

**SANIBEL CITY COUNCIL REGULAR MEETING  
DECEMBER 02, 2008**

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

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

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

**Public Comments**

Herb Rubin gave Council a book on living a green life.

Ed Seibert spoke to the appointment of the Councilmember to fill Ms. Johnston's vacant seat.

**Council Comments**

Councilman Jennings spoke to his attendance at the first birthday celebration of the Recreation Center.

Mayor Denham spoke to sending a letter to all legislators in Southwest Florida regarding water quality and supporting the same issues.

**Request to prepare a proclamation to honor Dick Muench 35 years of service to the community as baseball commissioner**

Councilman Harrity spoke to a roast scheduled for Dick Meunch on Sunday, December 7<sup>th</sup> at Sanibel Community Association. He further stated that it would be nice to have a Council proclamation.

Councilman Harrity made a motion, seconded by Mayor Denham, to approve a proclamation.

The motion carried

**Planning Commission Report**

Commissioner Mike Valiquette gave the following report of the November 25, 2008 Planning Commission.

- Approval of a conditional use permit to Sanibel Captiva Association of Realtors relocation of their office

Discussion ensued regarding Section 86-43 of the Land Development Code and re-development coming before the Planning Commission.

**Second Reading and Public Hearing**

**ORDINANCE 08-019 AMENDING CHAPTER 14 OF THE SANIBEL CODE, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE III, LICENSES, REGISTRATIONS AND CERTIFICATIONS, DIVISION 2, CONSTRUCTION CONTRACTORS, SECTION 14-123, CONTRACTORS REVIEW BOARD; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-019.

Public Comment  
None

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Ordinance 08-019.

The motion carried

Mayor Denham stated that members of Council would be attending the 2:00 p.m. Tourism Development Meeting.

### **CONSENT AGENDA**

Council pulled item (d) for discussion.

#### **d. Approval to appoint Ms. Carla Johnston to the Citizens Advisory Committee (Metropolitan Planning Organization)**

Discussion ensued regarding the need to follow Council's protocol of advertising for open committee positions/liaisons, Ms. Zimomra stated that there were 3 groups, 1) Council liaison; 2) CAC – citizens representative; and 3) TAC – staff representative; meeting with Council liaison, staff liaisons with chosen CAC member, difficulty finding a resident to serve on CAC, did editorial have anything to do with comments of waiting to appoint, previous advertised numerous times without applicants, residents looking for transparency, should appoint since there was someone willing to serve, and since in the past there was no interest.

Mayor Denham made a motion, seconded by Councilman Pappas, to appoint Ms. Carla Brooks Johnston to serve as the Sanibel resident appointee to the Metropolitan Planning Organization CAC.

The motion carried.

#### **a. Approval of minutes –October 21, 2008 Regular Meeting**

#### **b. Approval of agreements between the City of Sanibel and (1) Neel-Schaffer, Inc. and (2) Solid Resources, Inc. for disaster monitoring services and authorize the City Manager to execute same**

#### **c. Approval of Council's liaison assignments**

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve the above-mentioned items.

The motion carried.

Public Comment

Herb Rubin spoke to Council not following Council procedure for the vacant seat Council seat.

Barbara Cooley suggested releasing a press release regarding Ms. Johnston's appointment,

Larry Schopp spoke to it important the electorate know the process Council goes through and why appointing Councilmembers during a vacant seat and/or Planning Commission members.

Discussion ensued regarding Vice Mayor's reason for voting for Mr. Harrity was because Mr. Ball where not on the same page

Council recessed at 9:37 a. m.

Council reconvened at 9:49 a. m.

## **OLD BUSINESS**

### **Water Quality Issues**

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

Councilman Jennings spoke to the discussion at the Florida League of Cities Board of Directors meeting focusing on water quality issues on a small scale, and he reiterated that home rule needed to be supported and protected.

Discussion ensued regarding speaking with legislators on issues, healthy beach program important to City with improvements and send to legislative delegation, and would need to pay attention to proposed pre-emption any adopted fertilizer ordinance by municipalities.

Dr. Loflin spoke to the following:

- SFWMD Board considering a contract with US Sugar and signatures must be applied within 2 weeks
- Another offer on the table for US Sugar, but substantially lower than the state offer

## **PRESENTATION(S)**

### **Representative Gary Aubuchon (District 74)**

Representative Aubuchon spoke to the following:

- Re-elected for another 2 year term
- New Speaker of the House
- Legislators must move out of offices at the end of session before an election
- Committee appointments made with the next week
- Committee meetings slated for 3<sup>rd</sup> week of December
- Sponsored the Healthy Beach Program bill last session
- Did not pass the Senate
- Would be interested in attaching the Healthy Beach bill to a larger bill this session
- Transportation Bill sponsored and most debated last session (commuter rail important part of southwest Florida)
- Adopted a license plate for lighthouses and would help fund all lighthouses including the Sanibel lighthouse
- No local community budget requests would be honored
- Shortfall of a \$2 billion operating budget
- Focus would be helping the economy

Discussion ensued regarding Council's understanding of no local budget requests, capital project either cancelled and/or on hold, increased reserves, request support on the proposed request of the Healthy Beach Program, help with the fertilizer pre-emption, Representative Aubuchon stated he would support both and lobbyist should focus the Senate on both issues, making appropriate budget adjustments, would there be an opportunity to pay as you go rather than borrowing, increasing the economy, Representative Aubuchon stated that the Revenue Committee overestimated the revenue, governor had discretionary ability to use reserves, programs were being cut, funds must be used to expand the economy, all options would be considered, building activity in Lee County down 97%, tourism a large part of the economy, foreclosure problems must be processed, state and federal funds available to purchase foreclosed homes, \$27 million went to Lee County, need private investment to purchase foreclosed homes, anticipated shortfall with the state providing assistance to municipalities, Representative Aubuchon stated that there was help and his though were that the state would not borrow money to balance the budget, water needs to move south and the US Sugar land deal completed, inland port supported and concern of economics in the US Sugar land region, would US Sugar be kept together, Representative Aubuchon answered legislators agreed that water

flow needed to flow south, US Sugar land needs to be purchased as one parcel, estuaries were an asset for Floridians, and there was a tendency to revert to previous thinking after a crisis rather than looking forward.

#### Public Comment

Herb Rubin spoke to refunding money to potential guests and would there be anything possible to stop the trend and enhance attraction to Lee County.

Representative Aubuchon answered that bed tax was used to market the state. He stated the message should be changed from foreclosures to a baby boomer retirement area.

Mike Valiquette spoke to the US Sugar land purchase and the importance of including the land closest to the Caloosahatchee River.

Representative Aubuchon thanked Mr. Valiquette.

Discussion ensued regarding only 41% of Florida residents support the US Sugar acquisition.

Council recessed at 10:42 a. m.

Council reconvened at 10:48 a. m.

### **Recreation Center Issues Scholarship Assistance Funding proposal**

Ms. Zimomra spoke to the following:

- Council direction was that no child was turn down to attend the recreation program
- Minor increases in contributions
- Sam Bailey through a scholarship was sponsoring a child

Chris Deal, Recreation Director spoke to the following:

- Implement a sliding fee scale based on household income
- Continue to research grant opportunities, which were limited
- City invited to become involved in the Sanibel School golf tournament
- Program after 2009
- Parks and Recreation Committee approved recommendations

Discussion ensued regarding cost to City, Ms. Zimomra stated a possible \$32,000 deficit for next year, definitive number of students, off-setting revenue with sliding scale, program would be in place beginning in August, 2008, Sanibel School had 3 entities, 1) PTA; 2) School fund; and 3) Student Advisory; efforts should be coordinated, school has 2 fundraisers 1) car raffles; 2) golf tournament; if there was surplus funds could be allocated to the Recreation Center.

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to direct staff to bring back legislation including the staff recommendation to the December 16 Council meeting.

The motion was carried.

### **Staff Report Regarding resident Hazel Schuler's Comments on Gulf Beach Zone Carrying Capacity and Resort Housing District Regulations**

Mayor Denham suggest continuing this item until the December 02 Council meeting due to the proposed attendance of Council to the scheduled TDC meeting

Ms. Schuller spoke to the Planning Department report was deficient regarding conservation beach land uses

Public Comment

Sonia Smith spoke to her conversation with Ms. Schuller where Ms. Schuller stated she was no longer interested in making the beach zone a conservation area and would like that further clarified.

**Legislative Delegation**

**Time Line**

Ms. Zimomra noted that the delegation meeting timeline had changed. She further passed out a corrected timeline.

**DRAFT Pre-Delegation meeting contact list**

Ms. Zimomra spoke to each Councilmember speaking with the legislative delegation.

Discussion ensued regarding the Governmental Affairs making suggestions which Councilmembers should speak with which delegations, and Ms. Zimomra stated that the City Clerk would work with Council to schedule the appointments by the January 22 delegation meeting.

**COMMITTEES BOARDS COMMISSION**

**Resignation of Councilman Harrity from the Parks and Recreation Advisory Committee**

Ms. Zimomra spoke to the acceptance of Councilmember Harrity.

Councilman Jennings made a motion, seconded by Vice Mayor Ruane, to accept the resignation.

The motion carried.

**RESOLUTION 08-160 RE-APPOINTING AND APPOINTING MEMBERS TO THE CITY OF SANIBEL CONTRACTORS REVIEW BOARD; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-160.

Ms. Cuyler stated the resolution re-appoints 3 existing members and adds an additional position. He explained that the blank appearing in the resolution would be the name of the new member.

Discussion ensued regarding appointing Mr. Skalstead to the Contractors Review Board and Mr. Jones to the Parks and Recreation Committee.

Mayor Denham made a motion, seconded by Vice Mayor Harrity, to adopt Resolution 08-160, re-appointing the 3 existing members and appointing Dean Skalstead to the committee.

The motion carried.

**RESOLUTION 08-161 APPOINTING A MEMBER TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-161,

Vice Mayor Ruane, made a motion, seconded by Councilman Pappas, to adopt Resolution 08-161 and appoint Mr. Jones.

The motion carried.

## **RESOLUTION 08-162 APPOINTING A MEMBER TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-162.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 08-162 and appoint Ms. Marshall.

### **Staff recommendation to place research by the Parks & Recreation Advisory Committee into the creation of a non-profit foundation on hold due to current economic climate**

Ms. Zimomra spoke to Council giving the Parks and Recreation Advisory Committee the goal of creating a non-profit foundation. She further stated that staff recommendation was to hold this goal due to the current economic forecast.

Mayor Denham made a motion, seconded by Vice Mayor Ruane to approve the recommendation.

The motion carried.

## **NEW BUSINESS**

### **Request from Alisha Buesing (American Cancer Society) to waive the Special Events fees in the amount of \$1,390 for the Relay for Life scheduled for Saturday, February 21 beginning at 9:00 a.m. through Sunday, February 22 ending at 10:00 a.m. at Community Park, 2173 Periwinkle Way**

Ms. Zimomra spoke to the following:

- Request a fee waiver of \$1,390 plus \$140 refundable fee
- Last year fees were \$350 plus \$100 refundable fee
- Fees established to recapture actual costs
- \$120 for fence rental
- Police employee largest cost of \$535
- Historical events Council waived fees due to City co-sponsor
- Children's Education Center received a compromised fee structure
- Site was cleaned by event sponsor last year
- Group agreed to put up fence and clean restrooms

Discussion ensued regarding Council adopted a fee structure ordinance, Council waived fees for co-sponsored events, all non-profits for good causes, last year fees comparable to the waiver Council agreed to with the Children's Education Center, need to review fee structure, safety fence would be installed by requester, but City staff would rent fence, new fees adopted summer 2008, some fees increased and some fees were new, fees paid this year the same as last year, Ms. Zimomra stated the actual cost for the Police Department was over \$535, how many non-profit organizations came last year, Ms. Zimomra stated that approximately 20 to 30 organizations, largest Special Event category were weddings on the beach, summary in agenda packet, should staff re-examine the fees, Ms. Zimomra noted that there was an electrical fee, fence rental cost, application fee represents staff costs, Ms. Zimomra answered that the fee structure was analyzed, reviewed charges by other municipalities, and public hearings, and staff provided information for other recreation complex fees for Council consideration.

Public Comment

Tom Krekle spoke to it being natural the other clubs would come before Council if fees waived and Council should abide by the adopted fees.

Larkin Hammond asked how much of the money stays in Sanibel. She further stated that a review should be made to see how much money stays in Sanibel.

Richard Johnson spoke to Sanibel volunteers and would like to see as much as the money raised would go to the Cancer Society.

Hazel Schuler spoke to FISH asking for a desk at the Senior Center was turned down due to not being policy, but agreed the fees should be charged.

Herb Rubin spoke to the need to re-examine the fee structure.

Mayor Denham made a motion to deny the request and direct staff to review the fee structure.

The motion died for the lack of a second.

Discussion ensued regarding the increase in fees, having several hearings regarding the fees and charging only actual costs.

Councilman Jennings made a motion, seconded by Councilman Pappas, to reduce the following fees; 1) Police Department service fees; 2) safety fence rental; and 3) electrical outlet fee and allow application and community park fees to be absorbed by the City with a \$675 total reduction.

The motion carried with Councilman Harrity and Mayor Denham voting in opposition.

## **CITY MANAGER**

### **Informational Items**

#### **Tourism Development Council (TDC) meeting, December 2<sup>nd</sup> at 2:00 p.m.**

Ms. Zimomra passed the agenda out for the meeting.

Ms. Zimomra stated that staff had received a letter transmitting their depreciating schedule. She further stated that IWA had requested a resolution for December 16<sup>th</sup> Council meeting. She passed out the letter from IWA.

#### **Written notification regarding the City of Sanibel's National Flood Insurance Program (NFIP) Community Rating System (CRS) retaining the current Class 5 community rating**

Ms. Zimomra spoke to the letter announcing the City's flood rating.

#### **Charlotte Harbor verified impaired waters list**

Ms. Zimomra spoke to the Sanibel River being included on the list. She noted that Bowman's Beach was also noted due to the last closing and the Lee County Health Department testing.

## **CITY ATTORNEY'S REPORT**

None

Discussion ensued regarding having a resolution on the December 16<sup>th</sup> Council meeting for an increase in water rates for IWA, should send any questions to IWA, agreed to a certain process to review IWA, IWA business changes needed, Ms Zimomra stated that she had forwarded Council questions to IWA and would forward any others, and Lee County allowed through the franchise agreement that Sanibel authorize for Captiva as well.

## **COUNCIL MEMBERS' REPORT**

### **Attendance at the Florida League of Cities Legislative Conference Thursday & Friday, November 20 & 21, 2008**

Councilman Jennings spoke to issues coming before the Board.

### **Discussion regarding inviting interested parties residential and commercial to the December 16<sup>th</sup> City Council meeting Agenda Item: Nerita Donax Area Traffic Management Plan Review**

Mayor Denham spoke to the following:

- Need to hear from residents in the area
- Need a consensus

Ms. Zimomra stated that staff would bring back a signage plan and cost at the December 16<sup>th</sup> meeting.

#### Public Comment

Mark Hammond spoke to neighbors on Nerita and there was consensus on the issues and concerns.

Herb Rubin spoke to the City Manager to send letters to all residents in the area.

Council agreed.

Councilman Harrity stated at the last Council meeting he spoke to the Hysterical Committee rather than the Historical Committee and wanted to apologize.

Councilman Pappas spoke to asking the City Clerk when the Planning Commission appointments would be made and it would not be December 16<sup>th</sup>.

Ms. Zimomra stated that it was Council's pleasure to set the appointments, with an advertisement, with a deadline to apply, arrange Council interviews, and appointments on January 6<sup>th</sup>, 2009.

## **PUBLIC COMMENT**

Richard Calkins spoke to his disappointment in Council appointing Planning Commission members, and speaking with the City Clerk understanding that the appointments would be made at the December 16, 2008 Council meeting.

Dr. David Berger spoke to sending a letter by email copied to the City Clerk regarding being out of town from January 1<sup>st</sup> through January 11<sup>th</sup>. He further spoke to sending available dates for an interview with Council members.

There being no further business the meeting was adjourned at 12:10.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk