

12. **CITY MANAGER**
  - a. Informational Items
    - vii. Staff report relative to naming Bridgid Bock Peace Park

**SUPPLEMENTAL MATERIAL ATTACHED**

Councilman Westall that this is what the motion that four out of five had voted for meant.

Council Westall was still confused as to how the Commission had provided guidelines for pod houses, regardless of whether it had to do with their size or the number of units. He asked again if that had been illegal. Bruce Rogers acknowledged that the Commission did develop some guidelines, and staff has continued to take applications that fall outside those guidelines to the Planning Commission. However, he said the distinction he makes with dwelling units is, we are asking is it one or two, and there is a good standard in the Code to say what a dwelling unit is; whereas, with the current issue, we're making decisions without benefit of an objective standard. Mr. Westall expressed again his opinion that the criteria the Committee had come with up was clear enough for staff to determine what should go to the Planning Commission for their consideration.

From the public, Mr. Stoppelbein, who had spoken previously, said this issue was brought up over a year ago, has now gone further than just Lighthouse Way and has become the will of the people; he felt Council was just repeating what it had done last year and something should be done faster. Mayor Muench replied the revisions are now in progress and we will act as fast as humanly possible. City Attorney Pritt asked if the photos presented were intended to be submitted; both Mr. Burton and Counselor Brodeur said they were not submitting the photos at this time but they would be available at Council's request.

[ ✓ ] Dr. Louise Johnson had another item for discussion. She discussed a piece of Bayfront property adjacent to Dixie Beach, given to the City by Brigid Bock. She provided background information on Brigid Bock and proposed that the some vegetation and a bench or two be placed on the property and that it be named the Brigid Bock Peace Park. She also felt it could become a spot where we can see that Sanibel can be a peaceful place. She clarified she was referring to just the donated lot, not the entire park. Possible restrictions with regard to building and parking were discussed. Mayor Muench advised the proposal would be looked into. Pat Hanley, who owns property along Dixie Beach, agreed this was a good idea, and that Council members could sit out there and realize what we have here.

Ward Shurtz, 998 Wheel Drive, was concerned about the City's preference to placing sod on the right of way in front of his house on Lindgren, instead of stone (gravel) as he requested. The City prefers grass to improve water quality of storm water. Mr. Shurtz said he preferred gravel because (1) it does not need to be watered; (2) maintenance is less expensive (he said the maintenance of grass on Lindgren Blvd. is a disgrace); and, (3) neighborhood aesthetics--neighbors on the north and south side have gravel and he wants to blend in. He urged Council to reassess the program. City Manager Price explained there were two houses that were problems with regard to replacing materials that were neither sod nor stone, but mulch and pine needles, which were not satisfactory because of drainage problems. Mr. Price had contacted several individuals to see which was better, sod or gravel, and everyone indicated sod provides benefits not available from stones. He explained the houses on Lindgren are a mixture. He said the cost difference was negligible, but reminded Council they had agreed to replace stone with stone and sod with sod. Mr. Shurtz argued that he lives on a corner and water conservation is a concern. Also, he did not want the right of way in front of his yard to be maintained like Lindgren Boulevard. Councilman Lorenson commented it's a common problem, and that most residents just mow when it begins to look bad. Mr. Shurtz replied he was not too concerned about mowing, but Island Water Association (IWA) considers his house a water hog and to water the City right of way is absolutely impossible.

Mr. Price explained the City is not equipped to maintain the right of way like people do their front yards. Mr. Shurtz did not think homeowners should be asked to maintain it either, so it should be gravel. Mr. Price said the City also will not keep weeds out; Mr. Shurtz said he would spread weed killer. Public Works Director Don Schofield advised the City would eliminate the watering problem by using native grasses that are more tolerant to the area. Councilman Lorenson recalled that Council had established a procedure that's

MINUTES  
COUNCIL OF THE CITY OF SANIBEL  
Regular Meeting, March 19, 1985

The Regular Meeting of the Sanibel City Council was called to order by Mayor Fred Valtin at 9:04 a.m. Councilman Bill Hagerup gave the Invocation and led in the Pledge of Allegiance.

Council members present were: Francis Bailey (FB), William Hagerup (BH), Louise Johnson (LJ), Myron Klein (MK) and Fred Valtin, Mayor (FV). Also in attendance were City Attorney, David LaCroix (DL), and City Manager, Gary Price (CM). There were approximately 20 members of the public present.

ITEM #2: Approval of Minutes of Regular Meeting of February 5, 1985. The following changes were made: Page 3, Item #6d: The total cost of the playground was stated as \$8,200, not \$5,300. Page 10, third paragraph, the motion "passed" unanimously to approve the improvements at Gib's. Page 11, first paragraph, the subject parcel is quite "dissimilar", not similar, from the parcel cited on Periwinkle Way. FV stated that these Minutes would stand approved as amended.

ITEM #3: Planning Commission Report. Lenn Lorensen, Chairman of the Planning Commission, advised Council there were four applicants that did not receive Rate of Growth allocations that intended to appeal to Council for further consideration. FV stated that there were three of those on today's agenda.

ITEM #4: City Attorney's Report.

ITEM #4a: The City Attorney read A RESOLUTION ACCEPTING QUIT CLAIM DEEDS FROM ALEXANDER G. BOCK AND GENEVIEVE R. BOCK FOR LAND FOR A PUBLIC PARK IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 23 EAST; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO RECORD SAME ON PUBLIC RECORDS; AND PROVIDING AN EFFECTIVE DATE. Bruce Rogers, Planning Director, explained that the parcel is located immediately east of a City park directly on the bay at the end of Dixie Beach Boulevard. It will provide for an expansion of the open space at the park and 150 feet of additional bayfront footage. Mrs. Bock was present and expressed the desire that this area not be used for parking spaces or picnic tables, but left open. FV assured her that the Resolution stated that condition and expressed Council's gratitude and appreciation for such a generous donation. LJ moved adoption of this resolution. FB seconded. The question was called. BH (Aye), LJ (Aye), FB (Aye), MK (Aye), FV (Aye). The motion passed unanimously.

ITEM #4b: Monthly Litigation Report. DL stated that there was little change from the previous month's report.

Concerning the lawsuit with Couch Construction in which they are suing the City, the Island Water Association and the City Engineers for damages resulting from the Palm Ridge/Tarpon Bay/Periwinkle Way road project, DL advised that Vanguard Insurance, a former insurer, has agreed that the City has coverage under one count of the complaint and they, therefore, have a duty to defend the City on all counts. DL stated that although Vanguard will have counsel represent the City, he would remain active in the case and do most of the work. There was one area of dispute between Vanguard and the City regarding payment of a \$2,500 deductible. DL has spoken with them about canceling it since the City has done all the work up to this point. Vanguard's position is that the present insurer, Hartford, is also liable for some areas of coverage in this matter, although they have denied it. Vanguard is asking for City authorization to file a declaratory suit against Hartford Insurance to determine coverage. They will pay the cost of the suit and attorney's fees. The reason for using the City as a Plaintiff is that if the City wins, Hartford has to pay all the attorney's fees for the declaratory suit and cover part of the Couch suit. He recommended that Council authorize them to proceed, on the condition that the \$2,500 deductible be canceled. MK moved that Council authorize the City Attorney to bring suit against the insurance company as described and that Vanguard Company be authorized to carry out this suit on the City's behalf, with the condition that they cancel the \$2,500 deductible. BH seconded. The question was called. BH (Aye), LJ (Aye), FB (Aye), MK (Aye), FV (Aye). The motion passed unanimously.

Also in connection with that litigation, DL stated that a deposition was needed from the supervisor that worked for Couch Construction at that time. He is now with a company in Alabama and there is no way of requiring him to give a deposition. However, he has agreed to come to Tallahassee for deposition if the City pays his air fare and lost wages for one day. Although the City would bear the cost at the moment, ultimately it will be picked up by Vanguard. BH moved approval of the City Attorney's recommendation, up to \$500. LJ seconded. There was no further Council discussion or public input and the question was called. BH (Aye), LJ (Aye), FB (Aye), MK (Aye), FV (Aye). The motion passed unanimously.

anyone draw them into making oral rules, and advised if they want to make new rules, revise the Ordinance or direct the City manager to draw up new rules. Mr. Murty said his client's specific problem was with altercations; all they want is a rule to live by with regard to this specific issue. Councilman Lorenson pointed out these altercations occurred because they were picking up passengers on Sanibel; Mr. Murty said they have agreed not to do that.

Councilman Miracle moved to adopt City Attorney Pritt's opinion. Councilman Westall seconded. Councilman Bailey asked for an interpretation of the last paragraph of the opinion. Mr. Pritt explained he had included this to be sure there is the indication that this is very narrow as to the specific question, and that they should not then go out and think they can do return trips, package deals, etc. There was no further Council comment, no public input, and the question was called. Miracle (Aye), Westall (Aye), Lorenson (Aye), Muench (Aye), Bailey (Aye). The motion passed unanimously. Mr. Hanley expressed his opinion that the City should draw up additional rules to make it more clear, so he can be certain that illegal pickups are not being made, which he said are now happening every day. He said he will continue to report these to the police department, who is doing a fine job of working with him.

[] Item #7c: Report on suggestion for naming the park at the end of Dixie Beach Boulevard.

At the February 20 Council meeting, Dr. Louise Johnson had requested that Council consider honoring Brigid Bock by naming the parcel of land she donated "Brigid Bock Peace Park." City Manager Price had discussed the request in a memo to Council, indicating there had been discussion with regard to naming public facilities at previous Council meetings, but there is no formal City policy. Councilman Lorenson recalled that former councilman and mayor Fred Valtin was very adamant about parks not being named after people. Councilman Bailey agreed, and said he did not know who Brigid Bock is or what did she for the Island besides give us some property. Dr. Johnson explained that Brigid Bock lived on Sanibel for many years and people who have been here a long time are very familiar with her work. She has been active all her life, primarily in activities and organizations towards attaining peace, and has worked selflessly for ideals which are universal. Dr. Johnson clarified that she was not proposing the City rename Dixie Beach Park, just the portion donated by Brigid Bock; she also pointed out this is a buildable lot, on the bay, probably worth \$500,000, and she did not know many people who had donated anything similar, and noted we could be saving it from a Lighthouse Way type structure. Dr. Johnson said her idea was that it would be a tribute to name the property for Brigid Bock, even it were to be called just "Peace Park." She felt also that it's a good idea to honor people while they are living.

Councilman Lorenson said he would be amenable to naming the parcel Peace Park, with a plaque that it was donated by Brigid Bock, and so moved. Councilman Bailey seconded. Councilman Westall commented that he never did understand Council's feeling on never naming facilities after prominent citizens; he felt that down the line we will be an old community and we will want to remember our past, and that naming facilities after people is an important way to remember them.

Jerry Kearns, resident of San Carlos Bay Drive and president of the Homeowners Association, supported Dr. Johnson's request. However, they believe it was Mrs. Bock's intention to leave the parcel as open space and they did have some concern with designating it as a park, noting there is no parking. He stated the Association would offer to assist with design and landscaping plans. Dr. Johnson noted that Dixie Beach is already referred to as a park, and there is parking there. She agreed with Councilman Westall, commenting that she would love to see people offer to buy a piece of the Wulfert property. She still preferred Brigid Bock Peace Park, but agreed it would be fine if Council wishes it to be just Peace Park. She did ask that a bench be included for the purpose of contemplation. There was no further Council comment, no public input, and the question was called. Miracle (Aye), Westall (Aye), Lorenson (Aye), Muench (Aye), Bailey (Aye). The motion passed unanimously.

[] Item #7d: Consideration of A RESOLUTION APPROVING A FOUR-YEAR BURN PERMIT FOR THE U.S. FISH AND WILDLIFE SERVICE, AND PROVIDING AN EFFECTIVE DATE.