



# MEMORANDUM

**DATE:** December 4, 2012  
**TO:** Judie Zimomra, City Manager  
**FROM:** Crystal Mansell, Executive Asst. to City Manager *Mansell*  
**SUBJECT:** Children's Spring Festival – Request for Waiver of Special Event Fees

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On November 14, 2012, the City of Sanibel received the attached letter from Jana Yates, Director of the Children's Education Center of the Islands (CECI) requesting Council waive all Special Event Fees for the 2013 annual Children's Spring Festival, scheduled for April 7, 2013.

For calendar years 2009 through 2012, City Council granted a waiver of the \$475 rental fee for Community Park, to CECI. All other fees such as labor, police services and equipment rental associated with the event were the responsibility of the applicant.

The estimated fees for the 2013 Children's Spring Festival, including the Community Park rental fee, are as follows:

Application Fee (Sanibel Resident/Business)	\$ 50
Community Park Rental	\$ 475
Police Services (Public Safety @ Crosswalk)	\$ 135
Safety Fencing Rental (Along Shared-Use Path & Games)	\$ 120
5 hours DPW Labor to install/remove fencing	\$ 200
Electrical Outlets (6 - 110 outlets)	\$ 60
<b>TOTAL</b>	<b>\$1,040</b>

The timeline below gives a brief history of the above subject annual event.

## TIMELINE

**2006** **NOTE:** CECI moves Annual Spring Fling from its historical location at Periwinkle Place to Sanibel Community Park for the April 8, 2006 Spring Fling. No Special Event fees in place at this time.

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**Legislative Update:** December 5, 2006 - City Council adopted Ordinance 06-016, which updated the City's regulatory system for special events permits and established application fees which became effective January 1, 2007.  
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**2007**      **Event Date:** March 24, 2007      **Permit No.:** 07-046

**City Council Action:** None  
**Motion:** None

**2008**      **Event Date:** March 22, 2008      **Permit No.:** 08-053

**City Council Action:** None  
**Motion:** None

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**Legislative Update:** March 6, 2008 - City Council adopted Resolution 08-053, which established rental fees for Community Park.  
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**2009**      **Event Date:** April 11, 2009      **Permit No.:** 09-001

**City Council Action:** September 6, 2008 (Minutes attached)  
**Motion:** Approved waiver of rental fees for Community Park.

**2010**      **Event Date:** April 3, 2010      **Permit No.:** 10-021

**City Council Action:** August 18, 2009 (Minutes attached)  
**Motion:** Approved waiver of rental fees for Community Park.

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**Legislative Update:** December 7, 2010 - City Council adopted Resolution 10-117, which updated the Special Events Schedule of Fees.  
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**2011**      **Event Date:** April 23, 2011      **Permit No.:** 11-058

**City Council Action:** June 1, 2010 (Minutes attached)  
**Motion:** Approved waiver of rental fees for Community Park.

**2012**

**Event Date:** April 7, 2012

**Permit No.:** 12-033

**City Council Action:** November 1, 2011 (Minutes attached)

**Motion:** Approved waiver of rental fees for Community Park.

12-032

- n. 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 FY11 budget by \$898,000)
  - o. Request authorization from City Council to serve alcohol (beer & wine) at the Taste of the Island Sunday, November 13<sup>th</sup> located at Community Park, 2231 Periwinkle Way (this event is sponsored by C.R.O.W.)
  - p. Approval of an Agreement and Revocable Shared Use Path Easement granted to the City by Sanibel Community Association, Inc. to allow the City to construct a crushed shell shared use path connecting the new Dunlop shared use path to the Big Arts/Herb Strauss Theater property at 2200 Periwinkle Way
  - q. Approval of the use of the City Seal for the United Way Pacesetters Campaign
  - s. Approval of a 48-month lease of a Xerox WC 4250S copier on State of Florida contract for the Center-4-Life, Recreation Department, that has print/copy/scan/fax/email capabilities at a cost of \$104.73 per month fixed rate, \$0.0099 click charge resulting in a savings of approximately \$35 per month (This copier will replace an older model that does not have print and scan capabilities. Funds are available in the FY 2011-2012 budget.)
  - t. Acknowledgement of receipt of the required petition and signatures requesting that an assessment district be established for the paving of Nerita Street and directing that City staff commence the required procedures to establish such paving assessment district
- Mayor Ruane moved, seconded by Councilman Jennings, to approve a, b, c, n, o, p, q, s and t.

Public Comment  
None

The motion carried.

- d. Request from the Children's Education Center of the Island, Inc., for waiver of Special Events fees for April 07, 2012 for the rental of Community Park and associated fees in the amount of \$1,040 (this event has been previously approved & is considered a grandfathered event. The rental fees are the only fees waived in the past)

Ms. Zimomra stated the request was to waive \$1,040 including those items that were a direct expense to the City.

John Yates spoke to the request to waive all fees. He also spoke to money generated helps children attend the center

Discussion ensued regarding total cost being \$1,040 and historically waived \$475, staff rents the fence and school representatives had installed fence, Ms. Zimomra stated the fee would be reduced by \$200 by installing and removing fence and the only fee was the application fee and other costs were direct costs.

Mayor Ruane moved, seconded by Vice Mayor Denham, to waive Community Park fee, school representatives would install and remove fence with the total fees to be paid would be \$365.

The motion carried

**SANIBEL CITY COUNCIL REGULAR MEETING  
JUNE 01, 2010**

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

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

Members present: Mayor Ruane, Vice Mayor Denham, Councilman Harrity and Councilman Jennings. Councilman Pappas was absent.

**PRESENTATION(S)**

**Proclamation recognizing Sanibel Beautiful, Inc., for their 10<sup>th</sup> Anniversary and the former Periwinkle Partnership for receiving the Award of Merit in the Transportation Category from the Florida Native Plant Society for the Periwinkle Way Restoration Project**

Mayor Ruane read and presented a proclamation to Sanibel Beautiful, Inc.

Ada Shissler spoke to Sanibel Beautiful, Inc., and cooperation of volunteers.

Mayor Ruane asked if the Special Events permit fee waiver request be moved forward. Council agreed.

- f. Request from the Children's Education Center of the Island, Inc., for waiver of Special Events fees for April 23, 2011 for the rental of Community Park in the amount of \$475 (this event has been previously approved & is considered a grandfathered event)

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

**Public Comment**

John Yates spoke to the Children's Education Special Event being a grandfathered item.

Mayor Ruane explained that all grandfathered items come before City Council.

The motion carried. Councilman Pappas was absent.

**Presentation by Dennie Hamilton, CEO and Executive Vice President, Lee County Electric Cooperative regarding power outages**

A short presentation was given by Dennie Hamilton, CEO and Executive Vice President of LCEC.

Discussion ensued regarding an electrical issue, problems with sailboats, raising the line over Pins Island Sound (the transmission line to Sanibel Island), time outage shown on PowerPoint in minutes seemed distorted, concerned that hurricane season begins, expectations, Mr. Hamilton stated a maintenance program was in place, improvements in 2007 and 2008, reviewing procedures, working with union for 24/7 coverage, benchmarking of LCEC performance not out of line, numbers updated through May, 2010, independent report coming from LCEC, important for communication of LCEC results, and the need for a timeline of LCEC improvements forward to City Manager.

**Public Comments**

Ric Base, Executive Director Sanibel Captiva Chamber of Commerce spoke to a new reward card program through the Chamber for residents. He requested a Council endorsement.

10-021

**REPORTING HOW THEIR APPLICATION CONFORMS TO THE REQUIREMENTS AND STANDARDS OF SECTION 86-43; AND SUBDIVISION II SHORT-FORM, SECTION 82-401 APPLICATION, TO REFLECT THAT A SINGLE FAMILY OR DUPLEX DWELLING UNIT THAT EXCEEDS THE THRESHOLD SIZE ESTABLISHED IN SECTION 86-43 IS NOT AVAILABLE FOR A SHORT-FORM DEVELOPMENT PERMIT; AND SUBDIVISION III LONG-FORM, SECTION 82-421 APPLICATION, TO REFLECT THAT A SINGLE FAMILY OR DUPLEX DWELLING UNIT THAT EXCEEDS THE THRESHOLD SIZE ESTABLISHED IN SECTION 86-43 IS PROCESSED AS A LONG-FORM DEVELOPMENT PERMIT; AND PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 09-011.

**Public Comment**

Claudia Burns spoke to her attendance of the Planning Commission meetings regarding Ordinance 09-011 and would help prospective homeowners.

Alan Silberman spoke his agreement of Ordinance 09-011.

Mr. Cuyler stated that there would be no vote and a second reading would be announced,

Mr. Jimmy Jordan, Planning Director spoke to the hard work completed by the Planning Commission

Discussion ensued regarding listening to public input and Council comments would be held until the second reading public hearing when a full Council was present.

Council set the second reading and public hearing for Tuesday, September 15, 2009 at 9:15 a. m.

**CONSENT AGENDA**

Mr. Cuyler spoke to item (j) regarding the use of Roetzel and Andress agreement did not want to be foreclosed to represent other clients at the Planning Commission. Councilman Harrity asked that items (g) and (e) be removed for discussion.

- c. Request from Children's Education Center of the Islands to waive the Special Event Community Park fee rental in the amount of \$475 (Last year Council waived the Community Park rental fee of \$475)

Ms. Zimomra commented that twice the fees had been updated, but historically events held without fees in the past Council had continued to waive fees for. The Children's Center event was not grandfathered in. She further commented that Council did waive Community Park rental fees for the Children's Center last year and that the Children's Center had paid the application fee and deposit.

Councilman Harrity made a motion, second by Councilman Jennings, to waive the fee of \$475 this year and consider next year when a request is made.

No public comment

The motion carried. Mayor Denham and Councilman Pappas were absent.

- g. **RESOLUTION 09-091 OF THE CITY OF SANIBEL, FLORIDA, SUPPORTING ELIMINATION OF THE CAP ON THE STATE AND LOCAL HOUSING TRUST FUNDS (HOUSING TRUST FUNDS) AND SUPPORTING FULL APPROPRIATION OF THE HOUSING TRUST FUNDS FOR HOUSING PROGRAMS; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra explained that this resolution was at the request of the Florida League of Cities to keep the document stamp funds from being depleted.

## **NEW BUSINESS**

**Request from The Children's Education Center of the Islands to be exempted from Special Event Fees for their 2009 Spring Festival to be held at Community Park (2221 Periwinkle Way) on April 11, 2009. (\$50 Application Fee and \$100 Refundable Security Deposit paid by applicant on 7/29/08 & fees requested to be waived and refunded – total approximately \$1,045**

Ms. Zimomra explained the request. She further explained that there were City expenses and legislation was adopted by Council to recapture the cost, but not to make money

Discussion ensued regarding paying the power bill for B. I. G. Arts, Ms. Zimomra stated this was within an existing agreement

### **Public Comment**

John Yates spoke to the request and explained that the funds were used to give scholarship for parents that live and/or work on the island to afford their children the opportunity to attend school. He also explained it was a non-profit organization, as well as being community-based. He stated that taxes were used to fund the development of Community Park and this was the 2<sup>nd</sup> time the Children's Education Center used the park.

Discussion ensued regarding developing a uniform policy for all non-profit organizations, Council asked for suggestions, the school paid the necessary Special Event fees for their festival to use Community Park, Ms. Zimomra stated the fee last year was \$485, understanding the finances when operating a school, the need to be equitable to everyone, may need a charitable contribution to cover the fees, should be an equity at a lower cost, and volunteers willing to perform work in order to reduce the fees.

Jeff White spoke to other organizations paying the fees and the school being a non-profit organization. He further stated the fees could not be affected across the board.

David Muench spoke to the school performing certain things to off-set cost. He stated that fees should increase as cost increase.

Ms. Zimomra stated that \$145 was a refundable deposit if there was no clean-up necessary. She further spoke to the following costs:

- \$50 application fee
- \$100 deposit
- \$475 Park Rental
- Police service
- Barricade rentals
- Safety fence
- Deposit on fence

Discussion ensued regarding different clubs having the ability to raise money, and Councilman Pappas suggested a fee of \$475, Ms. Zimomra stated that would be waiving the rental fee, if an institution had difficulty raising the money the fees should be considered, understood that there would be volunteers to put u the fence, Ms. Zimomra stated that if fees were waived the waiving of the park rental fee would set less precedent, did Vice Mayor Ruane have a conflict, Mr. Cuyler stated no, and policy may need to change if Council wanted to waive fees fir children's nature activities.

Councilmember Pappas made a motion, seconded by Councilman Jennings, to waive the \$475 Community Park rental fee.

### **Public Comment**

None

The motion carried.

## **CITY MANAGER**

### **Informational Items**

#### **Community Housing Resource (CHR) Quarterly Financial Statement**

Ms. Zimomra advised the report was in the agenda packet as per the agreement between the City and CHR.

#### **Follow-up from ECHO regarding composting of Red Drift Algae**

Ms. Zimomra stated that at a previous meeting a resident asked if Sanibel had considered using a group called ECHO. She explained that a recent newspaper article stated that they had accepted some of the algae from Ft. Myers Beach to compost. But after one load they found there was too much sand and too many seashells.

#### **Status of storm surge as a result of passing Hurricane Gustav**

Ms. Zimomra explained that there was flooding at Lighthouse Beach and was closed for several days. She further stated that a common question was what wind speed would the bridge close. She spoke to the following:

- Do not wait to cross the Causeway
- Bridge does not close, but does become unsafe to cross

She further stated that some areas on the east end also flooded. She called Council's attention to a response from the County planning to take care of sand in the out fall pipes on the Causeway.

#### **Appointment of the City Clerk to the Florida League of Cities Intergovernmental Relations Legislative Policy Committee**

Ms. Zimomra advised that Pamela Smith, City Clerk was appointed to serve on the above-mentioned Florida League of Cities Committee. She further stated that the single important issue was the Healthy Beach Program.

She further spoke to the Healthy Beach Program would be the piece of legislation that would go to the Legislative Delegation unless Council decided on another topic.

## **CITY ATTORNEY'S REPORT**

None.

## **COUNCIL MEMBERS' REPORT**

### **Scheduling a time to discuss the process City Council will utilize to fill the upcoming City Council vacancy**

Mayor Denham suggested Council think of the procedure used to replace Councilmember Johnston and a variety of ways to accomplish a possible appointment.

Discussion ensued regarding replacing Councilmember Johnston, recommended Armand Ball that would not run for election, would like to think about position and discussion on September 16, do not want to advertise, orientation beneficial, can Ms. Johnston vote, Mr. Cuyler stated the charter reads that the remaining members could vote to replace Ms. Johnston, no legal opinion of when the decision should take place, Council asked that Mr. Cuyler issue an opinion regarding the vote, discussion on the process on the September 16 agenda.

Karen Storjohann suggested an announcement advising the community that there would a discussion on September 16<sup>th</sup> and why

**CITY OF SANIBEL**

**RESOLUTION 10-117**

**A RESOLUTION AMENDING THE SPECIAL EVENTS SCHEDULE OF FEES FOR THE CITY OF SANIBEL WHICH ESTABLISHES FEES FOR RENTAL OF VARIOUS EQUIPMENT FROM THE CITY AND RENTAL FEES FOR CITY FACILITIES INCLUDING COMMUNITY PARK AND BOWMAN'S BEACH PARK; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council adopted Resolution No. 10-069 pursuant to the authority of Sanibel Ordinance No. 06-016, as amended, in order to set forth the most current Schedule of Fees for Special Events Permits, and

**WHEREAS**, the City Council finds and determines that it is necessary to amend the previously adopted Schedule of Fees for Special Events;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sanibel, Florida, that:

**SECTION 1.** The City of Sanibel Special Events Schedule of Fees as adopted through Resolution No. 10-069 and as set forth on attached Exhibit "A" to this Resolution is hereby amended as noted with underlined language showing additions and ~~strike through~~ language showing deletions and such amended Schedule of Fees is hereby approved.

**SECTION 2.** Effective Date.

This Resolution shall take effect immediately upon adoption.

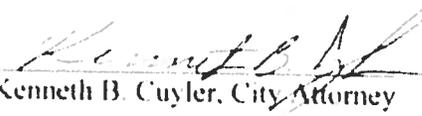
**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 7th day of December, 2010.

**AUTHENTICATION:**

  
Kevin Ruane, Mayor

  
Pamela Smith, City Clerk

APPROVED AS TO FORM:

  
Kenneth B. Cuyler, City Attorney

Date 12/7/10

Vote of Council members:

Ruane	<u>yea</u>
Denham	<u>yea</u>
Harrity	<u>yea</u>
Jennings	<u>yea</u>
Pappas	<u>excused</u>

Date filed with City Clerk: December 7, 2010

## SPECIAL EVENTS SCHEDULE OF FEES

\$50 Non-refundable Special Event Permit Application Fee – Resident Rate (\*\*)  
 \$100 Non-refundable Special Event Permit Application Fee – Non-resident Rate

\$50 Non-refundable Holiday Sidewalk Sales Special Event Application Fee

\$5 per day late fee for applications submitted later than 30 days prior to the event (\*\*)

Refundable Clean-up and Damage Deposit as follows for events held on public property:

- \$50                      100 participants or less (\*\*)
- \$100                     101-500 participants (\*\*)
- \$250                     501-1000 participants
- \$1000                    1000 participants or more

~~\$50~~ \$54 Tent Permit Fee

\$25 Overnight Parking Fee, per vehicle, per event, on all City Properties

\$10 Daily Power Usage Fee for electrical connection at any City owned property (for each 110 Volt Outlet - per 24 hour day or any portion thereof)

\$20 Daily Power Usage Fee for electrical connection at any City owned property (for each 220 Volt Outlet - per 24 hour day or any portion thereof)

\$250 Road Closure Fee (Inspections by Chief of Police, and Public Works Personnel) (\*\*)

\$1 each Traffic Control Device Rental (ie: Barricades/Cones) (\*\*)  
 (For road closures and no parking notification, a barricade/cone is required every 10 feet.)

\$30 Installation and Tear-down of temporary barricades & traffic control devices

Temporary Fencing Rental, per 100 feet, including five (5) posts

Resident	Non-Resident
\$10	\$20

Temporary fencing rental refundable damage deposit \$40, per 100 feet

\$40 Installation and tear-down of temporary fencing, per 100 feet.

Portable Light Stand, per day

Resident	Non-Resident
\$15	\$30

Portable Light Refundable Damage Deposit \$250, per light stand

Delivery Charge of \$30 for City Equipment Delivered to event location





**CHILDREN'S EDUCATION CENTER OF THE ISLANDS**  
350 Casa Ybel Road • Sanibel, FL 33957 • 239-472-4538

CITY OF SANIBEL  
ADMIN./LEGIS.

12 NOV 15 AM 10:26

RECEIVED BY

November 14, 2012

Ms. Judie Zimomra  
City Manager  
City of Sanibel  
800 Dunlop Road  
Sanibel, Florida 33957

Dear Miss Judie:

As you are aware, the Children's Education Center of the Islands is a non-profit, tax-exempt, parent-owned cooperative. The pre-school was established in 1974 to serve the educational needs of the children of Sanibel families and the children of parents who are employed on Sanibel, as well. All funds used to operate the school and provide a quality education for our pre-school age children are derived from four sources; tuition, fund-raisers, grants, and donations. Families who cannot afford the tuition are allowed to apply for a scholarship to provide their children with an equal opportunity to attend the Children's Education Center and receive a desirable, high quality pre-school education.

Each Spring, for the past 18 years, the Children's Education Center has held their annual Spring Festival. The Festival is held for two very important reasons. The first is to give back to the Sanibel community by providing an exciting and fun filled event for the children and families of our residents and guests. The second reason is to generate some of the necessary capital to fund the scholarship program at the school. Months of planning and preparation are devoted to the Festival each year. The success of the Spring Festival is produced only through the donation of many hours of staff and volunteer time.

The availability of scholarship money to help those children in need is directly dependent upon the success of the Spring Festival. Therefore, any expenditure incurred to produce the Spring Festival is carefully evaluated and assessed each year with regard to the effect it may have on the overall scholarship

fund. Keeping costs to a minimum while still providing a quality festival is of the utmost importance.

Focusing on this need to minimize costs, I would like to address the Sanibel Special Events-Schedule of Fees. If the tax exempt, non-profit Children's Education Center were exempt from these Special Events fees, now, and in the future, additional funds in the amount of the fees could be added to the school's general scholarship fund.

The Children's Education Center of the Islands is currently "celebrating 38 years of dedication to education". During these 38 years, a majority of Sanibel residents and Business owners have attended the school, or their children have attended, or their grandchildren have attended. The Children's Education Center is very much an integral part of our community and provides an excellent head start in education to all who attend.

The children, parents, teachers, and I welcome the opportunity to appear before the Sanibel City Council at the next scheduled meeting to present our case for Special Events Fees exemption.

I await your reply. Thank you.

Best regards,

A handwritten signature in cursive script that reads "Jana D. Yates".

Jana D. Yates  
Director-The Children's Education Center of the Islands  
350 Casa Ybel Road  
Sanibel, Florida 33957

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Public Comment  
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The motion carried.

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