

**SANIBEL CITY COUNCIL REGULAR MEETING
APRIL 05, 2011**

Mayor Ruane called the meeting to order at 9:04 a. m.

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

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

PRESENTATION (S)

Proclamation recognizing Olga Palmer's Centennial Birthday

Councilman Harrity read the proclamation.

Presentation by Doug Hattaway, The Trust for Public Land, Project Manager regarding the status of efforts to acquire the Woodring Property located at 1816 Woodring Road for inclusion in J.N."Ding" Darling Wildlife Refuge

Mr. Doug Hattaway, representative of the Trust for Public Land gave a brief PowerPoint presentation regarding the above.

Discussion ensued regarding letters to Congressman Mack, Senator Rubio and Senator Nelson, correct timing for letters, Mr. Hattaway answered that now was the time to send letters of support, he further spoke to Congressman Mack's aide, Matt Stillman understanding the need for this land as conservation property, Council received individual meetings with Mr. Hattaway, Paul Tritaik, Refuge Director, and Mr. and Mrs. Woodring.

Vice Mayor Denham moved, seconded by Councilman Jennings, to work with staff to send letters of support back to the May 03, 2011 Council meeting.

Ms. Zimomra suggested bringing a resolution of approval.

Vice Mayor Denham and Councilman Jennings agreed to amend their motion and second to also bring back a resolution of support at the May 03, 2011 City Council meeting..

Public Comment
None

The motion carried.

Public Comments

Hazel Schuller spoke to dogs on the beach and snowy plover nests being disturbed.

Ms. Zimomra noted that she would complete a written report on coordinated efforts between the City, Police Department and Sanibel Captiva Conservation Foundation (SCCF).

Karen Storjohann spoke to the need for a history of resort housing and suggested separating sections to help condominiums.

Barbara Cooley spoke for a French lady living on Sanibel. She stated that a petition was gathered with over 200 signatures regarding the concern of how an alligator's aggressiveness was determined. She mentioned the need for additional education, and was a CROW volunteer. The petition given to the City Clerk.

Herb Rubin spoke to no change needed concerning transportation issues referenced in the ATPPL study.

Bob Winters spoke to an advertisement in the Island Sun and Island Reporter regarding the ATPPL study. He further spoke to a partnership with the refuge, Lee Tran and the City and the possibility of removing the word “locally” from the information.

Wayne Ponader spoke to the ATPPL study.

Judie Zimomra spoke to the following:

- City staff a partner at the table
- Numerous meetings with County
- Consultant under the direction of LeeTran
- Mr. Denham and Mr. Ruane served on the MPO
- Sanibel very active voice and make certain the study and recommendations consistent with Sanibel Plan

Council recessed due to computer problems at 9:58 a.m.

Council reconvened at 10:01 a.m.

Ms. Zimomra continued as follows:

- Staff had day-to-day interaction
- Active voice at MPO meeting and long-range transportation planning
- Conference call last week with consultants and staff position regarding draft proposal
- City position was Transit Statement and Sanibel Plan
- Number of components beneficial to the refuge; must distinguish issues
- Enhancements consistent with Sanibel Plan

Discussion ensued regarding Mayor representative to MPO, project within the 2035 transportation plan, 2035 plan was \$5 billion under funded, financial feasibility a question, met with Commissioner Manning, Commissioner Bigelow met with Mayor and City Manager, no waiver on the City’s part per the Interlocal, Council very involved in many meetings, any new transportation should be electric vehicles,

Ed Seibert spoke to radiation problems in Japan and eastern planning area for oil drilling.

Bob Winters spoke a second time regarding COTI involved in the ATPPL study and the recent letter from the City Manager.

Mike Gillespie spoke to the City Manager’s memo of April 2nd. He further spoke to the Transportation Destination study of 2001 show that the majority of people going to the refuge are off island.

Ms. Zimomra spoke to the following:

- Refuge Director involved
- Refuge not interested in making more money
- Do not want anything to hinder the environment of the refuge
- Subsequent questioning on the refuge
- Weakness of presentation was not including all information
- Traffic over last decade has changed and overall decrease of 16% last year

Claudia Burns spoke to money brought in from the refuge goes to the government and receive a portion.

Council Comments

Councilman Harrity thanked Hazel Schuller regarding Olga Palmer's 100th birthday. He stated that a new audio system was forthcoming. He further spoke to Council being involved at the Lee County level.

Councilman Jennings spoke to his concern of the alligator situation. He further spoke to pill mills and closing down smaller pharmacies by HB7095 and the campion from SB1386 from Springfield. He spoke to the need for a timeline of legislation.

Discussion ensued regarding the relationship of the pill mill legislation and closing small pharmacies, bill addressed capturing pharmacies opened less than 10 years to regulate pill mills, and legislation included more scrutiny.

Due to an error in the printed legal notice the First Reading and Public Hearing for Ordinance 11-003 scheduled for Tuesday, May 3, 2011 at 9:15 a.m.

Mayor Ruane spoke to the legal notice issue for the above and was re-scheduled for May 03, 2011. He asked the City Manager to put together key components of Ordinance 11-003.

CONSENT AGENDA

Ms. Zimomra asked that (d) be pulled for a correction. Mr. Cuyler requested that item (e) be pulled for discussion. Mayor Ruane asked for an explanation of item (g).

- e. **RESOLUTION 11-040 EXPRESSING THE INTENT OF CITY COUNCIL TO DECLARE A SPECIAL ASSESSMENT TO FINANCE A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE SANIBEL CHARTER; ESTABLISHING SPECIAL ASSESSMENTS FOR THE PURPOSE OF SHELL HARBOR AND SANIBEL ESTATES ENTRANCE CANAL DREDGING AND RELATED FUTURE DREDGING EVALUATIONS WITHIN AN AREA TO BE REFERRED TO AS THE "SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING AND COLLECTING ASSESSMENTS, SPECIFYING THE PORTION OF THE ASSESSMENT TO BE PAID BY THE CITY TO ACCOUNT FOR GENERAL PUBLIC BENEFIT ACCRUING FROM THE PROJECT, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED; AND PROVIDING AN EFFECTIVE DATE**

Mr. Cuyler explained that this legislation was for a dredging assessment in Shell harbor. He further stated that there would be a west and east district only.

Ms. Zimomra read the title of Resolution 11-040.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 11-040.

Public Comment

None

The motion carried.

- g. **RESOLUTION 11-043 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-023 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward actual FY2010 ending fund balance (pursuant to audited financial statements) to FY11 beginning fund balance for all funds. These amounts, which are more or (less) than the FY11 budget are being appropriate to FY11 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY12. This amendment increases the Fy11 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to Fy12. This amendment increases the Fy11 budget by \$8,689,029 although no new or additional funds are appropriated by this amendment. The changes in fund balance are: 1) General Fund, increased by \$6,333.42; 2) special revenue funds, increased by \$1,113,282; 3) debt service funds, decrease by \$9,036; 4) capital project funds, increase by \$191,628; 5) sewer system, increase by \$937,863 and ; 6) beach parking fund, increase by \$121,650)

Ms. Zimomra called Council's attention to the new fund balance policy included in the agenda packet. She further stated that there was a memorandum of explanation included in the agenda packet.

Mr. Edwards spoke to the following:

- Budget adopted with reserve funds included (environmental initiatives and disasters)
- \$6.3 million favorable adjustment
- Special revenue \$1.1 million – \$614, 000 increase in transportation; \$100,000 more in gas taxes revenue; expenditures for repairs and maintenance decreased by \$469,000 than budgeted
- Building Department revenues \$128,000 more
- Recreation revenues were \$95,000 more and expenditures \$136,000 less
- Debt services ad valorem taxes decreased by \$9,000 and early payment discount came in with less revenues
- Favorable grant revenue
- Capital Project fund roll-forward was \$191,000
- Capital Acquisition fund spent \$58,000
- Dixie Beach project not completed and \$75,000 roll-forward
- Beach parking – full accrual accounting in financial reporting – adjustment to unrestricted assessments
- Sewer fund \$235,000 favorable adjustment in repair and maintenance
- Principle payments and interest budgeted and offset with depreciation higher by \$466,000
- \$240,000 received for assessment collections
- Beach Parking Capital Outlay \$156,000 under budget
- Operating expenses \$35,000 over estimated
- Intergovernmental revenues under budget - \$174,000 under budget

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 11-043.

Public Comment

None

The motion carried.

- a. **RESOLUTION 11-042 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-020 AND PROVIDING AN EFFECTIVE DATE** (To transfer the budget for the administrative secretary position from the police department to an administrative receptionist position in the recreation department. This is due to the transfer of duties for beach parking permit sales from the police department to the recreation department. This budget amendment does not increase the FY11 budget)

Ms. Zimomra read Resolution 11-042

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 11-042.

Public Comment
None

The motion carried.

- c. **RESOLUTION 11-034 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT GEORGE & WENDY'S CORNER GRILL, GEORGE & WENDY'S TROPICAL GRILL, LLC, 2499 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE**

- f. **RESOLUTION 11-035 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT CIP'S PLACE, CIP'S PLACE OF SANIBEL LLC , 2055 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE**

- h. **RESOLUTION 11-044 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-023 AND PROVIDING AN EFFECTIVE DATE** (With the adoption of House Bill #7069, to transfer \$4,000 from the general fund reserve for contingency to the recreation department for finger print screening of volunteers and current and summer employees. This amendment does not increase the FY11 budget)

Ms. Zimomra read the titles of Resolutions 11-034, 11-035 and 11-044.

Vice Mayor Denham moved, seconded by Councilman Congress, to adopt Resolutions 11-034, 11-035 and 11-044

Public Comment
None

The motion carried

- b. Approval of a lease with Local Roots, LLC to lease City property to include the parking lot located at the east end of the Sanibel City Hall, existing parking areas located adjacent to Sanibel City Hall property and the use of public restrooms located at the east end of City Hall for the Farmer's Market from November 06, 2011 through April 29, 2012 and authorize the City Manager to execute same

- d. Approval of City Council's liaison appointments

Mayor Ruane moved, seconded by Vice Mayor Denham, to approve the Farmers lease agreement and Council liaison assignments.

Public Comment
None

The motion carried.

OLD BUSINESS

Legislative Issues

Update Legislative Matrix

Letter dated March 03, 2011 from Representative Matt Caldwell regarding Resolution 10-010 Offshore Oil Drilling

Letter dated March 15, 2011 from Chairman Frank Mann, Lee County Board of Commissioners regarding Resolution 11-031 Fertilizer Status of Fertilizer Legislation for House Bill 457 and Senate Bill 607 Guest Editorial in the News Press March 11, 2011 Article in the News Press dated March 28, 2011

Vice Mayor Denham spoke to sending letters and packets of information to legislators regarding fertilizer and compromising language had been requested. He further stated that the only language would be associated with the sale of the project. He explained that ordinances in the Panhandle include not purchasing fertilizer in the rainy season. He also noted that the preemption language would be removed and the fact the newly elected Representative Matt Caldwell had been very helpful.

Ms. Zimomra recognized the City Clerk and staff for working to get material to legislators.

COMMITTEES, BOARDS, COMMISSION
City Council Liaison to Planning Commission

April 12, 2011	Councilman Congress Report of 04/05/11 CC Meeting (cancelled)
April 26, 2011	Mayor Ruane
May 10, 2011	Vice Mayor Denham Report of 05/03/11 CC Meeting
May 24, 2011	Councilman Harrity
June 14, 2011	Councilman Jennings Report of 06/07/11 CC Meeting
June 28, 2011	Councilman Congress
July 12, 2011	Mayor Ruane
July 26, 2011	Vice Mayor Denham Report of 07/19/11 CC Meeting
August 09, 2011	Councilman Harrity Report of 08/02/11 CC Meeting
August 23, 2011	Councilman Jennings
September 13, 2011	Councilman Congress Report of 09/10/11 CC Meetings
September 27, 2011	Mayor Ruane Report of 09/20/11 CC Meeting
October 11, 2011	Vice Mayor Denham Report of 10/04/11 CC Meeting
October 25, 2011	Councilman Harrity
November 08, 2011	Councilman Jennings Report 11/01/11 CC Meeting
November 22, 2011	Councilman Congress
December 13, 2011	Mayor Ruane Report 12/06/11 CC Meeting
December 27, 2011	Vice Mayor Denham

RESOLUTION 11-018 PERTAINING TO THE SANIBEL BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES; APPOINTING ONE RESIDENT MEMBER TO THE BOARD; PROVIDING THAT SUCH MEMBER IS TO SERVE THE REMAINING TERM OF DOUG CONGRESS COMMENCING APRIL 05, 2011 AND EXPIRING ON SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 11-018.

Discussion ensued regarding considering applicants that were full-time residents, and the applicants were outstanding.

Councilman Congress moved, seconded by Mayor Ruane, appointing John Decker to the General Employees Pension Board and adopting Resolution 11-018.

Public Comment
None

The motion carried.

Committee Annual Reports
Financial Assistance Committee
Historical Preservation Committee
Parks and Recreation Committee
Vegetation Committee

Ms. Zimomra explained that Council normally accepts the reports.

Mayor Ruane moved, seconded by Councilman Jennings, to accept the committee reports.

Public Comment
None

The motion carried.

Ms. Zimomra noted that all committee members were asked if they wanted to serve and staff created a matrix of each committee.

RESOLUTION 11-038 APPOINTING MEMBERS TO THE FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE
RESOLUTION 11-039 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE
RESOLUTION 11-036 APPOINTING MEMBERS TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE
RESOLUTION 11-041 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the titles of Resolution 11-038, 11-039, 11-036 and 11-041.

Mayor Ruane moved, seconded by Councilman Congress, to adopt Resolutions 11-038, 11-039, 11-036 and 11-041.

Public Comment
None

The motion carried.

CITY MANAGER
Informational Items
Results of the 2010 U.S. Census

Mr. Jimmy Jordan, Planning Director spoke to the demographic changes as following:

- Tracts 802.03 and 802.04 created
- Population increase over 18 years of age
- Decrease in population under 18 years of age
- Slight increase over age of 18 that described themselves as Hispanic or Latino
- Ethnic make-up comparatively small

- Out of 746 housing units 436 units vacate; part-time residents return to northern homes

Building Department Monthly Revenue Report for February, 2011

Building Department Monthly Permit and Inspections for February, 2011

Planning Department Permit Activity Report for February, 2011

Planning Department Code Enforcement Activity Report for February, 2011

Public Works Grease Trap Inspection Report for October, 2010 through March, 2011

Causeway Reports for January and February, 2011

Alternative Transportation for Parks and Public Lands workshop Wednesday, April 13, 2011 at Sanibel Community Association (SCA) beginning at 4:30 p.m.

Distribution of Government Finance Officers Association Fund Balance Policy

Ms. Zimomra noted that the above was for informational

Request from Charlotte Harbor National Estuary Program (CHNEP) for \$7,500 for the 2011 Workplan

Ms. Zimomra explained that past Council decided not to participate and there was no Council liaison.

Council by consensus decided not to participate.

CITY ATTORNEY'S REPORT

Mr. Cuyler spoke to the following:

- Attendance of Councilmembers and/or Planning Commissioners at various functions that may be quasi-functional
- Attorney General would give conservative advice that one person should leave and/or attend meeting
- Actual law was that elected/appointed officials could not discuss matters of their Council/Committee outside of a noticed meeting
- Appropriate for members to attend the Planning Commission meetings
- Private function/other organizational meetings and do not have a dialogue on the council/committee business that was within the bounds of the law
- Post public notice if two or more members attend a meeting
- Member could talk to press about opinion on a given topic

Public Comment

Herb Rubin asked when there was one more than one Councilmember at a meeting then only one member can speak.

Mr. Cuyler stated he disagreed, but his recommendation was to save comments during a Council meeting, if possible.

COUNCIL MEMBERS' REPORT

Councilman Harrity stated he would be absent from the May 03, 2011 Council meeting and requested to be excused.

Councilman Congress spoke to attending the CHR meeting, CHR hiring a new director, Jack Samler tendered his resignation and discussion of the impending deadline of May 31, 2011 of LEO homes or repay Lee County.

Improvements to MacKenzie Hall

Ms. Zimomra noted that Council would be trying more chairs after public comment.

PUBLIC COMMENT

Larry Schopp asked if there would be public comment on May 03, 2011 during the first reading and public hearing of the resort redevelopment?

Mr. Cuyler noted that to be safe, Council was holding two public hearings and public comment would be taken at both.

Claudia Burns asked the status of the Small-tooth sawfish and would it be a endangered species.

Mr. Cuyler noted the fish was already endangered and the question was to what extent that would affect agency action with respect of water releases down the Caloosahatchee River. He further explained that it would take approximately one year for the completion of a study.

Karen Storjohann spoke to phosphates being in dish detergent and in States around the great lakes phosphates have been banned.

Barbara Cooley spoke to the small-tooth sawfish an endangered species and the more recent event was the designation of their habitat as endangered.

Herb Rubin thanked Council for being engaged in Lee County issues.

Council recessed at 11:34 a.m.

Council reconvened at 11:41 a.m.

Improvements to MacKenzie Hall

Discussion ensued regarding which chair Council wanted to purchase.

Mayor Ruane moved, seconded by Councilman Harrity, to purchase 10 chairs with the high back and black in color.

The motion carried.

There being no further business the meeting was adjourned at 11:45 a.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk