

**SANIBEL CITY COUNCIL MEETING
FIRST BUDGET HEARING
SATURDAY, SEPTEMBER 08, 2012**

Mayor Ruane called the meeting to order at 9:02 p.m.

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

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

Presentation of Tentative Budget

City Manager and Finance Director's Memorandum and Update of changes in the Draft Budget

Ms. Edwards gave a brief PowerPoint presentation, which is attached.

- Millage rate 1.2398, which 3% less than the rolled-back rate
- Current tentative budget shows is slightly less than revenue taken in last year after the taxable property appraisal
- 1.2398 millage rate adopted July 17, 2012

Finalization of Council's goals for FY2012/2013 Budget

Ms. Zimomra read the goals for City Council and the audience.

Discussion ensued regarding the number one goal being financial stability, but the redevelopment goal helps the financial status of the City, redevelopment would help the commercial district, not being persuaded to add anything to the goals, as improvements were made assessed values increase, make certain to plan and forecast any capital improvements, water quality was important to the community, important to get citizens behind the water quality captains, Vice Mayor Denham spoke to reaching out to the community by having area captains to contact other people for contact with legislators, Mayor and Director Evans met with Commissioner Manning regarding expanding the fertilizer education program, should something be added relative to working with Lee County regarding fertilizer, a goal would be important to receive residents support regarding Council's initiative, Mayor Ruane meeting with Lee County Mayors, Vice Mayor Denham had a conversation with Randy Henderson, Ft. Myers Mayor regarding the environmental hole that would be left upon Ray Judah's leaving the County seat and initial conversations well received.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt the goals as written.

Public Comment

None

The motion carried.

Discussion regarding Recreation Center Fund Balance

History of Fund Balance

Revenues

Expenditures

Staff Recommendations

Ms. Zimomra spoke to the following:

- Funds segregated as directed by Council
- Program enhancements would come from funds
- No fees at Recreation Center

- Fund Balance increased
- Council direction was to look at options for the fund balance
- Staff recommendation was to create sinking fund to pay for upgrades as necessary
- Fund accumulation after 5 years
- Estimated actual was \$900,000
- \$945,006 would go in to the sinking fund

Discussion ensued regarding a recreation center without fees was subsidized by residents, basic repairs subsidy would be used, questions was to establish a sinking fund and would continue to be a subsidy, residents subsidizing the bond, old recreation center could not be refurbished, problem with mold, great decision to build the Recreation Center, could put part of \$900,000 to pay off debt, establish debt, reduce subsidy, what does Council feel was an appropriate use for fund balance, GFOA recommend that fund balance be 17%, which would be approximately \$200,000, 17% of \$2,088,398 would be \$355,027, \$640,000 remaining, some funds to sinking fund and pay down debt, could add \$216,000 each year, Ms. Zimomra noted that staff would do an initial investment and should continue with depreciation, recommend an ending fund balance of \$250,000 to pay off debt, during construction residents concerned about cost, put \$500,000 in the sinking fund, \$250,000 would go toward reducing debt, Council's long-term goal was to decrease fixed cost, put 2 years aside and would still have reserves and would like to see schedule within all departments.

Public Comment

Steve Maxwell spoke to looking at a foresee ability analysis of unforeseen cost and review maintenance.

The motion carried.

Mayor Ruane spoke to the following:

- Consistent with goals to be prudent to have taxpayer pay less taxes, pay down debt and look at reserves to make sure they are adequate
- \$6.00 for the rolled-back rate
- To accept the rolled-back rate there would need to be a savings of \$147,000

Discussion ensued regarding taking the millage rate back to last year's rate, property values continue to decrease, 4% decrease with condos and 2% decrease in homes, 2.100 mills was \$162,000, could use funds to pay down debt, to pay down debt would be to further reduce fixed costs, when property values take a turn to there would be an opportunity to accelerate debt and interesting that Council only controls 15.9% of tax dollars.

Mayor Ruane moved, seconded by Councilman Congress, to direct staff come back with the necessary changes in the amount of \$162,442 to bring the millage rate to 2.100, to allocate 2-years of sinking fund in the amount of \$440,000, put \$260,000 in reserves for ending fund balance and \$300,000 toward debt.

Public Comment

Roy Gibson spoke to dealing with the realities of the economy and making less than six years ago, paying more for health insurance to cover his domestic partner, and the City pays for extra coverage for a spouse that had health insurance. He asked that Council stop the discriminatory practice that was inconsistent with policy and include coverage for domestic partners. He stated if there were funds in the budget for employee health insurance and was there a need to make any changes to allow this benefit.

Discussion ensued regarding not being able to discuss because of union negotiation, Ms. Zimomra noted that staff would defer to the labor attorney regarding the precedent and any legal requirements; she further stated that Council did recognize some years back domestic partners and employees have the option of purchasing health insurance, but the City did not allow the subsidy insurance, but the employee could purchase and Mr. Gibson asking for a change in policy.

Karen Storijohan spoke to forming an ad hoc group to review the County budget.

Mayor Ruane offered to sit down with Ms. Stori Johan and he would be speaking with Commissioners after the election due to expected changes.

Public Hearing and adoption of RESOLUTION 12-083 ADOPTING THE TENTATIVE OPERATING AND VOTED DEBT SERVICE AD VALOREM MILLAGE RATES FOR TAX YEAR 2012 FOR THE CITY OF SANIBEL, FLORIDA; DETERMINING THAT THE OPERATING AND AGGREGATE MILLAGE RATES DO NOT EXCEED THE MAXIMUM MILLAGE RATES PERMITTED BY CHAPTER 200, FLORIDA STATUTES, AND ESTABLISHING THE DATE, TIME AND PLACE FOR A FINAL HEARING TO ADOPT THE FINAL OPERATING AND VOTED DEBT SERVICE AD VALOREM MILLAGE RATES FOR TAX YEAR 2012

Ms. Zimomra read the title of Resolution 12-083. She noted the blank in Section 1 the blank should be filled with 2.1398 mills and the time was 10:53 a.m.

Mayor Ruane moved, seconded by Councilman Congress, to adopt Resolution 12-083.

Discussion ensued regarding not putting 2.100 mills in the blank at this time and Council would wait to lower the millage rate when staff brings back changes to the budget.

Mr. Cuyler noted that the City Clerk pointed out that there was a pending motion on the floor giving direction to staff to come back with specific information.

Mayor Ruane and seconder removed the motion to adopt Resolution 12-083.

Mayor Ruane moved, seconded by Councilman Congress, to direct staff come back with the necessary changes in the amount of \$162,442 to bring the millage rate to 2.100 and adopt Resolution 12-083.

The motion carried

Public Hearing and adoption of RESOLUTION 12-087 ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2012-13 FOR THE CITY OF SANIBEL, FLORIDA AND ESTABLISHING THE DATE, TIME AND PLACE FOR A FINAL HEARING TO ADOPT THE FINAL BUDGET FOR FISCAL YEAR 2012-13

Ms. Zimomra read the title of Resolution 12-087. She noted that in the final whereas the blank should be \$37, 884,175 and time 10:00 a.m.

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 12-087.

The motion carried.

Mr. Cuyler noted that the final budget hearing would be Tuesday, September 18, 2012 at 5:01 p.m.

There being no further business the meeting was adjourned at 10: 56 a.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk



City of Sanibel

Review of Tentative Budget for Fiscal Year 2012-13

Presented September 8, 2012

Ad Valorem Revenue

Tax Revenue Decrease:

Budgeted Operating Ad Valorem Revenue

Fiscal Year Tax Revenue

- 2011-12 \$ 8,754,881 (Amended)
- 2012-13 \$ 8,733,402 (Tentative)

The budget proposes property tax revenue collections of \$8,733,402 and a millage rate of 2.1398. Taxable property values decreased 1.89% in FY13 (2012 tax year).

Millage Rate

Draft Rate Approved on July 17, 2012

<u>Tax Year</u>	<u>Rate</u>
2012	2.1398

Millage rate can be lowered – it cannot be increased.

The draft budget, dated July 17, 2012, budgeted a millage rate of 2.1398 which is .53% less than the rolled-back rate of 2.1511. The rolled-back rate is the millage rate that will bring in the same amount of dollars as the current millage rate, after adjusting for new construction. By Florida statute the proposed rate may be lowered but may not be increased.

Draft, Tentative and Final Budget

- The draft budget was presented to Council on July 17, 2012.
 - The tentative budget is the budget presented to Council at its first public hearing in September. The budget presented today is the tentative budget.
 - The final budget is the budget presented to Council at its second public hearing on September 18, 2012.
 - The tentative budget includes changes approved by Council at the July 17 Council meeting and changes due to on-going operations since submitting the draft budget. The changes to the draft budget's sources of funds and uses of funds are outlined in the finance director's memorandum included in Council's packet today. The changes reflected in today's tentative budget increases the draft budget's total by \$21,706 from \$37,862,469 to \$37,884,469.
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City of Sanibel

FY 2012-13 Tentative Budget

	<u>Fiscal Year 2011-12</u>		<u>FY 2012-13</u>
	<u>Adopted</u>	<u>Amended*</u>	<u>Tentative</u>
<i>Governmental Funds</i>			
Operating Uses	\$33,403,715	\$40,268,637	\$25,342,862
Capital Uses	<u>3,312,320</u>	<u>3,315,894</u>	<u>1,934,369</u>
Total Govt'l Funds:	\$36,716,035	\$43,584,531	\$27,277,231
<i>Enterprise Funds</i>	<u>10,958,112</u>	<u>12,792,675</u>	<u>10,606,944</u>
TOTAL BUDGET:	\$47,674,147	\$56,377,206	\$37,884,175

*Includes amendments through 8/7/2012

What is the Rolled-back rate?

The rolled-back rate is the calculated tax (millage) rate that brings in the **same amount of operating ad valorem dollars** as was received in the previous fiscal year excluding new construction

If **taxable property values increase** (excluding new construction) the **rolled-back rate (millage) decreases**

If **taxable property values decrease** (excluding new construction) the **rolled-back rate (millage) increases**

How is the Rolled-back Rate Calculated?

- *2011 Taxable Property Values: \$ 4,159,859,288
- Times 2011 Millage Rate x 2.1038
- FY2012 (current year) Revenue \$ 8,751,512

Divided by 2012 Taxable Property Values

(excluding new construction) \$ 4,068,324,789

Equals 2012 Rolled-back Rate 2.1511

*Adjusted taxable value provided after October 1, 2011 by the property appraiser;
\$47,082,484 less than July 1, 2011 certified taxable valuation;

revenue decrease \$99,052

Tax Rate and Required Vote

Pursuant to Section 200.065, Florida Statutes
The Maximum Millage Rate Permitted to be Levied by
Majority Vote of Council is

3.0298

This is the adjusted rolled-back rate plus the adjustment for growth
in Florida's per capita personal income

Resolution 12-069 adopted by City Council on July 17, 2012,
approved a rate of 2.1398, which may be lowered but may not
be increased.

Change in Gross Property Values

Taxable Property Value Change Lags Market Value Change

- Taxable property values for FY13 budget are based primarily on January 1, 2012 values established by property sales during calendar year 2011.
 - Value @ 1/1/11 (FY12) \$4,159,859,288
 - Value @ 1/1/12 (FY13) \$4,081,410,372
- The 1.89% decrease in taxable property values from the FY12 budget to the FY13 budget reflects sales primarily during calendar year 2011
- Current year, 2012, sales trends will be reflected in 2013 taxable property values and impact the FY 2014 budget's ad valorem revenue

Comparative Millage Rates

Tax Year	City of Sanibel		
	<u>2011</u>	<u>2012</u>	
	<u>Budgeted</u>	<u>Budgeted</u>	<u>Rolled-Back</u>
■ Operating Millage	2.1038	2.1398	2.1511
■ Voted Debt-Land Acq	0.0599	0.0855	0.0855*
■ Voted Debt-Sewer	0.2360	0.2407	0.2407*
■ Voted Debt-Rec Ctr	<u>0.1263</u>	<u>0.1308</u>	<u>0.1308*</u>
TOTAL	2.5260	2.5968	2.6081

*Per Florida statute rolled-back rate calculations are not required for voted debt. Voted debt millage rates are based on current year debt requirements.

Average Residential Taxes Paid to City of Sanibel

(*Per Florida statute rolled-back rate calculations are not required for voted debt. Voted debt millage rates are based on current year debt requirements.)

Tax Year	2011	2012	
		Budgeted	Operating Rolled-back
FY 12 Avg Residential Taxable Value	\$ 543,989	\$ 527,003	\$ 527,003
Operating Millage	2.1038	2.1398	2.1511
Average Tax Dollars Paid to City of Sanibel for Operations and Capital	\$ 1,144.44	\$ 1,127.68	\$ 1,133.64
*Voted Debt Service-Sewer	0.2360	0.2407	0.2407
*Voted Debt Service-Land	0.0599	0.0855	0.0855
*Voted Debt Service-Rec Ctr	0.1263	0.1308	0.1308
Total Voted Debt Millages	0.4222	0.4570	0.4570
Average Tax Dollars Paid to City of Sanibel for Voted Debt	\$ 229.67	\$ 240.84	\$ 240.84
Total Average Tax Dollars Paid to City of Sanibel	\$ 1,374.11	\$ 1,368.52	\$ 1,374.48

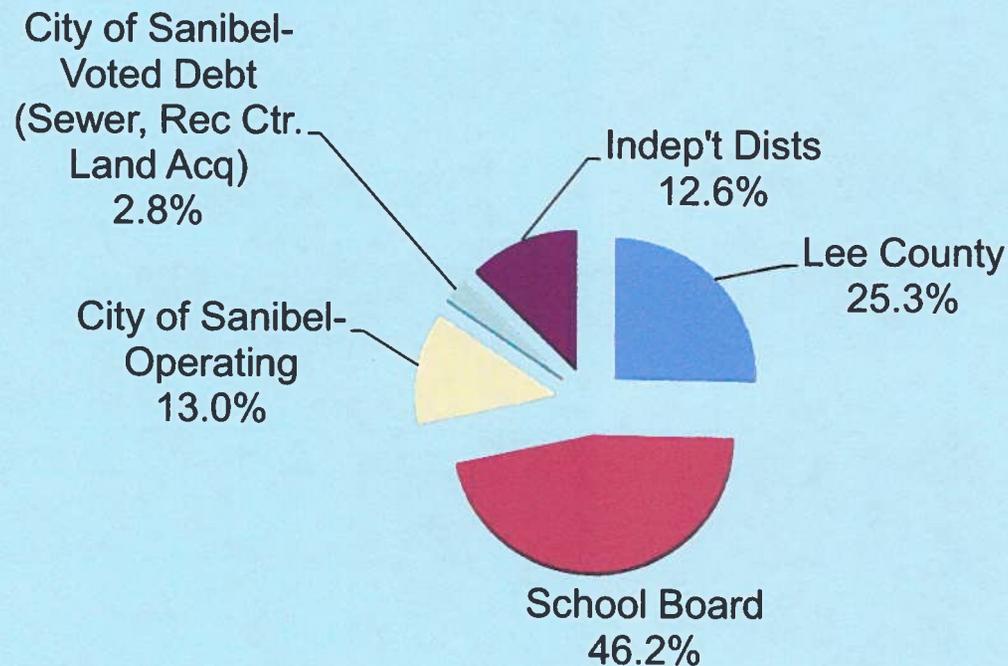
Tax (calendar) year millage rates provide ad valorem tax revenue for the subsequent fiscal year budget

Taxes Paid by Average Residential Taxpayer to City of Sanibel for All City Services

	<u>As Budgeted</u>		<u>Rolled-Back</u>	
	Mills	Amount	Mills	Amount
Operating	2.1398	\$1,127.68	2.1511	\$1,133.64
Voted Debt-Sewer	0.2407	126.85	0.2407	126.85
Voted Debt-Land	0.0855	45.06	0.0855	45.06
Voted Debt-Rec Ctr	<u>0.1308</u>	<u>68.93</u>	<u>0.1308</u>	<u>68.93</u>
TOTAL	2.5968	\$1,368.52	2.6081	\$1,374.48

FY12 Average Residential Taxable Property Value = \$527,003

Allocation of Total Taxes Paid by Sanibel Property Owner Based on Other Taxing Authorities Tentative Millage Rates



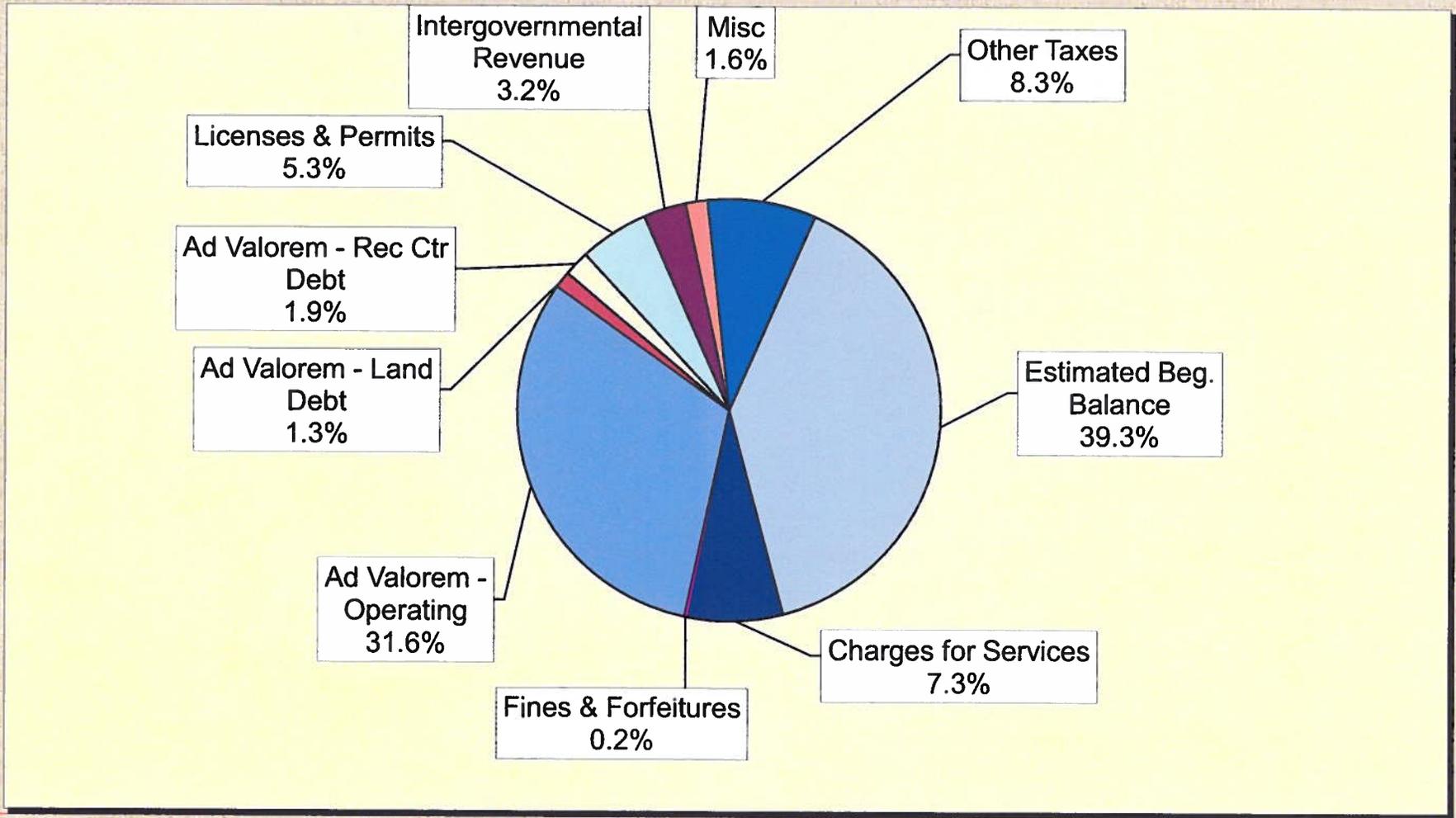
Millage Rates Proposed by Other Taxing Authorities on Sanibel Properties

FY12 Avg Residential Taxable Value			\$ 527,003
<u>Taxing Authority</u>	<u>Millage</u>	<u>Percent</u>	<u>Amount</u>
Lee County	4.1506	25.3%	\$ 2,187.38
School Board	7.5840	46.2%	3,996.79
City of Sanibel-Operating*	2.1398	13.0%	1,127.68
City of Sanibel-Voted Debt	0.4570	2.8%	240.84
Indep't Dists	2.0691	12.6%	1,090.42
	<u>16.4005</u>	<u>100%</u>	<u>\$ 8,643.11</u>

(*) As set by Resolution #12-069 which is .53% less than the rolled-back rate of 2.1511.

Where The Money Comes From

Governmental Funds Sources = \$27,277,231



Ad Valorem Taxes-Operating

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 8,754,881	\$ 8,733,402	\$ (21,479)	-0.2%

2012 Taxable Value of All Sanibel Properties

Real Property	\$4,029,027,370
Personal Property	<u>52,383,002</u>
Total	\$4,081,410,372
Times budgeted rate	x <u>2.1398 mills</u>
Ad Valorem Revenue	\$ 8,733,402

Voted Debt Service Millage Levy-Land Acquisition

November, 2001 voter approved referendum authorized issuance of long-term debt to purchase land at Bailey Road and Periwinkle Way called Pond Apple Park. In 2012 the bonds were refunded and restructured to mature in 2022 producing \$1.2 million interest savings.

<u>Tax Year</u>	<u>Fiscal Year</u>	<u>Millage</u>	<u>Revenue</u>
2008	2008-09	0.0483	\$237,000
2009	2009-10	0.0561	\$253,500
2010	2010-11	0.0595	\$250,251
2011	2011-12	0.0599	\$252,114
2012	2012-13	0.0855	\$348,925

Voted Debt Service Millage Levy Recreation Center Project

April, 2006 voter approved referendum authorized issuance of long-term debt to build a new recreation facility.

<u>Tax Year</u>	<u>Fiscal Year</u>	<u>Millage</u>	<u>Revenue</u>
2008	2008-09	0.1080	\$530,000
2009	2009-10	0.1172	\$530,105
2010	2010-11	0.1268	\$533,474
2011	2011-12	0.1263	\$531,158
2012	2012-13	0.1308	\$533,895

Other Taxes

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
2,288,057	2,298,057	10,000	0.4%

	<u>FY 2012</u>	<u>FY 2013</u>
▪ Local Option Gas Taxes	\$ 1,400,000	\$ 1,410,000 Prior three years' trend
▪ Casualty Ins Premium Tax	58,725	58,725 Previous year's receipts
▪ Communications Tax	540,000	540,000 Previous year's receipts
▪ Business Tax Receipts	<u>289,332</u>	<u>289,332</u> Previous year's receipts
▪ TOTAL	\$ 2,288,057	\$ 2,298,057

Licenses & Permits

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
1,493,602	1,467,000	(26,602)	-1.8%

	<u>FY 2012</u>	<u>FY 2013</u>
▪ Building-type Permits	\$ 507,602	\$ 500,000
▪ Dog, and Other	11,000	12,000
▪ Franchise Permits	<u>975,000</u>	<u>955,000</u>
TOTAL	\$ 1,493,602	\$ 1,467,000

Intergovernmental Revenue

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
888,542	895,997	7,455	0.8%

	<u>FY 2012</u>	<u>FY 2013</u>	
▪ State Revenue Sharing	\$ 143,023	\$ 147,020	
▪ Alcoholic Beverage Tax	15,000	15,000	
▪ Half-cent Sales Tax	390,000	425,000	
▪ Other Govt'l Shared Rev	6,000	5,800	
▪ Municipal Solid Waste	46,000	60,000	
▪ Pymts in Lieu of Taxes	23,585	23,585	
▪ Contracts & Grants	<u>264,934</u>	<u>219,592</u>	Grants Awarded
TOTAL	\$ 888,542	\$ 895,997	

Charges for Services

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
1,981,514	2,014,000	32,486	1.6%

	<u>FY 2012</u>	<u>FY 2013</u>
▪ General Gov't Charges	\$ 227,000	\$ 246,500
▪ Public Safety Charges		
▪ Police Services	30,000	37,500
▪ Building Dept. Fee	5,000	5,000
▪ Solid Waste Tip Fee	185,000	200,000
▪ Culture/Recreation Charges	475,000	475,000
▪ Indirect Cost Charges to Other Funds	<u>1,059,514</u>	<u>1,050,000</u>
TOTAL	\$ 1,981,514	\$ 2,014,000

Fines & Forfeitures

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
51,850	54,850	3,000	5.8%

	<u>FY 2012</u>	<u>FY 2013</u>
■ Court Fines	\$ 28,000	\$ 30,000
■ Local Ordinance Fines	<u>23,850</u>	<u>24,850</u>
TOTAL	\$ 51,850	\$ 54,850

Miscellaneous Revenue

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
493,421	456,235	(37,186)	-7.5%

	<u>FY 2012</u>	<u>FY 2013</u>	
▪ Interest	\$ 202,785	\$ 197,165	
▪ Rents & Royalties	12,671	12,671	
▪ CHR Rents	50,000	50,000	Per contract
▪ Contributions	25,644	27,639	
▪ Impact Fees	84,412	79,000	
▪ Special Assessment	34,160	35,260	Per project terms
▪ Other Miscellaneous	<u>83,749</u>	<u>54,500</u>	
TOTAL	\$ 493,421	\$ 456,235	

*

Beginning Fund Balance

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
<u>24,270,632</u>	<u>10,860,929</u>	<u>(13,409,703)</u>	-55.3%

	Operating	Capital	Total
FY 12	\$22,064,584	\$2,206,048	\$24,270,632
FY 13	\$ 9,743,361	\$1,117,568	\$10,860,929

- Beginning fund balance carries forward the prior year's ending fund balance, plus/minus revenue/expenditure variances. It also includes capital projects that span fiscal years.
- FY12 includes unspent reserves rolled forward from FY11. Unspent FY12 reserves, currently \$6.1 million, will be rolled forward to FY13. \$5.0 million of beginning fund balance was used to pay down the pension plans' unfunded actuarial accrued liabilities.
- Per fund balance policy, 17% of general fund operating expenditures are budgeted to meet operational expenditures for the first months of the fiscal year until ad valorem tax revenue is received in early December.

Other Financing Sources

Reserve for Undercollection

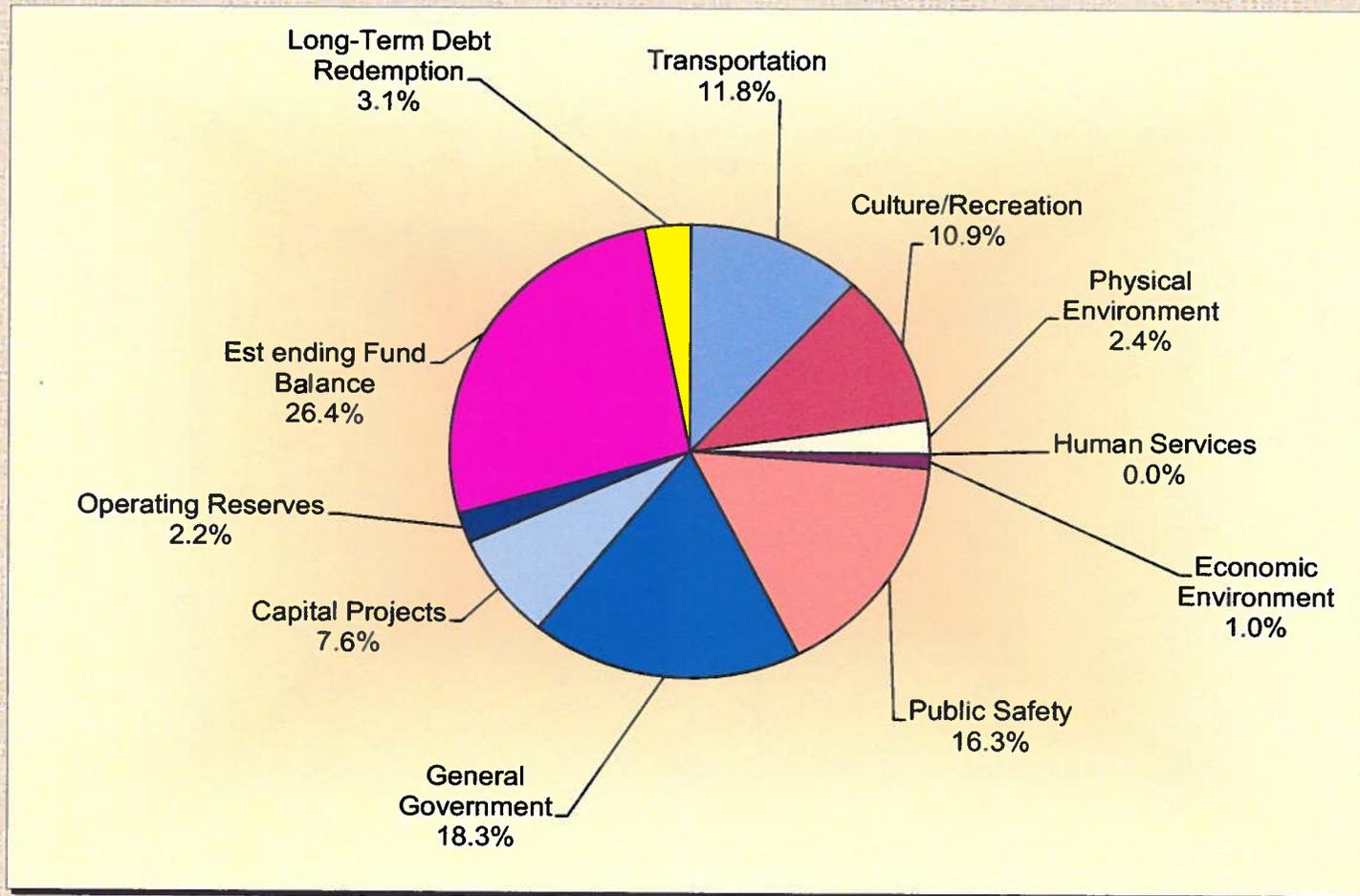
- Recognizes that taxpayers take advantage of the discount for paying ad valorem taxes in the months of November through February
- \$386,059 is reserved in the FY13 operating budget

Debt Proceeds – FY12 Amended Budget

- \$2,970,000 debt proceeds used to refund Series 2002 General Obligation Bonds; fixed rate 2.07%; term 10 years; net present value savings \$742,524 using 2.07% discount rate; \$1.2 million interest savings
- No debt refunding or borrowings in FY13 Budget

Where The Money Goes

Governmental Funds Uses = \$27,277,231



General Government-Overview

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 8,562,236	\$ 4,993,896	\$ (3,568,340)	-41.7%

	<u>FY 2012</u>	<u>FY 2013</u>
Legislative	\$ 250,654	\$ 328,473
Administrative	791,469	786,065
MIS	811,282	908,078
Finance	895,800	882,546
Legal	582,981	578,885
Planning	795,453	869,233
Ins/General Gov't/Other	<u>4,434,597</u>	<u>640,616</u>
TOTAL:	\$ 8,562,236	\$ 4,993,896

Public Safety-Overview

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
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\$ 4,660,722	\$ 4,448,068	\$ (212,654)	-4.6%
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	<u>FY 2012</u>	<u>FY 2013</u>
Police	\$ 3,674,061	\$ 3,768,321
SEMP	24,030	24,030
Federal Forfeiture	50,000	-0-
Building	<u>912,631</u>	<u>655,717</u>
TOTAL:	\$ 4,660,722	\$ 4,448,068

Physical Environment-Overview

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 733,791	\$ 660,748	\$ (73,043)	-10.0%

	<u>FY 2012</u>	<u>FY 2013</u>
Garbage-Recycling	\$ 59,300	\$ 58,940
Natural Resources Mgt	<u>674,491</u>	<u>601,808</u>
TOTAL:	\$ 733,791	\$ 660,748

Public Works/Transportation-Overview

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 4,079,043	\$ 3,215,198	\$ (863,845)	-21.2%

	<u>FY 2012</u>	<u>FY 2013</u>
Public Works-Streets Division	\$ 3,314,266	\$ 2,389,457
Public Works-Non Streets	739,777	782,741
Sanibel Estates Canal Trimming	10,000	10,000
Water Shadows Canal Dredging	15,000	-0-
Shell Harbor Canal Dredging	<u>-0-</u>	<u>33,000</u>
TOTAL:	\$ 4,079,043	\$ 3,215,198

Economic Environment/Human Services-Overview

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 270,695	\$ 280,800	\$ 10,105	3.7%

	<u>FY 2012</u>	<u>FY 2013</u>	
Below Market Rate Housing:			
Operating Expenses	\$ 7,000	\$ 5,000	CHR Contract
CHR Administrative Exp	262,695	274,800	CHR Contract
Father Madden Estate	<u>1,000</u>	<u>1,000</u>	
TOTAL:	\$ 270,695	\$ 280,800	

Culture/Recreation-Overview

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 3,051,725	\$ 2,980,458	\$ (71,267)	-2.3%

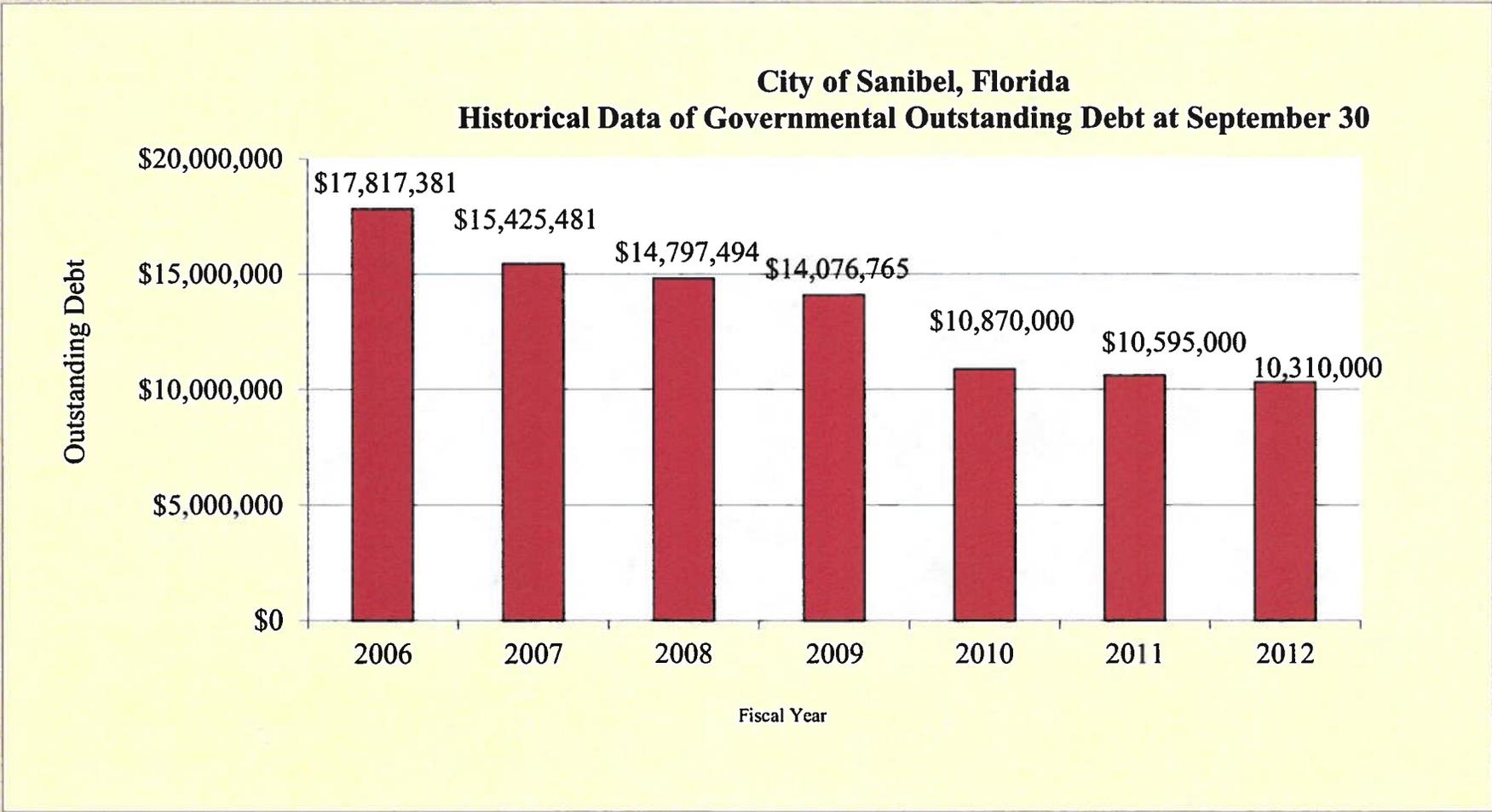
	<u>FY 2012</u>	<u>FY 2013</u>
Recreation Ctr Opr	\$ 2,000,066	\$ 1,928,722
Public Facilities	509,940	510,206
Center 4 Life	158,797	159,675
Performing Arts	14,468	14,329
Historical Museum	149,023	141,105 Agreement w/ H.M.& V., Inc.
Ball Park Maintenance	<u>219,431</u>	<u>226,421</u>
TOTAL:	\$ 3,051,725	\$ 2,980,458

Debt Service-Overview

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 3,769,108	\$ 838,679	\$ (2,930,429)	-77.7%

	<u>FY 2012</u>	<u>FY 2013</u>
2002 \$3.825M GO Bonds (Pond Apple)	\$3,259,508	\$ 331,479
2006 \$8.35M GO Rec Ctr Bonds	<u>509,600</u>	<u>507,200</u>
TOTAL	\$3,769,108	\$ 838,679

Governmental Outstanding Debt



Capital Projects/Acquisitions

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 3,315,894	\$ 2,074,212	(1,241,682)	-37.4%

	FY 2012	FY 2013
Management Information Systems	\$ 506,663	\$ 330,378
Police	277,266	350,000
Building	-	30,000
Public Works	2,531,965	1,245,000
Ballpark Maintenance	-	118,834
Total Capital Projects Funds	\$ 3,315,894	\$ 2,074,212

The FY12 amended budget includes \$1,079,278 of FY12 capital project funds that are budgeted to roll-forward to FY13. The \$1,079,278 is included in both the FY12 amended budget and the FY13 tentative budget.

Operating Reserves-Overview

RESERVES	FY2011-12		FY2012-13
	ADOPTED BUDGET	*AMENDED BUDGET	TENTATIVE BUDGET
Reserve for Contingencies	\$ 275,000	\$ 156,135	\$ 275,000
Reserve for Environmental Initiatives	1,300,000	1,300,000	-
Reserve for Insurance Deductibles	315,000	308,873	315,000
Reserve for Disasters	4,500,000	4,500,000	-
Total Reserves	\$ 6,390,000	\$ 6,265,008	\$ 590,000

*Roll-forward if not spent

Ending Fund Balance

FY 2012 BUDGET AS AMENDED	FY 2013 TENTATIVE BUDGET	AMOUNT OF INCREASE (DECREASE)	PERCENT CHANGE
\$ 8,876,310	\$ 7,195,172	\$ (1,681,138)	-18.9%

Fund Balance Policy is incorporated in the budget as follows:

17% per Fund Balance Policy for cash flow	\$1,899,780
Restricted Fund Balance (Sewer Loan)	1,925,000
Assigned for Special Revenue Funds	1,770,380
Restricted for Debt Service	276,472
Assigned for Capital Project Funds	8,991
Unrestricted (available for appropriation in subsequent fiscal year)	<u>1,314,549</u>
TOTAL:	\$7,195,172

Enterprise Funds

Sanibel Sewer
System

Beach Parking

Sanibel Sewer System Sources of Funds

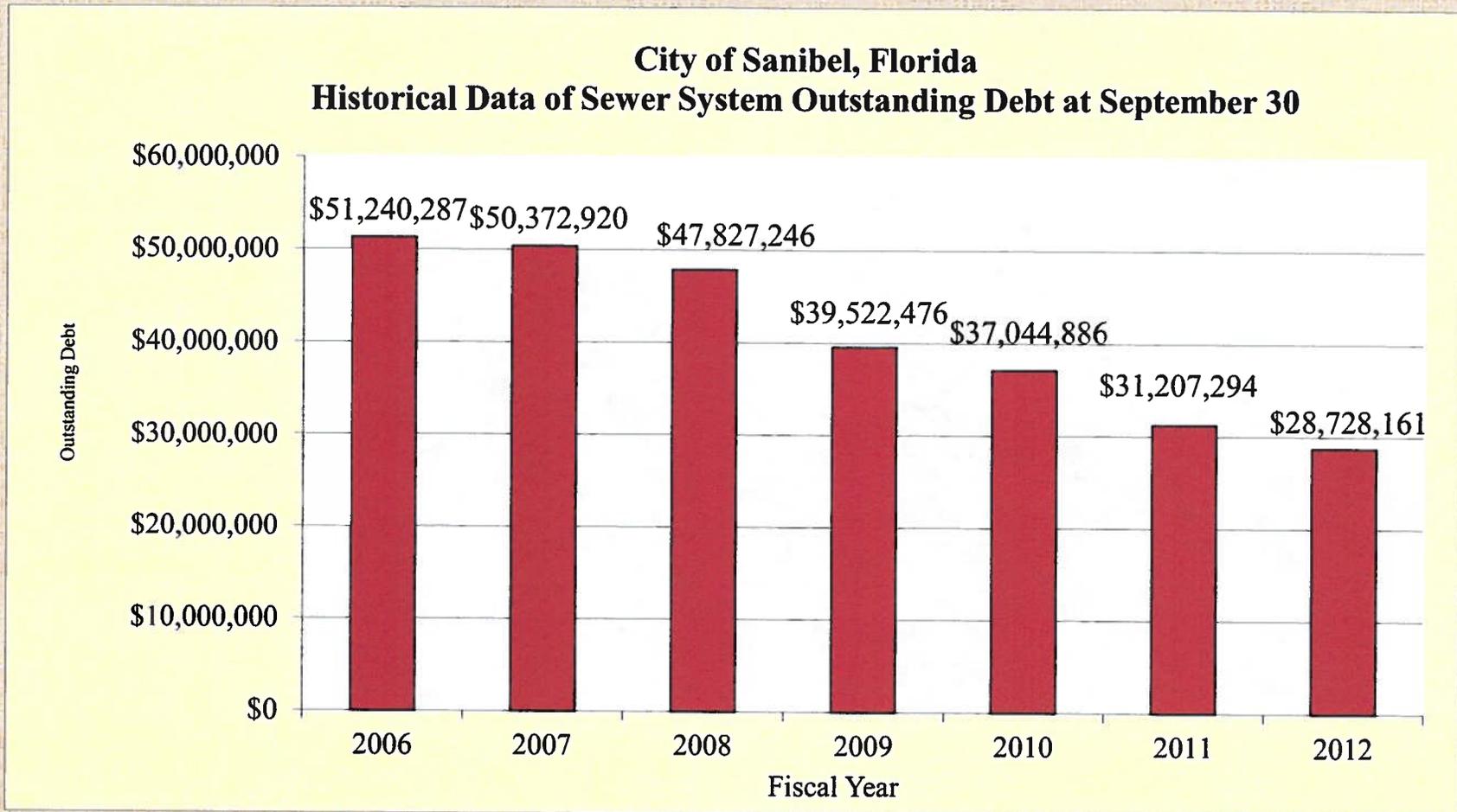
	<u>FY 2012</u>	<u>FY 2013</u>
User Fees	\$ 5,832,741	\$ 5,891,068
Fines & Penalties	20,000	20,000
Sale of Treated Effluent	260,000	260,000
Miscellaneous	99,909	156,999
Capital Contributions	-0-	-0-
Ad Val Tax-Voted Debt Service	982,132	982,524
Special Assessments Payments	929,179	838,166
Loan Proceeds	-0-	-0-
Reserve for Under Collection	(39,715)	(39,300)
Beginning Balance & Reserve	<u>773,250</u>	<u>323,650</u>
TOTAL SOURCES	\$ 8,857,496	\$ 8,433,107

Sanibel Sewer System Voted Debt Service

A 1998 voter approved referendum authorized issuance of up to \$20.4 million of debt, financed by ad valorem taxes, to reduce the assessments charged to benefiting property owners in the sewer expansion phases

Fiscal Year 2009	0.2636 mills	=	\$1,293,303
Fiscal Year 2010	0.2856 mills	=	\$1,291,540
Fiscal Year 2011	0.2484 mills	=	\$1,045,444
Fiscal Year 2012	0.2360 mills	=	\$ 992,866
Fiscal Year 2013	0.2407 mills	=	\$ 982,524

Sanibel Sewer System Outstanding Debt



Sanibel Sewer System Uses of Funds

Sewer System	<u>FY 2012</u>	<u>FY 2013</u>
Operations	\$ 4,643,962	\$ 4,440,798
Expansion Projects	-0-	-0-
Vehicles & Equipment	427,664	85,000
System Improvements	155,000	195,000
Debt Service	3,202,296	3,198,296
Repayment to GF	275,000	275,000
Disaster Reserve	100,000	100,000
End Bal./Use of Reserve	<u>53,574</u>	<u>139,013</u>
TOTAL USES	\$ 8,857,496	\$ 8,433,107

Beach Parking

SOURCES OF FUNDS

Beginning Balance Forward	\$ 688,750	
Beach Parking Permits	70,000	
Intergovernmental Revenue	224,587	
Parking Fees (\$2.00/hour)	1,200,000	
Parking Violations	60,000	
Interest	2,500	
Sales Tax Collected Due to State	<u>(72,000)</u>	
TOTAL SOURCES OF FUNDS		\$2,173,837

USES OF FUNDS

Personal Services (14.75 FTE's)	\$1,172,702	
Operating Expenses (including Indirect Costs)	1,303,051	
Capital Outlay	<u>703,000</u>	
TOTAL USES OF FUNDS		<u>3,178,753</u>
Estimated Ending Balance		\$ (1,004,916)

A provisional grant award from TDC for \$1,211,900 is expected to cover the negative balance.

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 18, 2012**

Mayor Ruane called the meeting to order at 9:05 a.m.
Councilman Congress 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)

Presentation of the “Circle of Excellence Award” to the Sanibel-Captiva Community and City of Sanibel Employees by the United Way of Lee, Hendry and Glades Counties; Sanibel Captiva Campaign Committee – Tom and Linda Uhler, Tony Lapi and Dick and Debbie Riley

Mayor Ruane spoke to the community effort.

Tom Uhler spoke to City support and the amount raised by the communities of Sanibel and Captiva.

Tony Lapi spoke to ongoing support.

Planning Commission Report Commissioner

John Talmage, Planning Commissioner gave the following report:

- Aligned the preamble of the EAR

Public Comments

Hazel Schuller spoke to the beach carrying capacity.

Council Comments

Councilman Jennings congratulations to staff for raising funds for the United Way.

CONSENT AGENDA

Mr. Cuyler noted that the agenda packet had the strike-through copy of the Historical Museum and Village, Inc. agreement, which was item b and the clean copy would be executed by City staff.

- d. **RESOLUTION 12-090 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-051 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$90,900 from the reserve for disasters for costs incurred during Tropical Storm Isaac. This budget amendment does not increase or decrease the FY12 budget)

- g. **RESOLUTION 12-091 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 12-090 and 12-091

Councilman Congress moved, seconded by Vice Mayor Denham, to adopt Resolution2 12-090 and 12-091.

Public Comment
None

The motion carried.

- a. Approval of Minutes – July 17, 2012 and September 08, 2012 Regular Meetings
 - b. Approval of a 3-year agreement between the City of Sanibel and the Sanibel Historical Museum and Village, Inc. and authorize the City Manager to execute same
 - c. Request from the Sanibel Community Association (SCA), 2173 Periwinkle Way to increase the amount of Special Events by 54 for the 2013 season (this request has been approved historically)
 - e. Approval of an amendment to CDBG agreement #5989 for a not to exceed amount of \$18,671.59 to change the completion date from September 30, 2012 to December 31, 2012 and authorize the City Manager to execute same
 - f. Approval of an agreement between the City of Sanibel and Florida Wildlife Services for a grant in the amount of \$50,000 for wetland restoration, woody plant removal and herbicide treatment the botanical site located south of San-Cap Road and approximately 2.25 miles from Tarpon Bay Road intersection and authorize the City Manager to execute same
- Mayor Ruane moved, seconded by Vice Mayor Denham, to approve the above.

Public Comment
None

The motion carried.

OLD BUSINESS

Discussion regarding EAR based amendments as recommended by the Planning Commission

Director Jordan gave a brief PowerPoint presentation.

Discussion ensued regarding major items Council focused on; 1) Beach Carrying Capacity, 2) Capital Improvements; 3) no net reduction of BMRH housing due to current number at 88 units, did not add Bailey property, if added SCCF would be involved, EAR would be sent back to Planning Commission after the current review, back to Council for transmittal to state, then back to City Council for adoption after the document returns from the state, language in report was recommended regarding Beach Carrying Capacity, top of page 8 suggested “this EAR “reaffirms” the policy that requires “the timing to be decided upon when budget restraints allow” 2nd paragraph sentence at the end, gave Planning Commission instructions and only issue of Beach Carrying Capacity was the concern the there was no budget for a study and not a penny in the budget that Council did not scrutinize, Council spends fund where it was needed, on the 25th anniversary someone who writes plans commented that Sanibel had stayed close to the plan, Planning Commission did a great job, more appropriate might be a beach condition study, should monitor the human impact, would like the Natural Resources Department to define a method, like to see an Executive Summary each year, what would be the benefit if a study was done, 1st paragraph page 7 retain the option to have a study, Mike Valliquette spoke to Council ‘s direction was to eliminate the Beach Carrying Capacity Study, which was done and residents requested it be put back in the EAR, which was done, the current language gives Council an option as written, several years staff recommendation was to remove and the data showed same, over time the study fell off Councils goals, amendment that City partners work with City, horizon very cloudy, language gives flexibility, tweak to include partners, define what Council wants to do, agree recommend should stay in, what would a study cost, take out requiring the study be done, add to next year’s budget for discussion next year, Ms. Zimomra noted there was a difference in observing and gathering data, recognize that staff was reduced by 33%, a lot of work that could be done by partners, staff from 144 to 114, does Council want a baseline and review every year or every other year, not growing to the proportion as in 2004/05, no language implying Council would do something, working with partners from a

volunteer point of view, had a lot of merit, Mike Valiquette asked if Council wanted optional or mandatory, and more people comfortable with recommendations rather than reaffirm.

Councilman Harrity moved to leave language as currently appears in the EAR.

The motion failed for the lack of a second.

Mr. Cuyler noted the executive summary was reflected in the document giving Council the ability to do a study as Council decides.

Director Evans noted staff did not want another academic study, at what point does Council want to begin, do not want to diminish, policy decisions to be address to limit, protected species data, maintaining beach and do not know the human component, and could look at wildlife habitat, should establish questions, turn back clock or hold current, continue to collect data and fill impacts, limited resources, fit priorities in and work with Council and community, keeping language as is helps involve community,

Public CommNet

Erik Lindblad spoke to looking at language and previous spoke to, but hard to define and look at what is really meant, may want to purge from document and valuable for wildlife use, need to develop a baseline for human impact, agree with Director Evans and could complete through partnership, already had volunteers and methodology, has information going back two to three decades, Mr. Lindblad read the following, “the City should broaden the monitoring of its beaches; remove “when necessary” in cooperation with its partners to better establish baseline conditions.”

Wayne Ponader spoke to COTI’s position was to have a continued recognition the importance of beaches to Sanibel, need to know when beaches were being diminished, how and when to be done needed to be decided, importance point was no language in the proposed document could not be misconstrued that Council did not think the capacity study was not a big deal, COTI would support the current language, Mr. Ponader said yes and not sure any language needed to be changed.

Claudia Burns thanked Director Jordan and staff for guiding the process. She encouraged Council to sanction a study. She noted the bike study and spoke to volunteers available.

Karen Storijohan suggested that some of the discussion be incorporated into the language. She also spoke to

Hazel Schuller asked if a beach management map could be add and could perform a human beach study.

Discussion continued leaving recommends and removing the last sentence “staff work on language to include not a City-alone project, but encompass partners.

Director Jordan noted that Council may want to look at the coastal access language on page 8 3.3.1 City continued to monitoring the condition of the beaches.

Director Planning Commission to broaden and embrace community

Policy changes highlighted by Director Jordan:

- Review peak traffic issues during season
- City should have a policy relative to buses

Recessed at 10:40 a.m.

Reconvened at 10:50 a.m.

Discussion ensued regarding the housing element of the EAR and Council good with changes.

Capital Improvements

Discussion ensued regarding recreation facility of noticeably absent was the Senior Center and not noted on page 12.

Council agreed with the above-mentioned.

Official Maps

Discussion ensued regarding Bailey land use changed; Director Jordan noted the Bailey property was always zoned residential, use part of the home, move Native Plant Nursery to Bailey property as well the ability to show films, policy and program revisions and Council would see the document again.

Public Comment

Karen Storjohann spoke to list from last meeting, map issue page 4 of 4.1 maps Section 5 environmental sensitive conservation land map, how was the environmental sensitive map into the resort district map;

Director Jordan noted Mr. Storijohan had an older version.

Ms. Storijohan spoke to the following:

- Preamble Section 1.1 page 10 last line where the town center commercial district was changed to redevelopment study for commercial district and uses and asked if Councilman Harrity was working on - Councilman Harrity answered yes,
- Section 3.2.1 page 17 Policy 7.1 Development and Redevelopment – changes in language significant and problem with word “significantly” and changes the meaning of the paragraph; she recommended removal of “significantly.” Council agreed.
- Section 3.2.2. page 12 saw tooth fish not mention in this area and may want to include as an opportunity to make a case for water quality, but was mentioned elsewhere, Director Jordan noted that Natural Resources was consulted to be consistent with state policy to protect habitat and was included under Coastal Zone and Protection, page 10
- Section 3.3.2 page 14 last paragraph in 1st column refers to water in Lake Okeechobee was categorized as fresh and wondering if word should be deleted; difference between fresh and salt water, someone may be looking at the quality of water not a category
- 4th line up in 1st paragraph in 2nd column the word “perceived” should be removed because it was not perceived, but a point. Council agreed.
- Section 3.5.1 page 6 pushes date back to receive monies from county for causeway - Mayor answered the previous sentence was due to overruns on the bridge financing
- Section 3.6.2 page 18 item 7 last paragraph in the second column second bullet – begins with “make reductions” 2nd bullet point – she noted it read at one time, “make reductions in the supply of commercially zoned land and limit creation of additional commercially zoned lands in accordance with the City’s retail market analysis, which indicates not all retail vacant commercial land can support without risking consequences of overbuilding; she suggested – “limit the creation of additional commercially zoned land, which can lead to commercial over building” changes meaning

Mr. Jordan noted that Planning Commission recommended and noted from studies completed in the past there was a surplus of commercially zoned land and not be an over building of commercial lands and not sure inconsistent.

Ms. Storijohan noted that there was no discussion and was told it would be discussed at a later date, which never happened. She further noted that there was a significant change in make reductions in the supply and limit the creation of and why was changed.

Director Jordan explained that the land around the Dairy Queen was removed. He further stated it was City policy not to increase commercial land and did not see it inconsistent because the reduction had been made.

Ms. Zimomra noted that the effort was to make the language consistent with current conditions and policy.

Director Jordan explained the City was at build out and there was only one commercial district property left and once developed could only be developed up to ten percent of the floor area. \

- Paragraph 6 page 18 paragraph consider reworking to absorb useful information
- Section 3.3.3. page 14 when referring to traffic issues during season cite were is appears in the report

BOARDS COMMITTEE COMMISSION

RESOLUTION 12-092 REAPPOINTING THREE MEMBERS OF THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN; CONFIRMING THE ELECTION OF TWO TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES BY THE MEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-092.

Councilman Congress moved, seconded by Mayor Ruane, to adopt Resolution 12-092 and fill in the blank with Ralph Clark.

Discussion ensued regarding Mr. Clark replace Mr. Mike Armstrong, Council noted to work Mr. Armstrong performed as a member of the General Employees' Pension Board and send a letter of thanks/

Public Comment

None

The motion carried

NEW BUSINESS

Request by Sanibel Captiva Conservation Foundation (SCCF) to use Roadside City Park, 1442 Periwinkle Way as the entryway to the Bailey homestead

Ms. Zimomra spoke to the following:

- City worked with SCCF on a number of projects
- Coming before the Planning Commission for a conditional use permit
- Request to create a new entrance as a joint entrance to Roadside City park
- Staff reviewed request and staff recommendations had been instituted
- Problem earlier in the year with parking at the Chamber

Mayor Ruane moved, seconded by Vice Mayor Denham, to approve request.

Mr. Cuyler noted that the document would come back to Council after going before the Planning Commission.

Erik Lindblad spoke to the following:

- Maintaining property for wildlife habitat
- Thanked staff for finding a grant for Pond Apple Park trail

The motion carried.

Request by Sanibel Captiva Chamber of Commerce for installation of pavers on the City owned lot adjacent to the Chamber parking lot

Ms. Zimomra spoke to the following:

- 1981 City entered into an agreement for use of City parking lot
- Parking also serves Pond Apple Park
- Agreement currently month-to-month
- Request for installation of pavers and performing drainage improvements
- Continue to allow access to Pond Apple Park
- Next step would be to negotiate a lease with the Chamber
- Requires day to day maintenance
- Less expensive to maintain with pavers

Rick Base spoke to the following:

- Maintaining pavers to improve parking area
- Improving overall first impressions
- Certain times in rainy season staff could not get in to the parking lot
- Chamber to pay for pavers and construction

Mayor Ruane moved, seconded by Councilman Congress, to approve installation of pavers and staff to work with Chamber for a new 30-year agreement.

Public Comment

Claudia Burns asked if pavers would be permeable and Mr. Base answered yes.

Discussion ensued regarding would City maintain property, Mr. Cuyler noted it was still City-owned and would lay out the agreement to speak to everything, would like to see a long-term lease timetable, Mr. Base noted they would get bids and try to complete before season, would the City still maintain oversight and improve conditions for chamber and visitors.

The motion carried.

CITY MANAGER

Informational Items

City of Sanibel Labor Attorney's legal opinion relative to domestic partner supplemental healthcare benefits being an issue subject to mandatory bargaining

Ms. Zimomra spoke to the following:

- Public comment for extending supplemental insurance benefits awarded to married couples to domestic partners
- Allow registration of domestic partner
- Those registered could purchase benefits
- Visited during the next contract negotiations
- Response from Labor Attorney and subject to union negotiations

Discussion ensued regarding the above-mentioned item excluded from previous bargaining.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the Tourism Development Council meeting of September 14, 2012 Update regarding meetings with members of the Lee County Board

Mayor Ruane spoke to the following:

- Request at last meeting by Historical Museum and Village

- Money for allocation comes out of stadium ballpark attraction category
- No money left in fund
- Challenge was approximately \$7.4 million with on \$6.4 million
- Reviewed all request
- Bulk of fund in beaches water quality, beach renourishment and maintenance
- Mr. Werner provided a great presentation
- Continued discussion with Twins
- \$10 million gap in Twins' request and what County could afford
- Spoke to Commissioners
- Current rotation
 - Current rotation
 - Do not have votes for a change
 - Hopeful with new members
 - Statute intent was to have municipality who submitted the largest bed tax
 - Community did not want another elected official on the Board
 - Having discussions with revenue enhancements rather than revenue cuts
 - Beaches may receive more of a share of funds
 - Spoke to component with Horizon Council in creating jobs
 - Tourism main economy engine
 - Joint meeting with TDC and Horizon

Discussion ensued regarding the goal was not to add a seat, but for Sanibel to get the current seat, beaches need to have a voice through a seat and Mayor would rotate off February/March.

DRAFT Southwest Florida Regional Planning Council Comprehensive Economic Development Strategy Plan 2012 -2017

Vice Mayor Denham spoke to the following:

- Member of the Strategic Planning Committee and Financial Committee
- Through workshops around Southwest Florida (Al Hansen And Ric Base involved)
- Series of initiatives and very academic
- Work with various programs with various communities to create public/private partnerships
- Ongoing strategic planning at different levels
- Federal requirement, working on for 9 months

Update regarding meetings with members of the Lee County Board

No report.

Horizon Council strategy document

Councilman Harrity spoke to the following:

- Need to take care of existing businesses
- Lee County gave \$25 million to develop industry
- Some funding made available

Vice Mayor Denham spoke to attending the Florida League of Cities Committee in Orlando and discovered that fertilizer would be up again preempting everyone in the state.

Discussion ensued regarding expanding existing businesses, Horizon Council plan incorporated some ideas, bed tax money should be spent appropriately, Sanibel maintains 18-miles of beaches, majority of people come to Lee County for beaches, continue to work with commission, make sure the focus on strategic plans includes others, support from Lee County Mayors and had been asked to be on the Mayors roundtable for November.

Vice Mayor Denham would try to re-arrange medical appointment and Councilman Jennings noted he would attend the MPO meeting if necessary.

PUBLIC COMMENT

Claudia Burns noted that an election cost approximately \$25,000 and if all incumbents spoke to their intent there may not be an election.

Karen Stori Johan spoke to Mayor Ruane and Mr. Werner were the only two not being paid when attending the TDC meeting.

There being no further business the meeting adjourned at 12:11 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk

**SANIBEL CITY COUNCIL REGULAR MEETING
OCTOBER 02, 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.

Mayor Ruane gave the Invocation and led the Pledge of Allegiance.

PRESENTATION(S)

Proclamation proclaiming October as Breast Cancer Awareness Month

Mayor Ruane announced that the proclamation would be forward to Susan G. Komen.

Lee Memorial Health System presentation relative to drowning prevention education

Dr. Steve Brown spoke to the following:

- Toddler drownings
- Introduced Michelle King
- Approached Community Association for a \$20,000 grant tot each schildren to swim

Mrs. Michelle King spoke to the following:

- Director of Child Advocacy Program
- Only Pediatric Intensive Care unit
- 39 children treated for near drown; 6 died
- Under the age of 4 years
- Consistent message throughout the State
- Designated water watcher (one person only watches children)
- Children drown when no one was at the pool or water
- Recommend layers of protection
- Recommend CPR for families
- Offer more compression only CPR classes
- Offer more full CPRAED classes
- Voucher program for parent/child swim classes

Andrea Miller, Recreation Director spoke to the following:

- Offer swimming lesons to all after school children from pre-school to 8th graders
- Free swim lessons during summer camp

Planning Commission Report

Chairman Mike Valiquette gave the following report:

- Jeremy Kane given permission to open an ice cream shop at the Bailey Center pending removal of two driveways

Public Comments

Sonja Smith asked about the upcoming cell tower.

Ms. Zimomra noted that the cell tower construction was up to the contractor.

Mayor Ruane explained the delay was due to budget cuts.

Mr. Cuyler noted the following

- Company contacted for upcoming construction and very closeMust apply to begin procedures

Council Comments

None

Mayor Ruane moved, seconded by Councilman Harrity, to excuse Councilman Jennings.

The motion carried.

Second Reading and Public Hearing

ORDINANCE 12-008 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED "FEES", ARTICLE I, IN GENERAL, AMENDING SECTION 90-17, VEGETATION PERMITS, SUBSECTION 2(b) TO REDUCE THE PERMIT FEE FOR MANGROVE TRIMMING AND REMOVAL; ESTABLISHING SUCH REDUCED FEE AND 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 12-008.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Ordinance 12-008.

Discussion ensued regarding reducing fees from \$108 to \$72.00 and why not have the remainder the same, Director Evans answered the reason for keeping other fees the same such as forward of the 1974 Coastal Construction Contraol Line (CCCL) was good for three years, while the mangrove trimming permit was in accordance to the 1976 mangrove trimming preservation act (state regulation) could only be a annual permit including pre and post-trimming inspection taking more staff time.

Public Comment

None

The motion carried.

CONSENT AGENDA

Staff requested item (d) be pulled and Vice Mayor Denham pulled items (b) and (c).

- c. Approval of an agreement between the City of Sanibel and Sanibel Youth Soccer, Inc., for soccer program between October 01, 2012 through December 08, 2012 and authorize the City Manager to execute same

Discussion ensued regarding having liability insurance and the City Attorney related that this was a contract and the various leagues had their own insurance, as well as the City covered by property and liability insurance under normal circumstances.

Vice Mayor Denham moved, seconded by Mayor Ruane, to approve the above-mentioned.

Public Comment

None

The motion carried.

d. Request by the Sanibel Community Church, 1740 Periwinkle Way for three additional Special Events permits for 2012 (the 6 permits authorized by code have been used for 2012)

Ms. Zimomra noted that the Sanibel Community Church had requested additional special event permits and at least one of those would be held in the sanctuary. She advised that City Council was aware that the Certificate of Occupancy was on hold due to the air conditioners issue. She asked if Council approved, on recommendation from the City Attorney the approval be on the condition the church receive the Certificate of Occupancy.

Mayor Ruane moved, seconded by Vice Mayor Denham, that the request be approved on the condition that the church goes before the Planning Commission to get their permanent Certificate of Occupancy.

Public Comment

None

The motion carried.

b. **RESOLUTION 12-096 OF THE CITY OF SANIBEL ESTABLISHING COMMITTED FUND BALANCES FOR DISASTER RESERVE, ENVIRONMENTAL INITIATIVE RESERVE AND INSURANCE DEDUCTIBLE RESERVE FOR THE CITY OF SANIBEL; PROVIDING SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 12-096.

Discussion ensued regarding the funds could be used the funds for various purposes, Director Edwards noted the amounts were adopted in the FY13 budget and the resolution commits the fund balance due to the adoption of the budget, but Council could lower the fund balance by resolution.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-096

Public Comment

Claudia Burns asked what the Environmental Fund Initiative Reserve included.

Ms. Zimomra advised that the funds had previously been used for environ

The motion carried.

a. **RESOLUTION 12-093 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-001 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward \$1,016,865 of unspent FY12 funds for: 1) \$18,672 for the City Hall footbridge to BIG Arts; 2) \$24,395 for HVAC coils for the recreation center; 3) \$1,810 for laserfiche upgrade; 4) \$14,500 Tyler Positive Pay Purchasing card; 5) \$12,353 Tyler travel; 6) \$17,000 for police in-car video system equipment; 7) \$20,000 for the Dunlop/Wooster shared use path; 8) \$280,000 for the Dixie Beach Blvd. and Bailey Road shared use paths; 9) \$200,000 for the Dinkins Bayou dredging; 10) \$30,000 for the Clam Bayou box culvert; 11) \$78,135 for a sewer ground monitoring plan; 12) \$20,000 for sewer pretreatment bypass and 13) \$300,000 for lighthouse rehabilitation. This amendment does not increase the FY13 budget)

Ms. Zimomra read the titles of Resolution 12-093.

_____ moved, seconded by _____, to adopted Resolutions 12-093 and 12-096.

Public Comment

None

Ms. Zimomra answered that it could be used for _____, _____, _____ and not used for purchase of environmental land.

The motion carried

The motion carried.

- e. Request from Marvo Entertainment Group to use the City Seal as a limited and one time use and acknowledgment for the City's contribution towards the creation of the film "America's Darling" the life of J.N. "Ding" Darling
- f. Approval to distribute the three (3) Affordable Care Act Medical Loss Ratio rebate checks for calendar year 2011 (\$1,663.01; \$11,455.56; and \$973.18) based on the percentage of total contribution by the City and employees by plan. The employees' portion of the rebate will be used to reduce the annual premium for policy year 2012-2013 for those employees covered by the group health policy on which each rebate was based
- g. Approval of an Amended Agreement between the City of Sanibel and Sonia Dalmau increasing the contract amount to \$20,000 in order to provide for an additional number of classes (Zumba) at the Sanibel Recreation Center and authorizing the City Manager to execute same
- h. Approval of an Amended Agreement between the City of Sanibel and Dalia Jakubauskas increasing the contract amount to \$45,600 in order to provide for additional types and number of classes (Cycling, Bosu and Ball, Land Aerobics, Body Sculpting and Bosu Pilates) at the Sanibel Recreation Center and authorizing the City Manager to execute same
- i. Approval of an Amended Agreement between the City of Sanibel and Mahnaz Bassiri increasing the contract amount to \$18,200 in order to provide for an additional number of classes (Land Aerobics and Body Sculpting) at the Sanibel Recreation Center and Center 4 Life and authorizing the City Manager to execute same

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

Public Comment

None

The motion carried.

OLD BUSINESS

Water Quality

Area Captains Fertilizer Legislation Outreach and Advocacy Workshop

Vice Mayor Denham spoke to the following:

- Began the process of forming a group of area captains and designed to support Council in their outreach and advocacy program

- Letter gone out to interested parties to attend a workshop 1) October 29 at 1:00 p.m. and 2) October 30 at 5:00 p.m.
- Help people understand the requirements
- Provide sample letters
- Provide information to House and Senate
- Area captains would designate an additional 10 persons each to make contact with legislators
- Area-wide education program
- Planning to piggy-back on Lee County program
- Look at various municipalities and counties to fund
- Various entities have noted funds would be available

Discussion ensued regarding captains from Sanibel and not yet regional, may expand group, any captains from Captiva, no, send captains group to all Councilmembers, initial intent was to create a wide-spread approach and assign captains throughout the region, regional captains more than could be handle at present, Lee County allocated \$200,000, some Lee County funds sent, would like to have an additional \$100,000, may or may not be an annual program, should take baby step and need area captains through Lee County, meet with the City Manager and Director Evans, intent was to ask all entities to allocate funds, at the Horizon Luncheon the Mayors of Ft. Myers and Fort Myers Beach requested a letter, which was sent, Bob Raymond would be sworn-in as Fort Myers Beach Mayor next week, Commissioner Manning noted at the Kiwanis meeting he was working with five Mayors, Mr. Cuyler would keep Council apprised on legislative movements, more effective when citizens contact legislators, number of partners, Florida League of Cities and Government Affairs Consultants as partners and others such as the Sierra Club. Carol Greene, Bonita Springs lobbyist

Public Comment

Karen Storjohann spoke to ALEC American Legislative Exchange Council – free package legislation and ALICE – organization of companies that put together legislation for companies.

Approval of Council's FY 12-13 Goals

Ruane/Harrity

Public Comment

None

The motion carried.

NEW BUSINESS

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

Ms. Zimomr aspoek to the following:

- Planning Department working list for on-year
- Goal to address properties
- Economic downturn Sanibel had seen a few dilapated properties

Director Jordam spoke to the following:

- Properties gone in to foreclosure

Consistent with

Discussion ensued regarding triggering proposed ordinances, planning department saw needs and more instances of complaints with downturn of the economy, how many houses, within 3 years have had 12 documented examples, work with property owner, success working with banks, instances of property owners legal process, but not interested in investing funds to bring in to compliance, make sure that Council understands the components, number of houses, time it took to receive cooperation, do not want staff to over react, important to explain the need, important that process was defined, Ms. Zimomra noted the draft memorandum was in Council's packet, need to explain the need, allow proposed ordinance go to Planning Commission, may want to consider an evaluation and inspection and look at bigger institutions, may want a different set of procedure for foreclosed properties and see how much of the problem could be identified, City Manager sent a list of properties that was more than twelve, staff would exhaust all avenues allowed,

Public Comment

Barbara Cooley spoke to litter and clutter and a problem was abandoned properties were used to store larger junk.

Gloria Hannan spoke to the proposal being overdue.

Claudia Burns spoke to the reservation being to much government and maybe the owner should be contacted first with a reasonable amount of time

Ms. Zimomra noted this proposal would give tools to those property owners that do not come into compliance.

Discussion ensued regarding continue that staff looked at more than three communities with legislation and nuisance property ordinance gave more leverage to bring property into compliance, property registration to identify whom was responsible, get Council a copy of PowerPoint, understand how many properties fall outside _____ parameter, provide addresses of properties to Council, was there a comprehensive data base, Director Jordan noted staff had that information and smaller due to some properties coming into compliance, became aware through citizens complaints, list of foreclosures, Ms. Zimomra noted two ways; 1) citizen complaints and foreclosed work with bank, PD follow-up for immediate danger, contact lending institution, identify and bring back presentations

Mike Cuscaden spoke to not seeing many commercial properties and found coming through a back door, which was a dump and a fire hazard.

Ms. Zimomra noted fire code enforced by the Fire department and all rear buildings was reviewed during the off season and any time please contact City staff.

Director Jordan noted that if the ordinance was adopted it would address commercial properties.

Discussion of Draft Ordinance amending the City's vegetation contractor Code provisions to establish a "Certificate of Competency – fertilizer only", in addition to the "Certificate of Competency as a vegetation contractor" and "Certificate of Competency as a vegetation contractor with fertilizer endorsement" and specifying educational and testing requirements for each category

Mr. Cuyler spoke to the following:

- Staff indicated the certificate of competency that do nothing that apply fertilizer only have to take to vegetation test and many employees do not pass the vegetation test
- Any way to attend classes and take fertilizer portion of the test
- Wanted Council to review before going to Vegetation Committee
- Addressing the Vegetation Competency testing of the code, not the fertilizer

Director Evans spoke to the following: **LISTEN 1050**

- Approached by several pest control companies

Discussion ensued regarding supporting proposed ordinance, staff consider allies regarding fertilizer, was a fertilizer endorsement and would have a fertilizer only comp card, _____ and _____, take to vegetation committee, then back to Council

Discussion and draft ordinance expanding the number of annual sidewalk sales and amending the sign requirements for these temporary events LISTEN 1055

Ms. Zimomra stated when a restaurant approached Council at public comment for an opportunity to hold sidewalk sales and was at the Planning Department level,

Discussion ensued regarding making the code consistent with practice, could go back to what was in the code or change, every year there had been a request to extend sidewalk sales, what was the community requesting, may prevent Council approval every year, signs on shared use path should not be accepted, too many signs on island, with code proposal and instruct staff to bring back to Council, allowing sidewalk sales without updating code, Council decided to have staff to review and see the violations, key issue was commercial property and must not send to many things to the Planning Department and Planning Commission,

Harrity/Congress to direct staff to take the proposed ordinance before the Planning Commission review and back to Council

Public Comment

Karen Storjohann spoke to a commercial property maintaining building to use proposed ordinance.

Gloria Hannan spoke to not having a circus atmosphere by allowing additional sidewalk sales.

The motion carried.

Council recessed at 11:17 a.m.

Council reconvened at 11:25 a. m.

Mayor Ruane noted that a resident came before Council regarding domestic partnership.

Ms. Zimomrar stated that this would come back with a full report at the November meeting.

CITY MANAGER

Informational Items

Planning Department Permit Activity Report August, 2012

Planning Department Code Enforcement Activity Report August, 2012

September Grease Trap Report

Lee Visitor Convention Bureau (VCB) Long-term Strategic Planning

Council authorize the City Manager to serve on the above. She recommended if members respond in the affirmation to bring back for re-appointment.

Timeline for Contractor's Review Board members' expiring terms on December 07, 2012

Two seats up and both have expressed a desire to serve another term. She noted that Council would want to appoint at the December meeting and advertise no.

Council agreed by consensus to advertise.

Timeline for Planning Commission members' expiring terms on January 07, 2013

Student Government Day Friday, November 09, 2012 at 10:15 a.m. – MacKenzie Hall

CITY ATTORNEY'S REPORT

Mr. Cuyler stated that a notice of Appeal for the federal courts dismissal of the boat dock litigation

COUNCIL MEMBERS' REPORT

Attendance at the Florida Municipal Insurance Trust (FMIT) and Florida Municipal Insurance Investment Trust (FMIvT) meetings September 19 to 21, 2012

Mayor Ruane noted his attendance to the two meetings and that the City had accepted FMIT for their health insurance and FMIT retained 99% of their customers. He also spoke to the FMIvT meeting and Florida being 46th in the nation to recover. He further noted attending the Kiwanis meeting and Commissioner Manning spoke to the intent was for Sanibel to have a permanent seat at TDC

Councilman Harrity spoke to the Lighthouse Association review for painting free to preserve. Ms. Zimomra noted that the company would be coordinating with the Public Works Department. He further spoke to moving Shorehaven.

Ms. Zimomra spoke to

PUBLIC COMMENT

None

There being no further business the meeting was adjourned at 11:38 a.m.

Respectfully submitted by,

Pamela

Smith,

MMC

**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 4th Quarter**

Mayor Ruane announced that Randy Wright, Public Works was the Employee of the 4th 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 4th 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 Harrity 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 29th 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 12th.

Report regarding the Recreation Center's 5th 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