

**SANIBEL CITY COUNCIL REGULAR MEETING  
APRIL 21, 2009**

Mayor Denham called the meeting to order at 9:01 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.

**Recognition of Employee of the 2<sup>nd</sup> Quarter FY 2008/09**

Mayor Denham announced that Stephanie M. Dowd, Police Department, was awarded the Employee of the 2<sup>nd</sup> Quarter and read her accomplishments.

**Public Comments**

Karen Storjohann requested that Item 9D be pulled from the Consent Agenda.

Herb Rubin congratulated Mayor Denham regarding Citywide Solar power. He noted that there was a planned Community at Babcock Ranch is installing solar panels for every house.

Paul Andrews spoke to legislation in Tallahassee and that the environmental impact from Tallahassee was not good. He Recommended a book to Council titled, "Paving Paradise: Florida's Vanishing Wetlands and the Failure of No Net Loss," written by Craig Pittman and Matthew Waite. He stated that the book was available at the Sanibel Library and were for sale at Ding Darling. He also stated that a chapter is dedicated to Lee County Wetlands.

Mayor Denham stated that legislation introduced by Representative Williams has been stripped down and is losing steam and may not get to the House floor – City is watching this carefully.

Bob Winters reported the meeting last week regarding ATPPL was a step forward, but not what was hoped for.

**Council Comments**

Mayor Denham spoke to meeting with different contractors discussing the aspects of how the City could use solar energy in both private and public sectors.

Ms. Zimomra reported there have also been meetings with the CEO of LCEC.

**Planning Commission Report**

Commissioner Forney reported:

1. The Planning Commission held three quasi judicial hearings on April 14, 2009
  - a. A variance for a Boat dock and lift on Golden Olive Court that was unanimously approved
  - b. Plat amendment and extension request for Rosen Major Subdivision was unanimously approved
  - c. Plat extension request for Landbel, Inc., was unanimously approved
2. The Planning Commission approved amended language for Ordinance 09-004 and included on today's City Council agenda

Discussion ensued regarding if a consensus was reached on a trigger point for 86-43, Commissioner Forney answered a consensus was reached and the trigger was the largest house with guidelines, and further discussed at the Planning Commission on April 28, 2009, when would 86-43 be presented to Council, Mr. Cuyler estimated that it would take between six and eight weeks, Ms. Zimomra stated this item was approved by the Planning Commission by a 6 to 1 vote, Council asked if the Planning Commission used Commissioner Forney's formula, and he answered no.

**First reading**

**ORDINANCE 09-006 AMENDING THE SANIBEL CODE, SUBPART A., GENERAL ORDINANCES, AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AN STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS**

**SUBDIVISION II, PERMITS, SECTION 66-85 – FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; AMENDING THE FEE SCHEDULE IN SECTION 66-85; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERENCE; AND PROVIDING AN EFFECTIVE DATE**

Ms Zimomra read the title of Ordinance 09-006.

Council set the second reading and public hearing Tuesday, May 05, 2009 at 9:15 a. m.

**ORDINANCE 09-007 AMENDING THE GENERAL EMPLOYEES' RETIREMENT PLAN IN ORDER TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES BY AN ADDITIONAL TWO MEMBERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 09-007.

Council set the second reading and public hearing for Tuesday, May 05, 2009 at 9:30 a. m.

**Continuation of the Second Reading and Public Hearing**

**ORDINANCE 09-004 AMENDING CHAPTER 114 SUBDIVISIONS, DIVISION 4 MAJOR SUBDIVISIONS, SECTION 114-87. PROCEDURE BY INSERTING A NEW SUBSECTION (5) ENABLING CITY COUNCIL, WITH A REPORT FROM THE PLANNING COMMISSION, TO GRANT AN ADDITIONAL PERIOD OF TIME FOR A PRELIMINARY MAJOR SUBDIVISION PLAT TO REMAIN VALID BEYOND THE ADDITIONAL TWO YEAREXTENSION APPROVAL GRANTED BY THE PLANNING COMMISSION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 09-004.

Mr. Cuyler stated that this is a continued public hearing and that the Planning Commission reviewed the wording and amended the ordinance.

Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Ordinance 09-004.

The motion carried.

**ORDINANCE 09-005 APPROVING AN INCREASE IN RESIDENTIAL DEVELOPMENT DENSITY AS SET FORTH AN APPROVED IN PLANING COMMISSION RESOLUTION NO. 09-05 WHICH APPROVED A CONDITIONAL USE TO DEVELOP A 14-UNIT INCREASED DENSITY BELOW MARKET RATE HOUSING UNIFIED RESIDENTIAL CLUSTER DEVELOPMENT (CONSISTING OF SEVEN DUPLEX STRUCTURES) ON A 2.37 ACRE PARCEL OF LAND LOCATED AT 1466 COURT PLACE, WHICH IS DIRECTLY EAST OF THE INTERSECTION OF MAIN STREET AND CENTER STREET IN SANIBEL CENTER SUBDIVISION; PROVIDING A FINDING THAT SUCH INCREASE IN RESIDENTIAL DENSITY CAN BE APPROVED BY CITY COUNCIL WITHOUT THE NECESSITY OF APPROVAL BY A MAJORITY OF THE QUALIFIED CITY ELECTORS SINCE SUCH APPROVAL CONSTITUTES AN EXCEPTION PURSUA T TO SECTION 3.10.2 OF THE CITY CHARTER; INCORPORATING AND APPROVING PLANNING COMMISSION RESOLUTION 09-05; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 09-007.

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to adopt Ordinance 09-005 and to include the language proposed by Attorney Cuyler that the standard effective date would be included in the Ordinance making the Ordinance effective immediately upon adoption.

Mr. Cuyler noted two items: (1) The Ordinance provides adoption by at least a 4/5 majority. He explained that whenever density was increase density it had to be done by a super majority vote and the Ordinance will reflect this. (2) This should be incorporated in the motion - Effective date language that contemplated the need to hear something from the School regarding school concurrency. He further explained staff already heard from the school and the standard effective date language which makes it effective immediately upon adoption would be included.

#### Public Comment

Allen Silverman spoke to setting a precedent to increase density without citizen approval.

Attorney Cuyler explained that Ordinance 09-007 did not set a precedent and explained the exceptions.

Louise Johnson spoke to a concern regarding increased density on this property.

Discussion ensued regarding the fairness of the issue due to a difference in ownership, Mr. Cuyler stated the property could only be used for Below Market Rate Housing (BMRH), what were the total number of BMRH units at completion of this project, Mr. Marcelais, CHR Director answered there were a total of 88 units, and the average acreage for each structure is 1/3 of an acre.

Billy Kirkland spoke to agreeing with this project.

Herb Rubin asked Council to pay attention to density.

Discussion ensued regarding other than BMRH, when the last density increase was approved on Sanibel and Robert Pritt, CHR Attorney responded it was in 1988.

Les Forney stated that when the Planning Commission adopted the resolution they asked that the City pave Centre Street.

Discussion ensued regarding paving Center Street could set a precedent, and Council decided to hold a discussion regarding paving Centre Street after residents were notified.

City Council recessed 10:12 a.m.

Council reconvened at 10:17 a.m.

#### Consent Agenda

Councilman Jennings requested that item (c) be pulled for discussion. Karen Storjohann asked to have item (d) pulled for discussion.

- a. **RESOLUTION 09-045 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-032 AND PROVIDING AN EFFECTIVE DATE** (to budget and appropriate a \$754.25 donation from Billy Kirkland for the purchase of two bike racks. This amendment increases the FY 09 budget by \$754.25)
- i. **RESOLUTION 09-047 ELECTING TO CONDUCT A PUBLIC ADOPTION HEARING PRIOR TO 5:00 P.M. ON MAY 5, 2009 REGARDING A PROPOSED ORDINANCE THAT AMENDS THE *SANIBEL PLAN*; AND PROVIDING AN EFFECTIVE DATE.**
- j. **RESOLUTION 09-034 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-026 AND PROVIDING AN EFFECTIVE DATE** (to budget and appropriate: 1) \$1,700 in cost of sales for T-shirts and other items purchased for resale at the recreation center; 2) \$4,403 for revenue from sale of items; 3) \$136,500 for membership revenue above budgeted revenue; 4) \$84,969 in salary and benefits for previously approved program additions and summer program hours, and \$2,000 for Summer Day

camp operating supplies, offset by membership revenue; 5) \$3,560 for recreation scholarships awarded; 6) \$15,000 for contractual services (\$10,000 funded from membership revenue and \$5,000 from contingency reserve fund for grant writing for recreation and shared use master plan and RFP services; 7) \$20,000 for HVAC preventive maintenance contract from contingency reserve fund, and; 8) \$38,674 increase to ending fund balance. This amendment increases the FY09 budget by \$140,903 to recognize revenue generated by recreation center which exceeded original budget)

- k. **RESOLUTIONN 09-039 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-030 AND PROVIDING AN EFFECTIVE DATE** (to budget \$447,741 in Hurricane Charley reimbursement from FEMA and the State of Florida. This amendment increases the FY09 budget, but not expenditures by \$447,741)

Ms. Zimomra read the title of Resolutions 09-045, 09-047, 09-034 and 09-039.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolutions 09-045, 09-047, 09-034 and 09-039.

The motion carried.

- b. Award reuse storage tank rehabilitation contract to Crom Engineering and Construction Services, Inc., as sole source provider in the amount of \$142,350.00 and authorize the City Manager to execute same. These dollars have been previously allocated and included in the Utility Division budget and this action does not increase the budget
- e. Acceptance of the Other Post-Employment Benefits (OPEB) Actuarial Report by Foster and Foster for fiscal year 2008-2009 in compliance with GASB Standards 43 and 45.
- f. Approval of agreement between the City of Sanibel and Helene Phillips and authorize the City Manager to execute same

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve Consent Agenda Items (9b), (9e), and (9f).

Councilman Pappas said the agreement with Helene Phillips was being approved for a specific purpose. He further stated the purpose was regarding the issue raised by Darla Letourneau and the Bike Club should know this was being done.

Ms. Zimomra spoke to the tasks that Ms. Phillips will be working on.

The motion carried.

- c. Approve staff's ranking of firms to provide engineering services for the Lindgren Boulevard box culvert replacement and direct staff to enter into contract negotiations with the top ranked firm, T. Y Lin, International

Councilman Jennings asked to see an aerial view of this site.

Gates Castle, Public Works Director supplied the map.

Discussion ensued regarding the map showing how many properties were affected, when old culverts would be replaced, and would bridges be lifted so boats could go under them, Ms. Zimomra asked Mr. Castle to speak to alternatives being reviewed by the City to balance the site distance on Lindgren, Mr. Castle stated that one of the goals was not to replace the culvert in kind but to replace it with a deeper, wider and as much as possible a higher box culvert.

Councilman Jennings made a motion, seconded by Mayor Denham, to approve item (c).

The motion carried.

**d. RESOLUTION 09-043 APPROVING AND ADOPTING THE 2009 SHARED USE PATH MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 09-043.

**Public Comment**

Karen Storjohann spoke to her concern with proofreading opportunities and the legality of statements included in the document. She suggested changing the wording.

Ms. Zimomra reported that Ms. Storjohann contacted the staff on Friday with her concerns.

Discussion ensued regarding what happened with the comments made by Ms. Storjohann on Friday, Ms. Zimomra said that the comments to date had been included in the Master Plan and Ms. Zimomra further stated that Ms. Storjohann's comments have not been incorporated because they were not received until Friday after the packet was distributed, the Plan would be consistent with economic and budgetary issues, Council asked for Mr. Cuyler's opinion, Mr. Cuyler stated the resolution could be adopted and the plan could be amended, there were financial challenges, the plan should not interfere with grant funding, Mr. Cuyler stated that there was nothing in the plan that would preclude the City from receiving funding, Ms. Zimomra said Council might want to include a sentence in the document that says Council recognizes that adoption of the Shared Use Path Master Plan was of a living document and anticipates it would be amended and Ms. Zimomra further stated that there is a legal concern expressed by Ms. Storjohann.

Doug Dietrich said he feels adoption should be done because the Shared Use Master Plan was a living document.

Ms. Storjohann spoke a second time that segways, motorized wheelchairs and similar vehicles were listed and there were also problems with some agreements that had been made regarding 501(c) 3s.

Councilman Harrity made a motion, seconded by Councilman Jennings, adopt Resolution 09-043 and include the sentence suggested by Ms. Zimomra.

The motion carried.

**g. Acceptance and approval of the expenditure of \$24,100 from the Recreation Department Fixtures, Furniture and Equipment budget from the construction of the Recreation Center for a lightening protection system**

Councilman Jennings stated that this was a device that schools had used for years to warn anyone who is outside that lightening is in the area. He further stated that this device could also be used at Community Park if funding could be found.

Councilman Jennings made a motion, seconded by Mayor Denham, to approve the above-mentioned item and to look for a similar device to be put at Community Park.

The motion carried.

**h. RESOLUTION 90-046 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-031 AND PROVIDING AN EFFECTIVE DATE** (to budget \$3,250 for Foster and Foster, actuarial consultants, to perform a special expenditure study and special actuarial analysis for the Police officers' Pension Trust Fund. This amendment does not increase the FY09 budget)

Ms. Zimomra read the title of Resolution 09-046.

Vice Mayor Ruane stated that the purpose of this is to try to identify as much data as possible relative to the actuary report. He also stated that a matrix will be developed for long range implications.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 09-046.

The motion carried.

**Old Business**

## **Walter Quality Issues Report from Council members**

No reports

### **Staff Reports**

#### **RESOLUTION 09-044 OF THE CITY OF SANIBEL SUPPORTING THE RECENTLY REVISED PROOSSAL FOR PURCHASE OF U.S. SUGAR CORPORATION LANDS FOR EVERGLADES RESTORATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 09-044.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 0-044.

Dr. Loflin, Director of Natural Resources, reported that the proposal was less than was hoped for, but was the first step in establishing a flow way. He further stated that without the purchase, there wasn't much hope in the future to establish a flow way. He also stated that this proposal was a very important first step and it did take into account the reality of the economy.

Discussion ensued regarding Council's disappointment in the revised proposal, Councilman Jennings spoke to his recent conversation with Senator Mike Bennett while in Tallahassee, and there was the expectation that Governor Crist would support pending other unusual developments.

The motion carried.

#### **Letter to Governor Crist requesting Wayne Daltry, Smart Growth, be appointed to the South Florida Water Management District (SFWMD)**

Mayor Denham said he would sign the letter. Councilman Jennings said that staff did a wonderful job on the letter.

Councilman Jennings made a motion, seconded by Mayor Denham, to approve the letter and Mayor Denham's signature.

The motion carried.

#### **Staff update regarding budgeting for Northern Everglades and Comprehensive Everglades Restoration Project (CERP) Projects**

Dr. Loflin reported the following:

- The State had paid for 80% of the project
- In 2007 Save Our Everglades Trust Fund Bill was passed that worked off the Lake Okeechobee Protection Act
- The State committed to funding the Everglades projects through 2020
- Last year \$200,000,000 was put out by the State Legislature
- \$100,000,000 of this went to Everglades Restoration (CERP Projects); \$54,000,000 went for the Kissimmee project and Lake Okeechobee Protection Plan and \$40,000,000 for the Caloosahatchee and St. Lucie; \$10,000,000 went to the West Coast
- Currently the budget is a day-to-day moving target
- There was no funding for either the Florida Forever or for the Save Our Everglades Trust Fund
- There was a new bill SB2430 and a companion bill 1960 in the house; should close a dock stamp tax loop hole; if this goes through it would give the State \$46,000,000 and through leveraging with bonds it would give \$50,000,000 for Florida Forever
- \$50,000,000 for the Save Our Everglades Trust Fund;
- \$3,000,000 for Lake cleanup in the next physical year's budget
- The President signed a bill for some significant funding

Discussion ensued regarding if Dr. Loflin thinks there will be money next year, Dr. Loflin answered that the stimulus money had been freed up, Dr. Loflin stated that there was \$34,000,000 for Collier County that would be used for part of the Everglades, Dr. Loflin further stated that the Water Management Advisory Committee presented their design of how the water in Lee County would flow, Council requested to be kept informed, add "Suggested

Actions”; “To Support” or “To Reject” to the report, and Mr. Cuyler stated this was an administrative issue and he would talk with the City Manager.

## **Legislative Update**

### **Correspondence from Governor Crist**

Mayor Denham reported that he was not impressed with the letter he received from Governor Crist’s office.

### **Legislative Watch list**

Mayor Denham spoke to City staff tracking proposed bills. He also spoke to receiving a briefing from Legal Council in Tallahassee Friday afternoon and the report was circulated to all Council members. Mayor Denham further spoke to the status of various Bills. Mayor Denham also spoke to the indictment of Rick Sansom, past Speaker of the House.

### **Continued discussion regarding Segway usage on Shared Use Paths**

Vice Mayor Ruane spoke to discussions held during the last meeting regarding the use of segways by handicapped people, the safety issue, no history showing segways to be safe or unsafe, and the discussions intent was to give some relief.

Mr. Cuyler spoke to 316.212068 the Statute that addresses Segways. He further stated that segways were allowed by State Statutes, and the question was whether these should be allowed on Shared Use Paths on Sanibel.

Discussion ensued regarding implication that the nature of the vehicles was unsafe but the records show they have been safe, increasing the mobility and flexibility of handicapped people and Vice Mayor Ruane stated that he wanted to allow people with specific limitations to own and use segway on the Island.

#### **Public Comment**

John Carney stated that Segways are not approved or disapproved by ADA. Mr. Carney spoke to personal issues with mobility and asked Council to allow people with mobility issues to have the flexibility to explore the Island.

Bill Kiefer spoke to users should have a letter from a doctor or a handicapped card. He spoke in opposition to using segways on the Shared Use Paths.

Susie Marks spoke to use during season and safety measurements when individuals were using a Segway.

Victor Greto spoke to the safety of the bike paths and spoke in favor of handicapped people using segways on the Shared Use Paths. He spoke in support of the use of Segways by handicapped people on the Shared Use Paths.

Billy Kirkland spoke to the history of segways and supported handicapped people using Segways on the Shared Use Paths.

Vice Mayor Ruane stated that he wants to allow people with specific limitations to own and use a Segway on the Island.

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to direct the Legal Department to return with an Ordinance for Council’s consideration including being very specific about the people who could use Segways related to physical disabilities including age appropriateness and exactly the things Council was trying to accomplish.

The motion carried.

Attorney Cuyler stated that he would research how in depth we can go into these issues.

## **Committees, Boards, Commission**

### **Discussion regarding Committee Annual Reports**

Ms. Zimomra stated that City Council had a number of advisory committees that were appointed annually and explained the process for annual reports and appointments. Mr. Zimomra also spoke to expanded endeavors

included in Recommendations from the Historical Preservation Committee and the Parks and Recreation Committee.

### **Historical Preservation Committee Annual Report**

Mr. Bailey stated that Lighthouse was extremely important and an asset to the history. He further stated it was important for the City of Sanibel to own the Lighthouse and for the Coast Guard to maintain the light.

Ms. Zimomra spoke to discussions with the Committee that the Lighthouse would not create an attraction and would comply with regulations of the Sanibel Plan.

Councilman Harrity spoke to issues regarding a Master Plan. He also stated this should wait until the City owns the Lighthouse.

Councilman Harrity made a motion, seconded by Mayor Denham, to accept the Historical Preservation Committee's 2008 Annual Report with the exception of the Master Plan item.

The motion carried by a unanimous roll call vote.

#### **Public Comment**

Barbara Cooley stated she agreed with Councilman Harrity.

### **Parks and Recreation Committee**

Ms. Zimomra reported that the committee recommends that their scope be expanded to include the oversight of the implementation of the Shared Use Path Master Plan. She stated that this was not currently within the legislative scope of this Committee.

Allen Silberman, Vice-Chairman of the Parks and Recreation Committee, reported four goals as follows:

- Provide scholarship for families using a sliding scale based upon need
- Emphasis on membership growth for individuals who participate at the recreation center
- Continue to evaluate the Community Park Master Plan and development of this Plan
- Annual review of the Shared Use Path Master Plan and to make recommendations to the committee.

Discussion ensued regarding expanding the membership of this Committee especially in regard to expanded goals, the importance of the first two goals and the third and fourth goals were not as critical, suggested to increase membership and divide responsibilities, the report should be accepted, an opportunity for people to get involved, the Parks and Recreation agenda was full and there was a need to increase the committee, why were goals limited to only four (4), and Ms. Zimomra spoke to the committee function, the focus on scholarships, programming and the City does not recommend the number of goals a committee should set.

Mr. Silberman stated the four items are listed in priority order. He explained the committee considered their role in the Shared Use Path Master Plan because there was no vehicle within the City administration that the Bicycle Club could look to. He did not recommend increasing the size of the Committee because he doesn't believe the Committee is overtaxed.

Councilman Harrity made a motion, seconded by Vice Mayor Ruane, to accept the annual report.

The motion carried.

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to direct staff to bring back legislation to expand the membership of the Parks and Recreation Committee to 13 members.

The motion carried 4 to 1, with Councilman Pappas opposing.

Discussion ensued regarding the Committee Vice-Chairman not in favor of increasing the number of members, attendance records of present committee members and no need to increase the Parks and Recreation Committee membership.

### **Vegetation Committee**

Susie Marks, Vice-Chair, reported that the Vegetation Committee had no recommendations. She reported that the committee conducts quarterly classes for landscape contractors and when the Vegetation Ordinance was approved Natural Resources added a course. She explained the Committee also conducted vegetation inspections for the Planning Department. She advised that a new program was started last year, City Hall Plant Walks to promote the knowledge and use of native vegetation.

Councilman Pappas made a motion, seconded by Mayor Denham, to accept the report.

The motion carried.

**RESOLUTION 09-040 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**  
**RESOLUTION 09-042 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 09-040 and 09-041 and reported that all incumbents request to continue as members of the Sanibel Historical Preservation Committee and the Sanibel Vegetation Committee respectively; there were no new applicants for either Committee.

Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Resolutions 09-040 and 09-042.

The motion carried.

Mr. Cuyler stated that existing members' names would be included in the Resolutions.

**RESOLUTION 09-041 APPOINTING MEMBERS TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 0-041. She reported there was a ballot for the Parks and Recreation Committee. She explained that the current legislation allows the Committee to go up to 11 members and currently there were 9 members and two vacancies. She further noted that there were seven applicants.

Vice Chair Ruane spoke to attendance and mentioned that Mr. Conway has had four unexcused absences.

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to not reappoint Mr. Conway because of unexcused absences.

The motion carried.

Mr. Cuyler stated that due to the above motion there were 8 standing members for re-election and a need to add 5 new members, which would increase membership to 13 members.

Council members voted for Parks and Recreation Committee members as follows:

All current members seeking re-appointment were confirmed as follows:

Christie Bradley - 5  
Melissa Congress - 4  
Jean Ann DeWalt - 5  
Denny Jones - 5  
Mitch Moore - 5  
Dick Muench - 5  
Barry Ruth - 5  
Allan Silberman - 5

New applicants seeking appointment:

Colleen DePasquale - 5  
Dorothy Donaldson - 2  
Billy Kirkland - 5  
Kelly Linskey-Johnson - 2

Allan Marcus - 4  
Michael Miller - 3  
Robert Moran - 4

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to appoint, the following, pending legislation, Christie Bradley, Melissa Congress, Jean Ann DeWalt, Denny Jones, Mitch Moore, Dick Muench, Barry Ruth, Allan Silberman, Colleen DePasquale, Dorothy Donaldson, Billy Kirkland and Allan Marcus would be included in the Resolution as members of the Parks and Recreation Committee. Michael Miller and Robert Moran will be added in a subsequent Resolution as member of the Parks and Recreation Committee.

The motion carried.

Councilman Jennings thanked Scott Conway for his service and when his schedule becomes less encumbered he could reapply if he so desired.

### **Acceptance of a resignation from Dr. Richard Cohan General Employee Pension Board**

Councilman Harrity made a motion, seconded by Vice Mayor Ruane, to accept Dr. Cohan's resignation with regret.

The motion carried.

Vice Mayor Ruane stated that Dr. Cohan had been on the General Employee Pension Board since its inception and resigned to assist previous clients.

Vice Mayor Ruane spoke to upcoming legislation to expand the Committee. He further spoke to there currently being one vacancy and two applicants.

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to accept Mr. Timothy Garmager's to fill the vacancy due to Dr. Cohan's resignation.

The motion carried.

### **New Business**

#### **Staff recommendation to issue Requests for Proposals (RFP) for additional Recreation Center programs**

Ms. Zimomra spoke to staff's preparation of a series of RFP's to develop requests to receive proposal to provide additional programming at the Recreational Center. Ms. Zimomra recommended that this follow the routine procedure. She also spoke to various programs available at the Recreation Center and the process that was followed for these programs.

#### **Public Comment**

Jack Guze spoke in support of additional programs.

Karen Pati spoke to the reason for this initiative, why the Sanibel Fitness Center was closing and the City's intention not to compete with the Fitness Center. She asked the City to give preferential status to the Sanibel Fitness Center.

Ms. Zimomra stated that any RFP would come before Council for their approval.

Bill Christenson spoke regarding aerobic step classes and the need for a senior fitness class to relieve the Senior Center.

Steve Yetsko spoke to how he taught and ways to improve fitness. He further spoke to being proactive and that there was a need to include additional programs – fitness is for life.

David Smith spoke to the need for personal training and encouraged the City Council to expand programs to meet the needs of the people.

Carolyn Sweeney encouraged City Council to consider the owners of the Sanibel Fitness Center when considering expanding the program at the Recreation Center.

Phil Lamothe supported the recommendation that City Council give consideration on how to use the talent at the Sanibel Fitness Center. He further stated that the Sanibel Fitness staff would be an asset to the Recreation Center.

Dorothy Donaldson spoke to considerations other than the lowest bid, i.e., best qualified and most responsive, when choosing a contractor.

Susan Rosenberg spoke to Sanibel Fitness owner's capabilities and knowledge of physical conditions and asked City Council to consider taking on Mada and her classes.

Wendy Schnapps spoke to professionalism at the Sanibel Fitness Center and their convenience hours of operation.

Mary Faegre spoke in support of Sanibel Fitness Sanibel Fitness continue.

Richard Mikes spoke in support of the Sanibel Recreation Center providing opportunities for members of the Sanibel Fitness Center. He also stated that it was important to have early hours of operation, i.e., 6:30 A. M.

Martha Seders spoke in support of the Sanibel Fitness Center and Mada's contributions to support people with MS.

Steve Dominek asked Ms. Zimomra to explain the RFP procedure.

Ms. Zimomra explained the following:

- 6-week process
- Council directed staff to development RFP's/RFQ's
- Staff then had the authority to publish and advertise
- The respondents were given a certain amount of time to respond and a committee would evaluate the RFP's
- RFP's and/or RFQ's is this gives the City the opportunity to evaluate responsiveness and qualifications as well as price
- The specifications would also be reviewed by the Parks and Recreation Committee

Mr. Dominek spoke a second time to the number of hours Mada spends and said the Recreation Center could be inundated. He further stated that if Council wanted physical training it should be done in a professional manner.

Charlie Hart agreed with the previous comments regarding Mada and the Sanibel Fitness Center. He expressed concern about equipment, particularly cardio vascular equipment. He stated there wasn't enough equipment for the number of people who want to use this type equipment.

Mayor Denham made a motion, seconded by Councilman Harity, to direct staff to start the RFP and/or RFQ proposal process for additional programs at the Recreation Center and the Parks and Recreation Committee would be included in the process.

The motion carried.

Discussion ensued regarding the hours of operation increased after the Recreation Center was opened, an opportunity to address issues, one of the goals for the Parks and Recreation Committee was to development additional programs, once the community was convinced to establish a Recreation Center large enough to accommodate everyone Council should have known that injury would be done to a business, but the need to proceed because of public demand, as well as for the good of the public good and it would have been unrealistic not to include equipment that would challenge a business.

City Council recessed at 2:41 p.m.

Council reconvened at 12:50 p.m.

## **City Manager Informational Items**

## **Building Department Monthly Revenue Report**

Report was submitted to City Council.

## **Building Department Monthly Permit and Inspections Report**

Report was submitted to City Council.

## **Planning Department Permit Activity Report**

Report was submitted to City Council.

## **Planning Department Code Enforcement Activity Report**

Report was submitted to City Council.

There were no questions regarding any of the reports.

## **Sanibel Historical Museum and Village, Inc., 2<sup>nd</sup> Quarter Financial Report**

Report was submitted to City Council. There were no questions regarding any of the reports.

## **Budget Calendar**

Ms. Zimomra spoke to the recent report from the TDC. She noted that last month there was a 10% drop in revenue. She also stated that Sanibel had been urging the TDC to look at their work programs.

Mayor Denham asked if Council members had any problems with the budget dates.

Ms. Zimomra reported that these dates were taken into consideration when Council set their summer meeting schedule.

## **Report from the Friday, April 10<sup>th</sup> Tourist Development Council Meeting**

Ms. Zimomra spoke to the 10% drop in revenue last month. She explained that Sanibel had been urging the TDC to look at their work programs.

## **City Attorney's Report**

### **Request for approval of (1) First Amendment to Agreement to Purchase Wastewater System and Real Property between City of Sanibel and Sanibel Bayous utility Corp. and (2) First Amendment to Lease between City of Sanibel and Wulfert Properties, LLC, to provide that the City shall have until November 30, 2009 to complete activities to have the sludge pond drained and treated in accordance with State requirements and thereafter fill the pond area in accordance with the requirements of the Agreement and Lease**

Mr. Cuyler reported that as part of the Sanibel Bayous utility purchase the City entered into an agreement and the sludge pond needed to be remediate. He explained that there was a certain period of time to do this and since the project was not completed an extension of time was requested until November 30, 2009. He further explained that a motion from City Council was necessary to approve the two documents (1) a first amendment to the agreement and (2) a first amendment to the lease.

Mayor Denham made a motion, seconded by Councilman Jennings, to approve both agreements as noted in the Attorney's report.

The motion carried.

## **Public Comment**

Barbara Cooley asked if these costs were being passed on to and paid for by the property owners of Sanibel Bayous.

Mr. Cuyler stated that most of the costs were being paid by the owner.

Ms. Zimomra reported that at 2:30 P.M. tomorrow, April 22, 2009, orientation will be held for new committee members.

### **Council Members' Report**

Councilman Jennings reported that during the MPO meeting the stimulus package was discussed. He advised that Lee County received \$57,000,000 plus an additional 10% for bike paths. He noted that a statement was made that it would be important to pay attention to bids to make sure the low bidder was not just trying to get the job because they must be qualified and bids would be carefully watched. He also stated that if there was extra money it would go to other projects. He also mentioned that money could be appropriated for the Sanibel Lighthouse. He further noted that money from States who turned down stimulus money could be distributed to other States. He stated that he was working primarily for money for the bike path.

Ms. Zimomra reported that painting the Lighthouse made the project list but did not make the funding list. She stated that one of the projects that got funded was a lane for bicycles coming across the Causeway.

Councilman Pappas said there would be benefits to the Recreation Center coming from members of the Sanibel Fitness Center. He further spoke to not understanding why Mrs. Harrington, Lee County Supervisor of Elections scheduled elections in the manner that they are scheduled. Vice Mayor Ruane agreed.

Public Comment  
None

The meeting was recessed at 1:01 p.m.

The meeting was reconvened at 2:00 p.m. to set City Council Goals for the next fiscal year.

### **Goal Setting**

Mayor Denham reconvened the meeting at 2:00 p.m.

### **Goal setting**

Mayor Denham stated the purpose of the meeting was to have a discussion regarding the status of goals for the current year and consideration of next year's goals. He suggested that fewer goals would be better because when there were too many, goals become diluted.

Council agreed.

### **Status of City Council's 2008-2009 Goals**

Discussion ensued regarding the Algae Management Plan on hold until needed, should not be listed, City Council would take appropriate action regarding the algae, Council decided to focus their attention on giving support to the following activities; (1) continue attention and give support to the water release schedule; (2) water quality for the C43; (3) additional water storage; (4) restoration of the water flow south to the Everglades, U.S. Sugar purchase should be added to the list, confusing issues regarding water due to several organizations on the Island and Council working on water issues, and all should work together.

Public Comment

Dan Wexler, representing PURRE, agreed with the above-mentioned comments. Mr. Wexler stated that, if the City of Sanibel was going to take the lead role, the City should bring all the parties to the table; all knowledge could be shared.

Discussion ensued regarding how could brings all interested parties together regarding water issues, there were many aspects of the quality water issues ranging from the issues relative to Lake Okeechobee, urban pollution, red algae, etc; Councilman Jennings asked Mr. Wexler if more could be accomplished by being proactive in getting different entities to sponsor legislation, Mr. Wexler agreed strongly with this suggestion; would the suggestion of suggesting each group work on individual issues regarding water quality, parties involved should decide who will champion each issue, guidance would be given to staff to try and formulate work on three principal issues, i.e., (1) issues associated with the Lake; (2) Stormwater and fertilizer issues (urban pollution issues); (3) keeping the beach cleaned of algae.

Rae Ann Wessel, representing SCCF, reported that she has been working on water issues for 15 years. She advised that there are groups that bring all stakeholders together. She also stated she did not understand some of the comments. She noted that water SCCF would not be able to say they would work on fresh water issues but not on salt water issues.

Discussion ensued regarding Council comments, seeing difference operations and getting letters from difference organizations requesting money, wondered why we're not all on the same page, need to find what the best way to solve water issues, at one time Council's focus was on the quantity of water and now the focus was on the quality of water, when the algae problem existed the City consulted with several resources, as there was collaboration, awareness could be raised and people made to think in different ways, educational material could be distributed to Sanibel citizens so they would know what was being done, allow the Mayor have a more inclusive effort, and it could be more difficult to reach conclusions when more than one group tries to make a decision.

Dan Wexler stated water issues were not about what SCCF or PURRE was doing, but about what the City is doing. He stated that the City as an entity has a different cache than the other organizations and if Sanibel was going to work on these issues, they should draw on the expertise of PURRE, SCCF and others.

Mayor Denham said he talks more with SCCF than he does with PURRE. Mayor Denham suggested that he meet with Mr. Wexler and Ms. Wessel and the results of the meeting would be brought back to the Council.

Claudia Burns stated it had been her experience that the City doesn't do anything in secret. She further stated that an agenda would be printed and distributed for every meeting and all background materials would be included. She also stated that if people want to be involved they should come to the meetings and get involved.

Karen Storjohann stated she was confused. She spoke to this meeting being about the discussion of Council's goals and the discussion is not about goals it is about how to implement goals. She noted that the discussion was not about Council setting goals or last year's goals.

Discussion ensued regarding the meeting for Council to consider goals, and talk about the goals, Mayor Denham stated that Council said they would look at goals that are set and talk about these goals, how long had this country been committed to cleaning up the Everglades and nothing has been done in decades, people who make decisions don't ask who they ask how many, the entire water crisis did not energized the South Florida community of people, there are people who don't know about the issues and they don't care, until there is public outcry the Everglades won't be fixed, SCCF and the City should not spend their money shouldn't spend funds and/or time in this area, only since the hurricanes and algae issue had the City branched out to these areas, Lee County has solar units and Sanibel has none, City should spend more time educating the people of Sanibel of the risks of bad water could do to their investment and to their quality of life, no criticism to the activities of others, the goal should be good water for South Florida, Sanibel has been able to accomplish things that no other City has done, i.e., the Army Corps of Engineers listened and the pulses have been decreased, Mayor Denham would meet with PURRE, Councilman Pappas said he didn't mean to concentrate on failings or accomplishments he is saying there isn't the public swell that is necessary to be successful.

Discussion continued regarding water issues and Mayor Denham suggested two (2) pints; (1) find a way to better coordinate resources on the Island; (2) we haven't generated excitement in the citizens of Sanibel and this should be done; the Mayor would bring back to Council, should review restoring water flow south to the Everglades; concentrate on clean water and the only way to get this would be to restore water flow south to the Everglades.

#### Public Comment

John Raffensperger stated that the water quality issues had afforded politicians an opportunity to appear as environmentalists and for nonprofit organizations to raise a lot of money. He suggested If Council wanted to set serious goals, the next time we have red tide send a truck load of dead fish to the legislators that aren't on yours side.

He also suggested finding something definite about clean beaches, send the police out to shut down just one sewage plant and send the police out to find people who are breaking the fertilizer rule, Council responded that a package treatment facility was shut down and a number of people had been chased down for illegally fertilizing.

Rae Ann Wessel stated it is always easier to do something when people are affected and harder now because the red algae was not on the beach and the river isn't flowing. She noted that when something affected your back yard, people show up with arms. She further stated SCCF can't do all the work when people aren't motivated. She also noted that you have to look at the continual showing up and asking for relief; the governor's actions came after years

of work. She commented that the City was an extension of organizations and also warned against just sticking with one issue because the issues are tied together, Councilman Pappas stated that if he were to invest his investments, he would bet that Sugar went to the Governor not the other around and Vice Mayor Ruane stated that Council needs to review the status of present goals.

Discussion ensued regarding Councilman Pappas never seeing development of Periwinkle Way West as a good use of our time or money, there were now guidelines for architecture, need to address the proper redevelopment of our Resort District, Planning Commission persuaded Council to replace the redevelopment of the resort district with Appropriate Sized Homes, Council needs to review last year's goals, the number of goals should be reduced, the only goal with Redevelopment should be nonconforming resort properties and it should be attacked with urgency.

Council agreed unanimously to this goal.

Mayor Denham recapped: (1) redefine, simplify, be more specific and engage other groups on the Island regarding water goals and educate and revitalize public focus on things relative to water; (2) redevelopment of nonconforming resort properties.

Discussion ensued regarding three biologists on staff, relying on Dr. Loflin and on the lobbyists, a goal should be financial, Council should talk about the budget and expand a plan to look into the future, need to redefine the financial situation and try to understand the big picture, the budget and financial situation are one, look at areas like, build out, pensions, investments, etc., look at ways to further improve the City's financial situation, and the budget drives the entire process.

Mayor Denham asked Council if finances should be the third goal. Council agreed.

Discussion continued with Vice Mayor Ruane bringing to the next meeting with what this goal would look like, review expenses over the next three years to make better decisions, comments made by Vice Mayor Ruane said a couple weeks ago, that the type of pension plan that Sanibel has may cause problems in the future not only financially but we may lose our best employees, throw out Beach Carrying Capacity, communications could be improved, i.e., televise Council meetings, have a green ideas showcase – show energy saving ideas, use models, the reason solar panels were not used was because we wanted a system that would be more inclusive, and how to define that as an objective.

Councilman Pappas reviewed the list of suggested goals and objectives for 2010 as follows:

1. Rethink Town Center – suggested to forget this.
2. Water issues – why all the different groups. We addressed this.
3. Budget – Forget revenue sources; however, we could look at a weigh station.
4. TV in Council chambers – It is OK to have or not to have.
5. Election of Mayor and Vice Mayor – it is OK the way this is being done. Would prefer more turnover but doesn't want a rule established.
6. Further strengthen City Financial Position – we have very capable employees to handle this. We could establish a 3 to 5 year financial plan. Judy can provide us with options regarding everything that is purchased.
7. Redevelopment – There is no question – we just passed this.
8. Shared Use Path Master Plan – We just approved this today. Errors will be corrected as we go along.
9. Ms. Zimomra can provide us with an echo option to everything she proposes from buying automobiles to heating City Hall.

Karen Storjohann stated there was an opportunity to incorporate one of Councilman Jennings's suggestions in Redevelopment. She suggested this could be done in a green fashion and should be included in any directions given the Planning Department and/or Planning Commission.

Claudia Burns spoke to the carrying capacity. She stated that carrying capacity had been a goal since 2006 so it must be an important goal or it wouldn't be there. She further stated that maybe the reason it had not been implemented was because no one knows how to do it and if they do know, why had not been done. She informed Council that a lot of her volunteer work is done on the beach and she knows what goes on. She further stated that some of the goals directly affect the beach, i.e., water quality. She advised that Sanibel beaches are different from other beaches because of the natural beach and the wildlife that it supports; there are people on the Island who want to address the issue of carrying capacity; she suggested using these people to do this work; design how it will be done and assign people to gather the data. She asked Council to pursue this topic even if it isn't one of the goals.

She noted that she knew someone who was working on carrying capacity and asked if Council wanted someone to come forward for Council's blessing. She also asked if a group came to Council with facts and suggestions, would Council welcome the suggestions?

Mayor Denham said they would.

Bob Winters spoke to Council doing something no other government body does and that was keeping it simple. He further stated by focusing on a few topics more could be accomplished and he thought Council had done a good job creating a list.

Karen Storjohann spoke again and reminded everyone that the Sanibel Report was the origin of Beach Carrying Capacity which predates the Sanibel Plan. She explained that everyone had a stewardship responsibility and without examining the capacity of the beach we will fail in our stewardship. She explained that last week a large tour bus with a Tennessee license plate stopped a little beyond the intersection of Tarpon Bay Road and West Gulf Drive and all the passengers got off the bus and went to the beach. She stated that this overloads the section of the beach which was predetermined by the number of parking spaces and this type of activity was an example of what we need to be mindful of.

Bill Sartoris stated he believes Council was trying to take the goals to a higher level. He encouraged Council to include measurable objectives in the goals so that a year from now it would be possible to show the progress made.

Mayor Denham made a motion, seconded by Councilman Harrity, to include three major goals and objectives (1) Water, (2) Redevelopment, (3) City Finances; water would encompass a discussion with the parties which are associated with water to come up with a common arrangement where we can work together; to try to energize the community regarding items we feel are important impediments to the future of the Island relative to water; (2) Redevelopment – same as year for nonconforming properties on the Island; (3) City Finances – associated with the strength of City Finances.

Discussion ensued regarding the role of what this might look like and what that language would be to accomplish this objective, use of the budget, would review income and maybe limited items; review expenses and do a projection to see what these will look like, communications and green development – these would be further discussed, as part of Redevelopment, green energy should be emphasized for all development on the Island.

The motion carried.

Councilman Pappas stated that during his briefing with Ms. Zimomra she reported that there were people commenting on the dog park and asked if this was addressed during this meeting.

Ms. Zimomra stated that she contacted each Council member by e-mail and unless Council gives other direction, that staff would follow the goals established by Council.

Mayor Denham adjourned the meeting at 3:34 P.M.

Respectfully submitted by,

Pamela Smith, MMC  
City Clerk