

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 03, 2012**

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

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

PRESENTATION

Proclamation honoring Friends in Service Here (F.I.S.H.) for 30 years of service to the residents of Sanibel

Mayor Ruane read and presented the proclamation to Maggie Fiener and Clare Beckmann F.I.S.H representatives. Both F.I.S.H representatives spoke to the upcoming 30-year anniversary celebration.

Proclamation proclaiming Arbor Day, January 21, 2012 (The Sanibel School Program is Friday, January 20, 2012)

Mayor Ruane read and presented the proclamation to Berdenna Thompson, Vegetation Committee.

Barry Roth, Financial Assistance Committee explained the financial assistance program and presented a check to Mr. and Mrs. Gerry Romberg, the winner of the 50/50.

Planning Commission Report

Commissioner Chris Heidrick gave the following report of the December 13, 2011 Planning Commission meeting.

- Approved a variance request, 1558 San Carlos Bay Drive
- Brief discussion regarding Sanibel Plan amendments on the agenda

Public Comments

Ed Seibert spoke to two articles in the News Press regarding off-shore oil drilling.

Hazel Schuller presented a horseshoe crab to each Council member.

Council Comments

Councilman Harrity wished everyone a Happy News Year.

Vice Mayor Denham wished everyone a Happy New Year.

Councilman Jennings wished everyone a Happy New Year. He also spoke to the City's New Year's Eve party.

Councilman Congress wished everyone a Happy New Year.

Mayor Ruane wished everyone a Happy New Year. He also thanked Barry Roth for helping to coordinate the New Year's Eve celebration.

Reading of an ordinance and scheduling of public hearing.

ORDINANCE 12-002 OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 50 PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING SECTION 50-477, PARTICIPATION, BY CLOSING THE PLAN TO NEW HIRES;

PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-002.

City Council set the second reading and public hearing for Tuesday, February 07, 2012 at 9:15 a.m.

Second Reading and Public Hearing

ORDINANCE 11-012 AMENDING ORDINANCE NO. 86-42 WHICH AMENDED THE ZONING MAP OF THE CITY OF SANIBEL, DESIGNATED IN SECTION 126-242 OF THE LAND DEVELOPMENT CODE, AND CREATED A SPECIAL USE DISTRICT FOR LOTS 42, 43, 57, 58, 59, 64, 65, 66, AND 67 OF SANIBEL ESTATES, UNRECORDED UNIT NO. 4, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 23 EAST; SPECIFYING THE USES PERMITTED IN AND THE APPLICABLE REGULATIONS FOR SUCH SPECIAL USE DISTRICT; DIRECTING THE CITY MANAGER TO INDICATE SUCH AMENDMENT, WITH REFERENCE TO THIS ORDINANCE TO THE ZONING MAP; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE (Relating to the Sanibel Marina property located at 643 Yachtsman Drive, Sanibel, and providing for revisions to the Special Use District for such property including bonus outdoor seating at Grandma Dot's Restaurant, extending restaurant hours to 8:00 p.m. and deleting a limitation on restaurant advertisements.)

Ms. Zimomra read the title of Ordinance 11-012.

Director Jordan spoke to the following:

- Amend Ordinance 86-42
- Extend restaurant hours and advertising
- Enable outdoor dining
- Several conditions applicant would comply with to receive license
- Staff meeting and working with applicant
- Requirement of removing two columns

Mr. Cuyler asked the City Clerk in swear in Mr. Ireland and Director Jordan. He also noted that each Councilmember had visited to site and spoke with the applicant.

The City Clerk sworn in Myton Ireland and Director Jordan.

Mr. Myton Ireland spoke to the following:

- Pavers implemented rather than a blacktop
- Columns installed at the entrance
- Neighbors agreed to keep the columns

Discussion ensued regarding columns being decorative.

Councilman Jennings moved, seconded by Councilman Harrity, to allow the columns.

Discussion continued regarding a previous award received by the marina, permitting may need to be addressed, interested in Planning Commissioners comments, Holly Smith noted not recalling the columns removal was a specific requirement, Chris Heidrick agreed with Ms. Smith's comment, Tom Krekel noted various permits that needed to be applied for and incorporated within the motion, Mr. Cuyler noted that it was a condition of the Planning Commission resolution and Mr. Ireland was advised by staff that Mr. Ireland would need to come before City Council with the request to keep the columns, Director Jordan agreed and noted the columns did not meet set-back or permitted and was not a feature of the application, number of conditions that needed to be complied

with, Director Jordan noted there were some requirements for the seating and the need for the applicant to submit an as built showing 90 unencumbered parking spaces and outdoor lighting and applicant applied for permit, also a permit for after-the-fact improvements to an existing dock and overseen by a contractor, which has been done, and the columns a separate issue that the applicant wanted to pursue with Council because it was not permitted and permits would need to be pulled, major conditions met and incidental conditions would have to be verified by a site inspection, today the ordinance allows for the amendments, outdoor dining needs a development permit, and .Mr. Cuyler noted that Council could proceed today

Public Comment

The City Clerk sworn in Herb Rubin.

Herb Rubin noted the need to follow-up that that 8:00 p.m. restaurant closing did not pose a problem with neighbors.

Councilman Jennings amended the motion, seconded by Councilman Harrity, to adopt Ordinance 12-012 and the pillars would remain subject to getting the after-the-fact permit.

The motion carried.

First Reading and Public Hearing

ORDINANCE 12-001 AN ORDINANCE 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; AND BY AMENDING SECTION 3.2.1 COASTAL ZONE PROTECTION GOALS, OBJECTIVES AND POLICIES, TO AMEND POLICY 3.1 TO ALLOW EXISTING ACCESSORY SWIMMING POOLS AND OTHER ACCESSORY STRUCTURES TO BE REDEVELOPED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT; AND BY AMENDING SECTION 3.6.2 FUTURE LAND USE, LAND USE PROJECTIONS, TO IDENTIFY THE STEPS TAKEN TO ADDRESS NON-CONFORMING DENSITIES IN BUILDING-BACK FROM SUBSTANTIAL DAMAGE CAUSED BY A NATURAL DISASTER AND REDEVELOPING RESORT HOUSING UNITS IN THE RESORT HOUSING DISTRICT; AND PROVISIONS OF THE PLAN FOR PERMITTED USES, TO CLARIFY THAT CONTINUED USE OF EXISTING RESIDENTIAL STRUCTURES IS PERMITTED IN THE GULF BEACH ZONE AND TO STATE THAT REDEVELOPMENT OF EXISTING ACCESSORY SWIMMING POOLS AND ACCESSORY STRUCTURES LOCATED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT IS PERMITTED; AND PROVISIONS OF THE PLAN FOR DEVELOPMENT INTENSITY, TO INCLUDE PROVISIONS FOR BUILDING-BACK LAWFULLY EXISTING DWELLING UNITS SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER AND REDEVELOPING LAWFULLY EXISTING DWELLING UNITS IN THE RESORT HOUSING DISTRICT; AND RESORT HOUSING, TO SUMMARIZE THE STEPS TAKEN TO RETAIN MOTELS, HOTELS AND RESORT CONDOMINIUMS WHEN REDEVELOPMENT OCCURS; AND PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION 12-009 OF THE CITY OF SANIBEL, LEE COUNTY, FLORIDA, AUTHORIZING AND DIRECTING TRANSMITTAL TO THE STATE OF FLORIDA LAND PLANNING AGENCY A PROPOSED AMENDMENT TO THE *SANIBEL PLAN*, TO WIT: AN ORDINANCE 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; AND BY AMENDING SECTION 3.2.1 COASTAL ZONE PROTECTION GOALS, OBJECTIVES AND POLICIES, TO AMEND POLICY 3.1 TO ALLOW EXISTING ACCESSORY SWIMMING POOLS AND OTHER ACCESSORY STRUCTURES TO BE REDEVELOPED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT; AND BY AMENDING SECTION 3.6.2 FUTURE LAND USE, LAND USE PROJECTIONS, TO IDENTIFY THE STEPS TAKEN TO ADDRESS NON-CONFORMING DENSITIES IN BUILDING-BACK FROM SUBSTANTIAL DAMAGE CAUSED BY A NATURAL DISASTER AND REDEVELOPING RESORT HOUSING UNITS IN THE RESORT HOUSING DISTRICT; AND PROVISIONS OF THE PLAN FOR PERMITTED USES, TO CLARIFY THAT CONTINUED USE OF RESIDENTIAL STRUCTURES IS PERMITTED IN THE GULF BEACH ZONE AND TO STATE THAT REDEVELOPMENT OF EXISTING ACCESSORY SWIMMING POOLS AND ACCESSORY STRUCTURES LOCATED IN THE GULF BEACH ZONE PORTION OF THE RESORT HOUSING DISTRICT IS PERMITTED; AND PROVISIONS OF THE PLAN FOR DEVELOPMENT INTENSITY, TO INCLUDE PROVISIONS FOR BUILDING-BACK LAWFULLY EXISTING DWELLING UNITS SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER AND REDEVELOPING LAWFULLY EXISTING DWELLING UNITS IN THE RESORT HOUSING DISTRICT; AND RESORT HOUSING, TO SUMMARIZE THE STEPS TAKEN TO RETAIN MOTELS, HOTELS AND RESORT CONDOMINIUMS WHEN REDEVELOPMENT OCCURS; AND PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE. Submitted by the City of Sanibel. Application No. 11-6348SP. ALONG WITH COPIES OF SUPPORTING DOCUMENTS NEEDED FOR REVIEW, AS REQUIRED BY STATE STATUTE; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION 12-008 ELECTING TO CONDUCT A SECOND PUBLIC (ADOPTION) HEARING PRIOR TO 5:00 PM ON A PROPOSED ORDINANCE THAT AMENDS THE *SANIBEL PLAN*; SETTING A TIME AND DATE FOR THE SECOND PUBLIC (ADOPTION) HEARING FOR THE *SANIBEL PLAN* A MENDMENT; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the titles of Ordinance 12-001 and Resolutions 12-009 and 12-008.

Mr. Cuyler noted that this one was of the few ordinances that required a public hearing at the first reading.

Director Jordan spoke to the following:

- Address the Capital Improvement Element
- Under statutes do not need to review capital improvement element
- Address recent amendments to resort housing redevelopment study
- Provision for adopted redevelopment of accessory structure within gulf beach zone and
- Resort use and short term rentals retained
- Provision for development of accessory structure within the gulf beach zone not adopted

Mr. Cuyler spoke to the following:

- The only motion would be to close the public hearing
- Motion to adopt resolution transmitting to the state
- Adopt resolution to hold second public hearing before 5:00 p.m.

Discussion ensued regarding closing the public hearing and final vote at the second public hearing, need a vote to transmit, two issues 1) modifying the swimming pool and remaining in the confines of the pool area; Director Jordan noted the Sanibel Plan set the goals, objectives and policies, and the language would be included the permitted use, did not seem consistent, and 2) density issue and maintain the short-term rentals; was this an option and requested the Director review.

Public Comment

Hazel Schuller spoke to her shock that the adoption was rushing through, should be looking at Part 3, Part 2 of Article 3, Protection of Natural Environment Economic and Scenic Resources, section of maps not referred to, and status requirement in 202.6, Article 5 Administrative Regulations, 3.6.2. Future Land Use Element recommendations and encourages the implementation of economic of the Plan written in 1985. She asked for more review.

Mr. Cuyler spoke to the following:

- There were still regulating state statutes
- Have been statutory amendments that have lessened the state regulatory oversight of Comprehensive Plan
- Still a State Planning Agency and mandated to send to State
- Community Affairs Agency (DCA) dismantled
- Less regulation and still State requirements
- Not an EAR (Evaluation and Appraisal Report, but last EAR Planning Commission had 1 year and City Council had 6 months of hearings
- Amendments were to make plan consistent for redevelopment, buildback and CIP
- Not comprehensive plan process as before
- This ordinance to address issues taken up by the Planning Commission
- City Council had previously adopted
- Would go to Tallahassee without the DCA review

Director Jordan spoke to the following:

- ERA review to begin at the Planning Commission level in the near future
- Would then go to City Council
- Would have adequate public input
- Beaches, shore and carrying capacity would be discussed during the EAR process

Steve Maxwell spoke to Ms. Schuller comments and the future land use element as advertised. He stated there was a problem with intent, he read a portion, and stated the ordinance was contradictory. He also asked to intent

of the maps and the EAR a moving target allowing the public to raise questions not addressed. He also spoke to having meeting before 5:00 p.m.

Karen Storjohann spoke to attending all Planning Commission meetings. She further spoke to the need for more discussion for the coastal line and understood it important for the economic vitality to have tourism.

Tom Krekel spoke to having multiple meeting and trying to bring the Sanibel Plan in line with the adopted ordinances. He also spoke to the ability of owners to build back to what they had before, but nothing new.

Mr. Cuyler noted and example as follows:

- Parcel of property and the density maps allows up to 5 units; existing building with 10 units on 1 acre; Council made a conscience decision to allow the same units when building back after a natural disaster/redevelopment or building back in accordance with all requirements irrespective of the density map; needed to be included within the Comprehensive Plan

Discussion ensued regarding allowing that which was grandfathered, disaster and post disaster build back, but could not increase density.

Larry Schopp spoke to his sensitivity of working residents and Friday before the meeting the agenda and attachments on the website and could send in comments.

Mr. Cuyler noted that Mr. Schopp had on several occasions written his opinion.

Herb Rubin spoke to steps taken to retain resort motel/hotel and condominiums, which was very important economically.

Hazel Schuller spoke a second time to no mitigation for beach furniture and enforcing beach furnishing.

Councilman Harrity moved, seconded by Mayor Ruane, to close the public hearing and advertise for the second public per statutory requirements.

Discussion ensued regarding holding the meeting after 5:00 p.m., no public outcry to hold public hearings before 5:00 p.m. and small public attendance.

The motion carried.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-009.

Public Comment
None

The motion carried.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-008.

The motion carried.

Council recessed at 10:18 a.m.

Council reconvened at 10:31 a.m.

CONSENT AGENDA

Mr. Cuyler pulled item (e) and Mayor Ruane pulled item (g).

e. **RESOLUTION 12-003 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE**

Mr. Cuyler spoke to a scrivener's error speaking to the Fraternal Order of Police and it should be The American Federation of State, County and Municipal Employees (AFSCME)

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-003.

Public Comment
None

He motion carried.

g. **RESOLUTION 12-007 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-011 AND PROVIDING AN EFFECTIVE DATE** (To budget \$23,039 return of premium, paid in a prior year, from the Florida Municipal Insurance Trust. This amendment increases the FY12 budget by \$23,039)

Mayor Ruane spoke to the following:

- Purchase insurance from the Florida Municipal Trust
- Opportunity to give a dividend back

Mayor Ruane moved, seconded by Councilman Denham, to adopt Resolution 12-007.

Public Comment
None

The motion carried.

b. Request from Marvo Entertainment for funding the America's Darling series in the amount of \$6,000 and **RESOLUTION 12-010 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-014 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$6,000 from the General Fund reserve for contingencies for funding the America's Darling series to be produced by Marvo Entertainment. This budget amendment does not increase or decrease the FY12 budget)

c. **RESOLUTION 12-001 OF THE SANIBEL CITY COUNCIL STRONGLY OPPOSING THE RELOCATION OF THE FORT MYERS POSTAL SERVICE PROCESSING AND DISTRIBUTION CENTER TO SARASOTA AND TAMPA; PROVIDING AN EFFECTIVE DATE** (Councilman Harrity)

f. **RESOLUTION 12-011 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-013 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$35,000 from the General Fund reserve for contingencies for Cisco to provide information technology consulting and advisory services. This budget amendment does not increase or decrease the FY12 budget)

l. **RESOLUTION 12-005 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-013 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$898,000 from the Lee County Tourist Development Council (TDC) for fiscal year 2011-12 for Sanibel Facility/Beach Maintenance. This amendment increases the FY12 budget by \$898,000)

Vice Mayor Denham moved, seconded by Councilman Congress, to adopt Resolutions 12-010, 12-001, 12-011 and 12-005.

Mayor Ruane explained that Resolution 12-005 were monies from bed tax and Councilman Jennings spoke to the amount of monies being returned as grants.

Public Comment.
None

The motion carried.

- a. Approval of minutes – November 01, 2011 Regular Meeting and December 06, 2011 Regular Meeting
 - d. Request from Island Seniors, Inc. to waive the permit fee of \$50 for the Arts and Craft Fair and Used Book Sale to be held on February 03 and 04, 2012 at 2401 Library Way (this is a grandfathered event)
 - h. Approval of the annual agreement between the City, U. S. Fish and Wildlife Service Southeast Region, J. N. “Ding” Darling National Wildlife Refuge, Sanibel Fire District and Sanibel Captiva Conservation Foundation (SCCF) Annual Operating Plan and authorize the City Manager to execute
 - i. Approval of an agreement between the City, Sanibel Beautification, Inc. and Sanibel Captiva Conservation Foundation (SCCF) to place the existing Sanibel Beautification, Inc., pavers currently located at the Lindgren Boulevard, Causeway Boulevard and Periwinkle Way intersection on SCCF property in the event that it is ever necessary to move such pavers due to intersection improvements and authorize the City Manager to execute same
 - j. Award Bowman’s Beach family restroom construction contract to Compass Construction, Inc., in the amount of \$220,409 and authorize the City Manager to execute same (This project is funded through a Tourism Development Council grant and is in the adopted FY 12 budget)
 - k. Approve Scope of Design Services for Center4Life Building Improvements and authorize staff to proceed with advertising for the architectural/engineering services
- Mayor Ruane moved, seconded by Councilman Harrity to approve items a, d, h, i, j and k.

Public Comment
None

The motion carried.

COMMITTEES, BOARDS, COMMISSION
City Council Liaison to Planning Commission

December 13, 2011	Councilman Harrity	Report 12/06/11 CC Meeting
December 27, 2011	Councilman Jennings	
January 10, 2012	Councilman Congress	Report 01/03/12 CC Meeting
January 24, 2012	Mayor Ruane	
February 14, 2012	Vice Mayor Denham	Report 02/0712 CC Meeting
February 28, 2012	Councilman Harrity	
March 13, 2012	Councilman Jennings	Report 03/06/12 CC Meeting

March 27, 2012	Councilman Congress	
April 10, 2012	Mayor Ruane	Report 04/03/12 CC Meeting
April 24, 2012	Vice Mayor Denham	
May 08, 2012	Councilman Harrity	Report 05/01/12 CC Meeting
May 22, 2012	Councilman Jennings	
June 12, 2012	Councilman Congress	Report 06/05/12 CC Meeting
June 26, 2012	Mayor Ruane	
July 10, 2012	Vice Mayor Denham	
July 24, 2012	Councilman Harrity	Report July 17, 2012 CC Meeting

RESOLUTION 12-002 APPOINTING MEMBERS TO THE SANIBEL PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-002.

Mr. Cuyler noted he had ballots for the three candidates and there were two seats.

Discussion ensued regarding voting by ballot or motion.

Mayor Ruane moved, seconded by Councilman Congress, to re-appoint Commissioners Smith and Marks and adopt Resolution 12-002.

Vice Mayor Denham supported motion
 Councilman Harrity supported motion
 Councilman Jennings supported motion

Public Comment
 None

The motion carried.

RESOLUTION 12-004 AMENDING RESOLUTION 10-076 WHICH RELATES TO THE CITY’S RECREATION FINANCIAL ASSISTANCE COMMITTEE; SETTING FORTH THE COMPOSITION AND ATTENDANCE REQUIREMENTS FOR THE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-004. She noted this resolution was for the 2012 term and all current members were welcome to reapply.

Vice Mayor Denham moved, seconded by Mayor Ruane, to adopt Resolution 12-004.

Discussion ensued regarding the reason for the committee was to award scholarships for children to attend the after school program, fun and holidays days, request for resolution came from the committee and praised the hard work the committee members do in reviewing applications.

Barry Roth, Chairman of the Financial Assistance Committee spoke to the following:

- Recommendation came from the chairperson not the committee
- Does not remove any committee member
- Term begins when terms expire in April, 2012
- Turnovers with representative members of particular
- Non-resident address tax dollars
- Would like to see membership open to all residents
- 75% committee participation relates to state statutes

- 51 out of 57 applicants addressed by committee May through September
- Packets a minimum of 6, but as big as 15 pages
- Attempt to transmit packet to participate by telephone with difficult
- Could not vote attending by phone
- Minimum of only 3 members participating during time frame of May through September

Discussion ensued regarding not discussed by committee members.

Public Comment

Jean Ann DeWalt read a statement and noted that there was no discussion at the last committee meeting and CHR and FISH representatives had familial knowledge. She also stated that only one member was a snowbird and gone 3 months each year and asked that the resolution be withdrawn until committee members could discuss.

Ms. Zimomra spoke to the following:

- Resolution speaks to residents
- Talks to attendance not residency
- Gives no residency requirements other than what Council had done in the past
- Not anyone currently serving not eligible to serve unless not a resident of Sanibel
- Had a similar problem with Wildlife Committee where different entities had a seat on the committee; problem was that a different person could attend each meeting
- Similar situation between CHR and FISH
- Resolution would allow 5 people, but not entity representation

Barry Roth stated the resolution was to gain membership with consistency and open up the membership to all residents. He further spoke to standards being different from CHR and FISH and all personal information was redacted when coming to committee members.

Jean Ann DeWalt spoke a second time that the resolution specifically states looking for membership on-island May to September.

Barry Roth spoke to recommending May to September because most of the work was done during that time. He explained that to do the job effectively members need to be here during that time and remove those not on-island $\frac{3}{4}$'s of the year.

Discussion ensued regarding troubled the resolution was not approved by the committee, bring back in February, Council liaison spoke to concerns of absent members during summer and difficult to meet when there was just a quorum, liaison in favor of proposed resolution, would allow more flexibility, recommendation for April 2012, different FISH representatives attended committee members in the past year, need continuity, need to give the committee the opportunity to discuss at their next meeting, would like to give consistency to the committee, the intent in appointing entity members was continuity of membership and institutional knowledge lost when different entity members attend the committee meetings, was Council looking for committee to ratify resolution, new requirement would be 75% annual attendance and surprised committee members had no knowledge of the proposed resolution.

Vice Mayor Denham moved, seconded by Councilman Congress, recognizing the resolution was adequate the normal procedure was to give the committee the opportunity to discuss at their next meeting and bring back to Council at the February 07 meeting.

Discussion ensued regarding in the past Council very specific of the outcome, was the criteria and consensus with Council that they were looking for consistency, choices were to bring back to committee or adopt today, intent was to go to the committee with Council desired outcome, committee may have relative recommendations, could advertising be done, Ms. Zimomra noted that advertising would be done in March 2012 and Council following past procedure and minor modifications would be acceptable.

Ms. Zimomra asked for clarity of the motion as follows:

- Council looking for permanent committee members
- Serving for a term
- Council agreed that there was an attendance requirement and when the committee was doing their primary work

Public Comment

None

The motion carried.

OLD BUSINESS

Status report regarding discussion of the area plan for Dunlop Road to Palm Ridge Road including Periwinkle Way

Councilman Harrity reported that tentative appointments had been scheduled.

Continued discussion and history of Building and Planning Departmental fees 2006 to 2010 actual and 2011 estimated Building Department ending fund balance 2007 to present Building Department Revenue chart 2011 3rd party fees collected by City 2000 to present single-family dwelling permits 5-year average cost of single-family residences 5-year average square footage Permit revenue by trade from 2006 to present 2007 to present fee reduction chart

Ms. Zimomra gave a brief PowerPoint presentation:

Discussion ensued regarding average costs, Ms. Zimomra showed 4 separate projects and their costs showing 5%, 10% and 15% reduction in fees, if the fees were reduced by 25% it would be \$3,200 for every 5%, Ms. Zimomra noted that an ordinance would come forward for first reading, Council had also directed staff to address after-the-fact permit and another fee issue, may promote construction, if reduced, would it increase the activity, if reduced by 20% how as it calculated, Ms. Zimomra answered it was 20% of the 5-year average, fund balance \$878,000 and final approved budget the estimated FY11 was \$632,000 and difference, Ms. Zimomra noted typically was the Indirect Cost Study, had always taken a conservative approach to revenues, intent to recognize overhead costs and continue to give residents relief, accumulated a balance over 5 years, cost \$611,000 to run the department, take a 25% fee reduction, wouldn't want to see the balance below \$500,000, less than every 5% was \$32,000, need to promote progression, Ms. Zimomra noted the expenses had been reduced due to contract labor, revenues allocated to Building Department, and introduced efficiencies in the building department.

Mayor Ruane moved, seconded by Vice Mayor Denham, to reduce Building Department fees by 25% and bring back a draft ordinance at the February City Council meeting.

Public Comment

Karen Storjohann spoke to her concern regarding the impact of people due to the after-the-fact permitting and review the changes.

Ms. Zimomra noted that retroactive fees were diminimus.

Steve Maxwell applauded Council's efforts for the proposed reduction. He suggested reviewing the average against the proposal of a 25% reduction.

Discussion ensued regarding at 20% funds were being accumulated, accumulated approximately \$600,000 over 5 years, going from a proposed reduced of 20% to 25% was \$25,000 and with marginal activity would use that

accumulation, Ms. Zimomra noted the expenditure allocates the actual indirect costs to the department, and unique that the Building Department had revenues due to fees that fully supports the department.

Sonia Smith mentioned that the costs only reflect single-family homes.

Ms. Zimomra noted that only single-family homes were construction, no multi-family, but the same proposed percentage reduction would apply to multi-family.

The motion carried.

Status report regarding Community Housing Resources, Inc. (CHR)

Councilman Congress spoke to the following:

- Provided Council with CHR contract that expires September 20, 2012
- Board did not renew Executive Director contract
- Staff handling day-to-day operations
- Heading in correct direction financially
- Belding property sold 3 weeks ago
- Limited equity property sold
- Another limited equity under contract
- 2 limited equity properties left

Discussion ensued regarding a new 5-year contract or possibly less, could add covenants and measuring abilities Council would like to see, CHR never provided adequate and timely financial information and Councilman Congress to review contract with the City Manager.

Status report of the Historical Preservation Committee's request to consider moving Shorehaven building located at 1111 Bird Lane to the Historical Museum and Village, Inc. located at 950 Dunlop Road

Councilman Harranty spoke to the following:

- Designated a Historical landmark
- Request to move property to Historical Museum
- Staff reviewed
- Space available
- Consider what percentage of the building was historical
- Estimated costs of \$150,000 to move

Alex Werner, Historical Museum and Village, Inc., President spoke to the following:

- Appropriate site between lake, garden and Rutland house (site 2)
- Museum Board meets January 25, 2012
- Prepare a cost analysis and provide a site analysis
- Historical Preservation meets January 05, 2012
- Review the historical integrity during a Historical Preservation Committee
- Need to review permitting and costs and site preparation costs
- Board would review available grants for renovations
- Interior prepping

Director Jordan noted that City Council could waive building permits, but not development permits. He further spoke to the following:

- Application for demolition

- Current owners would like to donate in-kind
- Staff would like to give a timeline
- Inform owner to proceed with demolition process, but amend application to include re-location
- Request heard at the March Historical meeting

Discussion regarding options for making lump sum payments to the General Employees' Pension Plan and the Police Officers' Pension Plan

Councilman Congress spoke to the following:

- Annual actuarial report to state
- Early December State rejected FY 08, 09 and 10 actuarial reports due to not achieving interest rate assumption of 7.5%
- Funded ratio was sub 50% at the time of the report
- Healthy plan would have a ration of 80%
- Favorable conference call with state, pension attorney, pension consultant
- State responded favorably
- Waiting for a confirmation letter
- Issues with 7.5% rate of assumption
- January 18th Special General Employees Pension Board meeting

Discussion ensued regarding it was identified many years ago that pension plans were not sustainable, conflicting direction of what the pension plan could or could not do, pension plan had own actuary, Board could not reduce benefits, unfunded ratio to small, reports did not reflect any amendments, at one time there was a motion to lower to interest rate without a second, why could the percentage not be reduced below 7%, special meeting was to discuss lowering the assumption, defined benefit plan closed, any new employee could only go into the defined contribution pension plan, recommendation from the Finance Director Edwards was to proceed with the lump sum contributions to each pension plan, Director Councilman Congress would report information from the General Employees Pension Plan Special meeting at the February 07, 2012 Council meeting, waiting to see numbers from Foster and Foster, Florida Retirement System assumption was 7.75%, Police Plan at 8%, several changes with the general pension plan, fund ration the measurement of the health of the plan, wrong investments selected, unique ability to work with the investment manager of the police pension, which obtain 8% returns, needs to be a collective effort, Division of Retirement mandated losses be paid back in a short period of 20 years rather than 30 years, when defined benefit closed had compounding affects, 2011 actuarial report needed to be completed to be included in the audit before March 01, would like to see the cost of 7%, 7.5%, etc, Council could meet more often, if Board of Trustees moves to lowering the assumption to 7.5% to 7% and make a recommendation, Mr. Cuyler noted the plan would need to be amended and the Board would make the recommendation, would there need to be 1st and 2nd meeting, Mr. Cuyler noted that unless Council made the decision citing an emergency, Mr. Cuyler noted he wanted to talk to the pension attorney, previous discussions with the pension attorney that the Board could not lower the assumption, Ms. Zimomra noted that not only the authority was the question, but what vehicle needed to be used to make an amendment, it was noted that the State did accept the Police Pension Plan and Council could work with investment manager to increase returns.

Direction to staff regarding the General Obligation Refunding Bonds, Series 2002 refunding opportunity

Council asked if this item could be referred to the February meeting

Ms. Zimomra asked Director Edwards if there was anything time wise.

Ms. Edwards noted that in order to meet the May 01 deadline a Request For Proposal would need to be done in February for the financing costs.

She explained:

- Funds are restricted for the bond

- Refinancing the bond at a lower interest rate
- Would need to decide if Council wanted to keep at 20 years or pay off in 15 or 10 years
- Debt payment covered by the referendum ad valorem taxes that were assessed to make the annual debt service payment
- Dedicated revenue stream and no additional money required from the general fund

Discussion ensued regarding would there be an impact on expenses if payment was accelerated, Director Edwards noted it would increase the ad valorem rate for that debt obligation, hypothetically the pension could have an affect on the ad valorem if the pension needed radical changes, Director Edwards answered that she had the calculation what the impact would be if accelerated to 15 years based on the current taxable property, it would increase \$12,000 taxable value at \$.22 on the taxpayer per \$100,000 and provide a \$26.65 savings to taxpayer per \$100,000 taxable value, reduced to 10 years would require an increase of \$2.48 per \$100,000 taxable value and produce a \$35.10 saving per \$100,000 per taxable value based on interest savings, was the aforementioned a net savings, the overall savings was on interest, and paying \$8.47 over 10 years versus \$5.99 over 20 years.

Staff recommendation regarding island car washes
Memorandum from Dr. Rob Loflin, Natural Resources Director
Memorandum from Gates Castle, Public Works Director

Ms. Zimomra noted the reports and a recommendation and policy would be brought back in February.

CITY MANAGER

Informational Items

Report regarding memorial tree plantings on City property

Ms. Zimomra explained that City Hall property was at the limit for trees and noted that if there was another request for a memorial tree, it would be planted at Sanibel Gardens.

Guide to Re-Development in the Resort Housing District

Ms. Zimomra noted that the guide would be released this week.

Building Department Monthly Revenue Report, November, 2011
Building Department Monthly Permit and Inspections, November, 2011
Planning Department Permit Activity Report, November, 2011
Planning Department Code Enforcement Activity Report, November, 2011
Grease Trap Report, December, 2011

Ms. Zimomra spoke to the normal reports as noted above.

Mayor Ruane appointment as Chair of the Florida Municipal Insurance Trust (FMIT) Board of Directors and Trustee of the Florida Municipal Insurance Investment Trust (FMIvT) Board of Directors

Ms. Zimomra noted that Mayor Ruane was appointed as chair of the above-mentioned Board.

Attendance at the “The Everglades Water Supply Summit” January 16/17, 2012 in Tallahassee

Councilman Harrity moved, seconded by Mayor Ruane, to have Vice Mayor Denham attend.

Public Comment
None

The motion carried.

Chamber luncheon Tuesday, January 10, 2012 to be held at the Sanibel Recreation Center

Ms. Zimomra noted the next Chamber luncheon would be held at the Recreation Center.

Florida League of Cities Legislative Days January 24/ 25, 2012

Ms. Zimomra noted the above dates and that staff was not recommending attendance...

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Report of attendance at the Florida Municipal Insurance Trust (FMIT) meeting December 09, 2011

Mayor Ruane spoke to attending the above. He also noted that the Board voted on refunds back to 600 members in the amount of \$6,000,000. He spoke to the FMIT being separate to the Florida League of Cities and had a Triple A rating. He also spoke to the Investment Trust of which he was also appointed a member of the committee.

Report regarding the December 09, 2011 Tourism Development Council (TDC) meeting Recommendation for TDC to assist communities responding to beach related issues

Monthly reports

Mayor Ruane spoke to the following:

- Aware of early November reports of red tide
- Incorrect information by media
- TDC adopted that information would be accurate and educational when releasing information
- Media reported that 13 of 26 miles of beaches affected
- Adopted a resolution against off-shore drilling
- Denied the swim center project

Discussion ensued regarding health insurance and some flood policies not with FMIT.

Report regarding Regional Planning Council's (RPC) new Executive Director

Vice Mayor Denham spoke to the Council hiring a new director.

Water Issues

Letter dated December 14, 2011 to Representative Gary Aubuchon

Letter dated December 15, 2011 to Senator Lizbeth Benacquisto

Vice Mayor Denham spoke to a letter sent by Mayor Ruane regarding water quality issues to Representative Aubuchon and he sent a letter to Senator Benacquisto. He further stated that RPC and Sanibel Captiva Chamber also sent letters.

Councilman Congress spoke to the City implementing new software.

Public Comment

Hazel Schuler spoke to her letter to the editor published in the Island Reporter the week of December 30, 2011. She further spoke to resort accessory uses and how it fits in the Sanibel Plan.

Barbara Cooley suggested live streaming audio during Council meetings for residents.

Karen Storjohann spoke to implementing green technology in the Sanibel Plan.

Stan Kolskinsky spoke to the upcoming "Ding" Darling series. He showed carvings done by Mr. Darling in 1935. He also showed a pelican rendering and spoke to finding a film clip of Mr. Darling.

Mr. Cuyler reported the following

- Spoke to Mr. Cohen
- Board recommendations historically go to Council

Mayor Ruane noted that an email came through regarding PURRE ceasing their existence. On behalf of Council thanked the group for their work.

There being no further business the meeting was adjourned at 12:58.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk