

**SANIBEL CITY COUNCIL REGULAR MEETING
NOVEMBER 02, 2010**

Council and Sanibel resident had the opportunity to speak with Representative Gary Aubuchon from 8:30 to 9:00 a.m.

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

Councilman Jennings 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 the 15th anniversary and celebration of The Bailey-Matthews Shell Museum on November 18, 2010

Mayor Ruane presented a proclamation to Dr. Jose Leal, Museum Director recognizing the museum's 15 year anniversary.

Dr. Leal thanked City Council and the community for supporting The Bailey-Matthews Shell Museum.

Mayor Ruane introduced Representative Aubuchon and Senator Garrett Richter.

Representative Gary Aubuchon (District 74)

Representative Aubuchon spoke to the following:

- Deep Water Horizon incident and expressed to everyone that there was no oil on the islands
- Special meeting convened of legislature regarding the Deep Water Horizon incident
- Appointed as Chair of the Rules and Calendar Committee
- All legislation comes through the Rules and Calendar Committee

Senator Garrett Richter (District)

Senator Richter spoke to the following:

- Introduced his new Aide
- The importance of voting
- Opportunity to make changes in Washington, D.C.
- Legislative term limits
- Florida had balanced budget requirement
- Legislative meeting in December
- Discussion regarding veto overrides

Discussion ensued regarding unfunded mandates and the rules relative to water and the fertilizer and storm water pre-emption issue, Representative Aubuchon stated the debate was defining pre-emption, local ordinances could be stronger than state legislation if there was a scientific basis, concerned shifted from pre-emption to statewide proposal, BP spill the single lead negative story in Europe, Sanibel a northern European destination, Representative Aubuchon visited Louisiana to find that there was infrastructure related to possible oil spills and Louisiana brought the media out to see the consequences of the oil spill and

Florida directly impacted by that media attention, working on a multi-state response, he also related a conversation with the driver of a vehicle that picked him and staff up afraid to get in the water and a sign from a county health department warning people not to get in the water and asked the State Health Department to notify the county departments to take down any such signs.

Public Comments

Herb Rubin spoke against the Invocation at the beginning of each Council meeting because people have different faiths or none at all and the First Amendment of separation of church and state. He further requested this item be put on a future agenda for discussion.

Ed Seibert spoke to the special session of the Florida legislature.

Claudia Burns thanked Mayor Ruane for representing the City as a member of the Tourism Development Council (TDC).

Barbara Cooley spoke to the need to review the separation of church and state on a future agenda.

Council Comments

Letter from Councilman Jennings regarding his absence at the October 19, 2010 Council meeting

Councilman Jennings spoke to his letter in the agenda packet.

Councilman Pappas spoke to the issue of the invocation being a common practice and five people deliver a different message and no final information regarding the outcome of the oil spill, which impacted property values in Florida.

Vice Mayor Denham thanked the Mayor for his efforts on TDC, attended to Bailey home acquisition

Second Reading and Public Hearing

ORDINANCE 10-010 AMENDING THE *SANIBEL PLAN* BY AMENDING SECTION 3.5.1 CAPITAL IMPROVEMENTS GOALS OBJECTIVES AND POLICIES AND SECTION 3.5.2 IMPLEMENTATION, MONITORING AND EVALUATION TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT INCLUDING THE ADOPTED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Gates Castle, Acting City Manager read the title of Ordinance 10-010.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Ordinance 10-010.

Public Comment

None

The motion carried.

CONSENT AGENDA

- b. **RESOLUTION 10-090 APROVING BUDGET AMENDMENT/TRANSFER NO. 2010-045 AND PROVIDING AN EFFECTIVE DATE** (Final budget amendment for FY2010 to amend revenue to actual, amend expenditures as needed and close special project and capital project funds. This budget amendment increases the FY2010 budget and FY2010 revenues by

\$1,253,349, expenditures are decreased by \$25,292, ending fund balance are increased by \$1,278,641, and transfers in and transfers out are increased by \$296,387. Revenue increases in the general fund were \$226,615; transportation fund \$81,165; road impact fee fund \$87,712; parks impact fee fund \$9,456; franchise fee fund \$173,672; building department fund \$122,528; recreation center fund \$198,169; ball field maintenance fund \$116,225; and beach parking \$237,807. Expenditures were increased in the general fund by \$63,106 and water shadows dredging fund by \$149. Expenditures were decreased in the ball field maintenance fund by \$48,547 and oil clean up fund by \$40,000. Transfers: The following funds were closed out into the general fund: beach road paving fund \$832; Hurricane Wilma \$95,697; Tropical Storm Fay \$101,314; environmental defense fund \$3,810; franchise fee fund \$173,672 and below market rate housing fund \$5,021. The San-Cap Road capital project fund \$1,157 was closed to the transportation capital project fund. The intersection improvement capital project fund returned \$50,000 to the road impact fees special revenue fund. The following transfers from the general fund were reduced: ball field, maintenance fund \$146,925 and oil spill clean up \$40,000. Due to the additional collection of \$116,225 from Interlocal agreements and reduction in expenditures of \$48,547 the ballfield maintenance fund was able to return \$51,809 to the general fund)

- d. **RESOLUTION 10- 114 DETERMINING THE REQUEST TO CHANGE THE NAME OF THE ENTITY CURRENTLY HOLDING A MUSICAL ENTERTAINMENT BUSINESS TAX RECEIPT; REQUESTING THE NAME BE CHANGED FROM BARRIER ISLAND RESTAURANT GROUP, LLC, d/b/a THE TWILIGHT CAFÉ TO THE BARRIER ISLAND RESTAURANT GROUP, LLC, d/b/a THE STONE CRAB SHRIMP AND SEAFOOD HOUSE, 2761 WEST GULF DRIVE; AND PROVIDING AN EFFECTIVE DATE**

Gates Castle, Acting City Manager read the titles of Resolutions 10-090 and 10-114.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 10-090 and 10-114.

Public Comment

Robert Parks spoke to a mistake in the language and requested that Shrimp & Seafood House be deleted.

Vice Mayor Denham and Councilman Harrity agreed to amend the motion and include directing staff to delete Shrimp and Seafood House from Resolution 10-114.

The motion carried.

- a. Approval of minutes – September 21, 2010 Regular Meeting, October 05, 2010 Regular Meeting and October 19, 2010 Regular Meeting
- c. Approve Tetra Tech to prepare and submit an application for Donax operating permit renewal for a not-to-exceed fee of \$29,970 (this project is funded through the adopted FY11 budget)

Vice Mayor Denham moved, seconded by Mayor Ruane, to approve Consent Agenda items (a) and (c).

Public Comment

None

The motion carried.

OLD BUSINESS

Planning Commission Reports

Planning Commission Report

Commissioner Dr. Phillip Marks gave the following report of the October 26, 2010 as follows:

- Approved variance at San Carlos Bay Drive
- Approved a conditional Use Permit at 2430 Periwinkle Way
- Granted a variance for a boat dock 915 Limpet Drive

Scheduled update from the Planning Commission regarding Resort Housing District Redevelopment Study

Chairman Mike Valiquette gave the following report regarding the above-mentioned:

- Green technology, which includes any portion of land that would be used for rain water harvesting, wind or solar power.
- Code would not be changed at this time
- Look at in the future for island wide issues
- Non-conforming resort that wanted to bring in green technology that would allow the systems

Discussion ensued regarding the need to have definitions clear and Mr. Valiquette stated that Planning Department staff would be bringing definitions for review to the Planning Commission and reported last time that with the advice of the City Attorney a group would be evaluating green technology. .

COMMITTEES, BOARDS, COMMISSION

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

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

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

- i. Tuesday, January 04, 2011
- Tuesday, March 01, 2011
- Tuesday, May 03, 2011
- Tuesday, July 19, 2011

CITY MANAGER

Informational Items

Student Government Day November 18, 2010 at 10:15 a.m.

Mayor Ruane, Vice Mayor Denham and Councilman Harrity would be in attendance.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Councilman Pappas spoke to Sanibel Captiva Conservation Foundation (SCCF) and J. N. "Ding" Darling Wildlife Refuge pre-dated home rule and the City incorporators looked to both institutions and seek to

limited man's intrusion on the environment. He further stated that SCCF and Sanibel's first family, Bailey-Matthew-Meade collaboration to raise \$5.3 million to protect the Bailey homestead by purchasing the property.

Vice Mayor Denham spoke to a photo found by Christie Anders of 5 year old Francis Bailey.

PUBLIC COMMENT

Karen Storjohann spoke to Councilman Pappas's ability to speak with parents and taking a narrow view of the definition of green technology. She further spoke to the solid waste contractor employees speeding.

There being no further business the meeting was adjourned at 10:00 a.m.

Respectfully submitted by,

Pamela Smith, MMC

Sanibel City Clerk