

## **SANIBEL CITY COUNCIL REGULAR MEETING OCTOBER 05, 2010**

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

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

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

### **PRESENTATION(S)**

#### **Proclamation recognizing October as Breast Cancer Awareness Month**

Mayor Ruane read and presented the Proclamation to Mary Ann Loh, on behalf of the Susan G. Komen Breast Cancer Institute.

Ms. Zimomra announced that on October 29<sup>th</sup> a mobile mammography would be offered at the Recreation Center much like the blood mobile from 9:00 am to 3:00 pm.

#### **Presentation of a \$10,000 check from the Sanibel-Captiva Kiwanis Foundation for the New Year's Eve Fundraiser. All proceeds for the fundraiser assist eligible parents with financial assistance for their children to attend the City of Sanibel Recreation Center After School, Summer & Holiday Camps**

Barry Roth presented a \$10,000 check to City Council.

#### **Planning Commission Meeting Report**

Commissioner Mike Valiquette gave the following report:

- Capital Improvement sub-committee met
- Sanibel Sea School application moving forward
- Discussion of docks in the Bay Beach Zone

Discussion ensued regarding explaining the vote of the Planning Commission, and did the vote represent that the proposed ordinance was inconsistent with the Sanibel Plan.

#### **Public Comments**

Larry Weinburg, Veolia asked that if there were questions regarding the new solid waste service to direct them as soon as possible.

Mr. Zimomra stated that so far transition from the old to the new solid waste hauler was smooth.

#### **Council Comments**

Councilman Jennings spoke to the memorial service for Sam Bailey held Saturday, October 02, 2010.

Vice Mayor Denham spoke to the past practice of planting a tree on City grounds in honor of Sam Bailey.

Council agreed by consensus

Mayor Ruane read an article commemorating the life of Sam Bailey.

#### **First Reading and Public Hearing**

**ORDINANCE 10-008 BOAT DOCKS AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE IV CONDITIONAL USES, SECTION 126-96 DOCKS, BOAT DAVITS, BOAT LIFTS AND MOORING PILINGS TO REVISE THE STANDARDS FOR DOCKS IN THE BAY BEACH ZONE; AND ARTICLE VII RESIDENTIAL DISTRICTS, SECTION 126-312 (BAY BEACH ZONE) CONDITIONAL USES TO REMOVE THE PROHIBITION ON ACCESSORY PIERS AND DOCKS FROM THAT PORTION OF THE BAY BEACH ZONE EXTENDING FROM THE WEST BOUNDARY OF LIGHTHOUSE PARK TO THE WEST RIGHT-OF-WAY BOUNDARY OF DIXIE BEACH BOULEVARD AT WOODRING’S POINT; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**  
Ms. Zimomra read the title of Ordinance 10-008.

Mr. Cuyler explained to the following:

- Initiated by a meeting with Attorney Steve Hartsell representing residents with homes on the Bay without boat docks due to a moratorium
- Spoke to individual Councilmember
- Discussion at a Council meeting
- Appropriate to review ordinance to evaluate residents claims
- Planning Commission reviewed
- Researched additional information
- Engaged outside counsel regarding Bert Harris, condemnation, riparian rights
- Brief City Council a second time
- Brought back to a City Council meeting
- Council directed the Planning Commission to continue to review
- First full public hearing of two public hearings
- Statute requires 2 public hearings
- Could not adopt today
- Planning Commission evidenced some uncomfortably in what they were being asked to do
- Some discussion of not being in favor, but appropriate to pass to City Council
- Planning Commission had 3 public hearing and forwarded the proposed ordinance
- Issue of consistency with Comprehensive Plan
- City Council determines Comprehensive Plan consistency
- Comp Plan provisions reads; “Prohibition of docks in San Carlos Bay where they constitute a threat to seagrasses should be continued” (subject to interpretation
- Discussion regarding sea grass
- 30 questions to be answered when permit pulled to take care of seagrass
- Planning Commission found the subject was not consistent with the Sanibel Plan
- Discussed types of claims that could be made; potential City defenses

Discussion ensued regarding Planning Commission finding boat docks in the Bay Beach Zone inconsistent with the Sanibel Plan, earlier the City Attorney thought that the City did not have a good legal case, Mr. Cuyler stated that if Sanibel was a new City and wanted to prohibit docks the advice would be that Council could prohibit docks on the bay for public well being but a firm possibility to pay for taking of property, things in play today not in play in 1993, City Attorney less clear and continued to research and the defenses the City had were stronger than initially thought, and Mr. Cuyler noted that Mr. Hartsell discussed the possibility to monetary claims.

Jimmy Jordan, Planning Director spoke to the following:

- Planning Commission members struggled with discussion
- Charged with defending the Sanibel Plan and making recommendations to City Council
- Section 82-241 reads; “The Planning Commission may recommend to City Council amendments to a zoning district, boundaries and permitted uses or other regulations of the Land Development Code in accordance with the following standards: 1) The Planning Commission shall make reference to the Sanibel Plan to determine if the proposed amendment to the Land Development Code regulations is consistent with the intent and purpose of the Sanibel Plan; Subsection (3) states; “If the Planning Commission determines that a propose amendment is inconsistent with the plan or it’s intent and purpose the Planning Commission may nevertheless recommend approval of the proposed amendment along with a corresponding amendment to the Sanibel Plan if the Planning Commission determines that the proposed amendment should be approved based upon consideration of all the factors specified in subsection 2.”
- Subsection 2 of Section 82-241 had factors which the Planning Commission should consider when they do approve an amendment when they find an amendment was consistent; a) will encourage the most appropriate use of land and city resources, consistent with the public interest; b) will prevent overcrowding of land and avoid the undue concentration of population; c) will adversely affect the development of adequate and efficient provisions for transportation, water, sewage, schools, parks, recreation facilities, and the environmental, social and economic resources of the city; d) will adversely affect the character and stability of the present and future land use and development of the community; e) will adversely affect orderly growth and development; f) will preserve, promote, protect and improve the public health, safety and general welfare of the community; and g) is consistent with the City Charter
- Discussed dock platforms, width and platform size respectively, 200 square foot platform limitation, 150 feet into San Carlos Bay

Discussion ensued regarding clarifying one of the principle roles was to consider if something was consistent/inconsistent wit the Sanibel Plan, principles role of Planning Commission was an advisory commission to City Council, if adopted would it go to the state, Mr. Cuyler stated that ordinances could not be implemented if legislation was inconsistent with the plan, if Council wanted to adopt an ordinance that was inconsistent with the Sanibel Plan, the Comprehensive Plan would need to be amended and would go to the Department of Community Affairs for approval, sometimes City Council accepts or not the findings of the Planning Commission, during Planning Commission hearings there were expert scientific witnesses that testified that lifting the moratorium would harm seagrasses, and witnesses were from the City’s Natural Resources Department and SCCF.

Continued discussion regarding aesthetics, line of site, environmental impacts, harming sea grasses, City incorporated in 1974 for a reason, 3 areas of consideration 1) environmental stewardship of Sanibel’s natural systems; 2) matter of principle; and 3) possibility of a lawsuit, do docks in San Carlos Bay pose a threat to seagrasses, rely on staff for expert advice, moratorium put in place due to the threat of sea grasses, lift of moratorium would require an amendment to the Sanibel Plan, and Council had thus far refused to do so, Council asked and challenge accepted by Vice Mayor Denham to fight for the equitable freshwater releases of Lake Okeechobee, fought at the State level, Water Management District challenged, taken fight to Army Corps of Engineers and National Marine Fisheries Association, 1993 full prohibition occurred, DCA approved amendments to Comprehensive Plan, no challenge or petition filed with the Department of Community Affairs (DCA), there could be other challenges to the Sanibel Plan if Council dismisses the prohibition, allowed docks from incorporation until 1984 and then a removal of boat docks with justification and was challenged in 1985 and added a conditional use with a caveat that there would be 1,000 foot separation between docks, challenge on the conditional use of allowing docks with 1,000 feet between docks and was found in the City’s favor, but allowed the party to build the dock, 1993 discussion was surrounding aesthetics and seagrass, 67 people that could potentially have docks and 8 built docks, 8 people own property from 1993 and prior, no one had addressed the 8 residents, did not take anything from people, struggling with fact the riparian rights taken sway, banning docks without a solution, no challenge in 2004 during the EAR discussion, and docks were not discussed, and should not amend the Sanibel Plan unless there was a good strong reason to do so.

#### Public Comment

Erick Lindblad, SCCF stated that there were basic promises to remove the band or not. He also spoke to the impact on sea grasses and docks constitute a threat to the restore of sea grass beds, Sanibel would do more to protect rather than minimize, and possible restoration of sea grasses, feeding, nesting and resting area for wild birds.

Rae Ann Wessell showed a map showing areas of seagrass having 75%, areas of greater than 45%, eastside seagrass beds stressed, scientific research show that seagrass beds extends beyond the shaded area, shading reduces sustainability of seagrasses, fragmentation of seagrass beds makes them more susceptible to erosive impacts of wave and wind resulting in increased stress to the remaining bed, and reduces the viability the remaining beds to sustain and restore themselves, not just the impact of the footprint, but the whole web of species that depend uniquely on the structure, 80% of sport fish depend on seagrasses, loss of seagrass includes loss of sediment stabilization, dead rings around the base of dock pilings due to birds sitting on said pilings, shoreline grasses are also used by manatees and independent research show that docks have a negative impact and lifting the ban would constitute a threat to the restoration of seagrass beds on the east end and existing beds on the west end.

Discussion ensued regarding could docks creating habitat, Ms. Wessell answered that dock pilings could be colonized by organism, but the impact should be compared with the value of those resources with the network of resources, does not compare with the threat to the ecological system, any history of seagrass impact in the Woodring Point as information was being gathered, and Natural Resources Department should be engaged.

Hazel Schuller requested that a public hearing be held by the Planning Commission and advertise same, hire an outside attorney that would be a coastal land and water expert experienced in advocacy, consider intrusions of boating use and coastal habitat and shore birds, who owns the submerged lands, what the City owns and was a referendum needed, would other docks be allowed further east, fragile beach re-nourishment at Lighthouse Beach and the history of the Bert Harris Act as compared to the 1974 City Charter, economic assumptions in the Sanibel Plan regarding sustainability.

Council recessed at 10:40 a.m.

Council reconvened 10:54 a.m.

Barbara Cooley spoke in favor of the moratorium on docks, ERA process with the dock issue not brought up, ERA process without objection. She further spoke to stricter rules to protect the environment and control development.

Karen Storjohann spoke to Sanibel in the forefront of ecotourism and against lifting the dock moratorium.

Glenn Simmons spoke to the City lifting the moratorium when the Police boat dock was built, thus the need to lift the moratorium and restore property owner rights.

Molly Hower spoke the restrictive rights on Sanibel and make Sanibel unique.

Carl Rodman spoke against lifting moratorium.

Charles Sobczak spoke in favor of the moratorium. He further spoke to the erosion of the Sanibel Plan, pressure the Council, and artificial reefs under the proposed docks to make them productive and become habitat, but did not advocate his suggestion and against amending the Sanibel Plan.

Pete Bender spoke against the moratorium and that the docks could be built consistent with the Sanibel Plan.

Paul Andrews spoke in favor of the moratorium.

Wayne Ponader spoke against the dock moratorium and the consistent testimony that building the docks would harm sea grasses. He further spoke to this being the beginning of destroying the environment.

David Bath spoke in favor of the moratorium.

Steve Hartsell, Attorney spoke to the following:

- Referred to the proposed ordinance
  - Conditional use process
  - Length limited to 50 feet and suggested 175 feet length to be in an areas that seagrass was a greater depth
  - Subsection 12 limiting the dock terminal platform and the code access way to a 4 foot width
  - 4 foot width never intended to the dock platform, should eliminate wording
  - Subsection 13 (a) Natural Resources suggested adding protection to seagrass bottom growth, essentially saying that all docks should be built at a height of 5 feet, should eliminate wording
  - Subsection 17 requires a one inch spacing for deck planks and was a safety hazard, should be one-quarter or one-half inch, other code areas allows one-quarter inch deck planking

Mr. Cuyler stated that he would meet with staff and provide recommendations for the October 19<sup>th</sup> City Council meeting.

Mr. Hartsell, Attorney continued as follows:

- Any evidence that all docks represent a threat to seagrasses
- Dock in Pine Island Sound and Mr. Wilson reviewed dock for impact to seagrass
- Built with an open cell construction allowing light to come through
- Substantial seagrasses growing beneath said dock after 5 years
- Not every dock was a threat to seagrasses
- 2009 study of 6,500 acres of sea grass in Charlotte Harbor
- If 59 docks built approximately 1 acre of seagrass affected
- Affects of dock shading does has an affect on seagrasses
- Possible impact that docks have on San Carlos Bay seagrasses was insignificant
- Clearly not inconsistent with the Sanibel Plan because docks do not represent a threat to sea grass beds
- Lifting the prohibition was consistent with the Sanibel Plan
- All owners would not build a dock, but the right to apply for a conditional use permit
- Mitigation would be required
- City built a dock on San Carlos Bay and evidence that not every dock would impact seagrass beds
- If ordinance approve owners could apply for a permit and staff would make certain requirements were met
- Hans Wilson & Assoc., professional engineer and designs dock spoke as follows:
  - determined that if built 5 feet over the water there was more sea grass beneath and no damage

Discussion ensued regarding would there be enough sun to allow sea grass to grow and Mr. Hartsell answered yes, Mr. Hartsell stated the reason residents did not go to court regarding the Sanibel Plan was because section 16 was adopted January 10 and thought it was adopted some years ago, DCA approved amendments to the Sanibel Plan by letter dated January 26, 2010, the law is reason absent passion, Sanibel was built on passion, Council decision was to lift the moratorium or not, December 12, 1991 memo from then City Manager Gary Price on Bay Beach dock regulations provides a special history and informs of what people were thinking and doing before the 1993 ordinance was adopted, Mr. Price recognized what needed to be done to protect Sanibel, the reference was not just to seagrass, but to appear, a Planning

Commissioner introduced that the lifting the boat dock moratorium was inconsistent to the Sanibel Plan, if a community's defining value was to be lost it must be taken because the community could not voluntarily lose it, if litigation was introduced the pursuit of self interest would be very lonely and injurious, there was a taking of rights that was legal and justified, Sanibel was special, who had a compensatory claim, those that bought or sold the property, another public hearing on October 19, 2010, need scientific information regarding the dock built on Pine Island Sound, 1991 memorandum gave 3 recommendations; 1) banning all docks; 2) allow individuals in the Bay Beach Zone to construct docks; 3) standards to protect existing native seagrass and maintain the 1,000 foot standard in the Bay Beach Zone, August 3<sup>rd</sup> discussion regarding a taking of rights, if adoption of ordinance taking rights the reason must be laid out, discussion with Bob Pritt, former City Attorney, if it was determined that this moratorium was of value to Sanibel the ordinance must not be changed, heard public comment with clarity and passion, this topic represents a challenge that could not be ignored, construction of City boat dock, building docks at Woodring Point on one side, but not the other side, and Mr. Cuyler noted that if Council wanted additional information in addition to the request below staff would provided said information.

Council asked for staff to provide the followings information prior to the October 19<sup>th</sup> meeting:

- Science-based report independently done by Natural Resources & SCCF regarding judgment on seagrass and damage that might be done
- List of properties that fall in the moratorium area and the date the properties changes hands
- List of people that challenged the DCA plan amendment from the letter of January, 2010
- How many people have applied for a dock prior to and after 1990 in the moratorium area
- City Attorney comment relative the obligations and responses to DCA
- What other occasions have changes in the Sanibel Plan been approved outside of the normal review and has it been challenged
- Further clarification – grandfathering of the 7 or 8 docks built – can deal on a separate basis
- Follow-up on mitigation process – what form the mitigation if ordinance adopted

Mr. Cuyler noted that under Florida Statute the second public hearing could be scheduled before 5:00 p. m., if a resolution was adopted.

**RESOLUTION 10-103 ELECTING TO CONDUCT A PUBLIC ADOPTION HEARING, PRIOR TO 5:00 PM, REGARDING A PROPOSED ORDINANCE THAT AMENDS THE SANIBEL LAND DEVELOPMENT CODE; SETTING THE TIME AND DATE FOR THE SECOND PUBLIC HEARING FOR THE SANIBEL LAND DEVELOPMENT CODE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 10-103.

Councilman Jennings moved, seconded by Vice Mayor Denham, to adopt Resolution 10-103.

Public Comment

Hazel Schuller spoke to a client of Steve Hartsell being in the audience.

The motion carried

Council recessed at 12:20 p. m.

Council reconvened at 12:35 p.m.

**CONSENT AGENDA**

Ms. Zimomra stated that staff requested item (m) resident (h) & n.

- h. Award contract for 2011 Sanibel River clearing to Canoe Adventures, Inc., in the amount of \$100,000, as a sole source vendor (This amount reflects a 5% reduction over proposed prices for this work and is included in the adopted FY11 budget)

Ms. Zimomra explained that an email was received requesting this item be removed for further explanation.

Discussion ensued regarding this an annual renewal, allows portions of the Sanibel River to be cleared.

Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the above.

Public Comment

None

The motion carried

- m. Approval of an agreement between the City of Sanibel and Lee County Public Safety to support Sanibel Police Department 911 Public Safety Answering Point (PSAP) for FY11 up to \$50,000 (this agreement would re-imburse for one-half the costs associated with providing an emergency generator and other generator related work for the PD 911 PSAP)

Ms. Zimomra stated the Chief advised that Lee County was not ready for this agreement to be approved by City Council.

- n. Request authorization from City Council to serve alcohol (beer & wine) at the Taste of the Island Sunday, November 21<sup>st</sup> located at Community Park, 2231 Periwinkle Way (this event is sponsored by C.R.O.W.)

Ms. Zimomra explained that the event would serve liquor as well as beer and wine and was consistent with the event held in the past.

Councilman Harrity moved, seconded by Councilman Pappas, to approve the above-mentioned items.

Public Comment

None

The motion carried

- b. **RESOLUTION 10-098 TO CARRY FORWARD THE FISCAL YEAR 2009-2010 CLASSIFICATION PLAN AND PAY SCHEDULE REFLECTING PAY GRADES AND PAY RANGES FOR NON-UNION AND UNION CITY EMPLOYEES FOR FISCAL YEAR 2010-2011; AND PROVIDING AN EFFECTIVE DATE** (the classification plan has no impact on the adopted FY11 budget)

- c. **RESOLUTION 10-099 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-001 AND PROVIDING AN EFFECTIVE DATE** (to roll-forward \$75,000 of unspent FY10 grant funds for the algae research study. This amendment increases the FY11 budget by \$75,000)

- d. **RESOLUTION 10-100 ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENTS FROM SANIBEL PROPERTY OWNERS FOR THE SANIBEL SEWER SYSTEM EXPANSION PROJECT, PHASE 4; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN**

**THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

- k. **RESOLUTION 10-101 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-002 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$1,000 from the General Funds Reserve for Contingencies as approved by Council at the September 21, 2010 Council meeting to help fund the printing of a new alligator coloring book. This amendment does not increase or decrease the FY11 budget)
  
- l. **RESOLUTION 10-102 CALLING FOR AN ELECTION FOR SANIBEL CITY COUNCIL MEMBERS; SETTING THE DATE AND POLLING PLACES FOR THE ELECTION; PROVIDING FOR BALLOT LANGUAGE; REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND CERTIFY THE RESULTS TO THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE**
  
- o. **RESOLUTION 10-104 NOMINATING SAMUEL M. BAILEY AS A “GREAT FLORIDIAN;” AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of the above.

Councilman Jennings moved, seconded by Councilman Pappas, to adopt Resolutions 10-098, 10-099, 10-100, 10-101, 10-102 and 10-103.

Public comment  
None

The motion carried.

- a. Approval of minutes – September 11, 2010 Regular Meeting, September 16, 2010 Special Meeting, and September 21, 2010 Final Budget Hearing
  
- e. Approve Agreement with Woodroffe Corporation Architects for design and construction administration services for Bowman’s Beach and Lighthouse park facilities and authorize the City Manager to execute same (this agreement would be funded by Tourism Development Council (TDC) funds)
  
- f. Approve Woodroffe Corporation Architects to perform design and construction administration services in conjunction with a Lighthouse Beach restroom for a not-to-exceed fee of \$41,520 (Tourism Development Council (TDC) funding available)
  
- g. Approve sale of pick-up truck to Sanibel Capital Conservation Foundation for its depreciated value of \$1,086
  
- i. Approve Professional Services Agreement with Johnson Engineering, Inc., for FY10-11 NPDES – related work in the amount of \$70,061 and authorize the City Manager to execute same (the funds are included in the adopted FY11 budget)

- j. Request from Lee County Chapter of Military Officer's Association for consideration to waive fees associated with their Special Events Application for Veterans' Day Program and City co-sponsor event at City Hall flag pole, 800 Dunlop Road (this is a grandfathered event and the wavier would be in the amount of \$50)  
 Vice Mayor Denham moved, seconded by Mayor Ruane, to approve the above-mentioned items.

Public Comment  
 None

The motion carried.

**WATER QUALITY**

**Regional Planning Council (RPC) resolution support the congressional action regarding Property Assessed Clean Energy (PACE) Programs**

Vice Mayor Denham noted the adopted resolution by the Regional Planning Council in the agenda packet.

**OLD BUSINESS**

**Update regarding adopted FY11 Budget  
 Council's FY 11 amended goals  
 Five-Year Capital Improvement Plan Correction**

Ms. Zimomra spoke to the following:

- Natural Resources staff drew-up water quality goals as requested by Council.
- Last version of the adopted FY11 budget shows the Capital Improvements Plan (CIP) for an additional playground and asked Council for a motion to remove same

Mayor Ruane moved, seconded by Vice Mayor Denham, to remove the additional playground from the CIP.

Public Comment  
 None

The motion carried

**COMMITTEES, BOARDS, COMMISSION**

**City Council Liaison to Planning Commission - *REVISED***

<b>October 12, 2010</b>	<b>Vice Mayor Denham</b>	<b>Report of 10/5/10 CC Meeting</b>
<b>October 26, 2010</b>	Councilmember Pappas	<b>Report of 10/19/10 CC Meeting</b>
<b>November 09, 2010</b>	<b>Councilmember Jennings</b>	<b>Report of 11/2/10 CC Meeting</b>
November 23, 2010	Councilman Harrity	
<b>December 14, 2010</b>	<b>Mayor Ruane</b>	<b>Report of 12/7/10 CC Meeting</b>
December 28, 2010	Vice Mayor Denham	

Ms. Zimomra noted the additional October 26<sup>th</sup> Planning Commission liaison report.

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

Tuesday, November 02, 2010  
 Tuesday, January 04, 2011

Tuesday, March 01, 2011  
Tuesday, May 03, 2011  
Tuesday, July 19, 2011

## **CITY MANAGER**

### **Informational Items**

**Sanibel City Website reaches 1-million page review**

**Response from the Florida Department of Environmental Protection regarding  
Community Park**

**Participation in the City of Cape Coral's Veterans Parade**

**Sanibel Historical Museum & Village, Inc., 2008/2009 Audit**

Ms. Zimomra spoke to receiving the report from the Sanibel Historical Museum & Village, Inc., the response letter from the City and the response from the Historical Museum Village, Inc.

## **CITY ATTORNEY'S REPORT**

Mr. Cuyler advised that he had been asked by Commissioner Judah to sit on a panel to interview candidates for the County Attorney.

## **COUNCIL MEMBERS' REPORT**

Councilman Pappas asked that Mr. Cuyler provide more information to the financial downside regarding the dock issue.

Discussion ensued regarding quantifying the expense of possible litigation, the Natural Resources Department complete the work requested by City Council regarding the boat dock independently of SCCF, the need for further information regarding riparian rights, and additional information regarding the placement of the Police boat dock

## **Public Comment**

Karen Storjohann spoke to the need a map showing the channel and a difference of a private usage and public usage. She further spoke to staff helping with the Sam Bailey memorial.

Ms. Zimomra stated that City staff performed continued with the normal schedule to clean the Historical Museum and Village just a little early.

There being no further business the meeting was adjourned at 1:00 p.m.

Respectfully submitted by

Pamela Smith, MMC  
Sanibel City Clerk