for further discussion.

a. **RESOLUTION 08-046 AMENDMENT/TRANSFER NO. 2008-044 AND PROVIDING AN EFFECTIVE DATE** (to transfer funds within the General Fund from Reserves for Insurance Deductibles to the Insurance Department's Other Current Charges expense line for settlement of a \$10,867 vehicle accident claim from Lisa Rodriguez at Sanibel-Captiva Road and Buckthorn Lane on January 9, 2007. This amendment does not increase the FY08 budget)

c. **RESOLUTION 08-048 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-046 AND PROVIDING AN EFFECTIVE DATE** (to roll forward to FY08: 1) \$40,415 from Tourist Development Council (TDC) grant #401900 for Historic Village restrooms; 2) \$60,000 from TDC grant #401897 for dune walkover replacement; 3) \$75,000 from the South Florida Water Management District for Dixie Beach mangrove restoration and 4) to recognize available unspent funds of \$100,303, advanced in FY06, under the US Fish and Wildlife grant #401815J020. This amendment increases the FY08 revenue and expense by \$275,718. There are no new funds appropriated by this amendment)

h. **RESOLUTION 08-050 AMENDING RESOLUTION 08-035 APPROVING A MASTER LEASE AGREEMENT WITH LEASING 2, INC. FOR THE**

## **CITY'S CASE 4X4 LOADER BACKHOE; AND PROVIDING AN EFFECTIVE DATE**

Mr. Cuyler stated this lease would be dated April 02 and the interest had dropped slightly documents would be changed accordingly.

Ms. Zimomra read the titles Resolutions 08-046, 08-048 and 08-051

Councilmember Johnston made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 08-046, 08-048 and 08-051.

The motion carried

- d. **Award Dixie Beach Boulevard Mangrove Restoration Project contract to MAJ Contacting, Inc. in the amount of \$99,359.00 and authorize the City Manager to execute same (100% of funding provided by U. S. Fish and Wildlife and South Florida Water Management District grants)**
- e. **Approve staff's ranking of mechanical engineers and direct the City Manager to negotiate a contract with the top ranked firm, ATP Engineering (upgrading the Police Department air conditioning system)**

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve the above.

The motion carried.

## **OLD BUSINESS**

### **Water Quality Issues**

#### **Reports from City Council members**

#### **Attendance to the Florida League of Cities Legislative Day – March 26, 2008**

Mayor Denham stated his focus was on the fertilizer bill and the Healthy Beach Program bill. He also spoke to specifics of the fertilizer bill.

Dr. Loflin, Natural Resources Director spoke to the bill being onerous because water had to be impaired before enacting a fertilizer ordinance.

Councilman Jennings spoke to the fertilizer bill and changes to the bill by Senator Aronberg last week. He further spoke to the unanimous support by the Florida League of Cities Board of Directors regarding the healthy beach bill.

Discussion ensued regarding how decisions made on specific bills, campaign contributions by certain entities, should speak with the Lt. Governor, with the support of Senator Webster, Representative Aubuchon and Senator Aronberg bill should pass, Councilman Jennings spoke with Representative Aubuchon and would continue discussion.

#### **Discussion regarding C-43 filter marsh status**

Councilmember Johnston spoke to her memo. She noted the following:

- Goal to protect Sanibel from further Lake Okeechobee damaging releases of polluted fresh water
- Ask the SFWMD and ACOE to do the following
  - Delineate the amount of storage currently available with containment and conveyance and to identify when the remaining sites needed to reach their potential level would be available
  - The Army Corps of Engineer clarify the operational guidance exists and estimate of available emergency storage

- Initiate discussions with ACOE and SFMWD to identify how to work together to be certain that the ACOE and SFWMD make an emergency storage available
- Write and ask the ACOE for a definitive written commitment to an STA at C-43 and to indicate what support could be provided to SFWMD
- Write the SFWMD for written commitment to stormwater treatment area either using the acreage on the current site and/or purchasing adjacent land with commitment to STA construction concurrent to C-43 construction

Councilmember Johnston made a motion, seconded by Mayor Denham, to thank Charles Dauray for his leadership to preserve the economy and environment of Lee County by encouraging SFWMD actions that protect the coast at times of excess water from harmful discharges of polluted fresh water from Lake Okeechobee; ask Mr. Dauray's assistance to encourage staff designation of usable emergency storage sites while major projects are under construction; ask Mr. Dauray to continue his ongoing leadership to effect progress on the completion of the C-43 Reservoir with accompanying Stormwater Treatment to prevent release of excessive nitrogen and phosphorus into the Caloosahatchee; to ask Mr. Dauray's assistance to ensure that the Northern Everglades projects would move swiftly to provide added storage and cleaning of polluted water and Sanibel offer assistance in accomplishing to above.

#### Public Comment

Ann Yarnel thanked Councilmember Johnston.

The motion carried.

Dr. Loflin stated the accelerated projects and the Northern Everglades projects be protected under the budget cuts.

### **Letter from Alachua County Commission Chairman Rodney J. Long supporting Senate Bill 1634**

For informational purposes.

### **Resolution from Lee County Tourist Development Council supporting Senate Bill 1634.**

For informational purposes.

### **Staff Reports**

#### **Demonstration of new storm drainage inlet advisory signage**

Ms. Zimomra showed the advisory signage at storm water drainage.

#### **Review of City's investment policy**

Vice Mayor Ruane gave an overview of the history of the State's investments, and the City's involvement.

Discussion ensued regarding staff and Vice Mayor Ruane having an appointment with Alex Sink for Monday, April, 07, writing a letter of confirmation with questions, first municipality to meet with Alex Sink and her staff and create a venue for other municipalities, assured that Triple A rating by Standard and Porters was secure, involved with collateralized debt obligation and concern was for Pool A, risk penalty of approximately of \$270,000 was a motion needed, Mr. Cuyler stated that no, but with the unique situation a motion could include direction.

Vice Mayor Ruane made a motion, seconded by Mayor Denham to withdraw the funds (\$18.4 million) from the state investment pool immediately, staff members to meet with CFO Alex Sink and staff, and decide what to do about the remaining \$13 million and call a special meeting if necessary.

Ms. Zimomra stated that the investment policy gives the Finance Director the authority to find the best rates and a search has concluded that latter CD's would meet City cash flow needs.

Public Comment

Karen Storijschmann asked if the funds were liquid. She spoke to her concern to rush in to a decision, and may need a committee. She spoke to the need to scrutinize the investment vehicles. She suggested a committee be appointed.

Vice Mayor Ruane answered that the funds were currently liquid.

Mr. Cuyler stated the 18 million was liquid today, but there was no promise for the future.

Ms. Zimomra stated the City's investment policy was distributed and there had never been a committee to determine investments and Council has been kept abreast of the situation.

Discussion ensued regarding government has an advisory committee and the recommendation was reviewing the security firms responsibility for not disclosing needed information,

Harvey Tower spoke in favor of withdrawing City funds and consider the loan covenants of existing bonds in City portfolio and retire City debt. He further agreed with taking penalties to withdraw funds as fast as possible.

Vice Mayor Ruane stated that the uncertainty was of great concern and the bulk of the money was for operating expenses.

Ms. Zimomra spoke to the Finance Director always taking the opportunity to retire debt. She further spoke to the City receiving property tax in a bulk payment and refining cash flow if staff does go for CD's or T bills.

Discussion ensued regarding Vice Mayor Ruane recognizing a problem and taking action, Council receiving briefings from staff for several months, the need to reallocate the \$18.3 million without a penalty, \$4.4 million of \$18million sewer funds, how would removing funds affect maturity, Vice Mayor Ruane answered the allocation of funds was equal and reviewing the re-set date the securities have been re-set and/or maturity date changed, diagram received from State the maturity chart provided by staff do not line up or indicate that the \$8.7 million mature January, 2009, \$13.4 million and options available, but deal with penalty, Vice Mayor Ruane stated that defining the security name and use of funds was important, and he recommended getting a defined maturity date and liquate as of the maturity date comes due, no need from risk on a cash flow point of review and wait for an answer in writing from state, Plan B (\$2.6 million), Vice Mayor Ruane stated the thought was to move the securities and have 60% of items a credit quality rating of C or lower, the biggest security holding from KKKR, Axon and 2 other companies where the debt was trying to be re-negotiated, and address each item on an item by item basis.

The motion carried.

Council recessed the meeting to go in to Executive Session at 12:00 p. m.

**EXECUTIVE SESSION RELATING TO UNION  
NEGOTIATIONS. In attendance shall be the following persons:**

**Sanibel City Council**

**Sanibel City Manager Judie Zimomra**

**Sanibel City Attorney Kenneth Cuyler**

**Jim Isom, Administrative Services Director**

**Wayne Helsby, Labor Counsel (Allen, Norton & Blue)**

Mayor Denham announced the meeting would reconvene at 1:15 p. m.

Council reconvened the meeting at 1:15 p. m.

**COMMITTEES BOARDS COMMISSION**

**Acceptance of resignation from Gopal Pati, PhD., as a Wildlife Committee member**

Council accepted Dr. Pati's resignation with thanks for his work on the Wildlife Committee.

Mayor Denham made a motion, seconded by Councilman Pappas, to accept Dr. Pati's resignation and thank him for his contributions as a member of the Wildlife Committee.

The motion carried

## **NEW BUSINESS**

### **Reports from Planning Department**

#### **Report from Planning Department regarding effective date for new Flood Insurance rate map**

Mr. Duffy spoke to the following:

- August 28, 2008 new flood rate map would become effective
- Working with the Building Department to make residents aware
- Amendments to the Land Development Code (LDC)
- Public hearings in May and June
- Effort began early 2005 with announcement from FEMA that coastal map would change
- Retained civil and coastal engineering firms to evaluate maps
- Based on evaluated maps appeal and accepted by FEMA
- Provided another 30-day comment period with no specific comments

Discussion ensued regarding communicating information to community, annual mailing, City website, workshops, public notices, potential insurance premium rate changes for the average homeowners, Sanibel one of the highest community rating system at 5, and LDC allow premiums to stay lower.

#### **Report on conditions and capacity of telecommunication tolerant areas**

Mr. Duffy gave the following report:

- 2007 direction from City Council for staff to initiate a review of designated telecommunication tolerant areas and evaluate if sites remain physically available
- Council direction was to halt acceptance of any permits
- 13 telecommunication tolerant sites on Sanibel
- Recommend a number of amendments
- Report provides 1996 Telecommunication Act
- Defines basic telecommunication master plan and elements
- Telecommunication 45 feet and below treated as long-form applications and only on one of thirteen sites
- Review of facilities with aerial photos
- Met with property owners and telecommunication providers
- Report noted 2 sections; 1) property available for 100 feet or higher; and 2) less than 100-feet
- Made a number of recommendations
- 5 of 13 areas recommend 5 sites be deleted; 1) Wulfert site at full capacity; 2) Island Water Association (IWA) – 2 sites; 1) 3651 San-Cap Road reverse osmosis site and 2) 5566 San-cap Road Water plant – IWA could not entertain potential land transfers and access due to 9-11 for anything other than the primary mission of providing water for the island
- LCEC electrical poles crossing to Pine Island and policy changed and deleting electrical poles from telecommunications sites
- Donax Plant site 90% consumed and no longer capacity to support telecommunication facilities

Discussion ensued regarding in compliance with the telecommunications law, Mr. Duffy stated that telecommunication service was required to be provided, does recommendations provide adequate service,

Mr. Duffy answered by removing the Donax Plant site it would be possible to have a gap on the east end of the island and may need to allow a site through conditional use, very limited of inventory for potential sites on the east end of the island, delay changing LDC amendments until staff receives a consultant input for communication needs, Mr. Duffy answered that a number of urban/suburban locations and the issue there was no infrastructure higher than the tree canopy to distribute the signal and the monopole may be the primary method to serve Sanibel, unique opportunity to review placement of telecommunication towers, Mr. Cuyler stated that looking at a time frame because there are tolerant resistant areas noted in the code, he further stated Council may want to continue a 2-step process with amending what staff was aware of currently and come back to Council later for additional information, were there any consultants and the time for possible work, Lighthouse not a site because it is an historic site, code prohibits anything on an historic structure, with new technology there may be a possibility to attached something to the lighthouse, and leave historic sites alone.

#### Public Comment

Harvey Tower spoke to modifying existing towers so more facilities could be added. He also stated that in northern California telecommunication towers were adapted to the environment by blending.

Ms. Zimomra noted that when the Wulfert telecommunications tower was approved there had to be co-location of facilities. She asked if Council wanted staff to do more research and bring back to Council for alternative sites.

Council answered yes.

Councilman Pappas made a motion, seconded by Councilmember Johnston, to direct staff to do more research in the area of new technology and co-location.

The motion carried.

Council asked if there was a contract for sale of the Knave property. Mr. Duffy answered that there had been recent survey work.

**RESOLUTION 08-051 OF THE CITY COUNCIL OF THE CITY OF SANIBEL EXPRESSING ITS INTENT TO DECLARE A SPECIAL ASSESSMENT TO FUND A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE SANIBEL CHARTER FOR THE EXPANSION AND EXTENSION OF THE SANIBEL SEWER COLLECTION SYSTEM; SAID PROJECT TO BE REFERRED TO AS THE "SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING ASSESSMENTS, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED, AND OTHER MATTERS REQUIRED BY CHAPTER 170, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-051.

Mr. Cuyler spoke to the following:

- Initiation of the assessment process for Sanibel Bayous
- Subsequent hearings
- Property owners would receive a mailing of hearing announcement
- Discussion of funding

- Can not go above what was within the resolution

Mayor Denham made a motion, seconded by Councilman Pappas, to adopt Resolution 08-051.

Public Comment

None.

The motion carried.

## **DESIGNATION OF COUNCIL DELEGATES AND LIAISONS**

Discussion ensued regarding Councilman Jennings dropping Horizon Council and Parks and Recreation Committee, Councilman Pappas decided to be the Horizon Council liaison, and Vice Mayor Ruane decided to be the liaison to the Parks and Recreation Committee.

## **CITY MANAGER**

### **Informational Items**

#### **2008 Hurricane Pass available**

Ms. Zimomra noted the hurricane passes were available.

#### **Adjustment in Building Department staff**

Ms. Zimomra noted that revenues were above expenditures and adjustment to an employee that was part-time Building Department and part time in the Recreation Department will now be full-time in the Recreation Department.

### **Budget Discussion**

#### **Distribution of Storm Water utilities and discussion on May 06 City Council meeting City Council Goals discussion – May 06 at 2:00 p.m.**

Ms. Zimomra noted that staff would be attending a conference in Orlando on April 18<sup>th</sup> and this item would be on the May 6<sup>th</sup> Council meeting agenda. She further stated that the City Attorney was reviewing Natural Resources expenditures to see for appropriateness if expenditures in that department or should the expenditures be in another department.

#### **Dedication of Community Park located at 2221 Periwinkle Way, Monday, April 21<sup>st</sup> at 3:00 pm**

Ms. Zimomra noted that the dedication would be Monday, April 21 at 3:00 p.m.

#### **Pricing adjustment notice from Comcast beginning May, 2008**

For informational purposes.

#### **Status of Sanibel Causeway Variable Pricing**

#### **Presentation to Lee County Board of County Commissioners to review alternatives under consideration along with recommendations from Sanibel City Council on April 7, 2008**

Ms. Zimomra passed a letter from Paul Wingard, Deputy Director of Lee DOT that consultants work would be out toward other projects and no further work would be done on the Sanibel Causeway Variable Pricing Study.

### **Intergovernmental Activities**

#### **Southwest Florida Delegation Day – Tallahassee April 02, 2008 (Mayor Denham & Councilman Jennings)**

Mayor Denham and Councilman Jennings would not be attending the above.

Ms. Zimomra stated this Thursday, April 03 will be the Volunteer Luncheon. She showed Council the canvass bags that would be given to each volunteer and would be sold at the Recreation Center.

### **CITY ATTORNEY'S REPORT**

None.

### **COUNCIL MEMBERS' REPORT**

#### **Recommendations from Council Members Regarding Future Agenda Discussion Items**

Mayor Denham asked Councilmember's to advise of any items during members report.

Councilman Pappas asked about the dog park report from the Natural Resource Department. He further stated that Section 86-43 had been described as vague and subjected and better it stay that way. He further stated that he would be absent from the April 15<sup>th</sup> Council meeting.

Mr. Cuyler stated that he would present that position to the Planning Commission.

Ms. Zimomra stated that the director had information he wanted to share with Council.

Discussion ensued regarding making changes regarding set backs and architectural standards, not wise to make Section 86-43 more specific, and 1300 people in favor of a dog park.

### **PUBLIC COMMENT**

Karen Storijohann spoke to disliking the color of the hurricane pass.

Ms. Zimomra stated the main focus was to get property owners back on the island post storm.

There being no further business the meeting was adjourned at 2:10 p. m.

Respectfully submitted by,

Pamela Smith, CMC

City Clerk