

SANIBEL CITY COUNCIL REGULAR MEETING
May 07, 2013

Mayor Ruane called the meeting to order at 9:03 a.m.

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

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

Planning Commission Report
Commissioner Chuck Ketteman gave the following report:

- Discussion regarding the proposed distressed property ordinance
- Consideration of bonus outdoor seating to a restaurant on Palm Ridge

Discussion ensued regarding proposed distressed property ordinance, direct Planning Commission going during their discussion, cannot ignore overgrown lots and return on investment for redevelopment.

Public Comments

Barbara Cooley spoke to live audio streaming.

Council recessed due to public speaking lights not working at 9:15 a.m.

Council reconvenes at 9:20 a.m.

Lisa Gramm, Property Manager for RRL Port Sanibel Marina spoke to Council's letter to Lee County regarding eco tours and jet skis from Port Sanibel Marina.

Doug. Miner, General Manager for Port Sanibel Marina spoke to their proposal before Lee County Commissioners.

Council Comments

Councilman Denham spoke to the end of the Legislative Session last Friday. He further spoke to language within different bills regarding environmental issues.

Discussion ensued regarding that there was not suppose to be a fertilizer bill this year and the bill appeared at the end of another bill.

Mayor Ruane spoke to the proposed distressed property ordinance and comment relative to jet skis. He further stated that the 5 Mayors have asked the Commissioner to advise anything that might affect the municipalities and would set a precedence. He also agreed with the speaker that a variance might have been a better venue and not aware of Punta Rassa jet skis. He also spoke to staff gathering information for live audio streaming.

SECOND READING AND PUBLIC HEARING

ORDINANCE 12-010 EXTENSIVELY AMENDING AND RESTATING THE *SANIBEL PLAN* TO UPDATE AND TO CLARIFY THE PLAN, TO IMPLEMENT THE RECOMMENDATIONS 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

Ms. Zimomra read the title of Ordinance 12-010.

Director Jordan spoke to the following:

- Second public hearing and continued from March 6th meeting
- Explained the attachments
 - Exhibit A – plan text
 - Pages numbered
 - Exhibit B – official maps
 - Environmental Sensitive Land Use Plan Conservation District maps
 - Commercial District Maps, which include Town Center Limited, Town Center General and General Commercial District
- No lands added, but lost 1.5 acres of a previously zoned commercial at Sanibel Bayous
- Staff report
- Supplemental staff report and recommendation to remove 2 acres of residential land from the wetlands conservation district
- City Attorney’s memorandum regarding above change
- State comments received in February and have 180 days to address
 - City did not have a reference in the Sanibel Plan regarding state statute requirement that the island was in a coastal hazard area included map addressing above
 - Introduced the City’s regulatory commercial district map and remove 1.2 acre parcel lost in the Sanibel Bayou project and included description of districts and purposes
 - Public School Facility section – referenced 2013 public school facility work plan in Sections 3.3 and 3.5
 - Needed to address proportionment share of roadways where new development was required to expanded roads; explained Sanibel had reached build out and plan supports reducing traffic
 - Addressed adding and/or widening roads in the Sanibel Plan
 - Added 2012 Lower West Coast Water Supply Plan prepared by the South Florida Water Management District Plan and date of adoption in Section 3.2
- Staff completed second review of the Resort Housing District Map and Wetland Conservation District Map because under a previous submittal three street names were missed and now added; Airport Way; Starfish Lane in Section 25.36, Township 46 South row 22 East of Resort Housing District Map and Wetlands Conservation District Map, Section 25, Township 46 South Rows 22 East for Community Housing District (CHR) Airport Way, Seabell Road, Section 18, Township 46 South, Row 22 East of the Resort Housing District

Discussion ensued regarding not new street names, but accidentally deleted and Director Jordan answered yes.

Vice Mayor Congress moved, seconded by Councilman Harrity, to adopt Ordinance 12-010.

Discussion ensued regarding addressing the letter from Mr. Cuyler and it addressed Mr. Maxwell’s concerns, Mayor sent letter April 16 and 19th and met with Mr. Maxwell on Saturday and would like to delay the vote by thirty days.

Public Comment
None

The motion carried

CONSENT AGENDA

Mayor Ruane asked that item (a) be pulled. Vice Mayor Congress asked that items (i) and (l). Mr. Cuyler asked the item (e) be pulled.

a. Approval of minutes – April 16, 2013 Regular Meeting

Ms. Zimomra recommended that staff correct the minutes and bring back at the June 04, 2013 City Council meeting for approval.

Mayor Ruane moved, seconded by Vice Mayor Congress, to carry over the April 16, 2013 minutes for adoption at the June 04, 2013 City Council meeting.

Public Comment
None

The motion carried.

- i. **RESOLUTION 13-029 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-027 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward actual FY2012 ending fund balance (pursuant to audited financial statements) to FY13 beginning fund balance for all funds. These amounts, which are more or (less) than the FY13 budget are being appropriated to FY13 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY14. This amendment increases the FY13 budget by \$4,988,724 although no new or additional funds are appropriated by this amendment. The changes in fund balance are 1) General Fund, increase by \$1,070,424; 2) special revenue funds, increase by \$963,954; 3) debt service funds, increase by \$49,949; 4) capital project funds, increase by \$692,202; 5) sewer system, increase by \$1,616,501 and 6) beach parking fund, increase by \$495,694)

Ms. Zimomra read the title of Resolution 13-029. She stated this budget amendment was the roll-forward.

Vice Mayor Congress spoke to the roll-forward of FY12 ending fund balance. He noted he was meeting with staff to receive a more specific understanding. He further spoke to changing the format and the need of a better understanding of line items.

Discussion ensued regarding the need for more information, a better narrative to transfers and fine tune estimates, Ms. Zimomra noted that the \$5 million was not an additional amount of money, but roll-forward capital project and enterprise budgets and the need for staff to budget what was needed and general fund had only a \$1 million difference and want to come out below budget, as not to overspend.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Resolution 12-029.

Public Comment
None

The motion carried.

- l. **Approve purchase of one ¾ ton regular cab 4 wheel drive and one ½ ton 4 wheel drive extended cab pickup truck** (Funding for ¾ ton truck provided through Streets Division Capital Projects this does not impact the Division budget and Funding for ½ ton truck provided through Tourism Development Council grant and this purchase was budgeted in the FY 12/13 TDC grant and does not impact the Beach Parks budget)

Vice Mayor Congress asked about the low bid acceptance and the difference in the bids being \$12.00.

Director Williams spoke to the deciding factor being vehicles would be delivered and the warranty repairs were recognized locally.

Ms. Zimomra noted that the City did not have a local preference. She further noted that if Council wanted a local preference the legislation would need to be changed.

Discussion ensued regarding investing monies within Lee County and could have direct and indirect benefits, should consideration be given regarding a percentage or dollar amount and the preference of Council would be greater in Lee County, which would far exceed the \$12 difference and Mr. Cuyler noted he would review, Ms. Zimomra noted that staff requested this item be pulled until June 04, 2013, Council trying to understand the options for future purchases and Council

Vice Mayor Congress moved, seconded by Councilman Denham, to approve.

Council directed the City Attorney to review any changes needed with options and opportunity to keep funds within Lee County.

- e. Authorization for conditional award of Sanibel Lighthouse rehabilitation project to Razorback LLC, the low bidder, in the amount of \$269,563.00 and authorize City Manager to execute contract; should conditions placed on Razorback LLC not be fulfilled exactly as set forth below, authorization that Razorback LLC be rejected and the bid of Sanibel Lighthouse rehabilitation project be deemed awarded to Spectrum Contracting, Inc, the second low bidder, in the amount of \$287,887.00 and authorize City Manager to execute contract **AND RESOLUTION 13-041 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-030 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$50,000 from the Florida Division of Historical Resources for Sanibel lighthouse restoration. Grant #S1222 is attached. This amendment increases the FY13 budget by \$50,000)
Mr. Cuyler explained the following:

- Low bidder needed to complete license
- Razorback had completed licensing
- Recommendation to approve

Ms. Zimomra read the title of Resolution 13-041.

Vice Mayor Congress moved, seconded by Councilman Harrity, to adopt Resolution 13-041.

Public Comment
None

The motion carried.

- b. **RESOLUTION 13-036 APPROVING AN AGREEMENT FOR BOND COUNSEL SERVICES WITH THE LAW FIRM OF BRYANT MILLER OLIVE P.A.; AND PROVIDING AN EFFECTIVE DATE**
- f. **RESOLUTION 13-037 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-029 AND PROVIDING AN EFFECTIVE DATE** (To budget \$19,377 from the general fund ending fund balance for two summer interns to work in administration. This amendment does not increase or decrease the FY13 budget)
- k. **RESOLUTION 13-040 ACCEPTING A UTILITY EASEMENT FROM ISLAND WATER ASSOCIATION, INC. FOR THE INSTALLATION AND MAINTENANCE OF A REUSE LINE TO A CITY LIFTSTATION, AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

- p. **RESOLUTION 13-042 ADOPTING A COST ALLOCATION PLAN, (ALSO KNOWN AS AN INDIRECT COST PLAN) FOR THE FISCAL YEAR 2012-13; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF COST ALLOCATION PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF OMB CIRCULAR A-87 AND FULL COST PLAN; AUTHORIZING THE DISTRIBUTION OF THE CENTRAL SERVICE OVERHEAD COSTS TO QUALIFYING GRANTS AND ENTERPRISE FUNDS; ESTABLISHING THAT REGULAR UPDATES TO THE COST ALLOCATION PLAN BE MADE; AND ESTABLISHING AN EFFECTIVE DATE AND RESOLUTION 13-043 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-033 AND PROVIDING AN EFFECTIVE DATE** (Based on the FY12 indirect cost study, adjust expense in the following funds: 1) Building Department Fund increase expense by \$14,687; 2) Ballfield Maintenance Fund increase expense by \$19,159; 3) Sewer Fund decrease expense by \$40,538; 4) Beach Parking Fund increase enforcement expense by \$691 and decrease maintenance expense by \$40,538
- r. **RESOLUTION 13-045 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-032 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$82,595 from the recreation center ending fund balance to complete the following projects 1) \$2,400 for installation of horns with Thorguard Lightning Protection System and updating of signage; 2) \$800 for removal of “tot lot” playground at the ball fields; 3) \$8,000 to increase the height of fencing for security purposes between the ball field and skate park/playground areas; 4) \$56,195 for facility projects; 5) \$15,200 for RecTrac software upgrade. This amendment does not increase or decrease the FY13 budget)
- s. **RESOLUTION 13-038 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-034 AND PROVIDING AN EFFECTIVE DATE** (To budget \$105,665 from the general fund balance to cover additional expenditures in the Finance Department due to the payout of approximately \$52,164 in leave payout, contracted employee for 5 months at a cost of \$18,435 to cover employee on medical leave, \$1,500 in additional overtime, additional part-time salary \$6,644 to cover new hire job training, net salary adjustment of \$3,903 to cover employee overlap between retiring employees and new hires, \$15,304 increase in payroll taxes and benefits and \$7,715 increase in operating expenditures to cover additional toll programs, operating supplies, training and travel for new hires)
- t. **RESOLUTION 13-044 APPROVING AN AGREEMENT AND LEASE BETWEEN SANIBEL-CAPTIVA ISLANDS CHAMBER OF COMMERCE, INC., AND CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of the above Resolutions.

Councilman Denham moved, seconded by Councilman Harrity, to adopt the above-mentioned resolutions.

Public Comment
None

The motion carried.

- c. Request approval to apply for a Bulletproof Vest Partnership grant that would cover 50% of the purchase price of 15 Kevlar vests and 2 outer carrier vests in the amount of \$7,128 and the City’s portion would be \$3,663.90 (This grant will increase the budget)

- d. Approval of a Memorandum of Understanding for Traffic Incident Management between the City of Sanibel and Florida Department of Transportation and authorize the Mayor to execute same
- g. Approval to provide a post-tax Roth IRA to City employees as a voluntary benefit as an addition to the pre-tax Deferred Compensation [457] Plan voluntary benefit (There is no cost to the City to add this voluntary benefit)
- h. Request from Lee Coast Chapter, Military Officers Association request waiver of fees for the Veteran's Day Ceremony November 11, 2013 in front of the City Hall flagpole (waiver would include \$50 Special Event fee and has been granted in the past)
- j. Approval of a Memorandum of Agreement with the Lee County Sexual Assault Response Team (SART) and authorize the Chief of Police to execute same
- m. Approve 3 year contract with Sanders Laboratories, Inc for wastewater laboratory testing and authorize City Manager to execute contract (this does not impact the FY13 utility budget)
- n. Approve to purchase two (2) completely operational Biological Odor Control Systems from Siemens Industry, Inc., in the amount of \$69,995, as the lowest responsive bidder (this project was included in the adopted FY13 budget and does not increase/decrease the FY13 budget)
- o. Approve a second amendment to the agreement between the City of Sanibel and Mahnaz Bassiri in a not to exceed amount of \$22,925 to provide fitness classes at the Center4Life and authorize the Mayor to execute same
- q. Approval of an Administrative Services Agreement with the International City Management Association Retirement Corporation for a period of three years which reduces the administrative fees for employees participating in the Deferred Compensation Plan (457) and/or the Defined Contribution Plan (401a) from 55 basis points to 40 basis points annually and authorize the City Manager to execute same (There is no cost to the City of Sanibel in approving this agreement)

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

Public Comment
None

The motion carried.

Council recessed at 10:15 a.m.

Council reconvened at 10:28 a.m.

OLD BUSINESS

Water Quality

Update relative to the citizen fertilizer educational program

Councilman Denham spoke to the following:

- Attended the Charlotte County Board meeting and approved \$1,000 with an additional amount of \$4,000 subject to discussion at their next meeting
- Water Management District approved \$2,000

- Lee County Natural Resources Department putting together information
- Spoke to Commissioners Kiker and Pendergrass
- Hoping for \$75,000 from Lee County
- Possibly need \$120,000 to \$150,000 for project
- Naples not contributing

Discussion ensued regarding Mayor Ruane meeting with Commissioner Manning and was supportive.

Consultant Report regarding Causeway Tolls

Sanibel Causeway Report

Exhibit A & B – Settlement and Interlocal Agreement

Exhibit C - Causeway Report Exhibit B updated

Exhibit D - Sanibel Hardesty Hanover Contract

Exhibit E - Sanibel URS Contract Bridges B and C

Exhibit F - Sanibel URS Toll Plaza Contract

Exhibit G - Inspection Report 11-15-07

Exhibit H - Sanibel 124114 Inspection Report 11-30-09

Exhibit I - Inspection Report 11-17-11

Exhibit J - Sanibel Bridge #124116 Inspection Report 11-30-09

Exhibit K - Sanibel Bridge #124114 Inspection Report 11-17-11

Exhibit L - 124115 Inspection Report 11-16-11

Exhibit M - Sanibel Bridge #124116 Inspection Report 11-18-11

Exhibit N - Sanibel Causeway Beam Cracking Report 06-29-12

Exhibit O - Sanibel Bridge Inspection Statement 03-08-13

Exhibit P – Sanibel Bridge Beam Inspections Bridge #124114 Structure C

Exhibit Q – Sanibel Bridge Beam Inspections Bridge #124115 Structure B

Exhibit R – Sanibel Beam Inspections Bridge #124116 Structure

Exhibit S – Lee County 2012 Annual Report – Full Report

Mayor Ruane spoke to the following:

- Email from Lee County regarding bridge cracks
- Multiple parts of Interlocal agreement
- Good time to go through an accounting of expenditures
- Next steps to discuss at the June 04, 2013 City Council meeting
- Spoke with each Commissioner
- Help Lee County to understand what Sanibel was doing and why requesting information

Vice Mayor Congress introduced Mr. Roy Hyman and spoke to the following:

- Reviewed numbers over the last 7 years of interfund transfers
- Need to receive bi-annual reports from Lee County
- Past discussion with County staff
- 2005 Sanibel received 17% of toll revenue
- After construction funds went to pay-off junior lien
- Expect to see approximately \$980,000 revenue beginning 2014
- Understanding future account of toll revenue

Discussion ensued regarding keeping communication open with Lee County, 4 separate entities involved, County embraced audit, continue to work on this subject, was executive summary shared with Lee County, Vice Mayor Congress answered no, everyone at County aware of funds coming to Sanibel, email to City Manager from

Director Loveland and that revenue should resume next year, surface difference of operating causeway and revenue, were always in excess of budget, Council may want to review 2012 annual report, junior lien, maintenance report, tolls revenue coming to Sanibel, make sure funds not used for other sources, \$6.2 million remaining on junior lien, second part of 2014 should see funds coming to Sanibel, cracks not life threatening, revenues from Sanibel brings in as much as the two bridges in Cape Coral, Interlocal reads that there was an accounting every 6 months and afterward funds would come to City, once junior lien paid report was to review the expenses and cost of running Sanibel bridges with adequate bond coverage, confirmed that funds were not expended outside of junior lien, approximately \$6 million at the end of FY12 left on the junior lien and should see funds coming back to Sanibel in 2014, nothing in reports of urgency regarding cracks, current projected year was costly and could escalate over time to make sure cracks were stabilized, Sanibel revenue consistently higher than other Lee County bridges, should receive projected funds of \$527,000 next year, Lee County report was to make certain there was adequate bond coverage for all bridges, projected revenue of \$100,000,060, annual report on Leeway's website, independent report and Clerk of Courts completes an independent audit, would like to know the condition of the cape coral parkway bridge, how often were state inspections completed, all bridges have stress cracks, stabilization of cracks means they were getting worse, Mr. Hyman noted that cracks were normal, but needed to monitor every 6 months rather than every 2 years as noted in the settlement agreement and maybe a way to patch cracks and bridges graded to be in good or very good shape.

Public Comment

Gloria Hannan asked if the inspector used how much of work come from County. Does Coast Guard perform inspections? She also spoke to roadway from Shell Point and turning off at Jonathan Harbor roadway was gone.

Paul LaBonte spoke to the need to ask how was the cracking mitigated.

Karen Storijohan asked if either inspection team were the ones that inspected the older bridges and could the charts and tables be displayed.

Discussion ensued regarding Coast Guard involved because of the sea lanes.

Approval of Council's 2013/2014 liaison list

Discussion ensued regarding working with legislators.

Councilman Denham moved, seconded by Mayor Ruane to add liaison for legislature regarding water quality.

Public Comment

None

The motion carried.

Discussion of draft legislation prohibiting discharge of passengers in City right-of-way by vehicles including buses

Mr. Cuyler spoke to the following:

- Draft legislation
- Deals with vehicles stopping in the right-of-way
- Safety issues and fit in within existing code provisions
- Does not apply to school buses, vehicles breaking down or emergency vehicles
- Excludes Special Event application approval
- Consensus of staff was to monitoring vehicles stopping in beach parking lots

Discussion ensued regarding where large vehicles could park to off-load passenger and beach-carrying capacity.

Public Comment

Wayne Ponader spoke to buses parking in the right-of-way.

Gloria Hannan spoke to the reason people live on Sanibel was due to the peacefulness.

**COMMITTEES BOARDS COMMISSION
RESOLUTION 13-039 APPOINTING MEMBERS TO THE CITY OF SANIBEL
AUDIT COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 13-039.

Mayor Ruane moved, seconded by Councilman Denham, to adopt Resolution 13-039 and appoint Tom Uhler, Tom Armstrong, Chuck Ketteman, Jim Isom and Sylvia Edwards and Mayor Ruane as Council liaison.

Public Comment
None

The motion carried.

Discussion regarding Recreation Financial Assistance Program and establishing a separate fund to invest monies

Annual Summary Inflows/Outflows

Market Yields as of April 09, 2013

Vice Mayor Congress spoke to the following:

- \$160,000 balance
- Would like to put funds in a restricted investment account
- Award \$25,000 in scholarships
- Restrict \$100,000 and invest to earn income by restricting
- Restrict \$50,000 for 5-year time span

Discussion ensued regarding revenue coming from New Year's event, Burgess Chambers handles City excess cash, Council past legislation to award better scholarships, Vice Mayor Congress to work with Burgess Chambers, Ms. Zimomra spoke to the need to include the Finance Director and how all funds of this nature would be handled and a need to amend investment policy.

Mayor Ruane moved, seconded by Councilman Denham, to allow Vice Mayor Congress and the Finance Director to work with Burgess Chambers.

Public Comment
None

The motion carried.

NEW BUSINESS

Request from Captiva Erosion Control District (CEPD) to work 24/7 relative to the beach renourishment project on Sanibel and Captiva Islands

Letter dated April 17, 2013

Hours of Operation – Sanibel Noise Ordinance

Email dated April 26, 2013 from Tony Lapi

Use of parking lots for staging

Ms. Zimomra spoke to the following:

- Required by a settlement agreement of sand being put on Sanibel
- Mobilize August 01, 2013

- Work through 24/7 work
- Noise associated with work
- In past parking lot used – request to use Turner Beach parking lot as a staging area
- Worked with CEPD in past to keep one of the two parking lots open for citizen use

Discussion ensued regarding speaking with Captiva Erosion Control District (CEPD).

Mayor Ruane moved, seconded by Councilman Denham, to allow the above request.

Public Comment
None

The motion carried

Request to waive fees

Letter dated April 17, 2013 from MG Whitaker, Managing Partner of Fresh Taqueria
Director Jordan spoke to the following:

- Two requests to waive fees
- Sanibel Deli request was to possibility expand building to next suite
- Would need a conditional use permit approval costing at least \$3,105 for 1279 square feet
- Variance permit for additional parking costing \$2,000
- Development Permit to implement conditional use permit costing \$2,025
- Taqueria request to waive fees
- Off-site parking two lots from business
- Erected sign directing patrons to parking lot
- Application for second sign
- Code allowed one sign per business
- Variance permit for two business signs; 1) on site; and 2) 1 off site would cost \$2,000
- Directional sign on primary business to direct to parking lot
- Additional \$60 for sign permit

Discussion ensued regarding issue of signs, the copy of the sign for Taqueria, size and orientation was an issue, any light associated would need to be in compliance, need to separate the two requests, discussing waiving fees, total amount for Taqueria fees under \$2,100, need variance for second sign, a problem with charging \$2,000 for additional sign, allow second sign and waive fees, must go through the application process, waiving fees from second sign and apply for a variance, unique situation of restaurant and parking, up to Planning Commission to grant variance, there be some fee, would second sign stay with parking lot, Mr. Cuyler answered that variance would stay with land, waiving any costs for second sign, Mr. Cuyler noted there was always staff costs, Mr. Cuyler noted the fees that were charged were associated with staff review, Ms. Zimomra noted the cost was for a variance and all staff costs, variance was a category and fee associated, variance fees were lowered, trying to improve the commercial district, not setting a precedent and waiving fees had unintended consequences.

Councilman Denham moved, seconded by Councilman Harrity, to waive fees by 50% for the Taqueria and would stay with the property.

Public Comment
None

The motion carried with Mayor Ruane and Councilman Jennings voting in opposition.

Letter dated April 23, 2013 from Jeff Wiegel, Sanibel Deli

Discussion ensued regarding fees for Jeff Weigel, Sanibel Deli, fees up to \$8,400, how much could Mr. Weigel control and how much was controlled by the landlord, Director Jordan answered all fees were at Mr. Weigel's

request except for parking, which cost \$8,400, Director Jordan conditional use requirement \$3,105 and \$1,279, conditional use permit would be for the expansion, but does not have a conditional use permit for the current space, but was in existence, the expansion triggers the additional costs, a development permit was required, which cost \$2,025 based on the size of the space and then a variance permit was required for \$2,000, a variance permit was required for parking because parking was deficient, Rose's outdoor dining received a variance and the amount paid was \$2,000 and reduced building and planning fees by 25%.

Public Comment

Jeff Weigel explained the following:

- Seating for indoor dining
- 4.5 years at location
- Fees excessive for a small business to expand

Discussion ensued regarding waiving fees had unintended consequences, understand desire to help business owners, consider modification of fees, first fee \$4,300 and functioning as a business, and business over 800 square feet, total \$8,400, waive \$1,279 incremental amount to expand the business, any new business serving food would have incur an additional \$2,000 because the seating would be increased, conditional use permit was due to the expansion, development permit was \$2,025, parking fee was the use of parking at the center, all new businesses the parking would expand beyond what was allowed, conditional use was necessary because of the expansion, Mr. Weigel would like to have outdoor seating and applied for 12 outdoor seats, to waive fees there must be an exception, Director Jordan answered that the owner sees the fees as an obstacle, what was unique about the request, Mr. Weigel stated the uniqueness was the look of the plaza, the reason Council should consider was because the plaza was in rundown, fees excessive for the size of the business and fees were prohibitive, what was a reasonable fee, Mr. Weigel noted the fees were only allowing the application and were non-refundable and variance was fair and would like to see waiver of development permit fee Rosie's \$2,025, conditional use was \$4,300 and charge \$1,279 for additional space, waive \$3,300, identified commercial property, business pre-existed the City, allow the expansion, variance fee necessary and apply only to the new property, trying to development redevelopment and develop the plaza, address macro issue, might influence the owner of plaza to sell.

Jeff Weigel spoke a second time that the plaza was a dying plaza and trying to prevent another empty store front.

Vice Mayor Congress moved, seconded by Councilman Harrity, to lower fees to \$3,000 because the uniqueness of the situation.

Discussion ensued regarding the fee should be higher.

Public Comment

None

The motion carried with Councilman Denham voting against.

Council recessed at 12:49 p.m.

Council reconvened at 1:32 p.m.

CITY MANAGER

Informational Items

Redevelopment Update

Center4Life Needs Assessment Presentation by Henry Woodroffe

Ms. Zimomra noted that Mr. Woodroffe constructed the award winning City Hall and Recreation Center design. She noted that Council had asked a needs assessment of the Center4Life and gets an overview while working toward the May 21, 2013 workshop, which Council would review codes changes and the civic core.

Mr. Woodroffe gave a brief PowerPoint Presentation.

Discussion ensued regarding next steps, May 21, 2013 workshop, what could be done with 20% less space, Ms. Zimomra noted that the model used for the recreation center, talk about unity and collaboration to consolidate all issues, each entity needs, connectivity needs, reduce traffic and congestion, Ms. Zimomra noted that a survey was completed for the construction of the recreation center, would like to have consensus to continue to work with Henry Woodroffe and allow Henry to review the needs assessments completed by non-profits.

Mayor Ruane moved, seconded by Councilman Harrity, to allow Henry Woodroffe to review all non-profit needs assessments.

Public Comment
None

The motion carried.

Verizon Telecommunications Tower Update

Ms. Zimomra noted that Verizon Telecommunications Tower design was not complete and Council extended the time frame for the development until June 30, 2013.

Discussion ensued regarding project manager may have resolved the design issue as a model, Mr. Cuyler noted that Council may want to want to give staff a week before giving an extension.

Departmental Reports

Grease Trap Report

Planning Department Permit Activity Report March, 2013

Planning Department Code Enforcement Activity Report March, 2013

Administrative Departmental Reports

Status of Capital Projects

Vice Mayor Congress spoke to the building department report that shows a graph of revenues versus revenues from this year to last year. He further noted that the fees collected were down about 10%.

Ms. Zimomra spoke to showing the average size of homes in the budget last year.

Councilman Denham asked about the study including three designated areas of crosswalk concern.

Ms. Zimomra noted that there were two other areas being reviewed and the report should be ready in about two weeks.

Recreation Department Revenue & Membership Report

Ms. Zimomra noted that revenue being down by 1.5%. She also noted that classroom size was cut, this was one difference. She noted that Rec Trac was being upgrade and an amendment would include an automatic renewal.

Island Night May 15, 2013 and Council participation

Information purposes only.

Consultant Financial Reports

City of Sanibel Treasury Investment Performance Report for Quarter Ending March 31, 2013 by Burgess Chambers and Associates

City of Sanibel Investment Report for Quarter Ending March 31, 2013 by Integrity Fixed Income Management – same period revenues annually – building revenues down by 25%; size of homes decreased

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the April 17 and 18, 2013 Tourism Development Council Meetings

Mayor Ruane advised that Sanibel received \$1.7 million grant. He further noted that there was a second meeting and the report was an 82 page on baseball. He noted that the House adopted the ordinance and the TDC seat would go to the highest bed tax, which was Sanibel.

Attendance at the April 19, 2013 Metropolitan Planning Organization (MPO) Meeting

Mayor Ruane noted that Billy Hathway was back and looking at revenues, what were maintenance needs and what was left over for funding

He met with Mr. Maxwell on Saturday and would like to meet with Mr. Maxwell, his attorney and the City Attorney. He further noted Council receiving a letter and would like to address concerns and resolve issues.

Discussion ensued regarding Councilman Harrity also meeting Mr. Maxwell for lunch.

Council agreed by consensus.

Vice Mayor Congress asked for clarification and should he pass the baton to Mayor Ruane.

Discussion ensued regarding Vice Mayor working on the Causeway financials, Councilman Congress to continue to work on Causeway financial issues, and commissioners requesting a copy of Causeway report.

PUBLIC COMMENT

Ralph Clark spoke to his delight Council had taken regarding redevelopment and her and Judy Baum available for a discussion.

Steve Maxwell spoke to his appreciation that Council agreed for Mayor Ruane to a meet with him.

There being no further business the meeting adjourned at 2:30 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk