SANIBEL CITY COUNCIL REGULAR MEETING
JANUARY 15, 2013

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

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

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

Mayor Ruane moved, seconded by Vice Mayor Denham, to excuse Councilman Jennings from the meeting due to illness.

The motion carried.

PRESENTATION(S)

Employee of the Year Presentation - Barbara Gennity, Recreation Department

Mayor Ruane presented a check to Barbara Gennity as Employee of the Year.

Ms. Gennity thanked her peers for the acknowledgement.

Proclamation expressing appreciation to Susan Beck, Planning Department Administrative Assistant upon her retirement on November 30, 2012

Mayor Ruane read and presented a proclamation and a Luc Century crystal to Ms. Beck upon her retirement.

Ms. Beck thanked Council for the proclamation and Luc Century crystal.

Proclamation recognizing Police Officer Kurt Schulte for 25 years of City service

Mayor Ruane read and presented Officer Schulte with a proclamation noting his 25 years with the City of Sanibel.

Officer Schulte thanked the City for opportunities he had received during his tenure.

Proclamation proclaiming Friday, January 18, 2013 as Arbor Day (Friday, January 25, 2013 The Sanibel School celebration)

Mayor Ruane read and presented the proclamation to Berdenna Thompson of the Vegetation Committee in charge of planting a tree at Sanibel School.

She thanked Council and told a story of the past.

Proclamation honoring members of our Armed Forces who participated in the Battle of the Bulge

Planning Commission Report

Commissioner Chris Heidrick gave the following report of the Planning Commission meeting of December 11, 2012 and January 08, 2013:

- December 11, 2012
- Approved Expansion of number of sidewalk days for retailers
- SCCF approved to have administrative office, ancillary events, retail sales associated with a native plant nursery, classes and etc. at the Bailey homestead
- Approved Sundial to change from non-conforming to a less intense use to establish a spa and wedding prep facility condition to limit use to resort guests

- Denied application for after the fact construction for a boat dock and lift for 572 Kinzie Island Court that extended into the canal 20% greater than its width
- Approved Loggerhead Cay Condos for replacing asphalt parking area with pavers; 936 feet extended seaward of the CCCL, but did not increase lot coverage – decided that the LDC subcommittee should review these types of applications
- January 08
- Continued Bennett's Fresh Roast Café improvements required two variances and approved
    - Variance application for deck to be built within 70 feet from center line of Periwinkle Way and 100 feet required
    - Variance application for encroachment into a vegetation buffer with adjacent land City-owned conservation land (Pond Apple Park)
    - Staff supported

Discussion ensured regarding vegetation reduction, eagle's nest fledglings must fledge before construction continues, can do minimal inside construction and Ms. Zimomra noted the applicant did give a voluntary easement for the Shared Use Path.

Public Comments

Barry Roth reported that the Financial Assistance provided assistance to attend the after school program, fun days and holidays. He further explained sponsors foot the program. He also noted that 500 people attended the New Year's Eve event including staff and volunteers.

Council Comments

Councilman Harrity spoke to the New Year celebration and staff working as a team. He also spoke to Berdenna Thompson being 90 years young and a remarkable person.

Vice Mayor Denham wished everyone Happy New Year.

Mayor Ruane spoke to the white fly brochure that was mailed out to property owners was a good educational tool. He also spoke to discussion at the last meeting regarding Lee County needing to spend $161,000 and what transpired with e bridges and loans He further noted that were no coverage issues and maintaining 175% bond coverage, which was a surplus; information had been requested and received. He further spoke to a revenue issue through 2013 and would like to work with the City Manager to go through the information. He spoke further regarding additional history and the need for an independent study.

Discussion ensued regarding the relationship with Lee County, how would final report of an independent person/company help, looking for a complete accounting and what had been spent, expenditures appeared to be applied to roads that may need discussion, exceed bridge budget on a regular basis, causes for concern, worried how this may be received by the County, need an independent evaluation free of influence with Lee County and City of Sanibel, when cracks were discovered in the bridge Mayor received calls from 3 commissioners regarding the amount the needed to be spent, noted in an email to City Manager that the city would be receiving bridge revenue in 2013, no discussion with Commissioner Manning relative to an independent study and not without coming before Council first, Commissioners should be advised that a study would be completed, need to have an independent study regarding Causeway tolls, Mayor would speak with each commissioner today if Council agreed, junior debt was suppose to be retired, and sometimes need an unbiased third party, junior debt was suppose to be retired at a certain time, if there was bond coverage was 175% and the coverage was 120% then there was adequate funds, Council should understand annually and make sure there was adequate reserves for repair and maintenance of bridges, were documents provided up-to-date, Ms. Zimomra spoke to receiving financials, which was forwarded to Council, had not provided any new prospective numbers, only an email stating funds could come to Sanibel as early as 2013, but no numbers and Mayor would work with City manage and contact each commissioner.

Council by consensus agreed for Mayor Ruane to speak with Commissioner and report back to Council.

Vice Mayor Denham moved, seconded by Councilman Harrity, to support Mayor's proposal to work with City Manager and find an independent individual to perform an appraisal of the bridge situation...

Public Comment
Karen Storijohann spoke to her agreement of an independent forensic accountant.

Barry Roth spoke to his agreement and the need for checks and balances. He asked what the amount of the junior lien was.

Mayor Ruane answered that the budget ran over and was put on the junior lien at Sanibel's expense. What did the bridge cost and what was the financing?

The motion carried.

Mayor Ruane further spoke to some of the weight that comes over the bridge including buses and an opportunity to look at this subject. He further spoke to an opportunity to speak of all concerns.

Second Reading and Public Hearing
Staff recommendation for any amendments
ORDINANCE 12-011 AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, IN CHAPTER 110 SPECIAL EVENTS, AMENDING ARTICLE I AND ARTICLE II FOR THE DEFINITION AND PERMITTING OF SIDEWALK SALE SPECIAL EVENTS; AMENDING CHAPTER 106 SIGNS, AND ADDING SECTION 106-140 TEMPORARY SIDEWALK SALE SIGNS; AMENDING SECTION 110-1 TO UPDATE DEFINITION FOR SIDEWALK SALE SPECIAL EVENT; AMENDING SECTION 110-49 FOR PERMIT APPLICATION LANGUAGE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-52 TO CORRECT CROSS REFERENCE; AMENDING SECTION 110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-58 TO EXPAND SIDEWALK SALE SPECIAL EVENT DATES AND IDENTIFY ASSOCIATED PERMIT STANDARDS AND REQUIREMENTS; ADDING NEW SECTION 106-40 TEMPORARY SIDEWALK SALE SIGNS TO ESTABLISH STANDARDS SPECIFIC TO SIDEWALK SALE EVENT SIGNAGE; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.
Mayor Ruane noted the second reading would not take place due to a staff error regarding advertising. He further stated the seconded reading was scheduled for February 05, 2013 at 9:15 a.m.

CONSENT AGENDA

c. **RESOLUTION 13-001 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-004 AND PROVIDING AN EFFECTIVE DATE** To budget and appropriate $82,000 from the Sanibel-Captiva Conservation Foundation for the construction of a boardwalk connector from the City's Schlosser Preserve and improvements to the Pond Apple Park Trail system and its connection to the Shipley Trail. This amendment increases the FY13 budget by $82,000)

d. **RESOLUTION 13-002 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012 - 010 AND PROVIDING AN EFFECTIVE DATE** (Transfer $27,000 from the reserve

for contingency to MIS Capital Improvements (CIP) for security upgrades at the Recreation Center. This amendment does not increase the FY13 budget)

g. **RESOLUTION 13-003 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Public Works Department 2002 Ford F-250 and 1995 Harben Sewer Jetter)

Ms. Zimomra read the titles of Resolutions 13-001, 13-002 and 13-003.

Vice Mayor moved, seconded by Councilman Congress, to adopt Resolutions 13-001, 13-002 and 13-003.

Public Comment
None

The motion carried.

a. Approval of minutes – December 04, 2012 Regular Meeting

b. Request from Island Seniors, Inc. to waive fees for an additional Arts and Craft show Saturday, February 09, 2013 to be held at the Center4Life, 2401 Library Way (this event has been grandfathered and application fees waived in the past)

e. Approval of an Interlocal between the City and the Lee County School Board for the construction and use of a playground at the Sanibel School and authorize the City Manager to execute same

f. Approval of an agreement between the City of Sanibel and Sanibel Babe Ruth League, Inc., for baseball/softball program between February 24, 2013 to May 11, 2013 and authorize the City Manager to execute same

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

Public Comment
None

The motion carried.

OLD BUSINESS

Water Quality

Update relative to the citizen fertilizer educational program

Vice Mayor Denham spoke to the following:

- $60,000 by Lee County
- All municipalities, but Naples have made a commitment
- Put out to bid
- City Attorney speak with County Attorney
- Consider matching Lee County proposal of $60,000

Discussion ensued regarding contributing the same amount of funds as Lee County, all other municipalities were contributing $5,000, Sanibel was the catchers mitt at the end of the Caloosahatchee River, does not send the right message, what about TDC because Sanibel was the largest contributor of bed tax, thought Lee County was contributing $100,000, $60,000 to much for Sanibel to pay, any good marketing effort would not be only this year, everyone should participate, should understand this effort should continue, timeframe of project, plan was to work with consultant in the spring and over one year, have problems in Tallahassee every year, continual effort,

what was each Councils commitment, need to have a significant contribution, but parallel to Lee County, felt uncomfortable moving forward without a Sanibel commitment, had Collier County been approached, they were not interested in any involvement, Cape Coral putting $5,000 for this and next 2 years, pledges of total contributions at $30,000, should approach TDC, speak with John Fumero, looking for what would happen with money spent, need to spend money wisely, sent initial message to TDC, had informally with people that think a good program would cost $150,000, like to make a decision at the next Council meeting, many times if given a total budget to consultants, they would spend the total amount, water quality vital to everything, better idea of the type of program, Gravina consultant had already been involved, Vice Mayor would approach Gravina, environmental groups and chambers, clarifies for Council at what needs to be done and where to go from here at the next Council meeting,, Vice Mayor Denham spoke to the area captains, community meeting in 3 weeks, Mr. Cuyler send an email this afternoon that committees meetings were beginning in Tallahassee and sent captain Florida League of Cities legislative priorities.

Staff update on Central Everglades Planning Project

Director Evans spoke to the following:

- Two- year planning process by the Army Corps of Engineers
- Goal of planning process was to come with a suite of projects to get water to the Everglades
- Corps process would go to Congress and direct benefits to the Caloosahatchee River
- Public input ongoing
- 18 month project
- Planning document and funded by Congress
- Benefits to the Caloosahatchee when Lake Okeechobee levels were high
- Four different alternatives that achieve the same objectives
- Consensus that alternative four was agreed to be the best because it would be less expensive in the future
- Attended Everglades Coalition Conference

Discussion ensued regarding increase funding for the everglades, Director Evans noted there was a ribbon-cutting for C-31 and no announcement, state spoke to limiting projects and putting pressure of Washington, state committed to everglades restoration.

COMMITTEES BOARDS COMMISSION

Resignation from William Wollschlager Vegetation Committee Adjunct member

Vice Mayor moved, seconded by Mayor Ruane, to accept the resignation and direct staff to send a letter of thanks to Mr. Wollschlager.

The motion carried.

CITY MANAGER

Informational Items

Update on commercial redevelopment – " Impact On Sanibel of Immediate Off-Island Development"

Ms. Zimomra noted that there was a status report and since Council established there goals information gathering was ongoing. She further noted that an inventory of 408 commercial properties. She further spoke to the information today was what was happening off Sanibel and the impact.

Director Jordan and Scott Fulton Planner gave a brief PowerPoint presentation.

Discussion ensued regarding almost 50% of homes from the census bureau were for part-time residents, Ms. Zimomra noted that was where the overlap of commercial businesses and the longevity, next steps, Ms. Zimomra noted that at the next Council meeting would bring the first round of recommendation and Council may want to separate items for legislation, who were the stakeholders and continued discussion on the February meeting.

Update on Sanibel Beach Conditions and Coastal Projects Planned for 2013
Natural Resources Report

Ms. Zimomra noted that staff was continuing to keep the pulse of beach conditions. She further noted staff would gearing up for a winter survey and back to TDC to perform a summer beach survey.

Director Evans spoke to the following:

- Working with Lee County Natural Resources Department and City Public Works for beach concerns
- Two projects planned this year that would effect erosion on the west end
    - 40,000 cubic yards of sand from Blind Pass to Silver Key with a direct benefit
    - Captiva Renourishment by Captiva Erosion Prevention District (CEPD) between 1110 to 1116 sand being place southeast and would make it's way down to West Wind and Island Inn at Knapps Point
    - Lighthouse Beach Park, Blind Pass and Gulf Pines Gulf Shores – sand would fill back in this summer
    - Complete a winter survey and identify any sand offshore that might move in

Mayor Ruane moved, seconded by Vice Mayor Denham, to direct staff to move forward with the winter and summer beach surveys.

Public Comment
None

The motion carried.

Status report on white fly infestation & education program

Ms. Zimomra spoke to white fly mailing and intern's last day January 18, 2013
2013 Legislative Session

Lee County Delegation Meeting, January 29, 2013 - Edison College - Taeni Hall (Room S-117) beginning at 9:00 a.m
Florida League of Cities 2013 Legislative Action Agenda

Ms. Zimomra noted that staff was not submitting anything and the deadline January 16, 2013.

Mayor Ruane noted that TDC did change language to a 29year seat with highest bed tax and 2-year for next highest; 2 years for Sanibel and 2 years for Fort Myers beach.

Departmental Reports
October Grease Trap Report
Planning Department Permit Activity Report November and December, 2012
Building Department Monthly Permit and Inspections November and December, 2012
Administration Monthly Report, December
Status of Capital Projects
Causeway counts for October and November, 2012

Ms. Zimomra noted the departmental reports and asked Council to see her with questions.

The Sanibel Historical Museum and Village, Inc., Financial Statements and supplementary information for year ending September 30, 2012 and Balance Sheet Previous Year Comparison as of December 31, 2012

Councilman Harrity spoke to a request from the Historical Museum and Village to waive permitting fees due to construction on the Shorehaven. He further noted that some years back there was a law suit in Florida that now prohibits any fee waiver.

Letter of thanks from The Sanibel School 7th Grade regarding Student Government Day held in December, 2012

Ms. Zimomra noted.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance to the Tourism Development Council (TDC) meeting Thursday, December 14, 2012

Mayor Ruane noted the discussion regarding and his request for money spent to date on baseball, type of debt need to service baseball, bed tax charge to visitors split into 3 categories; 1) 53.6% marketing; 2) 26.6% beaches and 3) 20% baseball. He further explained that additional questions were; had a projection for debt been completed; what types of bonds so far; was there enough revenue; $45 million of improvement committed from TDC, some of which is coming from TDC and the rest from the general fund. He advised that TDC's new assignment was to work with the new interim County Manager find answers.

Discussion ensued regarding that more than 20% revenue would be needed to fund baseball.

Attendance to the Florida Municipal Insurance Trust (FMIT) and Florida Municipal Insurance Investment Trust (FMIvT) Board meetings

Mayor Ruane spoke to approved a dividend to be given to municipalities.

Metropolitan Planning Organization (MPO) Bike Advisory Committee

Councilman Congress spoke to a vacancy on the Citizens Advisory Committee. Ms. Zimomra noted there were no responses to the advertisement.

Appointment to the Florida Regional Councils Association (FRCA) Policy Board and attendance to the January, 2013 Board meeting

Vice Mayor Denham spoke to new appointment and attending the first meeting last week in Tallahassee. He noted his concern of a Superior Court relative to pensions.

Mr. Cuyler spoke to a requirement by the legislature that state employees pay 3% toward their pension that is in court.

Mayor Ruane announced that he is now the Chair and Treasurer for MPO.

PUBLIC COMMENT

Karen Storjohan spoke to two different companies having to repair appliances and was told it was due to the consistent power outages. She further spoke to funds for the JetBlue park coming from one Lee County Department.

Claudia Burns spoke to the amount of red tide and could team captains be utilized for that subject.

There being no further business the meeting was adjourned at 10: 58 a.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk