

**SANIBEL CITY COUNCIL REGULAR MEETING
FEBRUARY 03, 2009**

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

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

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

PRESENTATION(S)

Recognizing Employee of the 1st Quarter FY 2008/09

Mayor Denham recognized Andrea Miller as the Employee of the first quarter.

Ms. Miller thanked her peers for the recognition.

Certificates Recognizing Quarterly Donor Contributions to the Recreation Center Programs

DONORS

Bailey's General Store
Bank of the Islands
Billy's Bike Rental
Casa Ybel Resort
Children's Education Center
Dairy Queen
Doc Fords
Great White Grill
Island Pizza
Island Sun
Jerry's Supermarket
Lazy Flamingo
Nave Plumbing
Physical Therapy of Sanibel
Ray & Meri Rhoads

Sanibel-Captiva Kiwanis Club
Sanibel-Captiva Optimist Club
Schnappers Hots
Seashells.com

SPONSORSHIP

Basketball League & New Year Eve Sock Hop
Basketball League
New Years Eve Sock Hop
Use of resort pool
Basketball League
Basketball League
Basketball League
Basketball League
New Years Eve Sock Hop
Basketball League
Basketball League
Basketball League
Basketball League
Basketball League
Representing Santa & Mrs. Claus & sponsorship of handouts to children
Swim Team
Basketball League
Teen Night
After School Program

Mayor Denham presented certificates the above-mentioned donors.

Proclamation recognizing Ada Shissler and Periwinkle Partnership, Inc.

Mayor Denham read and presented the proclamation to Ada Shissler and the Periwinkle Partnership for the native plantings along Periwinkle Way.

Ms. Shissler introduced and recognized the Periwinkle Partnership Board, the landscape designer, and Gates Castle, Public Works Director. She also thanked the volunteers for their tireless efforts in the plantings and local contributors.

Mr. Charles Duaray, South Florida Water Management District (SFWMD) board member regarding the SFWMD priorities and his US Sugar land acquisition vote

Mr. Duaray spoke to the following:

- 5 Water Management Districts predicated on water flow and water systems

- US Sugar acquisition would facilitate the connection of the entire water system
- Concern to implement a connected system acting to preserve waters and defend the coastline with containments and excessive nutrients from Lake Okeechobee
- Priority was the health of Lake Okeechobee and the EAA (area south of the lake)
- SFWMD Board voted against back pumping
- Negotiation to purchase of all US Sugar holdings for \$1.8 billion plus (187,000 acres)
- Leased back facilities to US Sugar for 7 years
- & county residents paying for purchase
- Price lowered due to not purchasing railroads and manufacturing/reproduction facilities (\$1.34 billion at \$50 per acre)
- Continue a 7-year lease back to US Sugar
- Appraisal of land \$1 billion
- Lease back at \$250,000 per year
- State and federal government not helping with funds to purchase lands only 16 counties
- In favor of purchase of US Sugar, but does not like the current deal and timing
- Need help to relieve pressures to the Everglade system

Discussion ensued regarding the deal a surprise to Florida residents, flow way south an answer to problem, but not feasible, focus was for water acre storage, cleaning the Kissimmee basin important, Lake Okeechobee continues to have muck on the bottom and would take a long time to clean up, only 2 years ago the Everglades restoration project approved and began, already \$.5 billion spent, ACOE behind in repairing the Herbert Hoover dike due to lack of funds, water would be released from Lake Okeechobee at 17 feet, Mr. Duaray against the cost of the project by \$340 million, concern was for sparrow nesting in low areas due to Everglades being drained, endangered species in San Carlos Bay was the small tooth sawfish, Mr. Duaray stated there were 78 lawsuits against SFWMD due to endangered species losing habitat, working with DEP to approach problem as a regional problem, largest land purchase in state, largest restoration in world, purchase should come faster and cost less, could SFWMD help with acquisition to happen faster and/or cost less, another company want to purchase US Sugar and then work with SFWMD to purchase only the land needed and negotiate with Florida Crystal, Mr. Duaray stated that acquisition should take place concurrently between US Sugar and Florida Crystal, Councilman Pappas quoted a verbatim portion of the January 20th minutes relating to the flow way south, Mr. Duaray stated the Calooshattee River was not connected to Lake Okeechobee 110 years ago and paying the price for the artificial connection, he would like to see 1 million acre feet for water storage, and further explained that there are currently 236,000 gallons of water in an acre foot acre feet of storage, \$21 billion worth of projects for the next 20 years, Mr. Duaray's concern was if the ACOE do not come forward with funds within 10 years there would be multiple half finished projects, 16 counties would pay for the purchase of the US Sugar acquisition, flow way south would take care of most of the problems, all efforts to provide additional storage became less important, Mr. Duaray spoke to the euphoria felt by the environmental community over the proposed land acquisition, land acquisition not only an environmental plus, but trying to preserve the quality of life, and the SFWMD Board relied on the continuance of the Sanibel being a paradise and would not remain so if the quality of life was lost.

Public Comment

Maureen Valiquette spoke to the land deal a priority. She further stated that the priority should also be the clean-up of Lake Okeechobee.

Mr. Duaray stated that funds were being delegated to cleaning up the Kissimmee basin. He further spoke to the ACOE straightening out the Kissimmee River and 1 million yards of muck was removed from Lake Okeechobee. He also spoke to determining how to reduce the muck from Lake Okeechobee, and recognizing contaminants in lake.

Claudia Burns asked for specific directions to help.

Mr. Duaray spoke to the SFWMD board meeting in two weeks.

Herb Rubin spoke to a deal breaker would be increasing proposed development in Palm Beach County.

Mr. Duaray spoke to there being a proposed inland port possible in Palm Beach County. He explained that the inland port was for storage and distribution center. He further spoke to the economy in Clewiston. He also spoke to the inland port having increased transportation due to distribution, which would be the down side of the proposal.

Paul Reynolds spoke to the valuable acreage of the proposed land acquisition and utilize the acreage to achieve a desired result.

Mr. Duaray stated that there was no need for 187,000 acres, and would like to see the land purchased turned down.

Mike Valiquette asked what the SFWMD could do to work with DEP to clean-up Lake Okeechobee as designated in the Clean Water Act and take care of polluters.

Mr. Duaray answered best management practices were not taken lightly, the need to manage land and still make a profit, rules were flexible with philosophy as adopted by legislature. SFWMD works under DEP and DEP controls the environment.

Karen Storjohann spoke to the idea of putting a port on Lake Okeechobee was not in line with cleaning Lake Okeechobee.

Mr. Duaray answered that the Lake would not be the way it was 110 years ago. He stated he would like to see some of the US Sugar property southwest of the lake retained and used for water storage.

Discussion ensued regarding concern to keep land in US Sugar purchase and correct past mistakes, Council thanked Mr. Duaray for his leadership, and Mr. Duaray stated it would be what the taxpayers were able to afford.

Council recessed at 10:16 a.m.

Council reconvened at 10:27 a. m.

Proclamation recognizing Griffer Andries Knevel, (City Clerk for the Municipality of Maasbree in the City of Gennep, Netherlands) (to be presented Monday, February 23, 2009 reception to be held at the Sanibel Public Library 5:00 pm to 7:00 pm)

Ms. Zimomra explained the process as follows:

- City Clerk applied and chosen to represent the United States
- International Institute of Municipal Clerks (IIMC) were paying for the travel
- City Clerk was using vacation time
- No City funds being used
- Griffer Knevel to arrive Friday, February 20th
- Reception at Sanibel Library Monday, February 23rd from 5:00 to 7:00 pm.

Public Comments

Karen Storjohann asked if item (d) could be pulled from the Consent Agenda. She also spoke to rentals in her subdivision being only for 28-days. She stated that the rental agency for some owners were not complying with the code. She further suggested that the rental agency be fined, as well as the owner,

which is currently being done according to the code. She also spoke to being in the Keys and fertilizer affecting the barrier reef.

Claudia Burns asked if the parcel of land in front of and next to Beachview housing wildlife and suitable for development. She further stated that 1 lot had been cleared and the other for sale. She asked the process to have the land put in the Environmentally Sensitive Land.

Council stated there were steps to take and Council would need to introduce the issue.

Bill Sartoris spoke to the Bike Club being formed 15 years ago and focus was the safety on the Shared Use Paths. He also spoke to endorsing the draft shared use master plan.

Billy Kirkland spoke to the City Manager reducing her salary by 15% and Ms. Zimomra stated that the City Attorney was doing likewise. Her further spoke to Sanibel demonstrating by leadership. He asked if Mayor Denham was being endorsed by COTI.

Mayor Denham answered that it was gratifying to be endorsed by a specific group, but he stated that he wanted to represent the entire the electorate.

Rae Ann Wessell invited Council to a February 17th SCCF and Big Arts at 7:30 p.m. of a panel discussion on the US Sugar land acquisition.

Judy Minchie spoke to speaking with Charles Duaray regarding ideas from the public to clean-up Lake Okeechobee. She also spoke to comments on 28-day rentals

Council Comments

Councilman Pappas spoke to the need for Mr. Duaray to balance competing interest and does seem to be able to that He further spoke it necessary to speak to the facts of the red drift algae policy, where the City was in terms of a long-term solution regarding red drift algae, had respect for Councilmembers efforts regarding red drift algae, and should measure achievement not just effort.

Mayor Denham spoke to the following:

- Water issue caused by Lake Okeechobee release
- Water issue caused by urban pollution
- Governor Crist responded for the purchase of US Sugar as a direct result by Sanibel
- Greater rules put in place limiting Lake Okeechobee releases
- Now able to identify and measure the pollutants coming to Sanibel with a partnership with SCCF
- Number of permit requirements instituted within region to restrict permitting of waste water and water run-off
- Restricted package treatment plants and septic systems
- Adopted a fertilizer ordinance
- Sarasota County seeing a 40% decrease by previously instituting items currently being implemented in Sanibel's region
- 4 tons of nitrogen put in the Calooshatchee River and Lee County now introducing items to decrease the nutrients
- Sanibel spent \$65 million to build a sewer system

Councilman Pappas stated that efforts were discussed and the need to show concrete results with scientific evidence.

Discussion ensued regarding decreasing the nutrient load, to have more specific interest for south Florida, impact on beaches was also caused by nutrients from urban pollution, Councilman Pappas stated that people need to know the City challenges and that had not been done, need to direct Mr. Duaray and respond with priorities to manage all interest in Florida to produce results, need to evaluate Mr. Duaray's

comments, disappointment in the senior level of the state of Mr. Duaray's vote of the US Sugar acquisition, need to evaluate the meaning of Dr. Loflin's comments at the January 20th Council meeting, inappropriate for Councilman Pappas to editorialize Dr. Loflin's comments at the Planning Commission meeting rather than a discussion at a Council meeting, meeting of irate citizens regarding the red drift algae on the beach, staff created a significant plan for removal of red drift algae which was approved by Council, suggested having a separate meeting on specific issues, difficult to follow Councilman Pappas' comments at the Planning Commission, and Council volunteers time.

Vice Mayor Ruane thanked the City Manager and City Attorney for reducing their salaries by 15%. He further spoke to being able to measure the worth of both through their work ethic. He further spoke to it being easier to have a meeting with the Chief Financial Officer, who knew of Sanibel due to the influence of Mayor Denham and former Mayor Carla Brooks Johnston.

Councilman Jennings spoke to educating Sanibel residents, other elected officials, influencing the ACOE regarding Lake Okeechobee's release schedule, should put out another H2O Matters newsletter.

Mayor Denham also thanked the City Manager and City Attorneys' salary actions.

Councilman Harrity spoke to the theme being leadership. He further spoke to Sanibel being about stepping up and doing the right thing.

Councilman Pappas thanked the City Manager and City Attorney. He spoke to disagreeing with the actions and he asked them to rescind the decision to decrease their salary by 15%. He also stated that if more money was needed in Public Works, the request should come before Council for the decision.

Planning Commission Report

Tom Krekel gave the following report: Not available for the report.

Second Reading and Public Hearing

ORDINANCE 09-002 AMENDING CITY OF SANIBEL ORDINANCE 07-011, AS AMENDED, WHICH ESTABLISHED AN UPDATED AND REVISED SCHEDULE OF RECREATION USER FEES FOR CITY OF SANIBEL RECREATION PROGRAMS; PROVIDING FOR THE ESTABLISHMENT OF AN ADDITIONAL RECREATION PROGRAM TO BE KNOWN AS "YOUTH LAP SWIM"; ESTABLISHING A TENNIS PROGRAM; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 09-002.

Mr. Cuyler stated that the ordinance was slightly revised.

Mayor Denham made a motion, seconded by Councilman Harrity, to adopt Ordinance 09-002.

Pubic Comment:

None

The motion carried.

CONSENT AGENDA

Ms. Karen Storjohann requested Consent Agenda item (d) be removed for discussion.

d. RESOLUTION 09-014 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-018 AND PROVIDING AN EFFECTIVE DATE (to appropriate \$18,726 from Lee County to remove existing wooden ramp access to the City Hall gazebo and to construct an

ADA-compliant replacement wooden access ramp. Contract number 4679 is attached. This amendment increases the FY09 budget by \$18,726)

Ms. Zimomra read the title of Resolution 09-014.

Ms. Storjohann spoke to her concern in using wood, which required maintenance and replacement.

Ms. Zimomra spoke to the replacement being the recycled plastic material as was the standard when being replacing any City ramp

- e. **RESOLUTION 09-015 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-019 AND PROVIDING AN EFFECTIVE DATE** (to recognize an additional \$410,508 from FEMA to reimburse the City for costs incurred in Hurricane Charley cleanup and to transfer \$7,500 from the General Fund reserve for contingencies to the finance department for accounting expense incurred in the recovery of these funds. This amendment increases the FY09 revenue, budget and general Fund balance by \$410,508. it does not increase the FY09 expense)

Ms. Zimomra read the title of Resolution 09-015.

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to adopt Resolutions 09-014 and 09-015.

The motion carried.

- a. **Approval of minutes –January 20, 2009 Regular Meeting**

Vice Mayor Ruane requested the minutes be brought forward to the February 17th Council meeting.

Council agreed.

- b. **Award Beach Dune Walkover Replacement contract to Winfield Contracting, Inc., in the amount of \$60,137 and authorize the City Manager to execute same (\$134,500 Tourist Development Council (TDC) grant available for the project)**

- c. **Approve purchase of a ½ ton extended cab pick-up with 4-wheel drive from Don Reid Ford of Maitland, Florida for \$21,872.00 (a grant in the amount of \$23,000 is provided by the Tourist Development Council (TDC) for beach maintenance. This grant was approved by City Council January 20, 2009)**

- f. **Request from the Horizon Council for Sanibel City Council’s renewal of support in the amount of \$2,500 (this amount is budgeted under the Legislative Budget)**

- g. **Award contract for the replacement of the HVAC system in the Police Wing of City Hall to Brooks & Freund, LLC in the amount of \$139,666 and authorize the City Manager to execute same (\$295,000 is included in the FY 08/09 Capital Improvement Budget for this project, of which \$240,000 is available for construction after engineering and other project expenses)**

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to approve items (b), (c), (f) and (g).

Public Comment

None

The motion carried.

OLD BUSINESS

Water Quality Issues

Reports from City Council members

City of Fort Myers Resolution 2009-1 supporting the acquisition of US Sugar land and adjacent lands south of Lake Okeechobee

Ms. Zimomra spoke to the inclusion of a resolution from the City of Fort Myers Mayor approving the US Sugar land acquisition.

Dr. Loflin stated that this resolution was word-for-word of Sanibel's position statement and was on the H2O Matters website.

Discussion ensued regarding the need for a similar resolution for City Council to adopt at the next Council meeting, Councilman Jennings spoke to a request he had made to place an agenda item of a similar resolution to the Florida League of Cities President for adoption at the March Board meeting.

Councilman Jennings made a motion, seconded by Mayor Denham, to bring a resolution forward at the February 17, 2009 Council meeting.

The motion carried.

Dr. Loflin spoke to the following:

- Natural resource had distributed a list and the need to understand Council policy
- He further spoke to different aspects and involvement in the Kissimmee basin
- Attended the Clewiston meeting of the footprint of the US Sugar land, including property not owned by the SFWMD
- Sanibel needs to input needs
- There would be a series of meetings
- Ft. Myers meeting in April
- Have specific recommendations of footprint
- Retaining lands in the S-4 basin due to the critical nature for the Caloosahatchee River

Discussion ensued regarding staff finding a way to better report actions and results achieved and expectations of achievements.

Staff Reports

Staff report regarding the designation of critical habitat for the small tooth sawfish

Dr. Loflin spoke to the following:

- National Marine Fishier Service provide better protection for fish with only 5% of population remaining
- Identified waters of Charlotte Harbor and shallow mangrove lined creeks as most critical habitat
- Establishment of habitat for Charlotte Harbor and the 10,000 Islands
- Ramifications when trying to get a permit
- Projects impacting a significant areas of mangroves would have to go to the district office in Vero Beach with a threat determination
- Recommendation support
- Public comment period until February 13th
- Gives another endangered species when possible Lake Okeechobee water releases

Council agreed to a letter of support by consensus.

Staff report regarding the Dunes lake water quality

Dr. Loflin reported the following:

- Meeting with Dunes staff
- Made initial steps to improve water quality and increase buffers and plantings

- Moving forward with letter of agreement
- Staff asking for a detailed schedule to implement the management letters
- Attending the March homeowners meeting

Discussion ensued regarding the aerators putting oxygen in the water directly, but could stir up the lake bottom, Dr. Loflin stated that improvement of the overall practices were needed, did the Dunes staff understand City concerns, Mr. Colton answered that Dunes staff was trained and only certain staff used chemicals and Council encouraged Mr. Colton and the Dunes staff to understand and abide by the letter of agreement.

Public Comment

Craig Colton spoke to working closely with staff to resolve the matter

Letter supporting the Sunset Bay dredging

Ms. Zimomra stated that Council directed staff to draft a letter at the last Council meeting.

Budget Issues

Update regarding state increasing traffic fees

Ms. Zimomra spoke the following:

- Change in fees for moving violations
- State action to increase fees
- Eliminated the option for the traffic school

Public Comment

None

Contractual service update

Ms. Zimomra spoke to the following:

- Complied a master lists of contractual services
- Continuing to evaluate for further contractual services

RESOLUTION 09-016 APPROVING FIRST AMENDMENT TO GROUND LEASE AND ASSOCIATED MEMORANDUM OF GROUND LEASE, AND GROUND LEASE AND ASSOCIATED MEMORANDUM OF GROUND LEASE, ALL WITH THE CITY AS LANDLORD AND COMMUNITY HOUSING AND RESOURCES, INC., AS TENANT; AND PROVIDING AN EFFECTIVE DATE

(this resolution approves long-term ground leases requested by CHR for Below Market Rate Housing locations where the land is owned by the City and the units are owned by CHR, with the Mahogany Way, Airport Way, Woodhaven and Casa Mariposa locations being for a 50 year term and the Whitehall Rd and Beach Rd locations being for a 135 year term, such long term ground leases requested to facilitate equity-type and similar financing arrangements for BMRH clients)

Ms. Zimomra read the title of Resolution 09-016.

Mr. Cuyler spoke to the following:

- Contracts revised to address conveyance of structure in case of CHR not handling the City's BMRH
- Document from City Attorney
- Letter from CHR
- Contracts in agenda packet

Mike Cuscaden spoke the new statute regarding 50-year rentals, concern from Council for the BMRH agency termination, and titles would come to the City.

Mayor Denham made a motion, seconded by Councilman Harrity, to adopt Resolution 09-016.

Discussion ensued regarding workforce housing, workforce as defined by City followed upon requests for housing, Mr. Cuyler stated that there had been discussion, and state mandated for affordable housing.

Public Comment

None

The motion carried.

COMMITTEES BOARDS COMMISSION

Withdrawal of resignation from Susie Marks, Vegetation Committee member

Withdrawal of resignation from Barbara Bolt, Vegetation Committee member

Mr. Cuyler spoke to his clarification of procedures and noted that resignations were withdrawn.

CITY MANAGER

Informational Items

Ms. Zimomra spoke to inclusion of legislation from Senator Justice's office governing access to public beaches and could change the authority that municipalities have to govern beaches. She further stated that the City Attorney would be reviewing the issue for potential impacts.

Council decided this issue would come back at the February 20 Council meeting.

She further spoke to attending a meeting of City Managers from Sarasota to Macro Island regarding current issues coming before state legislators.

Report from Chief of Police on End of the Year Safety Statistics & Trends

Ms. Zimomra spoke to increase in crime due to the economical times and doing a more in depth analysis.

2008 End of Year Real Estate Report

Ms. Zimomra spoke to this report, the trends shown, decrease in evaluation and increase of homes sold on Sanibel.

Distribution of DRAFT Shared Use Path Master Plan and direction to staff

Ms. Zimomra spoke to the final draft report had been reviewed by staff, and the bike club. She asked if Council wanted to review with full presentation or send it to the Planning Commission and/or Parks and Recreation Committee. She also stated that this was a priority for the Parks and Recreation Committee. She also gave Council a history of the project.

Discussion ensued regarding sending the report to the Parks and Recreation Committee, and then back to Council.

Status report on the ATTPL Transportation Scoping meeting at Sanibel Recreation Center January 29, 2009

Ms. Zimomra spoke the report being reviewed by City staff and the Bicycle Club. She further spoke to the scheduled public meeting, and that surveyors would be taking surveys in the community. She asked Council if they wanted to review it or send the report to the Planning Commission and/or Parks and Recreation Committee.

Discussion ensued regarding the committee having a high interest in reviewing the report, bike club contributed 25% of cost of master plan, in-house staff worked with Bike club to complete the report, Council decided to send to report to the Parks and Recreation Committee.

Status of request for Special Events Permit for a Farmer's Market

Ms. Zimomra spoke to a request for a Special Event for a Farmers Market. She stated a short temporary permit for 6-week under the ordinance. She further stated that there was some operational issues and within a short period of time issues would be resolved.

Request from R.L.R. Investments, LLC/Shop Sanibel.com to put signage on City Council's Independence Day parade float in recognition of R.L.R.'s/ShopSanibel.com sponsorship of the fireworks display

Ms. Zimomra spoke to the following:

- Offer to sponsor the Independence Day fireworks
- Would like to have a sponsor sign on Independence Day Parade

Mayor Denham made a motion, seconded by Councilman Harrity to allow the sign on the Council parade vehicle and allow R.L.R. sponsor the Independence Day fireworks.

Public Comment

Judy Minchie spoke to her disagreement of the sign. .

The motion carried. Vice Mayor Ruane was out of the room.

Bridget Stone spoke to a meeting with interested parties regarding a farmers market. She stated the group she spoke to were looking at vendors.

Ms. Zimomra asked Ms. Stone to meet with her.

Follow-up on status of sand art

Ms. Zimomra spoke to 2 letters in the agenda packet for no solicitation of advertisement and the sand sculpture person not advertising for anyone in the future. She also spoke to large holes on the beach.

Public Comment

Herb Rubin spoke to reservations for a specific week due to a person making sand sculptures. He further spoke to the code not being specific on sand sculpture and the need to preserve the beach.

Discussion ensued regarding a hazard of deep holes on the beach.

Claudia Burns spoke to the holes being a trap for baby birds.

Mark Hammond spoke to people coming for the sand sculpture may go to Fort Meyers Beach. He stated that some if the sculptures were sprayed by glue to hold the sand and painted.

Mr. Cuyler stated that staff was not making recommendations for code changes, but would monitor and come back to Council as necessary.

Florida League of Cities Legislative Action Day, March 25, 2009

Lee County Days (Tallahassee) March 24th, 25th and 26th, 2009

Ms. Zimomra spoke to the Legislative Action Day and Councilman Jennings travel would be taken care of by the Florida League of Cities and the focus was to meet with legislators.

Discussion ensued regarding a fee that legislators would pay to attend for the Lee County days.

Appointment of a City Council member to participate in the following Logistic and Accuracy Testing of voting machines and Canvassing Board meetings for the March municipal elections. The appointee can not be a candidate and must attend all 3 sessions: (Thursday, February 26, 2009 at 8:00 a.m.; Tuesday, March 03, 2009 at 6:30 p.m.; Thursday, March 05, 2009 at 1:00 p.m.)

Ms. Zimomra stated that Council needed a representative for 3 separate times, but could not be a candidate.

Councilman Pappas made a motion, seconded by Vice Mayor Ruane, to appoint Councilman Jennings.

The motion carried

Councilman Pappas gave a report of the Planning Commission's January 27, 2009 meeting as follows:

- Proposed changes of Section 86-43
- Discussion took place with the LDC sub-committee
- Committee approve Director Duffy's proposal
- Include a trigger mechanism and a set of guidelines
- Applying individual would know 86-43 was trigger and give the guideline to the applicant

Discussion ensued regarding voluntary guidelines.

Public Comments

Claudia Burns spoke to application not following the guideline it would be a trigger for the Planning Commission.

Karen Storjohann spoke to the Mims discussion being enlightened and the need for homeowners to include guidelines in the association information.

CITY ATTORNEY'S REPORT

Copy of Lee County Resolution 09-01-13, adopted pursuant to Chapter 171, Part II, Florida Statutes, which invites "the City of Sanibel to Negotiate an Interlocal Service Boundary Agreement to Designate a Joint Planning Area and Provide for the Efficient Delivery and Funding for Public Services."

Memorandum from City Attorney relating to statutory process and timeframe of required Responding Resolution from City of Sanibel to Lee County

Mr. Cuyler spoke to the following:

- Copy of resolution adopted by Lee County dealing with the Interlocal on service boundary agreement
- Within 60 days of receipt of Lee County resolution the City must respond
- A resolution would be on the March 17th agenda

Discussion ensued regarding Periwinkle Way removed from the agreement.

COUNCIL MEMBERS' REPORT

Report on the Lee County Legislative Delegation Meeting of Thursday, January 22, 2009

Mayor Denham spoke to the above-mentioned meeting as follows:

- Healthy Beach Program would be sponsored by Senator Bennett
- Watch carefully any pre-emption of fertilizer on docket
- News Press article of a proposed bill sponsored for resident approval of sports arenas

January 8, 2009 correspondence from Bonita Springs Mayor Ben Nelson regarding Florida Legislative Lobbying

Ms. Zimomra stated that the state had preempted a City's ability to control plastic bags and the City of Bonita Springs had been reviewing the issue.

COUNCIL COMMENT

Councilman Pappas asked if Ms. Valiquette state is PURRE was advocating the purchase of US Sugar lands before the governor's announcement, and Mayor Denham answered he did not believe that was part of her comments. He further stated that he supported Council and the statement made by Mayor Denham earlier in the meeting was considered a political statement.

Mayor Denham stated that he did seek the guidance of the City Attorney.

Mr. Cuyler stated he did have a discussion with Mayor Denham and Council's rule was a resident could ask a question and it usually was answered.

Councilman Jennings spoke to education being important.

Vice Mayor Ruane asked if Council would allow discussion of additional membership on the General Employees and Police Pension Boards from the public, as well as discussing the objectives. He further stated the membership was enhanced late last year with new members, and the objections may need to be more comprehensive.

Mr. Cuyler stated the item would be brought to Council for discussion.

Council agreed.

PUBLIC COMMENT

Claudia Burns spoke to agreement of the farmers market. Her concern was that the local businesses needed to be invited to participate.

Herb Rubin spoke to providing information of charging for plastic bags. He further spoke to Sanibel's obligation to banish plastic bags. He also spoke to there being no excavation of the sand sculpture at his condo unit building. He asked for guidelines.

Ms. Zimomra stated she was willing to meet, but there had been no direction from Council to change the existing legislation and would always be officer judgment on issues.

Councilman Pappas stated the Independent Scholarship Fund (Community Foundation) lost \$27,294.09 from its high of \$87,891 at the end of 2007.

Vice Mayor Ruane stated the Sanibel Scholl fund has lost similar funds.

There being no further business the meeting was adjourned at 1:10 p.m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk