

**SANIBEL CITY COUNCIL REGULAR MEETING  
MAY 20, 2008**

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

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

Mayor Denham spoke to Vice Mayor Ruane's mother having surgery today and that he had requested to be excused from the meeting.

Councilmember Johnston made a motion, seconded by Councilman Pappas, to excuse Vice Mayor Ruane from the meeting.

The motion carried.

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

Ms. Zimomra spoke to the previously adopted ordinance to manage Australian pines. She further spoke to the Police Department evaluating pines that would impact evacuation routes and followed by removing the trees. She also stated that residents contacted staff, work was stopped, the City Attorney evaluated the process and staff was following the ordinance. She advised that competitive quotes were taken and trees would be topped rather than removed.

**Public Comments**

Hazel Schuller requested that segway tours publish their route and Council review the license compliance of tours being between Dixie Beach and Bailey Road. She also requested a review on beach management guest services with a report to Council.

Judy Michie spoke to receiving a phone call of whom to call when a problem existed and information should be published.

Claudia Burns, representing "Friends of the Pines" thanked staff for topping the pines rather than removal. She further spoke to the state not requiring eradication of pines, but give a choice to eradicate the pines of maintained.

Ms. Zimomra passed a police report where a pine fell and caused a car, home damage, and road block.

Jim Lavelle spoke to an article in the News Press regarding municipal expenses. He asked the City Manager what guidelines were given relative to the budget.

Ms. Zimomra stated that a budget would be brought forward to meet the last year's services with a list of enhancements or decrease in services. She further spoke to a number of retirements/resignations that would allow a significant reduction in the employee head count with the exception of critical needs. She further stated that depending on the property evaluation millage could be reduced, and the mid-year adjustments/cuts have already been made.

Louise Johnson thanked staff for topping pines rather than removing them. She spoke to a conversation in the Keys of pine removal and there was compromised by maintenance. She asked why coconut palms were not used more with plantings.

Ms. Zimomra stated that there was an approved tree list that was used with a major emphasis put on diversity.

Yoland Welch stated she did not understand girdling and poisoning of Australian pines behind private property and does the City discuss the matter.

Ms. Zimomra stated that as long as methods used were under state and city ordinance a private property owner could do so as long as it does not violate any laws.

Mr. Cuyler stated that Council went to great length at the request of property owners to adopt an ordinance that allows private property owners to eradicate pines. He stated he would call SCCF if Council directed.

Discussion ensued regarding the City Attorney calling SCCF, and residents attending a SCCF Board meeting to voice their opinion.

Rosalie Fairman spoke to pines being destroyed on conservation land and piled the pines on her property line, which look to be a fire hazard. She spoke to calling the Fire Department.

Billy Kirkland spoke to the cut-out done on Periwinkle Way.

Ms. Zimomra stated the areas with significant rutting would be paved.

### **Council Comments**

Councilman Jennings spoke to the comments made by Ms. Welch of dead pines piled up on private property and Council may want allow the Vegetation Committee discuss pines.

Ms. Zimomra suggested bring information of what the fire district authority.

Councilmember Johnston spoke to the 2<sup>nd</sup> reading of the proposed utility tax and items should be discussed before an ordinance was brought forward.

Councilmember Johnston made a motion that in the future if there was interest to discussed increase forms of taxation that those items come before Council as general discussion before the regular hearing process.

Discussion ensued regarding Council understands the process, statutes regulate Council conducting business, recognize the formal process, Councilmember Johnston insisted the 2<sup>nd</sup> reading be done at the next meeting rather than Council's recommendation to hold off until a later date, and continue to use agenda items come from a Council meeting.

The motion died for the lack of a second.

Councilman Pappas spoke to not liking the public speaking light. He also spoke to Mr. Lavalley's comments of staff direction regarding the budget and confident Council would not take the budget process lightly. He further spoke to coconut palms not growing north of Sarasota and there were enough on the island. He also spoke to having dead/dying pines on his personal property and he agreed with the SCCF policy.

Discussion ensued regarding previous public comment being very passionate in speaking, and policy adopted by Council of 3 minutes for each public speaker.

### **Planning Commission Report**

Commissioner Dr. Phillip Marks gave the following report of the May 13, 2008 Planning Commission meeting as follows:

- LDC subcommittee discussion regarding temporary permits for vegetation

- Approved an elevated swimming pool on West Gulf
- Conditional use application for segway tours and return for monitoring

## CONSENT AGENDA

- d. **RESOLUTION 08-058 ACCEPTING A PERPETUAL UTILITY EASEMENT, BILL OF SALE AND AFFIDAVIT OF NO LIEN FOR WASTEWATER FACILITIES, FROM SANIBEL COMMUNITY ASSOCIATION, INC. (SCA) FOR COMMUNITY PARK SEWER LATERAL ON SCA PROPERTY; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.** (2173 Periwinkle Way)
- f. **RESOLUTION 08-060 AMENDING THE SCOPE OF DUTIES AND RESPONSIBILITIES OF THE PARKS AND RECREATION ADVISORY COMMITTEE; APPROVING THE REVISED SCOPE; AND PROVIDING AN EFFECTIVE DATE.**
- g. **RESOLUTION 08-061 EXTENDING THE TERMS OF ALL EXISTING MEMBERS OF THE SANIBEL HISTORICAL PRESERVATION COMMITTEE, MARINE ADVISORY COMMITTEE, PARKS AND RECREATION COMMITTEE, VEGETATION COMMITTEE AND WILDLIFE COMMITTEE, WHOSE TERMS WOULD OTHERWISE EXPIRE, TO OCTOBER 31, 2008; AND PROVIDING AN EFFECTIVE DATE.**
- h. **RESOLUTION 08-062 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-049 AND PROVIDING AN EFFECTIVE DATE** (To: 1) appropriate \$5,405 in additional interest earnings from the Recreation Center Project; 2) reimburse the General Fund reserve for Recreation Project for \$5,405; 3) transfer \$261,883 from the construction reserve for contingencies as approved by City Council on January 28, 2008 for Peter Brown Construction change order #11. This amendment increases the FY08 budget by \$5,405 to recognize interest earnings; it does not expend these additional reserves)
- Ms. Zimomra read the titles of Resolutions 08-058, 08-060, 08-061 and 08-062

Councilman Jennings made a motion, seconded by Mayor Denham, to adopt Resolutions 08-058, 08-060, 08-061 and 08-062.

Public Comment  
None.

The motion carried. Vice Mayor Ruane was excused.

- a. Approval of Minutes – December 18, 2007 Joint City Council/Planning Commission Meeting, September 18, 2007 Regular Meeting, May 06, 2008 Regular Meeting and May 06, 2008 Goals Workshop

- b. Award a 2-year cleaning contract for City Hall cleaning to Bar-Low of Naples, Inc., in the amount of \$22,488.00 annually and authorize the City Manager to execute same
- c. Award a 2-year cleaning contract for Beach Parks Restrooms and Community Park Restroom to Bar-Low of Naples, Inc., in the amount of \$34,968 annually and authorize the City Manager to execute (Tourism Development Council (TDC) funds the cost of cleaning the 6 beach parks restrooms)
- e. Approve an agreement for consulting services with Coastal Planning and Engineering, Inc. to perform the 2008 Beach Monitoring Survey in the amount \$46,656 and authorize the City Manager to execute same (Tourism Development Council (TDC) to fund \$23,328 of the survey costs)

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

The motion was carried. Vice Mayor Ruane was excused.

## **OLD BUSINESS**

### **Water Quality Issues**

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

#### **Letter sent to stakeholders regarding City Council Calooshatchee River Watershed Protection Plan Management Measures**

Ms. Zimomra stated that the letter was sent to all regional elected officials. She further stated Fort Myers mayor contacting Mayor Denham for a meeting, as well as including City Managers.

Discussion ensued regarding a sense of other priorities, and Dr. Loflin stated that in addition the letter being sent to elected officials it was sent to staff members of the governmental entities, SFWMD makes the decision of the list of projects for the Northern Everglades, then would be taken to legislators for the final decision, working with various levels of the SFWMD, Ms. Zimomra stated that the letter was to gain consensus on projects with municipalities and then carry the list to legislators.

#### **Progress report on Regional Planning Council urban pollution control efforts**

Mayor Denham spoke to the work being done by the Regional Planning Council, 5 priorities that cover 6 counties and adopted water quality legislation. He further spoke to a 4<sup>th</sup> resolution on septic systems coming to the Regional Planning Council for adoption. He also spoke to the fertilizer pre-emption being defeated during the legislative session.

Dr. Loflin spoke to the following:

- Between July 1 and September 30 by ordinance no fertilizer could be used on island due to the strong correlation and the amount of nitrogen and phosphors in waterway

#### **Public Comment**

Jim Lavelle spoke to the proposal of on-site treatment facilities and in Wisconsin every 2 years there had to be an inspection of septic fields.

#### **Staff Reports**

Dr. Loflin gave the following report:

- Algae bloom in Lake Okeechobee and dispersed
- Algae bloom in the Caloosahatchee River

Discussion ensued regarding algae still in waters surrounding Sanibel.

**Junonia Street, Nerita Street and Donax Street Area Traffic Report and Follow-up Recommendation from the Public Works Director to approve paving of Junonia Street from Donax Street to Nerita Street as petitioned by more than 80% of property owners; Project to include realignment of the Junonia Street and Nerita Street intersection**

Ms. Zimomra noted a petition was brought to Council consistent with Council policy, which requires 80% of residents signing a petition prior to paving streets. She spoke to the concern of impacting neighboring streets and Council authorize traffic counts during and off-peak seasons in the neighborhood. She advised that traffic count information was in the Council packet, and recommendations were as follows:

- To pave Junonia Street
- Install a T-intersection at Junonia and Nerita Streets

**Donax area traffic study – preliminary options and recommendations**

Ms. Zimomra stated that there were further staff recommendations.

**Memorandum from Police Chief on Donax Street speed survey**

Ms. Zimomra called Council's attention to Police Department's speed survey information.

Discussion ensued regarding installing a 10 m.p.h. speed limit sign, keep traffic lower on Junonia Street, Donax Street and Nerita Street, Ms. Zimomra stated that the project was funded two-thirds residents and one-third City, Mr. Cuyler stated that there would be an assessment of the project coming back to Council, payment within 3 years from property owners, and property issues, project late summer, but before peak season, could there be 4-way stop at the intersection of Donax and Junonia Streets, Ms. Zimomra that would be additional step if there were additional needs, Mr. Castle stated that state law required 30 m.p.h. on residential streets, but it could be reduced by 5 m.p.h.

Mr. Gates Castle gave the following report:

- Signage was appropriate
- 90 degree intersection would help vehicles slow done

**Public Comment**

Done Ruhe spoke to her agreement of staff recommendation.

Judy Michie spoke to Cardium Street not included.

Ms. Zimomra advised that Cardium was not in the project.

Mayor Denham made a motion, seconded by Councilmember Johnston, to approve staff recommendation and authorize Public Works and the City Attorney's office to initiate the necessary assessment hearings.

The motion carried. Vice Mayor Ruane was excused.

**Presentation by Sanibel Dog Park, Inc.**

**Sanibel Dog Park, Inc. PowerPoint**

**Staff Memorandums**

**Memorandum from the Parks and Recreation Advisory Committee**

Dr. Sugarman gave a brief PowerPoint presentation and recommended.

- City own the dog park

- Construction and maintenance financed by Sanibel Dog Park
- Park to be policed for cleanliness by members of Dog Club
- Access restricted to Sanibel Licensed dogs with proof of rabies vaccination and other immunizations
- Designed to be environmentally sensitive
- Include a waste disposal system
- Use mulch to minimize urine odor and optimize its oxidation

Public Comment

John Carney spoke in opposition a dog park.

Dr. Steve Brown spoke in favor of a dog park.

Ann Yarnel spoke in favor of a dog park.

Billy Kirkland spoke in favor of a dog park.

Claire Mallon spoke in favor of a dog park.

Hazel Schuller spoke in opposition of a dog park. She suggested that the Sanibel Dog Park become a 501 3C, rent a vacant lot, request a variance and there being nothing in the LDC.

Andy Boyle spoke not in opposition of a dog park, but against putting a proposed dog park near Ocean's Reach.

Dr. John Harries, spoke on behalf of COTI and in favor of a dog park, but not on Environmentally Sensitive Land.

David Bath spoke in opposition of a dog park. He further spoke to he and wife managed a dog park for 20 years, problems with dogs fighting, problems with owners trying to break up Malay and get bitten, dogs escape, and recipient of unwanted pets.

Ann Merritt spoke in favor of a dog park.

Patrick Martin, Acting "Ding" Darling Manager spoke to concerns as being, location, ecology management, refuge has track of land beside Gulfside City Park and against a dog park beside environmentally sensitive land, may increase beach use, bird nesting, no concerns on property on Causeway, further area on Island Inn Road.

Erick Lindblad, SCCF Director spoke in opposition of a dog park at Gulfside City Park, need an Island Inn Road discussion, community aspect should be considered, and need an alternate site other than beach area.

Dr. Steve Brown spoke a second time to not being in favor of a dog park at Gulfside City Park. He also spoke to giving the proposal a try.

Doris Bigliatti spoke against the Gulfside City Park dog park proposal.

Judy Michie asked if the Sanibel Dog Club goes defunct would the operation go to the City.

Karen Storjohann spoke against the City having an additional expense and agreed Hazel Schuller's comments.

Dr. John Harries spoke a second time to COTI being in favor of the vision statement.

Rosalie Fairman spoke to the bike path being dangerous for walking a dog.

Dr. Harvey Sugarman spoke to wanting to work out a location for a dog park, way to set up gaining entrance to a dog park.

Discussion ensued regarding visiting a dog park in Seattle, Washington, avoiding placement on environmentally sensitive land, staff would not be in the center of making a dog park work, how would it be run, find a site that would meet criteria, create rules, would there be a contract with City, design of dog park, Sanibel Dog Club private 501 3C, and no other private organizations requested land for a project, continue discussion on June 03, 2008, City had arrangements with other 501 3C's, need defined understanding if part of Island Inn Road property could be used, Dog Club generate rules, can't contend the reasoning of no additional taxes, but want more services, staff would not be responsible for proposed dog park, and Sanibel Dog Park to bring rules, and proposed property, etc. back to Council.

Council recessed at 11:39 a. m.

Council reconvened at 11:49 a. m.

### **Recreation Center Issues**

**Options for Recreation Center Summer Hours and a memorandum of recommendation from the Parks and Recreation Advisory Committee**  
**RESOLUTION 08-063 APPROVING BUDGET**  
**AMENDMENT/TRANSFER NO. 2007-050 AND PROVIDING AN EFFECTIVE**  
**DATE** (To transfer \$11,385 from the Recreation Center reserve for contingencies to fund ten weeks of summertime expanded pool hours. This amendment does not increase the FY08 budget)

There was no action taken.

Ms. Zimomra stated that staff tried to hours of operation through usage and the proposal would be funded through existing reserves. She further stated that Mondays, Wednesday and Fridays had the most usage.

Discussion ensued regarding supporting option C, continuity approving option A1, should not cut hours when the day was longer, Ms. Zimomra stated that staff did not recommend A1, but Parks and Recreation Committee recommended a modified version of A1, \$111,000 from membership not yet appropriated, should not touch the \$111,000 until the first quarter of FY 2008/09, should accommodate school break and start the day at 6:00 a. m., option B1 costs were \$29,622 due to pool hours expansion, 6:00 a. m. to 7:00 a. m., and statically relatively minimal, open 3 days per week and after hours for children, Ms. Zimomra spoke to the need to constrict early morning hours and adjust swimming Monday, Wednesday, and Friday to keep the cost within \$25,000.

Armand Ball, Parks and Recreation Chairman spoke to the following:

- Do not have one-year operational statistics
- Committee felt strongly that pool hours needed to be extended
- Recognize early morning schedule and after 5:00 p.m. usage
- Committee recommend spending \$11,000 of \$111,000
- \$111,000 remaining of the initial \$214,000 membership fees
- Families could use facility to 8:00 p.m. during summer due to light
- Need a decision today

Discussion ensued regarding do not know what the tax situation would look like until property appraiser send figures, need to have a compromise, holding this year's revenue off a quarter, Ms. Zimomra stated that Council put money aside for extended hours and already appropriated \$25,000 leaving \$25,000 and no need to tap the \$111,000 membership fee revenue, when recreation center initially opened there were peak hours with 2 people at the front desk, but now there was 1 person at the front desk, facility needs to be made available, Ms. Zimomra stated that option A was closest to bring a package of hours matching the budget, members feel that the membership fees should go to extended hours, membership fees are very low and do

not cover operation of the facility, Ms. Zimomra stated that \$11,000 could come from the contingency fund or funds from other departments could be cut, Option B included staggered hours, fund the operation at \$25,000 and direct staff to decide hours of operation, open at 7:00 a. m. rather than 6:00 a. m., and move those 5 hours to the middle of the day for something else.

Councilmember Johnston made a motion, seconded by Councilman Jennings, to keep the \$111,000 of membership revenue intact until the first quarter of FY 2008-09 and direct staff to fund summer operations using existing appropriations.

Dr. John Harries spoke to how few people are in the weight room between the hours of 5:00 p.m. and 6:00 p.m.

Karen Storjohann spoke to opening the pool during the summer.

The motion carried. Vice Mayor Ruane was excused.

Ms. Zimomra explained that the \$111,000 could only be expended by Council approval.

Mr. Cuyler noted that there was no action on Resolution 08-063.

**Staff recommendation for summer aerobics contract and supporting memorandum from the Parks and Recreation Advisory Committee**

**RESOLUTION 08-064 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-051 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$4,850 from the Recreation Center reserve for contingencies to fund land aerobics between June 9 and September 30, 2008. This amendment does not increase the FY08 budget)

Ms. Zimomra read the title of Resolution 08-064. She stated that this recommendation was for aerobics class 3 mornings and 2 evenings per week.

Mayor Denham made a motion, seconded by Councilmember Johnston, to adopt Resolution 08-064.

The motion carried. Vice Mayor Ruane was excused.

**COMMITTEES BOARDS COMMISSION**

**Memorandum from Parks and Recreation Advisory Committee concerning Shade Structure at Community Park**

Discussion ensued regarding a previous decision not to fund unless there was private monies, Armand Ball asked if a substantial amount of funds could be raised could the remaining amount come from the contingency line item, trees should be planted for shade, listened to residents at the last Council meeting saying no to the shade structures and wanted fireworks, Ms. Zimomra stated that footers would be installed to attach the canvass shade structure that could be removed for an impending hurricane.

Mayor Denham made a motion, seconded by Councilmember Johnston, to approve the shade structure for the Community Park playground equipment if the Parks and Recreation Committee could raise 80% of the \$25,000.

The motion carried. Vice Mayor Ruane was excused.

**Memorandum from the Parks and Recreation Advisory Committee concerning Corporate Membership**

Mayor Denham asked that the City Manager negotiate a fairer fee with the Sanctuary Golf Club.

Discussion ensued regarding the need to have the City Manager negotiate, the Sanctuary had the ability to pay the fee, and no one else requested special treatment.

Council agreed.

## **NEW BUSINESS**

### **Request from the Friends of Don, Inc., Independence Day Parade Committee, for City sponsorship and waiver of special event fees**

Ms. Zimomra stated that Council had decided by adopting a series of fees to be passed on to those having Special Events on island. She further stated last year City Council agreed to donate the cost of labor, which was about \$1,800. She further stated the labor cost this year would be \$ and also asked the waiver of Special Events permit fee of \$316 and could this decision set a precedence.

Discussion ensued regarding this being a great event.

Trish Phillips stated that the funds generated made the parade possible for the next year.

Councilmember Johnston made a motion, seconded by Councilman Jennings, to support waiving the fees and cost and being a co-sponsor

The motion carried with Councilman Pappas voting in opposition. Vice Mayor Ruane was excused.

## **CITY MANAGER**

### **Informational Items**

#### **Budget Issues**

#### **Staffing Changes**

Ms. Zimomra spoke to recruiting for Finance and Recreation Director. She informed Council that the Assistant Recreation Director had resigned. She further stated that one of two Code Enforcement Officers would be retiring.

### **City Hall Closed May 26 in Observance of Memorial Day**

Ms. Zimomra reminded Council that City Hall would be closed.

### **Commissioner Hall meeting of Thursday, May 01, 2008**

This item was not discussed.

### **Statistical Information from Southwest Florida International Airport and March 2008 TDC Visitor Profile and Occupancy Analysis**

#### **Development Permit Activity Report for April 2008**

#### **Code Enforcement Activity Report for April 2008**

#### **Community Housing & Resources, Inc. (CHR) Quarterly Financial Statement**

Ms. Zimomra called Council's attention to the agenda packet information.

## **CITY ATTORNEY'S REPORT**

None

## **COUNCIL MEMBERS' REPORT**

### **Horizon Council By-laws**

Discussion ensued regarding no alternate for the Horizon Council, Councilman Pappas asked that Councilman Jennings be the liaison for the Horizon Council, Councilman Pappas stated that the Horizon Council spoke very highly of Councilman Jennings. Councilman Jennings decided to be the liaison to the Horizon Council.

Councilman Pappas stated that discussion of the weigh station would be on the June 03 Council meeting, and discussions of the Sanibel Bayous would be forth coming.

**PUBLIC COMMENT**

None.

There being no further business the meeting was adjourned at 12:51 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk