

CITY OF SANIBEL

RESOLUTION NO. 94 - 75

A RESOLUTION AMENDING AND ADOPTING THE CITY OF SANIBEL SURFACE WATER MANAGEMENT SYSTEM WEIR CONTROL POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel has previously adopted a weir control policy pursuant to the City of Sanibel Surface Water Management System, through Resolution 92-178; and

WHEREAS, the City has obtained permits from the Florida Department of Environmental Protection and the South Florida Water Management District; and

WHEREAS, a condition of the permits is that the City adopt a Surface Water Management System Weir Control Policy; and

WHEREAS, the City, pursuant to a Settlement Stipulation with Gulf Pines Property Owners Association, Inc., DOAH Case No. 93-03998, DEP No. 93-2414, dated October 14, 1993, covers certain features for the proposed Tarpon Bay Weir;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Lee County, Florida:

Section 1. The City of Sanibel Weir Control Policy, a copy of which is attached hereto and incorporated herein by this reference, is hereby adopted as the weir control policy for the City of Sanibel under the Surface Water Management System.

Section 2. Resolution No. 92-178 is repealed.

Section 3. Effective Date.

This resolution shall take effect immediately upon adoption. However, the Weir Control Policy as established herein shall become effective upon receipt of approvals from the appropriate governmental agencies.

DULY PASSED AND ENACTED by the Council of the City of Sanibel,  
Lee County, Florida, this 19th day of April, 1994.

AUTHENTICATION: Jerrold A. Muench Raymond L. Price  
Mayor City Clerk  
APPROVED AS TO FORM: Robert D. Post 4/12/94  
City Attorney Date

Vote of Councilmembers:

Janes aye  
Kain aye  
Miller aye  
Muench aye  
Westall aye

Date filed with City Clerk: APR 22 1994

CITY OF SANIBEL  
WEIR CONTROL POLICY

It is a policy of the City Council of the City of Sanibel that the City Manager or his designee shall have sole control of all aspects of the City's Surface Water Management System, and specifically of the weir structures at Tarpon Bay and Beach Road. It is an objective of the City to attempt to retain as much fresh surface water on the island as possible through the operation of the Surface Water Management System and its weirs for the environmental benefit of the islands Interior Wetlands System, so long as developed areas are not adversely impacted.

In order to achieve the objectives of the City's Surface Water Management Plan, the weirs at Tarpon Bay and Beach Road may be opened only under the following conditions:

1. Interior Flooding Conditions: The Tarpon Bay and Beach Road weirs may be opened during or subsequent to a period of heavy rainfall which results in interior flooding in the City. The City may, however, take other measures to alleviate interior flooding if conditions so dictate. The measures include the use of temporary portable pumps, if necessary.

For the purpose of this policy interior flooding is defined as follows:

Interior flooding occurs when any of the following conditions exist within the freshwater management area as defined by Johnson Engineering, Inc. in their Surface Water Management Study, dated April, 1987.

- A. When public or private streets are impassible to cars traveling at a slow rate of speed.
- B. When one of the City's river gauges adjacent to Gulf Pines Drive, Rabbit Road or Sanibel-Captiva Road is 3.3 feet NGVD (National Geodetic Vertical Datum) or above for a 24 hour period.

The Tarpon Bay weir may be opened only when these conditions occur west of Tarpon Bay Road. The Beach Road weir may be opened only when these conditions occur east of Tarpon Bay Road. Again, the City Manager or his designee may manipulate the Surface Water Management System other than by opening the weirs, if conditions so dictate, to alleviate interior flooding as defined above.

If the weir gates are manipulated, they shall be gradually opened and closed so that water is held at a level no greater than 2.8 feet NGVD at the Beach Road weir, and no greater than 3.3 feet NGVD at the Tarpon Bay weir or any of the City's river gauges adjacent to Gulf Pines Drive, Rabbit Road, or Sanibel-Captiva Road.

If condition B above occurs, it is the intent to manipulate the Surface Water Management System so that water levels at the City's river gauge at Gulf Pines Drive return to no more than approximately 3.2 feet NGVD.

2. Pre-Storm Conditions: The Tarpon Bay or Beach Road weirs may be opened up to 36 hours in advance of a tropical storm or other predicated heavy rain event when advised by the City's weather consultant or SEMP Director that the storm could cause severe rainfall on Sanibel and the following conditions exist:
  - A. The island is feeling the effects of the storm (i.e. experiencing precipitation as a part of the storm system); or the storm is anticipated to pass within 100 miles of the City as determined by the City's weather consultant or SEMP Director; and
  - B. For the Tarpon Bay weir to be opened, fresh water levels in the Sanibel River west of Tarpon Bay Road are at 3.2 feet NGVD or higher. For the Beach Road weir to be opened, fresh water levels in the Sanibel River east of Tarpon Bay Road are at 2.7 feet NGVD or higher.
3. Surface Water Duration Conditions: If during any calendar year, surface water as read at the City river gauges at Gulf Pines Drive, Rabbit Road or Sanibel-Captiva Road exceed 3.2 feet NGVD for 90 consecutive days, the City will manipulate the Surface Water Management System west of Tarpon Bay Road at a level no higher than 3.0 feet NGVD for the remainder of that calendar year.
4. Miscellaneous Conditions: The City Manager may deviate from the above standards when deemed necessary for the prevention of immediate harm to persons, property, or the environment.

#### General Provisions

At all times, the weirs should be secured by locks to prevent any unauthorized adjustments to the Surface Water Management System.

During periods that the weir gates are open, they shall be routinely inspected to insure against any possibility of salt water intrusion or overdrainage of the interior wetlands.

The City will make every reasonable effort to respond to citizen inquires and requests regarding the operation of the Surface Water Management System and its two weirs in accordance with the above conditions in a timely manner. It is the City's intent to adhere to these conditions as quickly as possible in every circumstance.

This policy was formulated under existing conditions in 1994, and assumes the completion of the necessary river restoration and culvert replacement projects in the Surface Water Management System. It is the intent of the City to implement this policy upon the completion of this work. Until that time, the weir policy adopted on August 4, 1992 will remain in effect.

If modifications are made to this system, this policy should be reexamined and altered if necessary. As the Surface Water Management System is implemented, this policy and its impact on the island will be continually monitored and reviewed by the City and amended by City Council as necessary to achieve the City's Surface Water Management goals.

Approved by City Council 4/19/94