

July 22, 2009



## City of Sanibel

800 Dunlop Road  
Sanibel, Florida 33957-4096

[www.mysanibel.com](http://www.mysanibel.com)

### AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
NATURAL RESOURCES	472-3700
RECREATION	472-0345
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397

The Honorable Frank Mann  
Lee County Board of County Commissioners  
District 5  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Commissioner Mann:

At the Sanibel City Council meeting of Tuesday, July 21<sup>st</sup>, after discussion with Paul Wingard, Deputy Director of the Lee County Department of Transportation, regarding the proposed toll structure Council unanimously adopted the enclosed Resolution 09-087.

It is my sincere hope that it is the desire of the Lee County Board of County Commissioners to continue to work as partners on issues of mutual concern rather than as adversaries. I implore you to not destroy the goodwill we have all worked so hard to foster and not vote against the families who live and work on Sanibel and Captiva Islands.

Sincerely yours,

Mick Denham  
Mayor, City of Sanibel

Enclosure

Cc: Sanibel City Council  
Judith Zimomra, City Manager  
Kenneth B. Cuyler, City Attorney  
Lee County BOCC, Districts 1, 2, 3 and 4  
Karen Hawes, Interim County Manager  
David Owens, County Attorney



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July 22, 2009

The Honorable Tammy Hall  
Lee County Board of County Commissioners  
District 4  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Commissioner Hall:

At the Sanibel City Council meeting of Tuesday, July 21<sup>st</sup>, after discussion with Paul Wingard, Deputy Director of the Lee County Department of Transportation, regarding the proposed toll structure Council unanimously adopted the enclosed Resolution 09-087.

It is my sincere hope that it is the desire of the Lee County Board of County Commissioners to continue to work as partners on issues of mutual concern rather than as adversaries. I implore you to not destroy the goodwill we have all worked so hard to foster and not vote against the families who live and work on Sanibel and Captiva Islands.

Sincerely yours,

Mick Denham  
Mayor, City of Sanibel

Enclosure

Cc: Sanibel City Council  
Judith Zimomra, City Manager  
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July 22, 2009

The Honorable Brian Bigelow  
Lee County Board of County Commissioners  
District 2  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Commissioner Bigelow:

At the Sanibel City Council meeting of Tuesday, July 21<sup>st</sup>, after discussion with Paul Wingard, Deputy Director of the Lee County Department of Transportation, regarding the proposed toll structure Council unanimously adopted the enclosed Resolution 09-087.

It is my sincere hope that it is the desire of the Lee County Board of County Commissioners to continue to work as partners on issues of mutual concern rather than as adversaries. I implore you to not destroy the goodwill we have all worked so hard to foster and not vote against the families who live and work on Sanibel and Captiva Islands.

Sincerely yours,

Mick Denham  
Mayor, City of Sanibel

Enclosure

Cc: Sanibel City Council  
Judith Zimomra, City Manager  
Kenneth B. Cuyler, City Attorney  
Lee County BOCC, Districts 1, 3, 4 and 5  
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POLICE	472-3111
PUBLIC WORKS	472-6397

July 22, 2009

The Honorable Bob Janes  
Lee County Board of County Commissioners  
District 1  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Commissioner Janes:

At the Sanibel City Council meeting of Tuesday, July 21<sup>st</sup>, after discussion with Paul Wingard, Deputy Director of the Lee County Department of Transportation, regarding the proposed toll structure Council unanimously adopted the enclosed Resolution 09-087.

It is my sincere hope that it is the desire of the Lee County Board of County Commissioners to continue to work as partners on issues of mutual concern rather than as adversaries. I implore you to not destroy the goodwill we have all worked so hard to foster and not vote against the families who live and work on Sanibel and Captiva Islands.

Sincerely yours,

Mick Denham  
Mayor, City of Sanibel

Enclosure

Cc: Sanibel City Council  
Judith Zimomra, City Manager  
Kenneth B. Cuyler, City Attorney  
Lee County BOCC, Districts 2, 3, 4 and 5  
Karen Hawes, Interim County Manager  
David Owens, County Attorney



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PUBLIC WORKS	472-6397

July 22, 2009

The Honorable Ray Judah, Chairman  
Lee County Board of County Commissioners  
District 3  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Chairman Judah:

At the Sanibel City Council meeting of Tuesday, July 21<sup>st</sup>, after discussion with Paul Wingard, Deputy Director of the Lee County Department of Transportation, regarding the proposed toll structure Council unanimously adopted the enclosed Resolution 09-087.

It is my sincere hope that it is the desire of the Lee County Board of County Commissioners to continue to work as partners on issues of mutual concern rather than as adversaries. I implore you to not destroy the goodwill we have all worked so hard to foster and not vote against the families who live and work on Sanibel and Captiva Islands.

Sincerely yours,

Mick Denham  
Mayor, City of Sanibel

Enclosure

Cc: Sanibel City Council  
Judith Zimomra, City Manager  
Kenneth B. Cuyler, City Attorney  
Lee County BOCC, Districts 1,2, 4 and 5  
Karen Hawes, Interim County Manager  
David Owens, County Attorney

**CITY OF SANIBEL  
RESOLUTION NO. 09-087**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL STRONGLY OPPOSING LEE COUNTY'S PROPOSED SANIBEL TOLL STRUCTURE REVISIONS WHICH RESULT IN A HIGHER TOLL PAYMENT FOR A SIGNIFICANT PORTION OF THE CITIZENS AND BUSINESSES OF SANIBEL; REQUESTING THAT THE LEE COUNTY COMMISSIONERS ABIDE BY THE EXISTING AGREEMENT BETWEEN THE CITY OF SANIBEL AND LEE COUNTY REGARDING THE SANIBEL DISCOUNT TOLL PROGRAM; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Lee County Department of Transportation is proposing and recommending to the Lee County Commissioners that a new toll rate structure be implemented which significantly and detrimentally impacts the citizens and businesses of the City of Sanibel; and

**WHEREAS**, although the Lee County Department of Transportation claims that the proposed changes to the toll rate structure are "revenue neutral", it is clear, and conceded by the Lee County Department of Transportation, that there will be significant increases in toll payments by a significant number of City of Sanibel citizens and businesses; and

**WHEREAS**, the City of Sanibel and Lee County entered into a Settlement Agreement in 2005 through which the City is required to pay to Lee County the City's 21% of surplus tolls in order to pay down the "junior lien" resulting from the causeway construction; and

**WHEREAS**, in return for such payment, the City "purchased" the current Sanibel Discount Toll Program; and

**WHEREAS**, the City of Sanibel has complied with its requirements under the Settlement Agreement and the City Council expects the Lee County Commissioners to comply with Lee County's requirements under the Settlement Agreement;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council, City of Sanibel, Florida, that:

**SECTION 1.** The Sanibel City Council hereby registers its strong opposition to the toll rate structure proposals currently being made by the Lee County Department of Transportation and, further, strongly opposes any amendment, revision or change to the currently existing Sanibel Discount Toll Program.

**SECTION 2.** The Sanibel City Council has, at every opportunity, made efforts to improve the business and political relationship between the City of Sanibel and Lee County and would regard any change in the current Sanibel Discount Toll Program to be severely detrimental to the productive and cordial business and political relationship between the City of Sanibel and Lee County currently being pursued by both the Sanibel City Council and the Lee County Commissioners.

**SECTION 3.** Irrespective of all other considerations, the City of Sanibel and Lee County have entered into a Settlement Agreement through which the City of Sanibel is paying to Lee County hundreds of thousands of dollars of the City's surplus toll revenues in order to pay down the County's "junior lien" for the causeway construction, and all such payments by the City of Sanibel were for the sole purpose of providing the citizens and businesses of the City of Sanibel with the currently existing Sanibel Discount Toll Program. The City has abided by the City's requirements under the Settlement Agreement and expects Lee County to abide by its requirements under the Settlement Agreement.

**SECTION 4.** There is no financial requirement or necessity for the Lee County Commissioners to accept the proposal of the Lee County Department of Transportation relating to any revision in the Sanibel Discount Toll Program. The Lee County Department of Transportation's primary considerations of "convenience" and "uniformity" are totally insufficient to justify the financial detriment to the significant number of City of Sanibel citizens and businesses who will be harmed by a change to the Sanibel Discount Toll Program, or to justify Lee County's failure to abide by the terms and intent of the Settlement Agreement between the parties.

**SECTION 5.** The County's own Bond documents specifically reference and address the County's establishment of the Sanibel Toll Discount Program, as well as the Settlement Agreement between the County and Sanibel and the fact that the City is contributing its 21% of Surplus Toll Revenues for the discount toll program.

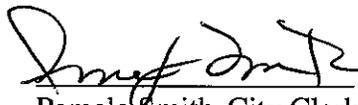
**SECTION 6.** Effective date.

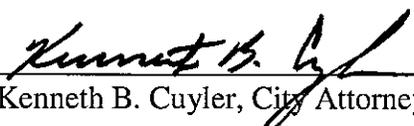
This resolution shall take effect immediately upon passage.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 21st day of July, 2009.

  
\_\_\_\_\_  
Mick Denham, Mayor

**AUTHENTICATION:**

  
\_\_\_\_\_  
Pamela Smith, City Clerk

APPROVED AS TO FORM:   
\_\_\_\_\_  
Kenneth B. Cuyler, City Attorney

7/22/09  
Date

Vote of Council Members:

Denham	Yea
Ruane	Yea
Harrity	Yea
Jennings	Excused
Pappas	Yea

Date filed with City Clerk: July 21, 2009