

**SANIBEL CITY COUNCIL REGULAR MEETING
AUGUST 03, 2010**

Mayor Ruane called the meeting to order at 9:07 a.m.

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

Mayor Ruane noted that staff requested an item be added to the agenda as follows due to time sensitivity:

Approval of an agreement between the City of Sanibel and U.S. Fish and Wildlife Service for cost-sharing to provide seedlings, saplings and re-sprouts of Brazilian pepper and other exotic plants from J. N. "Ding" Darling National Wildlife Refuge and authorize the City manager to execute same

Vice Mayor Denham moved, seconded by Councilman Harrity, to add the above-mentioned to the Consent Agenda.

The motion carried.

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

Vice Mayor Denham spoke to his meeting with Chairman Valiquette and Jimmy Jordan, Planning Director as directed by City Council.

Council decided to hear the report later.

Public Comments

Claudia Burns requested that City Council authorize \$1,000 funding, as had been previously allocated in past years for printing another 25,000 alligator coloring books, which have been updated since the last printing.

Ms. Zimomra advised that there was no money in the current budget, but if Council directed a budget amendment could be added to the September 11, 2010 City Council agenda for consideration.

Discussion ensued regarding adding the item to the September 11th City Council meeting agenda, who gives out the coloring book, Ms. Burns answered that the Chamber of Commerce hands out most books, with help from J. N. "Ding Darling" Wildlife Refuge.

Council decided to add the above-mentioned item to the September 11, 2010 agenda.

Trish Dorn spoke to the following regarding the LCEC corrective action plan:

- Increased coverage 24/7
- 2 cameras at the water crossing are working waiting for 2 more
- Accelerated tree trimming
- Completed a visual inspection
- Additional automation and completion date by November 1st
- Link to LCEC on City website for better communication
- Working with a 3rd party to evaluate the island
- LCEC distributing \$7.7 million dollars
- \$9,505.36 rebate check presented to the City

Chris Grant spoke to a vote by Representative Aubuchon and Senator Richter regarding the constitutional amendment on the oil issue.

Discussion ensued regarding Council advised that a resolution was adopted against oil drilling and the closet elected officials vote.

Ed Seibert spoke to the vote of not forwarding an amendment to Florida residents for no oil drilling off Florida shores.

Council Comments

Vice Mayor Denham asked a review of the audio system.

Ms. Zimomra noted that a full report would be given at the September 11, 2010 Council meeting

Request for City Council to consider a Proclamation to be presented at a future City Council meeting to the Boy Scouts of America, Inc., commemorating the Centennial Celebration July 26, 2010 through July 30, 2010

Councilman Jennings requested that a proclamation recognizing The Boys Scouts of America, Inc., and commemorating their centennial celebration. He also added he would like to invite their representatives to a future Council meeting for the presentation.

Vice Mayor Denham moved, seconded by Councilman Jennings, to present a proclamation to the Boy Scouts of America, Inc.

The motion carried.

Councilman Jennings agreed that water testing should be done and send the bill for water testing to BP.

Ms. Zimomra noted that Dr. Loflin would be before Council on other issues and requested Council's indulgence on a report of water testing.

Mayor Ruane spoke to his distribution of newspaper articles regarding the economy.

Discussion ensued regarding continuing discussion on deflation and the economy.

Second Reading and Public Reading

ORDINANCE 10-009 AMENDING CITY OF SANIBEL ORDINANCE NO. 07-014, AS AMENDED, WHICH ESTABLISHED MEMBERSHIP FEES FOR THE CITY OF SANIBEL RECREATION CENTER, IN ORDER TO PROVIDE FOR AN INCREASE IN THE FEE FOR THE CATEGORY OF "MEMBER GUEST RATES - INDIVIDUAL"; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 10-009. She added that Council had been briefed with a memo in the agenda packet. She also noted that a survey of private and public facilities was done, as well as decreasing lifeguard salaries. She noted the only change was the fee for member-guest rate.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Ordinance 10-009.

Public Comment

None

The motion carried.

CONSENT AGENDA

Staff requested item (c) and (e) be pulled for discussion.

- c. Approval of a Lease Agreement between the City of Sanibel and Local Roots, LLC D/B/A Sanibel Island Farmers' Market for use of City Hall property for an open air farmers' market during specified hours on Sundays from November 1, 2010 through April 30, 2011 and authorize the City Manager to execute same

Ms. Zimomra noted that Jean Baer and Betsy Ventura would be requesting an amendment to the map.

Ms. Bear requested that a portion of additional land be blocked off for a pedestrian walk through the Library side.

Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the lease and stated amendments to the map.

Public Comment
None

The motion carried.

- e. Award Dixie Beach Boulevard Improvements – Phase 2 contract to Southwest Utility Systems, Inc., in the amount of \$160,000 and authorize the City Manager to execute the same **AND RESOLUTION 10-081 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-036 AND PROVIDING AN EFFECTIVE DATE** (to budget and appropriate \$160,000 from the Dixie Beach Blvd. fund from ending fund balance to pipe existing ditches, widen/relocate shared use path, resurface roadway and testing. This amendment does not increase or decrease the FY10 budget)

Mr. Gates Castle, Public Works Director spoke to the contract amount was incorrect and should read \$146,685.

Ms. Zimomra read the title of Resolution 10-081.

Vice Mayor Denham moved, seconded by Councilman Harrity to approve the contract and adopt Resolution 10-081.

Public Comment
None.

The motion carried.

- a. Approval of a Proclamation for the Horizon Council Industry Appreciation Luncheon September 13 through September 17, 2010 to be presented Friday, September 17th
- b. Approve the engagement letter with LarsonAllen, LLP for auditing services for fiscal year ending September 30, 2010 in the amount of \$55,500 and authorize the City Manager to execute same (funds to be included in the fiscal year 2010-2011 proposed budget)

- d. Approval of an expenditure for an emergency repair at Lift Station #6 located on Sand Castle Road near Bailey Road with an estimate cost of \$85,757 (sufficient funds available in the FY10 adopted budget in the Sewer line item Fund 450)
- f. Approval of an agreement with Chase Paymentech as the merchant processor for the new beach parking machines and authorize the City Manager to execute same (this project is funded in the Beach Parking Enterprise Fund within the FY10 adopted budget; no new funds allocated within the SY10 adopted budget; Estimated annual normal processing fee costs of \$600. Additional costs may be incurred if transaction occurs: for voice authorization (\$0.65 per item); for charge backs (\$10.00 per item). MasterCard and Visa interchange rates apply as a percentage of transaction volume and will be passed through at cost. Interchange rates are set by MasterCard and Visa.

Councilman Jennings moved, seconded by Vice Mayor Denham, to approve the above-mentioned Consent Agenda items.

Public Comment
None

The motion carried

- g. **RESOLUTION 10-080 AUTHORIZING THE CITY MANAGER TO DISPOSE OF AN OBSOLETE OR SURPLUS FIXED ASSET; AND PROVIDING AN EFFECTIVE DATE** (Public Works mowers)

Ms. Zimomra read the title of Resolution 10-080.

Vice Mayor Denham moved, seconded by Councilman Harranty, to adopt Resolution 10-080.

Public Comment
None

The motion carried.

Council recessed at 9:42 a.m.

Council reconvened at 9:54 a.m.

Mayor Ruane asked that the Planning Commission Report be given.

Planning Commission Report

Commissioner Holly Smith gave the following report of the July 27, 2010 Planning Commission meeting:

- Four variances that include 1) re-build on a non-conforming site; 2) build outside the 3 dimensional outline; 3) build beyond the habitual living area; 4) have a greater than the pre-disaster; 5) increase the gross living square footage; 5) go above the angle of light
- Located at 114/116 Sea Grape Lane
- Build outside foot-print

She explained the property as follows:

- No verified damage from Hurricane Charley
- Verified damaged from Hurricane Wilma
- Request to rebuild duplex on a non-conforming site
- Build outside footprint

- Building could be built back within the existing footprint
- Approved a six-month extension to permit
- Property the first dealing with buildback after a disaster
- Planning Department staff worked diligently to cover all avenues
- August 24 Planning Commission meeting canceled

Discussion ensued regarding that the actual vote was 4 against, but 2 to approve, Mr. Cuyler stated that the jurisdiction lies with the Department Director and approval of the 6-month extension, Mr. Cuyler spoke to the first issue with buildback, but the issue was owner thought it would look better as requested, 35 years ago home rule established and land set aside for non-development, 2006 previous council created a buildback ordinance, the buildback ordinance very liberal, non-conforming property given the opportunity for buildback, but asked for further perpetual non-conformity, shocked over the newspaper article, baseline created and granted all that was possible, Mr. Cuyler cautioned that the appeal time limit had not expired, he further cautioned that Council should verbalize no conclusion, think what would happen if re-development was patterned after the buildback ordinance, Commissioner Smith stated the property in question had many issues and was the first time before the Planning Commission, build back a learning process, buildback ordinance was ground breaking legislation, Ms. Smith noted that there was no consideration that the 4 requested variances be granted and only discussion, and next Land Development Code subcommittee meeting was August 24th .

Tom Krekel stated it was noted that the Planning Department staff had discussion with the applicant and did not approve the plans submitted. He advised it was a quasi-judicial hearing and members were trying to find a way for the property to be use.

Vice Mayor Denham spoke to the following:

- Met with Planning Chairman Valiquette and Planning Director Jordan
- First issue discussed was density and should meet Council direction
- Code amendment to allow short-term rental occupancy to maintain same density
- Maximum amount of impervious surface in place with non-conforming property, and increase coverage by allowing mitigation
- Should provide Planning Commission direction regarding acceptable mitigation
- Height restrictions – may need further discussion and more specificity
- Setbacks – recommendation of no change
- Maximum number of units recommendation – may not fully understand and explained that it would be more inline if buildings were split
- Space for recreation area – Planning Commission concerns and need more work
- Asked for a matrix explaining the current LDC and proposed amendments

Public Comment

Karen Storjohann asked if density could be restricted for properties existing on a specific date in the Resort Housing District without affecting the Burt Harris Act by surrounding properties or properties that were outside the resort housing district that were currently hotels/motels.

Mr. Cuyler answered that he did not believe that Burt Harris contemplates what happens to other properties and had to be an ordinance that inordinately burdens a property for that property owner to have a Burt Harris claim.

Holly Smith asked for a copying of Vice Mayor Denham's hand written notes.

WATER QUALITY

- h. **Approval of an agreement between the City of Sanibel and U.S. Fish and Wildlife Service for cost-sharing to provide seedlings, saplings and re-sprouts of**

Brazilian pepper and other exotic plants from J. N. “Ding” Darling National Wildlife Refuge and authorize the City manager to execute same

Dr. Loflin stated that staff was advised this morning of the need for completion by August 6. He further stated the agreement was for \$38,800 and assisted the City’s pepper program.

Discussion ensued regarding the grant was a matching grant, Dr. Loflin stated that in-kind match would be included in the FY11 budget and would be used to remove Brazilian pepper off wildlife land.

Councilman Harrity moved, seconded by Mayor Ruane, to approve the above item.

Public Comment

None

The motion carried.

Response from Representative Bill Heller, District 52 July 12, 2010 for sending Resolution 10-062 supporting SFWMD US Sugar land acquisition

Mayor Ruane called Council’s attention to the response in the agenda packet.

Staff update and impact regarding purchase of conservation easements on 26,000 acres of wild ranch land in the northern swath of the Florida Everglades for \$89 million

Dr. Loflin spoke to the following:

- US Department of Agriculture announced a contract with landowners with Fisheating Creek landowners
- Acquisition in the form of a conservation easement
- Deduct a loss of development that might have happened
- Current land use continues (cattle ranching)
- Improve wetlands
- Improve wildlife habitat
- Eventual inches taken of Lake Okeechobee

Update on Lake Okeechobee freshwater releases

Dr. Loflin spoke to the following:

- Excessive releases for an extended period of time
- ACOE felt there would be a problem if releases not made
- Urged not to release
- Damage to estuary
- ACOE back to normal releases
- Back to measuring a Franklin locks – S-79

Vice Mayor Denham spoke to the following:

- Inequities between the east and west coast
- Memo provided by James Evans and Rae Ann Wessel
- Meeting with Commissioner Judah, John Fermo, Attorney and Kurt Hercolode for agreement with community issues
- Support of work with ACOE and Washington, D.C. attorneys
- Financial inequity
- Have an on-going progress with ACOE

Response from Senator Nelson dated July 22, 2010 regarding a letter from Councilman Jennings on Lake Okeechobee freshwater releases

Mayor called attention to Senator Nelson's response and the work done by Councilman Jennings.

Councilman Jennings spoke to a group effort in working toward the Lake Okeechobee freshwater releases. He further spoke to re-educating government officials. He also spoke to a boat trip with SCCF, and Diana McGee from Senator Nelson office to look at the water sensors.

Dr. Loflin spoke to:

- DEP tested for hydrocarbons in the bay areas
- Fish & Wildlife Conservation Agency have tested off-shore north of Sanibel
- Concern of hydrocarbons in the water
- EAP study showed that the dispersant was no more toxic than the oil itself in lab testing
- People working in the northern gulf not comfortable feeding seafood to own families
- Gap in the knowledge what the status of the dispersant or the oil mixture

OLD BUSINESS

Update regarding Insurance Services Office (ISO) Building Department Rating and Establishment of Timeframe for Re-Evaluation Plan

Ms. Zimomra spoke to the letter included in the agenda packet of written notification that staff had until September 9 for an appeal.

Discussion ensued regarding downgrading insurance on Sanibel, 6 ingredients in the downgrade, challenges when reducing staff, and trying to be more efficient.

Public Comment

Chris Heidrick spoke to the difference in a 2 rating to a 3 rating had very little insurance impact.

BUDGET

Capital Projects Update

Request for Direction from City Council regarding status of Capital Projects Staff update on Sanibel Captiva Road Shared Use Path extension from Pine Avenue to Blind Pass Bridge Staff update and recommendation regarding Intersection Improvements Center4Life Roof

Ms. Zimomra spoke to the 5-year CIP a planning document:

- No final decisions until Tuesday, September 21, 2010
- 1st budget hearing Saturday, September 11, 2010
- Need general direction and met with Councilmember's
- Continued with routine maintenance
- Prepare matrixes; 1) routine maintenance continued; 2) shows the non-routine maintenance projects
- Summary of routine maintenance and keeping up with schedule
- Matrix that shows non-routine maintenance and status of projections
- Tarpon Bay Road project on hold due to the economy with staff recommendation for engineering
- Need direction for intersection improvements
- Direction for Center4Life project and roof recommendation

Discussion ensued regarding discussion of the draft budget and the high amount being carried forward for CIP, process of capital projects, which projects more , shared use path at Dixie Beach Boulevard from Bunting to Albatross was put on hold, but activated with an estimate of \$255,000 and low bidder \$146,000,

would like to activate the shared use path widening at Rabbit Road and the Tarpon Bay Road improvements from Island Inn Road to Sanibel-Captiva Road, Mr. Castle noted permitting was needed, self imposed hold of Rabbit Rd and Tarpon Bay projects, need easements for Tarpon Bay from post office, Mr. Castle explained concept, process, areas surveys, pull permits, go through the public bidding process and Council awards bids, takes 6 months from beginning to end projects before awarding contracts, previous discussion on deflation, large amount of carry-forward funds, what is needed to shorten the process, project priorities 1) Dixie Beach project from Bunting to Albatross first priority and approved by Council earlier; 2) shared use path widening at Rabbit Road and permitting would be the issue; and 3) Tarpon Bay Road improvements from Island Inn Road to Sanibel-Captiva Road would be the priorities, need to finalize plans and get permitting, self-imposed holds on Rabbit Road and Tarpon Bay, would not begin these 3 projects this fiscal year, surveying money would be spent during the FY 09-10, need further discussion of process, need to move forward with projects, Ms. Zimomra stated funds were allocated, more dollars available due to projects bidding lower, staff waited to receive information regarding property values before requesting Council approval, put projects on hold, notifying Council that now is the time and there would be lead time for permitting, design, bidding and engineering, allocate funds and based on process projects do not move as quickly as in corporate America, and Mr. Castle stated that a construction schedule was developed and hope to have project completed within one fiscal year.

Mr. Castle spoke to needing Council direction and explained the process:

- Initial concept dictated by shared use master plan
- Prepare a construction plan
- Area surveyed to determine right-of-ways
- Permitting
- Public bid process
- Council award
- Construction phase
- Normal time frame – 6 months
- Council took action earlier today was the Dixie Beach and reactivated the project and the low bid was \$146,000
- Would like to re-activate the Tarpons Bay with easement issues
- Re-active the project to widen the Rabbit Road shared use path

Discussion ensued regarding concerned of process, enormous amount of carry forward and little spent in previous budget, concern that if approved why funds not spent, should move to complete projects, projects previously set-up in the CIP, Ms. Zimomra stated there were projects put on hold and the 5-year plan was also before Council, use Center4Life for city purposes and if the center was to be used a roof was needed, and Recreation Center used by Senior residents.

Mayor Ruane moved, seconded by Councilman Harrity, to proceed with all projects for FY 10, move forward and allocate funds for 2010 to proceed with CIP projects within budget and be prepared to review further for FY11 and accept staff recommendation to delete the intersection/roundabout and decide some time later regarding a roof for the Center4life.

Public Comment
None

The motion carried.

Follow-up to City Council request for Summary of General Obligation Debt Summary – Ad Valorem Tax

Ms. Zimomra stated a summary was included in the agenda packet.

Memorandum regarding a \$15,000 donation from a Sanibel resident for web-streaming

Discussion ensued regarding on-going obligation once a grant is accepted, appreciate a resident generosity, making accessible, gift does not imply a continuation, population of off-island residents, have to search through audio, reasonable service, no costs, best technology, Ms. Zimomra noted that bidding would be done and additional work to be done, would like additional information brought back at a future meeting, and write a thank you letter for the gift.

Councilman Jennings moved, seconded by Councilman Pappas to review and go forward

Councilman Pappas withdrew his second.

Discussion ensued regarding the need for software, not prepared for an on-going obligation, Punta Gorda had software, intention was to open Council meetings, seasonal community, trial to see if it would work, no obligation to go forward after one year, ask staff to provide more information.

Other

None

Discussion and direction to staff to award City Hall roof replacement contract to Advanced Roofing and Sheet Metal in the amount of \$233,290.00 and authorize the City Manager to execute same

Mayor Ruane spoke to there being no warrantee for this project.

Mr. Castle spoke to the following:

- No warrant a roof located within a ½ mile of a saltwater body
- Only roof warranted would be a painted aluminum roof and require a 20 year manufacturing warranty
- Sent information to engineer
- Require a 20-year warranty from manufacturer

Discussion ensued regarding many roofs being aluminum and workmanship greater, uplift improved, and staff did not recommend a roof with no warranty.

Vice Mayor Denham moved, seconded by Councilman Harrity, to bring back at the September 11th City Council meeting and direct staff to supply more information.

Public Comment

None

The motion carried.

COMMITTEES, BOARDS, COMMISSION

City Council Liaison to Planning Commission - *REVISED*

August 10, 2010	Mayor Ruane	Report of 8/3/10 CC Meeting
August 24, 2010	Councilmember Jennings	Meeting Canceled
September 14, 2010	Councilmember Harrity	Report of 9/11/10 CC Meeting
September 28, 2010	Mayor Ruane	Report of 9/21/10 CC Meeting
October 12, 2010	Vice Mayor Denham	Report of 10/5/10 CC Meeting

October 26, 2010	Councilmember Pappas	
November 09, 2010	Councilmember Jennings	Report of 11/2/10 CC Meeting
November 23, 2010	Councilman Harrity	
December 14, 2010	Mayor Ruane	Report of 12/7/10 CC Meeting
December 28, 2010	Vice Mayor Denham	

Resort Housing District Redevelopment Study reporting schedule to City Council from the Planning Commission

Tuesday, September 21, 2010
 Tuesday, November 02, 2010
 Tuesday, January 04, 2011
 Tuesday, March 01, 2011
 Tuesday, May 03, 2011
 Tuesday, July 19, 2011

NEW BUSINESS

Sanibel Codes regarding Entertainment Licensing

Mayor Ruane spoke to the memorandum in the agenda packet from the City Manager regarding the need to update the code as it applies to issuing entertainment licenses. stated that staff request direction.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to bring back legislation regarding entertainment licensing and a 90-day temporary suspension on issuing said license giving staff appropriate time to bring back draft legislation for Council consideration.

Public Comment
 None

The motion carried.

CITY MANAGER

Informational Items

Investments Reports

June 30, 2010 Summary of City Investments from Burgess Chambers & Associates, Inc.

July 23, 2010 Investment Manager Report from Integrity Fixed Income Management, LLC

Included in packet

Hurricane Preparedness Update

Ms. Zimomra spoke to new requirements for FEMA to include GPS notations in the hurricane plan.

Causeway counts June, 2010

Ms. Zimomra noted the Causeway numbers included in the agenda packet

**3rd Quarter Financial Report from the Sanibel Historical Museum and Village, Inc.
 3rd Quarter City Financial Statement**

Ms. Zimomra noted the information was in packet and staff was continuing to show fiscal restraint.

CITY ATTORNEY'S REPORT

Discussion and request for direction relating to property owners' request for an ordinance change for boat docks currently prohibited in the Bay Beach Zone between Lighthouse and Dixie Beach Road

Mr. Cuyler spoke to the following:

- Dock prohibition in the Bay Beach Zone
- Mr. Steve Hartsell representing several homeowners wishing the prohibition be lifted
- Appropriate to begin discussion at the Planning Commission level
- Began process and continued to research issue and contact outside legal counsel
- Stopped Planning Commission process
- Spoke to Council individually
- Mr. Hartsell spoke to City Council
- Options; 1) Decide legislation was proper; 2) not change is appropriate; 3) to decision today
- Need to review any proposed legislation
- Direction from Council requested

Mayor Ruane moved, seconded by Councilman Harrity, to move the Executive Session to 12:30 p.m.

The motion carried.

Mr. Hartsell spoke to the following:

- Land Development Code Section 126-96 and adopted by Ordinance 93-18 prohibits docks in the Bay Beach Zone
- Appreciate Mr. Cuyler's handling of issue
- 7 owners request regulations be amended to allow docks
- Dock restrictions in place 1985 before the 1993 exception put in place
- Distinguish between reasonable regulations or taking of property rights
- Restriction from Lighthouse Park to Dixie Beach Boulevard
- 16 lots on San Carlos Bay and 15 lots built after 1993
- 11 other docks exist within the exception area
- City built a dock with 4 slips, one used by Natural Resources Department
- Boats had no restriction of activity
- 85% of seagrass gone and only a small strip of seagrass along San Carlos Bay that exist from 1993
- Unfair to small group of people and bear the responsibility of protecting seagrass
- Ordinance intended to be a reasonable regulation rather than an unconstitutional taking of property
- If the City takes away riparian rights it would be like not allowing a drive way into someone property
- Regulations applied to applications
- 4-years inverse condemnation do not apply, but does not start until an application was denied
- 1993 the ordinance was clearly a taking of property right without compensation
- Ask ordinance be amended and allow docks under the process of conditional use application
- Ask that Council continue with reviewing the regulation
- Seagrass and other environmental issues must be addressed when building a dock

Discussion ensued regarding City Attorney did the correct thing in advising Council, unfair for the City to take a position that would cost a property owner, 1993 a purpose expressed for prohibition, prohibition continues to exist, still may be methods of installing docks without disturbing whatever needed protection, would there be an environmental injury, Bernie Lubetkin, engineer and built docks made a compelling

argument that it would destroy seagrasses, agree to allow build docks if seagrasses not impaired, Mr. Cuyler gave 3 options 1) change ordinance and removal of prohibition subject to public hearings; 2) decide no change appropriate; and 3) to indicate no decision against/for and direct Planning Commission to continue to evaluate an amendment, does the seagrass problem still exist and was there a taking, does the 4-year limitation kick in and how many of the original owners, Mr. Hartsell stated the conditional use permitting process in place with over 20 restrictions to avoid adverse impacts, seagrass only compelling argument, not received that conditions exists today on seagrass, ethical problem that something was taken away from property owners, and need compelling information.

Mayor Ruane moved, seconded by Councilman Pappas, to proceed by indicating no decision for or against and direct the Planning Commission to evaluate the code, amend as necessary and send back to City Council.

Discussion ensued regarding releases from Lake Okeechobee and the destruction of seagrasses due to the freshwater releases.

The motion carried.

COUNCIL MEMBERS' REPORT

Mayor Ruane spoke to individual Council meetings with Sanibel Community Association (SCA) representatives regarding a potential exchange of land. He further spoke to the consequences of the proposed land swap was due to the possibility of having to refund grant monies since the land acquisition and park development was through a FRDAP grant. He also noted that SCA representatives added the request would be withdrawn if FRDAP monies would need to be refunded. He continued to say that Council needed to direct staff to bring the item back for consideration if there when no repercussions.

Discussion ensued regarding refunding FRDAP monies, Community Park speaks to community and family, other potential problems, such as crossing the street, Council not interested in taking additional costs, land swap not in the best interest of residents and SCA may be required to pay the grant monies back to the state.

Councilman Pappas ask for clarification of the Sunshine Law and why Planning Commissioners leave the room when one or more were in attendance at a Council meeting.

Mr. Cuyler explained that sometimes when members leave the room a member may not want attendance to be misconstrued and would provide a memorandum.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff and look at the potential cost by unraveling the grants for a proposed land swap.

The motion carried.

Mayor Ruane spoke to Steve Maxwell coming before Council and request information and address at the next Council meeting.

Councilman Jennings spoke to changing the project value of receiving a building permit to \$1,250 from \$750, which would give residents more flexibility.

Vice Mayor Denham mentioned that Secretary Mike Sole had resigned.

Mayor Ruane announced that Council would be going in to Executive Session as stated below:

Council recessed at 12:38 p.m.

EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS. In attendance shall be only the following persons:

Mayor Kevin Ruane Vice Mayor Mick Denham
Councilman Marty Harrity Councilman Jim Jennings
Councilman Peter Pappas
Sanibel City Manager Judie Zimomra
Sanibel City Attorney Kenneth Cuyler
Jim Isom, Director of Administrative Services
Sylvia Edwards, Finance Director
Wayne Helsby, Labor Counsel (Allen, Norton & Blue), via telephone
Michael Tierney, Actuary, Actuarial Concepts (by phone)

Council reconvened into open session 1:36 p.m.

Ms. Zimomra recommended scheduling a Closed Session on Thursday, September 16 at 2:00 p.m. regarding Union Negotiations.

Discussion ensued regarding the reason for September 16th

Councilman Pappas moved, seconded by Councilman Jennings, to schedule a Special Council meeting to hold an Executive Session regarding union negotiations.

The motion carried.

Mr. Cuyler noted that the meeting would begin in open session and after the Closed Session ended Council would convene back in to open session before adjourning.

There being no further business the meeting adjourned at 1339 p.m.

Respectfully submitted,

Pamela Smith, MMC
City Clerk