



# MEMORANDUM

**DATE:** October 04, 2010

**TO:** Sanibel City Council

**FROM:** Judie Zimomra, City Manager

**SUBJECT:** AMENDED AGENDA FOR OCTOBER 05, 2010 CITY COUNCIL

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The agenda for October 04, 2010 is amended to add Consent Agenda item (d) **RESOLUTION 10-104 NOMINATING SAMUEL M. BAILEY AS A "GREAT FLORIDIAN;" AND PROVIDING AN EFFECTIVE DATE.**

Also the following information is additional back-up information:

- 7. a. First Reading & Public Hearing – Proposed Ordinance 10-008 (Boat Docks)
- Memorandum from City Attorney Cuyler regarding proposed Ordinance 10-008 (Boat Docks)
- Memorandum from Director Jordan (Boat Docks)
- Memorandum from City Attorney Cuyler regarding an alternate proposed Ordinance 10-008
- Alternate proposed Ordinance 10-008 (Boat Docks)
- Boat Dock emails received from Wednesday, September 29<sup>th</sup> afternoon through Monday, October 04, 2010 at 4:25 p.m.

JAZ/ps

Cc: Kenneth B. Cuyler, City Attorney  
Pamela Smith, City Clerk

**CITY OF SANIBEL  
LEGAL DEPARTMENT**

**MEMORANDUM**

**TO: Members of City Council**

**FROM: Kenneth B. Cuyler** *KBC*  
**City Attorney**

**DATE: October 4, 2010**

**RE: Legal Requirement of Two Public Hearings for the Ordinance Relating to Docks in the Bay Beach Zone**

I have had an inquiry as to why the City Council is required to have two public hearings for proposed Ordinance No. 10-008 relating to Boat Docks in the Bay Beach Zone instead of only conducting a first reading and one public hearing, which is the much more common ordinance adoption process. The reason is that most ordinances are adopted in accordance with the usual adoption procedure set forth in Section 166.041 (3)(a), Florida Statutes, which allows the City to have a first reading, with no public hearing, and then a second reading and public hearing for the consideration of the ordinance by City Council.

However, Section 166.041 (3)(c) (2) reads as follows:

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:
  - a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that

the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing. (Emphasis added).

Therefore, since the proposed ordinance adoption is regulated by the above provisions, it is legally required that the City Council hold two public hearings rather than the normal single public hearing. As you may recall, your agendas are normally titled as follows for the first reading of an ordinance:

7. Reading of an ordinance and scheduling of public hearing. (Note: The First Reading is not a public hearing and no discussion or testimony will be taken unless the ordinance changes permitted conditional or prohibited uses as required State Statute.)

The ordinance you are considering on October 5, 2010 relating to Boat Docks in the Bay Beach Zone is the type of ordinance referred to in the language contained in the above parenthesis which you find on your normal agenda. That language has been changed on your October 5, 2010 agenda so that it reads "First Reading and Public Hearing" above the ordinance title.

Also included in your agenda for the October 5, 2010 Council Meeting is a resolution which will authorize the second public hearing to be held during a regularly scheduled meeting, rather than after 5 p.m. You will note in the statutory language cited above that the Council may take that action by a vote of the majority plus one of Council members.

If I can provide any additional information regarding the statutory requirement, please let me know and I will discuss the matter with you.

KBC/stb

CC: Judie Zimomra, City Manager  
Pamela Smith, City Clerk  
Jim Jordan, Planning Director



# City of Sanibel

## Planning Department

### MEMORANDUM

DATE: October 1, 2010

TO: Judie Zimomra – City Manager

FROM: James Jordan - Planning Director 

SUBJECT: **Proposed Draft Ordinance Amending the Land Development Code, Chapter 126, Article IV Conditional Uses, Section 126-96 Docks, Boat Davits, Boat Lifts and Mooring Pilings Located in the Bay Beach Zone and Section 126-312 (Bay Beach Zone) Conditional Uses to remove the prohibition on accessory piers and docks**

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On September 14, 2010, the Planning Commission, by a vote of 4 to 3, approved Resolution No. 10-05 to move forward to City Council draft 2.2 of an ordinance containing potential amendments to Land Development Code, Chapter 126, Article IV Conditional Uses, Section 126-96 Docks, Boat Davits, Boat Lifts and Mooring Pilings Located in the Bay Beach Zone and 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 west right-of-way boundary of Dixie Beach Boulevard.

At this meeting the Planning Commission recommended certain changes to the draft ordinance and the accompanying resolution.

After the meeting on the 14<sup>th</sup> and during staff's preparation of revisions to the ordinance and resolution, two issues arose that needed to be addressed by the Planning Commission before City Council's review could occur.

The first point of clarification was related to whether certain information pertaining to the length and number of existing nonconforming dock uses in the Bay Beach Zone was ever presented by staff during the Planning Commission hearings on this matter.

The second point of clarification was related to the procedural requirements of Land Development Code Section 82-24, Amendments to the Land Development Code or Zoning District Boundaries where in recommending Code amendment to City Council the Planning Commission must make reference to the Sanibel Plan to determine whether the proposed amendment is consistent or inconsistent with the intent and purpose of the Sanibel Plan.

On September 28, 2010, staff brought this matter back to the Planning Commission for discussion along with a revised resolution and a revised ordinance draft 2.3 for consideration.

After discussing this matter the Planning Commission, by a vote of 5 to 2, approved revised Resolution No. 10-05 to move the draft ordinance 2.3 to City Council along with a finding that the proposed amendment was inconsistent with the Sanibel Plan.

Finally, the Planning Commission has asked that City Council further discuss the merits of limiting the length and terminal platform size of docks and piers, respectively, to 150 feet and 200 square feet.



# MEMORANDUM

DATE: October 04, 2010

TO: Sanibel City Council

FROM: Kenneth B. Cuyler, City Attorney *KBC*

SUBJECT: Alternative Version of Proposed Ordinance 10-008 relating to boat docks (alternative "Whereas" clauses) distributed at the request of a Councilmember

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A City Councilmember has requested that proposed Ordinance 10-008 relating to boat docks be distributed in an alternative version with two differences in the "Whereas" clauses as follows:

- The following "Whereas" clause has been added:

**WHEREAS**, the Sanibel Planning Commission, through Planning Commission Resolution No. 10-05, has found that the proposed ordinance is inconsistent with the Sanibel Plan; and

- The "Whereas" clause that is in the ordinance in your agenda package and reads as follows has been deleted in its entirety:

**WHEREAS**, the City Council deems it necessary to make such revisions to the Land Development Code, as contained in this ordinance: and

Cc: Judie Zimomra, City Manager  
Pamela Smith, City Clerk

**CITY OF SANIBEL**

**ORDINANCE 10 -008**

**AN ORDINANCE 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.**

**WHEREAS**, a procedure has been established to revise and amend the Land Development Code in a manner consistent with the *Sanibel Plan*; and

**WHEREAS**, the City is reviewing the adequacy and effectiveness of conditional use standards for boat docks in the Bay Beach Zone and is considering revising location requirements provided that the locations for the accessory marine structures do not constitute a threat to sea grasses or areas suitable for sea grass growth.

**WHEREAS**, such revisions have been referred to the Planning Commission for a recommendation as to the consistency of that Amendment with the *Sanibel Plan*; and

**WHEREAS**, the Sanibel Planning Commission, through Planning Commission Resolution No. 10-05, has found that the proposed ordinance is inconsistent with the Sanibel Plan; and

**WHEREAS**, all required public notices and public hearings for such amendment have been properly given and held.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council for the City of Sanibel, Lee County, Florida:

**SECTION 1.** The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article VII Residential Districts, Division 3 B – Bay Beach Zone, Section 126-312 Conditional uses, is hereby amended with ~~striketroughs~~ indicating deletions, as follows:

Section 126-312. Conditional uses.

The following uses in the B bay beach zone shall be permitted as conditional uses subject to the conditions and procedures set forth in Articles II and IV of this Chapter:

- (1) Public utility uses.
- (2) Accessory piers and docks, ~~except in the portion of this zone extending from the west boundary of Lighthouse Park to the west right-of-way boundary of Dixie Beach Boulevard at Woodring's Point.~~
- (3) Accessory erosion control structures.

**SECTION 2.** The Code of Ordinances of the City of Sanibel, Chapter 126 Zoning, Article IV Conditional Uses, Section 126-96 Docks, boat davits, boat lifts and mooring pilings, is hereby amended with underlining indicating additions and ~~strikethroughs~~ indicating deletions, as follows:

Section 126-96, Docks, boat davits, boat lifts and mooring pilings located in the Bay Beach Zone.

Docks, boat davits, boat lifts and mooring pilings and piers shall be permitted as a conditional use in the bay beach zone, ~~except in the portion of this zone extending from the west boundary of Lighthouse Park to the west right-of-way boundary of Dixie Beach Boulevard at Woodring's Point.~~ ~~In the portions of this zone where such use is permitted as a conditional use,~~ Such structures shall be permitted as a conditional use only upon a finding by the planning commission that all of the following conditions are met:

- (1) Such use shall be an accessory use to a permitted residential use in the adjacent ecological zone.
- (2) The structures shall be located on the same lot(s) as the permitted residential use, ~~except for residential lots that have a parcel for a dock assigned by plat within the subdivision.~~

- (3) Residential lots fronting on the bay that also abut an inland waterway that has access to state waters shall locate the dock on the inland waterway. Furthermore, residential lots that have a parcel for a dock assigned by plat within the subdivision, such as Sanibel Harbors, shall not be permitted a dock in the Bay Beach Zone.
- (4-3) No lot or parcel used for single-family or duplex dwelling units, or zoned only for such residential uses, may have more than one dock or pier. That dock is permitted with facilities for no more than two boats. In multifamily and cluster developments, the number of facilities for boats shall not exceed the number of dwelling units in the principal residential use; however, the maximum surface area of the dock cannot exceed the limitation established in sub-section 11.
- (5) All live-a-board use of any boat at these accessory residential facilities is prohibited.
- (6-4) For all docks, boat davits and boat lifts, permanent double berthing is permitted only when such docking system is specifically identified in an application clearly demonstrating compliance with all the standards of this section, and specifically approved by the conditional use permit.
- (7-5) Roofing and enclosures shall not be permitted on docks, boat davits, or boat lift structures, including mooring pilings.
- (8-6) Boat davits and boat lifts are required for all boat docks and piers and shall only be permitted where attached to or adjacent to the a dock. All motorized boats are required to be kept elevated above the water on a boat lift or davit when not in use for longer than 6 24 hours.
- ~~(7) The structures can be placed in the tidal flow in such a manner as to minimize adverse environmental impacts.~~
- (9-8) The structures shall be extended seaward, from the mean high water line, no greater distance than is necessary to provide reasonable use of the facility and to provide boat docking or mooring only where the mean low water level is at least 3 1/2 feet above bottom surface, ~~but~~ In no event shall such

structure extend sea waterward more than 150 feet from the mean high water line.

- (10-9) The dock, boat davit or boat lift shall not intrude into navigation channels or otherwise obstruct navigation.
- (11-40) The size of the surface area of the dock terminal platform, not including the walkway to the dock, shall not exceed 200 square feet. However, docks serving more than one dwelling unit, such as a multifamily or cluster development, may have a surface area up to an additional 160 square feet for each dwelling unit in addition to the first one, to a maximum area of 500 square feet.
- (12-44) The dock terminal platform and access walkway to the dock shall have a maximum width of four feet.
- (13-42) Height restrictions.
  - a. The height above mean high water, of the lowest horizontal structural member of the access walkway to the dock and of the dock terminal platform, shall not exceed, by more than six inches, the minimum height required by state law or regulation, unless necessary to protect submerged grass beds areas where bottom conditions are suitable for sea grass growth.
  - b. With an exception for the height of the access walkway as provided for in sub-section ~~(16-15)~~ of this section, the height of the surface of the decking for the access walkway to the dock and for the dock terminal platform shall not exceed, by more than 20 inches, the height of the bottom of the lowest horizontal structural member. In the event any section of the dock access walkway crosses seagrass beds, that section of the dock shall be a minimum of five feet above mean high water as measured by the height of the bottom of the lowest horizontal structural member.
  - c. The height of required railing shall not exceed, by more than three inches, the minimum required by the building code.

- d. The height of mooring piling shall not exceed ten feet above the mean high water line.
- (14 43) No dock, boat davits, boat lifts and mooring pilings shall be located closer than 15 30 feet to any property line, as extended into the water. However, for dock facilities that are shared by adjoining property owners, this setback is not required from common property lines of the lots sharing the dock facility.
- (15 44) Piling pairs for the access walkway to the dock shall be placed at least 15 feet apart. Pilings shall be no greater in number and size than necessary to support the structure, given the anticipated use and sediment soil conditions.
- (16 45) The access walkway to the dock shall either be interrupted or be elevated to allow public access underneath, with at least six feet of vertical clearance between the beach and the lowest horizontal member of the dock, in the area between mean high water and the mean low water line. However, as an alternative, a property owner may grant a public access easement adequate to provide reasonable passage around or across the walkway if proper ramping is provided.
- (17 46) Deck planks shall be no wider than six inches wide. The deck planks shall be spaced at least one inch apart. Alternative decking, such as the use of grated-metal, plastic or composite decking, that permits significant light penetration is encouraged and will be reviewed for approval on a case-by-case basis.
- (18 47) Materials utilized in marine construction shall not be treated with chemicals which may have a detrimental effect on water quality, including creosote, tri-butyl tin, copper, chromium and arsenic (such as in CCA pressure treated wood) and all asbestos treatments. All structural support pilings and mooring pilings shall be non-CCA leaching (i.e., recycled plastic, concrete, greenheart, or wrapped with impermeable plastic or PVC sleeves in such a manner as to eliminate the leaching of deleterious substances from the pilings into the water column and sediments, or other pre-approved non-toxic materials). Pile wrapping shall extend from one-foot below the

substrate to one-foot above the mean high water line. Decking shall be recycled plastic or an approved non-toxic alternative.

- (19-48) Turbidity screening shall be employed during subsurface construction, to remain in place a minimum of 24 hours after construction is completed to ensure protection of water quality in the area.
- (20-49) A marine habitat, such as the placement of limestone rip-rap, shall be provided in a continuous reef formed under the dock terminal platform. When installed, the marine habitat shall have a minimum height of one foot above the bay bottom.
- (21-20) The entire dock, boat davit or boat lift, and associated pilings, shall be located so as to avoid, as far as possible, the disturbance of any oyster shell bed or grass bed.
- (22-24) Railings shall be installed along the sides of the dock and pier to prevent the docking or mooring of boats in any area of the dock that the water depth is less than 3 ½ feet at mean low water.
- (23-22) Lighting fixtures may be installed upon docks, boat davits and boat lifts only in accordance with the following standards:
- a. Lighting required under federal laws or regulations as an aid to navigation is permitted on docks, boat davits and boat lifts, in accordance with United States Coast Guard standards.
  - b. Other lighting fixtures may be installed on docks only providing they are mushroom-type fixtures designed to direct light downward, installed at least 25 feet apart, not more than one foot above the surface of the dock, and limited to 25 watt incandescent yellow bulbs or amber or red type LED lighting. No fluorescent bulbs are permitted due to mercury content.
  - c. All existing lighting on docks, boat davits and boat lifts which does not conform to these standards shall be deemed nonconforming and shall be made to conform.
- (24-23) A certified topographic survey, by a registered professional surveyor, indicating the mean high water line, approximate mean high and low water

depths, the location of any shoals, depressions, holes, and manmade structures and the location of the navigation channel. The mean high water line shall be staked by the surveyor before an application for a permit is submitted and the staking shall be maintained in place until the completion certificate is issued.

- (~~25~~ 24) A vegetation survey of the bay bottom, along the full width of the applicant's property, shall be provided. Such survey shall disclose, locate and identify all existing conditions, such as, but not limited to, grass beds, oyster shell beds, shoals, depressions and holes.
- (~~26~~ 25) As a condition of a development permit for a dock, boat davit or boat lift, an applicant shall be required to establish compliance with all federal, state or county permitting requirements.
- (~~27~~ 26) Shoal signs shall be posted in any grass beds or oyster shell beds.
- (~~28~~ 27) Signs shall be posted at the end of the dock to warn boaters of shallow waters.
- (29) All docks, including their walkways, boat davits, and boat lifts, shall be constructed to allow sunlight to penetrate the waters adjacent to and below these accessory uses to the extent possible.
- (30) With the exception of flat or round conical piling caps, all docks are prohibited from installing anti-roosting devices, such as monofilament line, nails or other similar objects, that are injurious to birds.

### **SECTION 3. Codification.**

This ordinance shall be an amendment to the Code of Ordinances of the City of Sanibel. In Chapter 126 of Subpart B of Part II of the Sanibel Code of Ordinances, Section 126-96 of Article IV and Section 126-312 of Article VII are hereby amended.

### **SECTION 4. Conflict.**

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

**SECTION 5.** Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**SECTION 6.** Effective date.

This ordinance shall take effect immediately upon adoption.

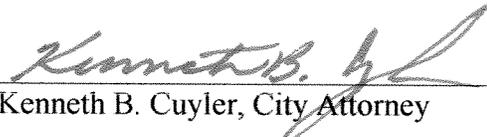
**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Lee County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

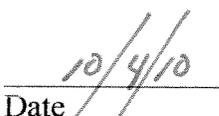
**AUTHENTICATION:**

\_\_\_\_\_  
Kevin Ruane, Mayor

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kenneth B. Cuyler, City Attorney

  
\_\_\_\_\_  
Date

Publication and Hearing Dates:

Section 163, F.S. Publication Date: \_\_\_\_\_, 2010

Date of First Public Hearing: \_\_\_\_\_, 2010

Section 163, F.S. Publication Date: \_\_\_\_\_, 2010

Date of Second Public Hearing: \_\_\_\_\_, 2010

Vote of Council Members:

Ruane \_\_\_\_\_

Denham \_\_\_\_\_

Harrity \_\_\_\_\_

Jennings \_\_\_\_\_

Pappas \_\_\_\_\_

Date filed with the City Clerk: \_\_\_\_\_

**Karen S. Pickens**

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**From:** Tom Sharbaugh [sharbaugh67@comcast.net]

**Sent:** Monday, October 04, 2010 10:49 AM

**To:** sancouncil

**Subject:** Lift the ban on bayside docks.

To: Sanibel City Council

We are writing to voice our opinion on the bayside docks issue and to urge Council to vote for lifting the current ban. We are Sanibel property owners who live on the east end of the island close to the zone in question, although our home is not waterfront.

We share the concern of most Sanibel residents about preserving and protecting the sea grasses in San Carlos Bay and Pine Island Sound. However, we do not believe that allowing docks in the proposed area will have any significant impact on sea grasses, and in fact we think it will bring some beneficial impact to the bay environment. Also, we do not feel that seeing more docks and boats on the shoreline of Sanibel is a problem. We like seeing them!

In light of this, we believe the rights of those property owners who wish to apply for dock permits should be restored. We trust that the city's supervision and control through the permit review process will protect against any specific harmful situations on a case by case basis.

Much of the opinion voiced against lifting the ban on docks seems to us to be overly general and in fact "extremist" in its nature. As City Council prepares to vote on this, we urge you to step back and take a thoughtful, balanced and "centrist" approach to the issue that is fair to all.

Thanks for your work on this issue and for your consideration of this viewpoint.

Tom and Judie Sharbaugh  
1062 Seahawk Lane  
Sanibel, FL 33957  
Phone: 239-395-0469  
e-mail: [sharbaugh67@comcast.net](mailto:sharbaugh67@comcast.net)

**Karen S. Pickens**

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**From:** Ken LaMotte [k.j.lamotte@gmail.com]

**Sent:** Monday, October 04, 2010 10:48 AM

**To:** sancouncil

**Subject:** lifting of dock prohibition

Sanibel City Council ...

I'm writing to oppose the lifting of the prohibition of dock permits between Lighthouse point and Dixie Beach.

From what I've read the multitude of docks that might then be permitted if the ban is lifted, might seriously disrupt the sea grasses critical to the estuary the Council and most Sanibel residence want to preserve - why take that risk now when, apparently, 80%+ of those who might put docks out there bought knowing that no docks were permitted - what harm have they suffered? The council is not in the business of enhancing property value of the few at the risk of damage to what the many enjoy and treasure about our Island. They should accept the status quo for the betterment of our Sanctuary Island, and not be permitted to enhance their property values beyond what they reasonably could have expected when they bought.

Because they are whining loudly now, is no reason for the Council to ignore the Sanibel Plan and buckle under to their demands

Ken LaMotte  
5657 Baltusrol Court  
Sanibel, FL

**Karen S. Pickens**

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**From:** Yarnall Anne [agyarnall@gmail.com]  
**Sent:** Monday, October 04, 2010 10:03 AM  
**To:** sancouncil  
**Subject:** The ban on dock building on our bay

*Please support the good advice of your Planning Commission and retain the ban on dock building on our bay. I am sure those residents knew when they bought what they were buying and you should not give them a windfall now. Please rise above the "me first" greedy spirit that is gripping our nation these days. Let's keep Sanibel's uniqueness in this way as well as in all the other physical ways that it is unique in America. Please don't demonstrate that I have bought into a dying dream. Anne Yarnall, 916 Beach Road.*

*Sent from my iPhone*

**Karen S. Pickens**

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**From:** John Spencer [jsanibel1962@att.net]

**Sent:** Saturday, October 02, 2010 9:55 PM

**To:** sancouncil

**Subject:** Pepper

Dear Sirs: it has come to our attention that the ordinance to prohibit new dock construction on San Carlos Bay will soon be reconsidered. We urge that all conditions being met, the property owners be permitted to construct a dock adjoining their respective properties. We see no environmental harm to the bay or Sanibel by this option. By the way, why has the pepper removal stopped? This is a harmful weed to the environment of Sanibel. We see several large tracts of the weed growing on lots along West Gulf Drive. When we lived on Nerita Street, we were required to remove all such growth at our expense-why the delay?

John and Mary Lou Spencer  
598 Boulder Dr.  
Sanibel 33957  
937-472-3807

**Karen S. Pickens**

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**From:** AnnAlexMcD@aol.com

**Sent:** Monday, October 04, 2010 9:55 AM

**To:** sancouncil

**Subject:** Lifting the ban on bayside docks

To the City Council:

I urge you NOT to lift the existing ban on additional bay side docks. We must continue to protect our precious bay.

Thank you,

Ann A. McDonnell

10/4/2010

**Karen S. Pickens**

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**From:** Valorie Babb [babbval@srt.com]  
**Sent:** Monday, October 04, 2010 9:52 AM  
**To:** sancouncil  
**Subject:** ban on docks on the bay

I am writing to urge you to continue the ban on docks on the bay. That ban protects the sea grasses that keep our estuaries healthy. It seems disingenuous to complain about the destruction of sea grass caused by excess flow from the Caloosahatchee while lifting a ban that protects those same grasses. The people who have purchased property since the ban was enacted in 1993 were aware of the ban when they bought the property, their individual property rights are, therefore, NOT being violated. We need to consider the greater good, not the perceived "rights" of a few.

Please do NOT lift the ban.

Val Babb  
[babbval@srt.com](mailto:babbval@srt.com)  
1622 Serenity Lane

**Karen S. Pickens**

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**From:** Victoria Ross [vross716@comcast.net]

**Sent:** Monday, October 04, 2010 9:51 AM

**To:** sancouncil

**Subject:** RE: Dock Ban on San Carlos Bay

Sanibel City Council

Thanks so much for reconsidering the ban on additional docks on San Carlos Bay. I was really surprised to learn this ban existed. I was even more surprised that despite the ban, the city recently built a dock next to the boat launch. I think most Sanibel taxpayers felt it was important for the police and rescue departments to have fast, convenient access to their boats, but it certainly wasn't fair to all the other landowners along the bay.

I believe the landowners along the bay should be allowed to build docks, as long as no dredging takes place. If the city's dock is consistent with the Sanibel Plan, private bay front citizens should be able to build docks that also meet the plan. Marine animals and fish enjoy the shade created by docks and birds enjoy fishing from docks. I assume the docks would be built well inside the "no wake" zone and would not pose a hazard to other boaters. I'm sure the property owners operating boats in this zone would be far more observant of their speed and props than are the people running boats through the sea grass beds adjacent to the causeway. As so much of Sanibel's shoreline has been protected by the wildlife refuge and SCCF, the area affected by possible new docks is minimal.

Please allow bay front owners who are currently prohibited from having docks enjoy all the benefits of the property they paid a premium to own and, therefore, also pay a premium in property taxes. This is a decision that directly affects no one but the landowners. It would be the right thing to do!

Victoria Ross  
1101 Schooner Pl  
Sanibel, FL 33957

**Karen S. Pickens**

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**From:** PFGrowth@aol.com  
**Sent:** Sunday, October 03, 2010 11:31 PM  
**To:** sancouncil  
**Subject:** Public Hearing on Docks Issue

Am opposed to docks to be constructed on the bay from Woodring Point to the western edge of the Lighthouse Park. This is a shameless breach of the Sanibel Plan. City Code and the Plan made a bargain with owners and would be buyers of property on the Island. No docks on the bay so don't keep or buy a bay property if you expect to build a dock. Allowing docks provides owners with a huge boost in value to the detriment of a) the environment, b) existing owners who anticipated no docks and c) erstwhile buyers who went elsewhere because a dock was wanted.

Bud Reinhold  
629 Nerita Street  
Sanibel FL

**Karen S. Pickens**

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**From:** turtlegait@aol.com

**Sent:** Sunday, October 03, 2010 11:26 PM

**To:** sancouncil

**Subject:** Bay docks

To the Sanibel City Council: I urge you NOT to change the Sanibel Code regarding docks on a portion of the bayside of the island. This resident would be happy to have the City take a firm stand in support of maintaining the protection of the bay environment currently in the code. And I'd also be happy to contribute to a legal defense fund. Robin Krivanek

**Karen S. Pickens**

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**From:** ednhazel@comcast.net  
**Sent:** Sunday, October 03, 2010 11:16 PM  
**To:** sancouncil  
**Cc:** Judie A. Zimomra; COTI@coti.org; mailbag@news-press.com; jlysiak@breezenewspapers.com  
**Subject:** Council Agenda: SAN CARLOS BAY & DOCKS - OBJECTIONS: 1. New Dock LDC expands boating/jet ski intrusions; 2. Environmentally Sensitive Conservation Land Use: Permit or Referendum? 3. Docks at East Bay-side Seawalls? 4. Bay-beach Renourishment?

Dear Mayor Kevin Ruane and City Manager Judie Zimomra,

Please direct Sanibel City Council's San Carlos Bayside Dock LAND DEVELOPMENT CODE 10/5/10 9:15 Agenda deliberations to be heard by a widely advertised Planning Commission Public Hearing.

ALSO, PLEASE Authorize City payment for an outside attorney, coastal land/water expert, experienced in advocacy of environmental preservation. Direct him/her to research dock LDC and lead Sanibel's public hearings. Perhaps Sierra Club can recommend a legal specialist. They have been successful recently in court with Southwest Florida's environmental coastal water & river cases. PLEASE CONSIDER:

1. New docks may expand boating & jet-ski INTRUSIONS on Sanibel's coastal habitats & shorebirds?
2. Construction/Uses permitted in the "Sanibel Environmentally Sensitive Conservation Lands."  
City owns & polices the SUBMERGED LAND surrounding around the island? City Charter requires a REFERENDUM?
3. SEAWALLS located on the eastern island (Causeway Construction to Lighthouse) continuously erode, due to the changed bay currents or Venturi Effect (sp?).
- 4, The recent & fragile beach re-nourishment at Lighthouse seems disturbed already by RECREATION uses: boats, windsurf sails drying spread-out, and jet-skis.

THANK YOU FOR YOUR CONSIDERATION AND ADVOCACY.

Sincerely,  
Hazel Schuller, 805 Lindgren Blvd., Sanibel - PHONE: (239) - 472-4527

**Karen S. Pickens**

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**From:** WAELWALK@aol.com  
**Sent:** Sunday, October 03, 2010 10:38 PM  
**To:** sancouncil  
**Subject:** Fwd: (no subject)

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From: WAELWALK@aol.com  
To: sanibelcouncil@mysanibel.com  
Sent: 10/3/2010 9:30:38 P.M. Central Daylight Time  
Subj: (no subject)

NOT BEING ABLE TO ATTEND THE CONCIL MEETING ON OCT 5, I WISH  
TO VOICE MY SUPPORT OF THE SANIBEL CODE AS IT NOW IS....NO  
MORE DOCKS ALLOWED BETWEEN WOODRING POINT AND THE  
WESTERN EDGE OF THE LIGHTHOUSE POINT                      RESPECTABLY  
SUBMITTED,    ELAINE WALKER

**Karen S. Pickens**

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**From:** noreply@mysanibel.com  
**Sent:** Sunday, October 03, 2010 9:31 PM  
**To:** sancouncil  
**Subject:** Collected information from Contact City Council

*The following information was collected:*

*Sender name:*

*Allen Dunham*

*Subject:*

*Contact from Sanibel Website RE: docks*

*Message:*

*Dear Council Members,*

*I'd like to add my voice to the debate regarding the dock ban on the east end bayside of the island. I think it boils down to sticking to good government and to protecting the environment.*

*Good government is supposed to be about not letting the wants of a few outweigh the wants of many. Please consider that just a few people are pushing for the lifting of the dock ban over what many have always felt proper and still do. And bear in mind those few bought their properties with the ban in place, so therefore should have no leg to stand on claiming to have some sort of "rights" after the fact or to threaten legal action against Sanibel. If we have stood strong against the might of the county bullying us over time, we can certainly do the same against a few property owners.*

*As for protecting the environment, that has been a number one factor our city government has always based decisions on. And it's something we islanders take pride in and expect our leaders to do. Extra building into the shallow bay waters at a time when our bay is greatly stressed from many factors would add more harm that could be avoided. How can we possibly allow local harm when we've been fighting against harm from outside sources for so long?*

*So I ask you keep it all simple when making a decision on this issue and not let all of the added layers that have become part of this debate cloud your judgement. Please look after our environment, as always, and for the rights of the majority and not just a few self serving people with high paid lawyers.*

*Thank you for your time and consideration,*

*Allen C. Dunham*

*Sanibel*

*Email:*

*Cougar3\_33@yahoo.com*

**Karen S. Pickens**

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**From:** PreserveSanibel@aol.com  
**Sent:** Sunday, October 03, 2010 6:05 PM  
**To:** sancouncil  
**Subject:** RE: Proposal to allow boat docks within the Bay Beach

I am opposed to the proposal to allow the construction of boat docks in the Bay Beach Zone for the following reasons:

1. The Sanibel Plan prohibits docks in the Bay Beach Zone where they constitute a threat to sea grasses. Sanibel experts from the Department of Natural Resources and SCCF have publicly stated that docks have a negative impact on sea grasses and oppose lifting the ban.
2. Quoting from the 1976 Sanibel Report - " The Bay Beach Zone buffers the impact of storm waves. The **natural** form of the Bay Beach is a response to natural processes of wind, currents, and waves. **Undisturbed**, it is in a state of balance with natural forces, thus "stabilizing" the shoreline. The Bay Beach is a feeding area for Island wildlife. Beds of marine grasses in submerged portions of the beach are important nursery and feeding areas for marine life". Lifting of the ban is clearly inconsistent with the Sanibel Plan and thus should not be permitted;
3. Any proposal which adversely affects the environment in San Carlos Bay will be seen as counterproductive to the City's efforts to improve the quality and volume of water flowing into the estuary;
4. Lifting the dock ban will diminish the strength of the City's argument in establishing the area as a critical habitat for the smalltooth sawfish.
5. To protect the environment, residents took the brave step to incorporate the City in 1974 in the face of threats of major legal action. The current City Council should take courage and defend the existing dock ban ordinance for the same reason.

Thank you for considering my comments,  
John Harries, Sanibel resident

**Karen S. Pickens**

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**From:** Joseph Smaha [smahajs2@aol.com]  
**Sent:** Sunday, October 03, 2010 5:45 PM  
**To:** sancouncil  
**Subject:** Bay docks

*I support my neighbors with homes on the Bay to enjoy their own docks  
which will also increase their property values and provide additional tax revenue to Sanibel.  
Sent from my iPhone  
Joe Smaha*

**Karen S. Pickens**

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**From:** Barbara Joy Cooley [bjoycooley@comcast.net]  
**Sent:** Sunday, October 03, 2010 5:00 PM  
**To:** sancouncil  
**Cc:** Rob Loflin  
**Subject:** Remember this?  
**Attachments:** Docks-commentary-3.doc

Dear Council members,

I just wanted to remind you of this commentary that I wrote for the newspapers this summer. See the attached (and pasted below). Thank you.

Barbara Joy Cooley  
[bjoycooley@comcast.net](mailto:bjoycooley@comcast.net)  
4241 Old Banyan Way  
Sanibel, FL 33957-2915  
Phone: 239-472-8568

**Docks or no docks: What do you think?**

*By Barbara Joy Cooley, president, Committee of the Islands*

The Sanibel Code currently does not allow for docks to be constructed on the bay side of the island from Woodring Point to the western edge of the Lighthouse Park. Recently, some property owners in that area have hired an attorney to challenge this ban on docks. As a result, many questions have been raised – all to be considered by the Sanibel Planning Commission and then City Council.

The existing ban on docks in this sensitive area was instituted in 1993, in order to protect seagrass beds, according to Dr. Rob Loflin, the city of Sanibel's Natural Resources Director. How many of the dock applicants bought their property after 1993, when the ban was already in place?

This area where docks are banned is also in the endangered smalltooth sawfish's critical habitat as designated in October 2009 by the National Marine Fisheries Service.

The attorney for the approximately seven property owners who wish to build docks in the area is stating that his clients have riparian rights and wharfage rights.

How do we weigh these property rights against those of others? How do we consider the rights of those who purchased property on Sanibel because of this and other restrictions that protect wildlife and the environment? How do we consider the aesthetic impacts of potentially 55 or 60 more docks in this area? And the impact on the sea life that depend on seagrass beds?

If this restriction on property rights is struck down, how many others might follow? Would this lead Sanibel down a path of becoming just like so many other places in Florida?

There certainly is case law that would argue for the rights of these property owners to have

docks, just as property owners do on the bay side of many barrier islands in Florida. But what else should be considered in addition to case law?

### **Impact on Critical Habitat**

In addition to case law, we have the Endangered Species Act (ESA) and National Environmental Protection Act (NEPA). As mentioned above, our bay is within an area that has been designated as critical habitat for the smalltooth sawfish. The law requires the assessment of environmental impacts upon such protected areas. Has the impact of installing docks in the area, with regard to its status as federally protected habitat, been considered?

And here's a big question for all of us, involving lots of dollars in fishing and tourism: How could rescinding the ban on docks in this area adversely affect Sanibel's argument that the Army Corps should have conducted ESA and NEPA assessments once the critical habitat was designated – and that they should have revised the release schedule accordingly? The City of Sanibel has asked its law firm to take steps to press this assessment in order to protect our waters from the damaging Lake Okeechobee releases.

If docks are built and they harm the habitat, isn't it more difficult for Sanibel to argue against Lake Okeechobee releases that harm the habitat?

Generally, docks require permits, including a federal Clean Water Act section 404 permit. That permit likely requires a "consultation" with NOAA (the National Oceanographic and Atmospheric Administration) to determine whether the permit adversely modifies the smalltooth sawfish areas designated as critical habitat. A case-by-case site-specific review is needed. Was the appropriate consideration of the critical habitat made when federal permits were issued for the docks currently proposed?

Has the city of Sanibel yet considered the existence of the critical habitat as it prepares to consider rescinding the ban on new docks in this area?

The Committee of the Islands would like to know what you think about these property rights issues. Please tell us by emailing [coti@coti.org](mailto:coti@coti.org) or writing to PO Box 88, Sanibel 33957. You can also find more information about the Lake Okeechobee releases, the smalltooth sawfish, and other island issues on our web site at [www.coti.org](http://www.coti.org).

## Karen S. Pickens

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**From:** MJGSanibel@aol.com

**Sent:** Sunday, October 03, 2010 4:48 PM

**To:** / sancouncil

**Subject:** Don't lift docks ban

I urge you to reject proposals that would lift the 17-year ban on building docks along the bay between Woodring and the Lighthouse.

1. The ban was imposed to prevent damage to the sea grass beds. Testimony from SCCF and Dr. Loflin show that building more docks would threaten those beds.
2. As the Planning Commission found last week, the proposed ordinance lifting the ban is not in compliance with the Sanibel Plan.
3. Six of the seven property owners challenging the ban bought their properties after the ban was imposed.
4. We're citing the critical habitat of this area in our efforts to prevent/reduce releases from Lake Okeechobee. How can we credibly make this claim if we ourselves decide to allow docks that clearly would damage that habitat? We risk weakening an argument that can help us mitigate these releases.
5. The potential cost of litigation has been cited as a reason for lifting the ban. What will the long-term cost to Sanibel be if our waters are befouled? This is exactly the kind of thing we expect our elected representatives to fight for. Sanibel didn't get to be special by backing away from challenges like this.

Sincerely,

Mike Gillespie  
Sanibel Resident

**Karen S. Pickens**

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**From:** Kitty Arnold [kbsanibel@yahoo.com]

**Sent:** Sunday, October 03, 2010 3:32 PM

**To:** sancouncil

**Subject:** re: dock ban

Rescinding the ban on docks seems to me to be a move contrary to the Sanibel Plan and the limitations that we all live under that are designed to protect the Island from over development and to protect its unique character. If you do this you now open the door to everyone who wants a dock to be able to have one since you are now giving these property owners a benefit that they did not have since 1993 especially those who bought their property after the ban was put in place. So, after giving these select residents a special benefit how can you deny that same benefit to others. Then how can you deny any other existing restrictions? This is another step down the slippery slope of undoing the Sanibel Plan. Please do not do this.

Brian & Katherine Arnold  
1356 Jamaica Drive  
Sanibel

**Karen S. Pickens**

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**From:** rgrogman@aol.com  
**Sent:** Sunday, October 03, 2010 1:44 PM  
**To:** sancouncil  
**Cc:** SGrogman@aol.com  
**Subject:** Bay Side homeowners docks

To the Sanibel City Council:

The purpose of this note is to express our support for the homeowners request to add Docks on the Bay side.

The arguments presented against the docks are not compelling or significant. We have noted the addition of the heavily used Bay side dock for both public and municipal use. A homeowner on the bay side should enjoy the same use of their bay front property. If the city can overcome the " arguments" restricting docks so also should Bay side residents.

**Please support the homeowners right to install a bay side dock if they chose to do so.**

Sincerely

Roger and Sandy Grogman

841 Lindgren

Sanibel Fl 33957

[rgrogman@aol.com](mailto:rgrogman@aol.com)

239-395-9458

*Roger F Grogman*

**Karen S. Pickens**

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**From:** lormazz@aol.com

**Sent:** Sunday, October 03, 2010 11:57 AM

**To:** sancouncil

**Subject:** Dock building on Sanibel

This issue currently being discussed regarding building of docks on the bay side--- Lighthouse to Dixie Beach, seems like another one of those issues with an obvious answer. Inconsistent with the SANIBEL PLAN. That is that!! P.Ruocco

**Karen S. Pickens**

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**From:** Richard Brown [sanibelshellers@yahoo.com]  
**Sent:** Sunday, October 03, 2010 11:55 AM  
**To:** sancouncil  
**Subject:** San Carlos Bay dock issue

October 3, 2010

VIA EMAIL

Sanibel Island City Council

Sanibel Island, Florida

RE: Ordinance to Lift the Prohibition against Docks in San Carlos Bay Members of City Council:

My wife and I have been Sanibel property owners since 1984. We currently own property on San Carlos Bay Dr. and are Florida residents. As you might have already surmised, we are one of the property owners who wish to build a dock on our waterfront property.

We appreciate the time and consideration you have given, and will continue to give, this issue. We hope the Council will do the right and fair thing and approve the ordinance to lift the prohibition against docks in San Carlos Bay.

Since other waterfront residents of Sanibel are allowed to build docks but we are currently prohibited from doing so, we submit the prohibition is both an unconstitutional taking of our riparian water rights and constitutes an equal protection violation. The stated reasons for the prohibition, as we understand it, are the protection of seagrass and "aesthetics." At best these reasons are hollow; at worst, they are, candidly, ridiculous and short sighted.

The construction of docks in San Carlos Bay will not have any measurable negative effects on seagrass. The number of potential docks at issue would only be a fraction of the total acres of seagrass in San Carlos Bay. For example, if 50 new docks were built at the maximum size and the entire dock shaded seagrass, the possible covering or shadowing of seagrass would be less than 1 acre out of over 6,400 acres of seagrass in San Carlos Bay. This ratio clearly shows that there would not be any negative effect on seagrass. We can not help but note that the City of Sanibel built a city dock within the prohibited area of San Carlos Bay. Thus, the city obviously recognized that not every dock constitutes a threat to seagrass or "aesthetics."

Moreover, we submit that the construction of docks would actually add to marine habitat (i.e. additional fish around the docks, etc).

As far as "aesthetics" are concerned, the City will still maintain strict supervision and control over the location, size and impact of proposed docks through a conditional use permit process. This process will ensure a proper balance between property owners and the City. Finally, please remember that we, like our fellow waterfront property owners, are part of the population of Sanibel. We love Sanibel and have no desire to do harm to Sanibel. We should, like other residents of Sanibel, be able to make reasonable use of our property. In addition, our rights and interests, should be protected just like all other residents of Sanibel. We thank you for your consideration of this issue and respectfully request that the Council vote to lift the ban on prohibiting the construction of docks in San Carlos Bay.

Sincerely,

Richard and Patricia Brown

**Karen S. Pickens**

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**From:** Babb James [babbjv@srt.com]  
**Sent:** Sunday, October 03, 2010 11:48 AM  
**To:** sancouncil  
**Subject:** DON'T LIFT THE BAN!!

*To all members of Sanibel City Council,*

*When we bought our home on Sanibel we felt we agreed to all rules and regulations as they existed at that time (1999).*

*When the owners of the homes where docks were banned bought their property they did the same. They should not expect to change a ban that has been in existence since 1993 - Especially one that was enacted to make Sanibel the wonderful place that it is.*

*Jim Babb*

*James Babb  
1622 Serenity Lane  
Sanibel, FL 33957  
701-240-1822  
babbjv@srt.com*

**Karen S. Pickens**

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**From:** Gail Migliorini [gailandre@hotmail.com]

**Sent:** Sunday, October 03, 2010 11:13 AM

**To:** sancouncil

**Subject:** Lifting on the Ban on Boat Docks from Lighthouse Park to Dixie Beach

I'm am writing to let you know that I am opposed to the idea of lifting this ban and would encourage you to vote against doing so. Since the ordinance was passed in 1993 we have met with many disasters in our waters particularly on the bay side. Council members are prepared to sue the the Army Corp of Engineers over the polluted water from Lake Okeechobee and it seems inconsistent that the same council would allow docks to be built thus potentially causing more polution! Please, for the sake of our island and the surrounding waters DO NOT lift the ban.

Sincerely,  
Gail A Miliorini  
1622 Serenity Lane  
Sanibel, FL 33957

**Karen S. Pickens**

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**From:** sanibellifestyles@gmail.com on behalf of Philip Maxwell [Phil@sanibellifestyles.com]

**Sent:** Sunday, October 03, 2010 11:08 AM

**To:** sancouncil

**Subject:** Docks on San Carlos Bay

Dear City Council.

I looked with interest at the upcoming Council meetings docket, noticing that finally there might possibly be a lifting of the ban on docks along the shoreline from the Lighthouse to the Eastern edge of Dixie Beach Road. I have never really understood why docks would hurt the ecology of San Carlos Bay, when there is so much undeveloped land from Woodring up through and North of Ding Darling. If I was asked, I would vote yes for lifting the ban. I hope that the majority of Council members feel the same way.

Phil Maxwell.

2615, Tamarind Road.

**Karen S. Pickens**

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**From:** thelarks@comcast.net  
**Sent:** Sunday, October 03, 2010 8:51 AM  
**To:** sancouncil  
**Subject:** No New Docks on the Bay

Dear Council,

Please do not allow the building of new doocks along the bay. There are already enough dangers to our delicate waters; their plants and animals.

Thank You,

Dennis Joyce

149 Jamaica Dr Sanibel 33957

**Karen S. Pickens**

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**From:** kathmccabe@comcast.net  
**Sent:** Sunday, October 03, 2010 8:38 AM  
**To:** sancouncil  
**Subject:** Dock Ban

Dear Members of City Council,

Please vote **AGAINST** lifting the ban on docks from Lighthouse Park to Dixie Beach Boulevard.

The basis of the ban was the shallowness of the water in that area, and the fact that this area is prime habitat for sea grasses, which are the foundation of a healthy estuary. Isn't the reason we have the Sanibel Plan is to preserve our fragile environment.

Rob Loflin, Sanibel's Natural Resources Director, Erick Lindblad, Director of SCCF, and Rae Ann Wessel, Environmental Policy Director of SCCF, have all appeared before the Planning Commission and City Council to advocate against lifting the ban. We should be listening to these experts instead of a couple of property owners that knew there was a ban of building docks in that area when they purchased their property.

Thank you for your time,

Kathy McCabe  
2688 Coconut Drive  
Sanibel

**Karen S. Pickens**

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**From:** Carol Bruce [cdbruce@gci.net]  
**Sent:** Sunday, October 03, 2010 5:17 AM  
**To:** sancouncil

**Subject:** ordinance banning private docks from Lighthouse Beach to Dixie Beach Boulevard

Due to environmental considerations, I oppose lifting the current ban on new construction of private docs from Lighthouse Beach to Dixie Beach Boulevard. The sea grass in that area already is suffering decline due to releases from Lake Okeechobee down the Caloosahatchee. Further the waters are shallow in the area currently under ban; thus they would be greatly harmed by dock building and then by the repeated passage of boats moving to and from each private dock.

If new docks were allowed to be built, there would be increased noise impacting that area of our island – not only to disturb neighbors but also the birds and animals there. Sufficient private business and city facilities exist to meet the needs of property owners along Lighthouse to Dixie that have a need to moor their boat. Let's keep our shoreline natural and undisturbed for the enjoyment of good health of all animals and plants, residents, and visitors to the island. The ban approved in 1993 should not be lifted. Carol Bruce, Sanibel property owner at 671 East Gulf Drive.

**Karen S. Pickens**

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**From:** Karen [krichards2@comcast.net]

**Sent:** Saturday, October 02, 2010 11:28 PM

**To:** sancouncil

**Subject:** boat ban

I am a boat owner who would love to have a dock, but I am against lifting the dock ban.

Karen Richards

**Karen S. Pickens**

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**From:** Chet Sadler [chet@sadler-assoc.com]

**Sent:** Saturday, October 02, 2010 10:43 PM

**To:** sancouncil

**Subject:** ban against building docks

Dear Council members,

I beg you to do everything possible to maintain the ban against building docks on the back bay between the Lighthouse Park and Dixie Beach Blvd.

Please listen to the experts (Rob Loflin, Sanibel's Natural Resources Director, Erick Lindblad, Director of SCCF, and Rae Ann Wessel, Environmental Policy Director of SCCF) when they say this will ruin the sea grass and damage our already fragile estuary.

When we voted you in you promised to listen to us. Please do not break your promise.

Chet Sadler  
Sanibel Resident

**Karen S. Pickens**

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**From:** John Spencer [jsanibel1962@att.net]

**Sent:** Saturday, October 02, 2010 9:55 PM

**To:** sancouncil

**Subject:** Pepper

Dear Sirs: it has come to our attention that the ordinance to prohibit new dock construction on San Carlos Bay will soon be reconsidered. We urge that all conditions being met, the property owners be permitted to construct a dock adjoining their respective properties. We see no environmental harm to the bay or Sanibel by this option. By the way, why has the pepper removal stopped? This is a harmful weed to the environment of Sanibel. We see several large tracts of the weed growing on lots along West Gulf Drive. When we lived on Nerita Street, we were required to remove all such growth at our expense-why the delay?

John and Mary Lou Spencer

598 Boulder Dr.

Sanibel 33957

937-472-3807

**Karen S. Pickens**

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**From:** Marsha Schmitz [marsha926@gmail.com]

**Sent:** Saturday, October 02, 2010 9:06 PM

**To:** sancouncil

**Subject:** Docks

Please ban the docks on the bay. If these home owners knew about the ban when they bought their property then the ban should stay as is. It is important to have seagrasses for a healthy estuary.

Marsha Schmitz 926 Lindgren, Sanibel. Fl.

**Karen S. Pickens**

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**From:** bob fodor [raflaj@hotmail.com]  
**Sent:** Saturday, October 02, 2010 8:50 PM  
**To:** sancouncil  
**Subject:** NO to the docks in the Bay.

Council

Is this statement true? Council members are prepared to sue the federal government (U.S. Army Corps of Engineers) for sending polluted water from Lake Okeechobee down the Caloosahatchee that harm the sea grasses which are the foundation of a healthy estuary. So, why would Council submit to a small group of property owners who, if they prevail, would build docks that would harm the sea grasses which are the foundation of a healthy estuary?

**Keep Sanibel Sanibel, no docks!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!**

Bob Fodor  
Full time resident and voter

**Karen S. Pickens**

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**From:** BJSANIBEL@aol.com  
**Sent:** Saturday, October 02, 2010 5:30 PM  
**To:** sancouncil  
**Subject:** Ban on Docks

**As a year around resident of 14 years on Sanibel I am concerned with the environment and health of the waters around our sanctuary island.**

**Also, If the owners knew about the ban when they bought on the bay then I do not believe they were denied their rights. This gets into many other areas of living on Sanibel.**

**I encourage you not to lift the ban against building docks on our bay.**

**Judy Boling  
1341 Middle Gulf Dr.  
Sanibel, FI**

**Karen S. Pickens**

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**From:** DMBERGERMD@aol.com  
**Sent:** Saturday, October 02, 2010 4:19 PM  
**To:** sancouncil  
**Subject:** BAYFRONT DOCKS

THIS EMAIL IS TO URGE YOU NOT TO LIFT THE BAN ON BAYSIDE DOCKS.  
REVERSING THIS ORDINANCE IS CONTRARY TO THE PRINCIPLES OF THE SANIBEL PLAN AND  
OPPOSES THE OPINIONS OF YOUR OWN DIRECTOR OF NATURAL RESOURCES AND THE  
EXECUTIVE DIRECTOR OF SCCF. WE NEED TO PROTECT THE ENVIRONMENT AND NOT CAVE  
INTO THE SELF-SERVING DEMANDS OF PROPERTIES OWNERS TO ALTER WHAT WAS IN  
PLACE WHEN THEIR PROPERTIES WERE DEVELOPED.  
PLEASE DO THE RIGHT THING AND ONLY MAKE CHANGES THAT ARE CONSISTENT WITH THE  
PRECEPTS OF THE SANIBEL PLAN AND THAT DO NOTHING TO DESTROY THE CHARACTER  
OF THIS ISLAND-----THAT IS YOUR COMMITMENT.

**David M. Berger, MD**  
**POB 1610**  
**Sanibel, Florida 33957**

**239-395-1882**  
**dembergermd@aol.com**

**Karen S. Pickens**

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**From:** dumpsterprincess@aol.com

**Sent:** Saturday, October 02, 2010 3:45 PM

**To:** sancouncil

**Subject:** Docks

Please do not reverse the law on docks on the Bay. Our Island is beautiful because of our regulations and home owners purchased these properties with this law standing. Please keep it as it is. Thank you.  
Annie Nachtsheim

## Karen S. Pickens

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**From:** KarlRod@aol.com

**Sent:** Saturday, October 02, 2010 3:22 PM

**To:** sancouncil

**Subject:** erosion of our charter

Council members:

Please, do not remove the ban on construction of new docks, as currently being suggested.

Re-read the Sanibel charter, which you are sworn to consider as being of PRIMARY and determining force.

When I take groups of tourists through the Historical Museum I explain to them what a triumph it was when Sanibel incorporated itself and adopted the charter as our primary guide. I go on to tell them that in every Sanibel election there are those who would erode the charter and those who uphold it.

Everyone says "keep Sanibel Sanibel" but it is hard to tell the good guys from the bad guys. Please, stick with the good guys.

Karl Rodman

**Karen S. Pickens**

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**From:** Alice Walzer [alwalzer@yahoo.com]

**Sent:** Saturday, October 02, 2010 2:56 PM

**To:** sancouncil

**Subject:** Docks

Sanibel City Council Members,

I have been a property owner on Sanibel since 1978 and a full time resident since 1996. I strongly urge you not to lift the ban on building docks on the bay from Lighthouse Park to Dixie Beach Blvd. The people requesting the ban be lifted moved to Sanibel knowing full well there was an ordinance banning the building of docks enacted in 1993. They are not being deprived of their property rights. Let us not sacrifice the delicate sea grasses that are so important in maintaining the estuary needed for our sea life.

The few that are requesting that the ban be lifted need to be reminded of The Sanibel Plan The Sanibel Plan keeps us all from further infringing on the inhabitants of this barrier island.

Please take these facts into consideration before making your decision.

Alice Walzer  
4772 Tradewind Dr.

**Karen S. Pickens**

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**From:** Joseph Walzer [jfwalzer23@yahoo.com]

**Sent:** Saturday, October 02, 2010 1:23 PM

**To:** sancouncil

**Subject:** Building Docks

Please be informed that I and most of my neighbors are against the lifting of the ban on the building of docks on our bay. The principal reason is that, since the water is very shallow in that area, it will affect the growth sea grass. This grass is the incubator of many young species of sea creatures and provides food and an environment that encourages a healthy and clean place for sea life and sea vegetation to thrive.

Therefore, I urge you to deny the construction of docks, which would do much to destroy the delicate natural habitat that nature has provided for its creatures.

Another consideration is that the property owners who favor the proposal are not being deprived of their rights because their property was bought after the ban had been imposed. Therefore, they were not being deprived of their riparian rights.

Thank you for considering the maintenance and preservation of the natural and beautiful surroundings that we all enjoy and hope to preserve for the future. As a property owner and full-time resident I am very much concerned with preserving the natural environment of Sanibel

Joseph F. Walzer  
4772 Tradewinds Dr.  
Sanibel, Fl. 33957

**Karen S. Pickens**

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**From:** SIDNEY B SIMON [compdr1@juno.com]  
**Sent:** Saturday, October 02, 2010 1:09 PM  
**To:** sancouncil  
**Subject:** DON'T LIFT THE BAN

Dear Council Members,

I want you to note and remember that I AM AGAINST LIFTING THE BAN ON DOCKS BUILDING ON THE BAY.

Add my name to these voices:

Rob Loflin, Sanibel's Natural Resources Director, Erick Lindblad, Director of SCCF, and Rae Ann Wessel, Environmental Policy Director of SCCF, have all appeared before the Planning Commission and City Council to advocate against lifting the ban.

**Sidney B. Simon**

9471 Peaceful Dr.  
Sanibel, Fl. 33957

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**Karen S. Pickens**

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**From:** Theodore Gasteyer [thglmg@sbcglobal.net]

**Sent:** Saturday, October 02, 2010 12:59 PM

**To:** sancouncil

**Subject:** Lifting the Ban on Docks

To: Sanibel City Council

We support lifting the ban on docks in San Carlos Bay and urge you to vote for repeal of this measure. A dock doesn't have any significant adverse impact on the function of the bay beach zone or the sea grass beds, and the city will still retain strict supervision and oversight of the installations.

Thank you for your willingness to readdress this issue.

Sincerely

Dr. Ted and Lois Gasteyer

200 Periwinkle Way

Sanibel, Florida

3397

**Karen S. Pickens**

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**From:** John Friedlund [Sanibelfl@Hotmail.com]

**Sent:** Saturday, October 02, 2010 12:44 PM

**To:** sancouncil

**Subject:** Boat Dock Ban

We are writing concerning the proposed ordinance to lift the 17 year ban against building docks on our bay. We are strongly against this proposal for the following reasons.

You are prepared to sue the federal government (US Army Corp of Engineering) for sending the polluted water from Lake Okeechobee down the Caloosahatchee which because it will stress the sea grasses. So why would you submit to a few property owners, who, if they prevail, would hard the same sea grasses we are trying to preserve?

The original bad was due to the shallowness of the water in this area and it was a prime habitat for sea grasses, which is the starting point for a healthy estuary.

Of the few property owners that are challenging the ban, six of the seven owners purchased their property after the ban was in place. They were fully aware they were not allowed to build a dock. This is like the people the build a home at the end of a runway and then complain about the noise from the airplanes.

Recently the majority of the Planning Commissioners voted to include language in the proposed ordinance that lifted the ban on docks from Lighthouse Park to Dixie Beach Blvd. is inconsistent with the Sanibel Plan.

Please make the right decision for our estuaries and vote NO.

John and Debbie Friedlund  
Sanibel residents for 31 years.

**Karen S. Pickens**

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**From:** Shirley Bohnert [wergypsies@aol.com]

**Sent:** Saturday, October 02, 2010 12:20 PM

**To:** sancouncil

**Subject:** boat docks on bay

Dear Council Members,

I am asking you to NOT LIFT the ban on boat docks on the bay between Lighthouse Point and Dixie Beach Blvd. The ban was put in effect for a very good purpose, to protect our waters and sea grasses and enhance the ecosystem. Anyone who has purchased property in that area is well aware of the ban. Why is it any less important in 2010 to protect our bay than it was in 1993?

You were elected by Sanibel residents with a trust that you will do what is best for our island. Shame on you if you succumb to pressure by new homeowners to lift the ban. If those that are fighting for the change in the ordinance have no more appreciation for our Island and environment, than perhaps they picked the wrong place to live.

Thank you, Shirley Bohnert

**Karen S. Pickens**

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**From:** armand ball - alphaball%40comcast.net [alphaball@comcast.net]

**Sent:** Saturday, October 02, 2010 11:20 AM

**To:** sancouncil

**Subject:** Ordinance to lift ban on docks along east end of Bay

Dear Council members:

I see that you are revisiting on Tuesday the proposed ordinance that would lift the ban on boat docks on the eastern end of the Bay.

May I urge you to not adopt the ordinance and accept the recommendation of your Planning Commission that concludes lifting such a ban is "inconsistent" with the Sanibel Plan.

For 17 years that ban has existed. At least 6 of the owners who wish the ban lifted purchased their property after the enactment of the ban, knowing full well the restrictions at the time of purchase.

How consistent will the City be seen if we lift this ban opening the door to harming our sea grasses after taking a strong position with the Corps of Engineers and South Florida Water Management that the extensive releases of fresh water from Lake Okeechobee harms the sea grasses in our Bay. How can we expect them to take us seriously if we do not take our own actions seriously?

If our case is so strong with those bodies, then why do we fear a lawsuit from these owners? It is easy to threaten lawsuits but historically we have stuck by the Sanibel Plan come lawsuits or not.

Do we not trust the City's own environmental staff as well as the Sanibel Captiva Conservation Foundation in their scientific objections to this action?

Please do not back down and refuse to lift the ban.

Thank you

Armand Ball

**Karen S. Pickens**

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**From:** Leahy6@aol.com

**Sent:** Saturday, October 02, 2010 10:39 AM

**To:** sancouncil

**Subject:** ORDINANCE BANNING DOCKS

**TO ALL MEMBERS OF SANIBEL CITY COUNCIL, SEVENTEEN YEARS AGO, A BAN ON BUILDING DOCKS ON OUR BAY FROM LIGHTHOUSE PT. TO DIXIE BEACH WAS PASSED. IT WAS DETERMINED AT THAT TIME THAT THE WATER WAS TOO SHALLOW AND IT WOULD AFFECT THE PRIME HABITAT FOR SEA GRASSES. THE ONLY THING THAT HAS CHANGED SINCE 1993 IS THAT THERE ARE NEW PROPERTY OWNERS THAT OBVIOUSLY DO NOT HAVE THE HIGH REGARD FOR OUR ESTUARY AND THE SANIBEL PLAN. AS A PROPERTY OWNER SINCE 1979, WHO CHOSE SANIBEL BECAUSE OF IT'S CONSTANT EFFORT TO PROTECT OUR WATERS AND ISLAND FROM OVER DEVELOPEMENT, I NOW FIND IT APPALLING THAT MEMBERS OF CITY COUNCIL WOULD CONSIDER LIFTING THIS BAN. THESE PEOPLE PURCHASED THEIR PROPERTY WITH THE KNOWLEDGE OF THIS BAN SO HOW CAN THEY NOW CLAIM ANY RIGHTS. I SINCERELY URGE COUNCIL TO CONTINUE THIS BAN AND NOT COMPLY WITH REQUEST FOR ANY CHANGE. DONNA LEAHY**

**Karen S. Pickens**

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**From:** Marge Lieblein [lieblein3@comcast.net]

**Sent:** Saturday, October 02, 2010 9:00 AM

**To:** email-list

**Subject:** docks on San Carlos Bay

I would like to add our names as voters on Sanibel to support allowing docks to be built on san Carlos Bay.

Margaret & Robert Lieblein  
1250 Tennisplace Unit E24  
Sanibel, FL 33957

**From:** Tim Gardner [mailto:[tim@islandwater.com](mailto:tim@islandwater.com)]

**Sent:** Saturday, October 02, 2010 8:26 AM

**To:** sancouncil

**Subject:** Docks on our bay

I am opposed to lifting the ban against building docks on our bay between Lighthouse Park and Dixie Beach Boulevard.

Tim Gardner  
5415 Osprey Court  
Sanibel, FL 33957

[tim@islandwater.com](mailto:tim@islandwater.com)

**Karen S. Pickens**

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**From:** wrosetar@earthlink.net  
**Sent:** Saturday, October 02, 2010 8:23 AM  
**To:** sancouncil  
**Subject:** dock on the bay

hello council ...

it's not an otis redding song - it's a further insult to our environment, to the sanctuary we ALL call paradise.

the city of sanibel instituted a ban on bayside docks for a good reason, and that reason hasn't changed because of a few wealthy homeowners and their beliefs that their desires are more important than our environment.

our bay has suffered enough in the last few years, and will likely suffer more in the next without OUR contributing as perpetrators.

how can we object to the water that pours down the caloosahatchie from okeechobee if we disregard the damage that construction and use of docks in this area would do?

i am against the sanibel city council voting to allow this to happen.

PLEASE do not sacrifice our sea grasses  
PLEASE do not further threaten the health of our waters.  
PLEASE do not take a step in the wrong direction.

THANK YOU for doing the right thing.

wendy harriman  
periwinkle park

**Karen S. Pickens**

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**From:** KMiller765@aol.com  
**Sent:** Saturday, October 02, 2010 6:42 AM  
**To:** sancouncil  
**Subject:** Council meeting, Oct. 5

To the Sanibel Island City Council Members:

It has been brought to my attention that on October 5 the Sanibel City Council will review an ordinance they will enact if they decide to lift the 17-year ban against building docks on our bay between Lighthouse Park and Dixie Beach Boulevard.

Since it is common knowledge to those of us who care, that:

\* Sea grasses in our shallow bay, especially between Dixie Beach Boulevard and the Lighthouse Park are a part of the basis of a thriving and healthy estuary, and;

\* Lifting the ban on building docks from Lighthouse Park to Dixie Beach Boulevard is inconsistent with the Sanibel Plan, and;

\* As Sanibel Council members, you are prepared to sue the federal government (U.S. Army Corps of Engineers) for sending polluted water from Lake Okeechobee down the Caloosahatchee that harm the sea grasses;

Why would any Council member consider lifting the 1993 ban on building docks in this area?

As a Sanibel resident, homeowner, business owner, and supporter of wildlife and our precious environment, I implore you as Council members, please do not lift the ban on building docks in the above mentioned area of our bay.

Increased boat traffic in that area brings up an image of more destroyed sea grasses floating in the water and washing up on the beaches, marine life injured or dead, increased noise and air pollution, and increased water pollution.

Keeping the environment healthy is what Sanibel (Sanctuary) Island is all about.

Thanks for taking the time to read and consider my letter,

Kyle Miller

Kyle L. Miller

Author/Publisher

Jungle House Publications

736 Cardium St.

Sanibel, FL 33957

239-395-4518

KMiller765@aol.com

junglehousepub@yahoo.com

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

## Karen S. Pickens

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**From:** Tom Fitzgerald [fitzlb@comcast.net]  
**Sent:** Friday, October 01, 2010 4:57 PM  
**To:** sancouncil  
**Subject:** Bay Side Docks

We believe that the Sanibel City Council should approve the ordinance to lift the prohibition against docks in San Carlos Bay:

- Allows waterfront owners to use their property just as everyone else on Sanibel with waterfront property can do.
- It doesn't really have any measurable or significant adverse impact on the function of the Bay Beach zone or on seagrass beds.
- If 50 new docks ( probably the maximum likely possible) were built at the maximum size and the entire dock shaded seagrass, the possible shadowing effect would be less than 1 acre out of over 6,400 acres of seagrass in San Carlos Bay (and over twenty thousand acres of seagrass in Pine Island Sound).
- Docks also add to marine habitat and that's why you see so many fish around docks and why fisherman and guides often seek out docks for fishing and other marine activity.
- Sanibel has a diverse population that includes those who like to use their waterfront property. They, too, are part of the public which Sanibel protects.
- The city still retains strict supervision and control over location/size/impact of proposed docks through a conditional use process that now has even stricter standards to require dock designs to be sensitive to seagrass where it exists.
- The City Dock was built in San Carlos Bay but didn't have to comply with the Land Development Code. However, even the City has to comply with the Sanibel Plan, so construction of docks in San Carlos Bay must not be inconsistent with the Sanibel Plan.
- It's just fair to waterfront property owners

Thank you for being willing to consider lifting the ban.

Bonnie & Tom Fitzgerald  
1194 Harbour Cottage Court  
Sanibel, Florida

**Karen S. Pickens**

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**From:** Erick Lindblad [elindblad@sccf.org]  
**Sent:** Friday, October 01, 2010 4:16 PM  
**To:** sancouncil  
**Cc:** Judie A. Zimomra  
**Subject:** Letter From SCCF regarding Dock Issues

*Mr. Mayor and Council members,*

*I am writing on behalf of the Sanibel-Captiva Conservation Foundation regarding Item # 7 on the City Council Agenda for October 5.*

*We have attended 2 Planning Commission Meetings to urge that the Ban for dock construction in the area from Woodring Point to the Lighthouse not be lifted.*

*The protection of seagrasses provided by the ban remains as valid today as 17 years ago.*

*Docks do impact seagrasses.*

*I believe Dr Loflin has provided you with a wealth of information to support that. We are not aware of any scientific evidence to support a statement that docks do not impact seagrasses .*

*The shallow nature of the Bay Bottom, in this area, creates the necessity for long docks as evidenced by the discussion the Planning Commission had regarding the limitations on dock length.*

*In deliberating this issue the long view should be taken. This is not about a few docks. It is about the cumulative impact of all the docks which could be constructed as a result of lifting the Ban*

*As a community we have worked long and hard to protect our aquatic resources. We urge you to continue that protection .*

*Sincerely,*

*Erick Lindblad  
Executive Director  
Sanibel-Captiva Conservation Foundation*

**Karen S. Pickens**

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**From:** noreply@mysanibel.com  
**Sent:** Thursday, September 30, 2010 8:13 PM  
**To:** sancouncil  
**Subject:** Collected information from Contact City Council

*The following information was collected:*

*Sender name:*

*Marilyn White*

*Subject:*

*Docks in Bay Beach Zone*

*Message:*

*As a resident of Sanibel Harbours I am for bay side docks in our community.*

*Email:*

*zaneann@aol.com*

**Karen S. Pickens**

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**From:** r williams [rwillsan@earthlink.net]  
**Sent:** Thursday, September 30, 2010 2:45 PM  
**To:** sancouncil  
**Cc:** Steve Hartsell  
**Subject:** Lift The Ban Prohibiting Docks in the Bay Area  
September 30, 2010

Dear Sanibel City Council Member's

My name is Dr. Robert Williams. My wife Diane and I have been Sanibel property owners and residents since 1984. We live on Lighthouse Way. We are, in fact, one of the parties that wishes to build a dock on our property. Please allow me explain why we strongly believe that it is our right to do so.

First of all, we can't see why other Sanibel residents, who don't live along our stretch of the beach can build docks, but we cannot. We believe that our Riparian rights should allow us to use the waters directly in front of our land, and that a reasonable conditional use permit should be allowed for residents such as us.

It is hard for us to understand, even after reading the studies on sea grasses that have been published, how our dock, or even multiple docks along our stretch of Bay Beach could have any measurable impact on the seagrass population in San Carlos Bay. Do the math: If there were as many as 50 docks and they each took 800 square feet, that is only a total of less than 1.0 acres; compare that to the total area of the Bay potential for sea grass beds which is over 6,400 acres. In other words, the total area occupied by 50 docks, and that number is probably far greater than the actual number of docks which would eventually be built, is less than 0.02 % of the total area! Therefore we do not believe the docks will constitute a threat to seagrass growth in the Bay area. And that makes moot the point of consistency with the spirit of the Sanibel Plan. It simply is practically speaking, not a significant factor. Additionally, the proposed ordinance would have dock construction adhere to rigorous parameters designed to minimize the impact on seagrass growth.

I have to feel that the issue is not simply sea grass. I believe there are other factors at play where certain Sanibel residents' for their own reasons simply do not wish the docks to be built. I have even heard Planning Committee members allow as much in their discussion.

When the City constructed docks in the area in question it did not have to and indeed did not comply with it's own ordinance for dock construction. Of course, public safety and other valid reasons for having the City Docks are understood, but where was the sensitivity to the sea grass issue then? It seems to me that the Sanibel Plan spirit must apply equally to the City as it would to the individual owner. So it seems clear that the City determined that some docks can be built on the Bay without significantly impacting sea grass and thus still comply with the Plan.

We know that Sanibel consists of a diverse population; people with differing opinions and ideas on what Sanibel should be. Well, keep in mind that we are a part of that diverse population. We do not believe that our exercising our right to build a dock will have any negative impact, even aesthetically, to our island.

Finally, let me reiterate that as residents who own waterfront property, we believe it is within our rights as citizens to build our dock. We further understand that we have a responsibility to adhere to reasonable requirements imposed by the city ordinance for proper construction of the dock.

Thank you for taking the time and having the courage to even entertain the questions we've asked. We understand that this has been a hard process to go through but we are convinced that lifting the ban on docks in the bay area is the right thing to do for the City as well as for we owners.

10/1/2010

We ask for your vote to lift the ban prohibiting docks in the Bay Beach area on San Carlos Bay.

Sincerely,

Robert H. Williams

628 Lighthouse Way

Sanibel, FL 33957

## Pamela Smith

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**From:** Karen S. Pickens on behalf of sancouncil  
**Sent:** Monday, October 04, 2010 4:04 PM  
**To:** Pamela Smith  
**Cc:** Crystal Mansell; Judie A. Zimomra; Jimmy Jordan; Ken Cuyler; Rob Loffin  
**Subject:** FW: No docks please (Council Mail-10/4/10-ksp)

**From:** Lisa Hart [mailto:pickitupxpickitup@yahoo.com]  
**Sent:** Monday, October 04, 2010 3:56 PM  
**To:** sancouncil  
**Subject:** No docks please

I am against any docks in the Bay. Registered voter

**Pamela Smith**

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**From:** Karen S. Pickens on behalf of sancouncil  
**Sent:** Monday, October 04, 2010 4:05 PM  
**To:** Pamela Smith  
**Cc:** Crystal Mansell; Judie A. Zimomra; Jimmy Jordan; Ken Cuyler; Rob Loflin  
**Subject:** FW: NO TO DOCKS IN THE BAY (Council Mail-10/4/10-ksp)

**From:** Beachview [mailto:bvsan@beachviewsanibel.com]  
**Sent:** Monday, October 04, 2010 4:51 PM  
**To:** sancouncil  
**Subject:** NO TO DOCKS IN THE BAY

Hello,

Just want to express my opinion that there should be no docks on the Bay. Please keep Sanibel, Sanibel.

Sincerely,

Lisa Hart  
Resident & Registered Voter

**Pamela Smith**

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**From:** Karen S. Pickens on behalf of sancouncil  
**Sent:** Monday, October 04, 2010 4:18 PM  
**To:** Pamela Smith  
**Cc:** Crystal Mansell; Judie A. Zimomra; Jimmy Jordan; Rob Loflin; Ken Cuyler  
**Subject:** FW: The Docks Ban Should be Maintained (Council Mail-10/4/10-ksp)

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**From:** W2800@aol.com [mailto:W2800@aol.com]  
**Sent:** Monday, October 04, 2010 3:32 PM  
**To:** sancouncil  
**Subject:** The Docks Ban Should be Maintained

**Gentlemen:**

**I respectfully urge that you reject the attempt to repeal the 17 year prohibition on building docks in San Carlos Bay between the Lighthouse and Woodring Point.**

**The following facts are undisputed:**

- 1. The health of the Caloosahatchee Estuary and San Carlos Bay is vital to Sanibel. This health affects our environmental commitment and lifestyle, our beaches, our island economy and area fisheries and marine interests.**
- 2. Sea grass beds play an important and necessary role in maintaining the health of the Estuary and the Bay.**

**Therefore the only real issue to be determined is;**

**Does the presence of docks in this area on the Bay constitute a threat to sea grass beds?**

**And this issue has consistently and many times been determined to the effect that: Yes, they do.**

**In 1993 both the Planning Commission and the Council so determined and passed the Ordinance in question banning docks in this area.**

**Subsequently, the Council amended the Sanibel Plan to require the continuance of this prohibition.**

**Now, 17 years later, this issue has come up again. What has changed in the interim. Nothing. The presence of docks in San Carlos Bay would still constitute a threat to seagrass.**

**The Planning Commission last week, by a 5 to 2 majority, sent this Ordinance to you having found that the Ordinance was inconsistent with the section of the Sanibel Plan which provides that:**

**“ The prohibition on docks in San Carlos Bay where they constitute a threat to seagrass should be continued.” Sanibel Plan, Sec 3.2.1 (16)**

**This occurred because a majority of the Planning Commission correctly believed that such docks did in fact constitute such a threat.**

**This belief was clearly supported by a consistent and overwhelming body of evidence which had been presented to the Commission by Dr Rob Loflin the City’s Natural Resources Director, by Erick Lindblad Director of SCCF and by Rae Ann Wessell Environmental Policy Director of SCCF. The only person to testify to the contrary was a gentlemen who admitted that he was not a professional biologist or otherwise trained in this area, and that his business was installing docks.**

**Suggestions by some that persons who live on this area of the Bay are somehow entitled to have docks are without merit.**

**When the ordinance was first adopted 17 years ago there were no substantial objections nor was a lawsuit filed.**

**There have been no lawsuits filed with respect to this matter in the intervening 17 years.**

**Six of the seven persons seeking to have this prohibition lifted bought their properties after the prohibition was passed.**

**In order to justify a change of a clear legislative policy with respect to docks in this part of the Bay which has been in effect for 17 years and which is now a part of the Sanibel Plan, there should be a substantial reason and a clear showing that to do so would be in the best interests of all of the citizens of Sanibel. And there has been no such reason given and no such showing.**

**Finally, I sincerely believe that this Council should not start down a path to modify long-standing prohibitions such as this which will weaken important environmental protections. These protections, probably more than any other factors, have made Sanibel the unique island paradise that it is.**

**Wayne Ponader  
Sanibel Resident**

## Pamela Smith

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**From:** Karen S. Pickens on behalf of sancouncil  
**Sent:** Monday, October 04, 2010 4:19 PM  
**To:** Pamela Smith  
**Cc:** Crystal Mansell; Judie A. Zimomra; Jimmy Jordan; Ken Cuyler; Rob Loflin  
**Subject:** FW: Repeal of Ordinance Banning Docks on San Carlos Bay (Council Mail-10/4/10-ksp)

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**From:** Penguinwilli@aol.com [mailto:Penguinwilli@aol.com]  
**Sent:** Monday, October 04, 2010 2:10 PM  
**To:** sancouncil  
**Subject:** Repeal of Ordinance Banning Docks on San Carlos Bay

Dear Council Members, My wife and I reside on Sanibel. We are acquainted with several home owners who reside on the Bay. We are writing on their behalf, to request that the current ban on new docks on a portion of the Bay be lifted. There is no good or logical reason why property owners fronting on the Bay should not be able to use their property to the fullest extent possible. Additionally, it does not appear that there has been raised any real legitimate concerns in opposition. The property owners "rights" should certainly be given more credence than other residents "wishes."

William L. & Diannw A Hay  
1476 Sand Castle Rd.

## Pamela Smith

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**From:** Karen S. Pickens on behalf of sancouncil  
**Sent:** Monday, October 04, 2010 4:20 PM  
**To:** Pamela Smith  
**Cc:** Crystal Mansell; Judie A. Zimomra; Ken Cuyler; Rob Loflin; Jimmy Jordan  
**Subject:** FW: (no subject) (Council Mail-10/4/10-ksp)

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**From:** HOLDS4@aol.com [mailto:HOLDS4@aol.com]  
**Sent:** Monday, October 04, 2010 1:13 PM  
**To:** sancouncil  
**Subject:** (no subject)

Dear Council Members: Since I am unable to attend the council meeting on Oct 5 I would like to express my opposition to the proposal to allow docks in the bay. Sanibel instituted a Plan years ago to protect it from turning into the mess that much of the rest of FL has become. It has been a huge success and now it is danger of being whittled away as different agendas seem to be taking precedence.

Why has this issue even come this far? Surely the issues that caused the barring of docks is no less important now than it was in 1993.

Sanibel is special; change is inevitable. However the Council does not have to lead the charge on lowering our standards.

Jane Holder  
1605 Middle Gulf Dr  
#209  
Sanibel