



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final City Council

Tuesday, December 5, 2017

9:00 AM

City Hall

1. Call to Order

Mayor Ruane called the meeting to order at 9:05 a.m.

Present: 4 - Mayor Kevin Ruane, Vice Mayor Mick Denham, Councilman Chauncey P Goss, and Councilman Jason Maughan

2. Invocation and Pledge of Allegiance (Mayor Ruane)

Mayor Ruane gave the Invocation and led the Pledge of Allegiance.

3. Presentation(s):

a. Employee of the Year, Fiscal Year 2017

Mayor Ruane announced that Sergeant Ciccone was the Employee of the Year and presented him with a plaque.

Sergeant Ciccone thanked City Council.

b. Proclamation recognizing the Honorable Jim Jennings for his 14 years of service as a member of the Sanibel City Council

Mayor Ruane read and presented a proclamation and a Luc Century crystal vase to Mr. Jennings.

Mr. Jennings thanked City Council.

Each City Council member spoke to Mr. Jennings' attributes and input while on City Council.

4. Planning Commission Report (Vice Chair Holly Smith)

Holly Smith provided the following report:

November 14, 2017

- Quasi-judicial hearing for variance to allow existing dock structure with a boat lift at 2475 Tropical Way which was approved
- Proposed ordinance for roof height
- Proposed ordinance for the prohibition of marijuana dispensaries
- Convened a Land Development Code sub-committee meeting

November 28, 2017

- Meeting of the Below Market Rate sub-committee
- Meeting of the Land Development Code sub-committee

5. Public Comments for non-Agenda items

Bob Holder

6. Council Comments

Councilman Maughan spoke to term limits.

Vice Mayor Denham spoke to his understanding that term limits may come up at a Charter Review Committee meeting. He also spoke to understanding that Community Housing and Resources, Inc. (CHR) considered additional construction.

Councilman Goss thanked Mr. Jennings, and spoke to his attendance at the 10th anniversary of the Recreation Center.

Mayor Ruane also thanked Mr. Jennings for his years of service.

7. First Reading of an Ordinance and scheduling of public hearing.

- a. **ORDINANCE 17-013 AMENDING THE CITY OF SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 “ZONING”, ARTICLE XII RESORT HOUSING DISTRICT, SECTIONS 126-637 DEVELOPMENT REGULATIONS, (b) (3) HEIGHT LIMITS FOR BUILDINGS, TO EXEMPT THE PITCHED ROOFS ON THREE STORY MULTIFAMILY BUILDINGS FROM THE HEIGHT LIMITATION FOR BUILDINGS AND TO 126-639 ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES, (d) ARCHITECTURAL DESIGN STANDARDS, (4) b. ARTICULATION OF FACADES AND ROOFS, TO RESTRICT THE AMOUNT OF SURFACE AREA THAT CAN BE DESIGNED AS A FLAT ROOF FEATURE ON A BUILDING AND UTILIZED ONLY FOR THE PLACEMENT OF MECHANICAL EQUIPMENT. PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 17-013.

City Council set the second reading and public hearing for Monday, January 08, 2018 at 9:10 a.m.

8. 9:10 - Second Reading and Public Hearing

- a. **ORDINANCE 17-009 AMENDING THE CODE OF ORDINANCES, CHAPTER 90-**

FEES, ARTICLE V. RECREATION USER FEES, DIVISION 2 - SANIBEL RECREATION CENTER, SECTION 90-531 - MEMBERSHIP FEES; PROVIDING FOR A 15% INCREASE IN MEMBERSHIP FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (This ordinance will enact under standard notice procedures the fees adopted through Emergency Ordinance 17-007)

Ms. Zimomra read the title of Ordinance 17-009.

Vice Mayor Denham moved, seconded by Councilman Goss to adopt Ordinance 17-009. The motion carried.

- b. **ORDINANCE 17-010 AMENDING THE CODE OF ORDINANCES, CHAPTER 90 - FEES, ARTICLE V. RECREATION USER FEES, DIVISION 1 - SANIBEL RECREATION CENTER, SECTION 90-501 - RECREATION USER FEES; PROVIDING FOR AN INCREASE IN CERTAIN MEMBER USER FEES AND NON-MEMBER USER FEES; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE** (This ordinance will enact under standard notice procedures the fees adopted through Emergency Ordinance 17-008)

Ms. Zimomra read the title of Ordinance 17-010

Discussion ensued regarding any changes in membership and Ms. Zimomra noted not at this time.

Councilman Goss moved, seconded by Vice Mayor Denham to adopt Ordinance 17-010. The motion carried.

- c. **ORDINANCE 17-011 AMENDING THE CITY OF SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 126 "ZONING", ARTICLE VI - DISTRICTS GENERALLY, SECTION 126-248 - PROHIBITED USES; ESTABLISHING A PROHIBITION OF MEDICAL MARIJUANA DISPENSING FACILITIES WITHIN THE CITY BOUNDARIES PURSUANT TO THE AUTHORITY OF SECTION 381.986(11)(b)(1), FLORIDA STATUTES; PROVIDING FOR DEFINITIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 17-011.

Vice Mayor Denham moved, seconded by Mayor Ruane to adopt Ordinance 17-011. The motion carried.

- d. **ORDINANCE 17-012 CALLING FOR A SPECIAL ELECTION TO FILL A VACANT SEAT ON THE SANIBEL CITY COUNCIL; SETTING THE DATE AND POLLING PLACES FOR THE ELECTION; PROVIDING FOR QUALIFICATION OF CANDIDATES AND FOR SUBMITTING THE NAMES OF THOSE WHO QUALIFY AS CITY COUNCIL CANDIDATES; PROVIDING FOR BALLOT LANGUAGE AND FOR NOTICE; REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND CERTIFY THE RESULTS TO THE SANIBEL**

CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 17-012.

Mr. Cuyler explained that Precinct 16 should be "Center4Life."

The motion was amended.

Councilman Goss moved, seconded by Vice Mayor Denham to adopt Ordinance 17-012 with Precinct 16 reading as "Center4Life". The motion carried.

9. CONSENT AGENDA

- c. RESOLUTION 17-082 OF THE CITY COUNCIL OF THE CITY OF SANIBEL EXPRESSING ITS INTENT TO DECLARE A SPECIAL ASSESSMENT TO FUND A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE SANIBEL CHARTER FOR THE EXPANSION AND EXTENSION OF THE SANIBEL SEWER COLLECTION SYSTEM; SAID PROJECT TO BE REFERRED TO AS THE "SANIBEL SEWER SYSTEM PHASE 4 EXPANSION PROJECT"; 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 ASSESSMENTS, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED, AND OTHER MATTERS REQUIRED BY CHAPTER 170, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**
- d. RESOLUTION 17-083 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2018-004 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$13,000 in funding for the City of Sanibel development permit fee relating to the Woodring Living Shoreline project, 1000 linear feet of living shoreline along Woodring Road from Bock Peace Park (northern terminus of Dixie Beach Road) west to 1784 Woodring Road. The funds for this amendment are being appropriated from the ending fund balance of the Beach Parking Fund. This amendment does not increase the FY2018 budget)
- e. RESOLUTION 17-084 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2018-005 AND PROVIDING AN EFFECTIVE DATE** (To budget receipt of \$75,000 from American Tower relating to the Verizon lease agreement for the communications tower located at the Wulfert sewer plant property. This amendment increases the FY 2018 budget by \$75,000)
- f. RESOLUTION 17-085 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2018-006 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$46,930 in emergency funding for design and permitting of the Gulf Pines/Gulf Shores and West Gulf Drive beach renourishment projects. The funds for this amendment are being appropriated from the ending fund balance of the Beach Parking Fund. This amendment does not increase the FY2018 budget)
- i. RESOLUTION 17-089 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS CAPITAL ASSETS; AND PROVIDING AN EFFECTIVE DATE** (PD vehicles)

- j. RESOLUTION 17-087 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2018-007 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$25,000 for fees relating to special election to fill vacant City Council seat. The funds for this amendment are available in the ending fund balance of the General Fund. This amendment does not increase the FY2018 budget)

- l. RESOLUTION 17-088 APPOINTING MERRELL RUSHWORTH TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE AS A FULL-TIME MEMBER DUE TO HER EXTRAORDINARY TIES TO THE SANIBEL COMMUNITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 17-082, 17-083, 17-084, 17-085, 17-089, 17-087 and 17-088.

Vice Mayor Denham moved, seconded by Councilman Goss, to adopt Resolutions 17-082, 17-083, 17-084, 17-085, 17-089, 17-087, and 17-088. The motion carried.

- a.** Approval of Minutes - November 07, 2017
- b.** Approval of a request for two one-year extensions for an agreement between LaRue Planning and Management Services, Inc. and the City of Sanibel and authorize the City Manager to execute same
- g.** Approval of an agreement between the City of Sanibel and Humiston and Moore, Inc., for design and permitting of the Gulf Pines/Gulf Shores and West Gulf Drive Communities Beach Renourishment Project in the amount of \$46,930 and authorize the City Manager to execute same
- h.** Request from Casa Ybel Resort, 2255 West Gulf Drive for consideration of a total of 20 Special Event Permits for 2018 (same amount requested and approved for 2017)
- k.** Request authorization from the United Way for placement of a temporary thermometer sign at Bank of the Islands located at 1699 Periwinkle Way
- m.** Acceptance of an Interagency Agreement with the School Board of Lee County, Sanibel Police Department, Department of Juvenile Justice, Cape Coral Police Department, Fort Myers Police Department, Lee County Sheriff's Department and the Office of the State Attorney for the 20th Judicial Circuit and authorize the Chief of Police to execute
- n.** Approval of First Amendment to the Community Resources Housing, Inc., (CHR) agreement to amend the payment schedule and authorize the City Manager to execute same

Approval of non-resolution items a, b, g, h, k, m, and n.

Vice Mayor Denham moved, seconded by Councilman Goss, to approve non-resolution items a, b, g, h, k, m, and n. The motion carried.

10. APPOINTMENT OF A CITY COUNCIL MEMBER TO FILL THE UNEXPIRED TERM OF FORMER CITY COUNCIL MEMBER JIM JENNINGS**a. Appointment of new Council Member**

Mayor Ruane spoke to receiving 10 applications for City Council. Council agreed by consensus to take public comment first.

Public Comments:

Katie Reid

Doug Congress

Discussion ensued regarding process for choosing a new council member, voting verbally or with a ballot. Council agreed by consensus to do a verbal vote.

Ruane - Holly Smith

Denham - Holly Smith

Maughan - Jeff Powers

Goss - Holly Smith

Mayor Ruane moved, seconded by Vice Mayor Denham to appoint Holly Smith to fill the unexpired term of former City Council Member Jim Jennings. The motion carried.

b. RESOLUTION 17-090 APPOINTING A RESIDENT OF THE CITY OF SANIBEL TO FILL A VACANCY ON THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 17-090 with the blank filled in as Holly Smith.

Scotty Lynn Kelly, Deputy City Clerk swore in Holly Smith as the new City Council member.

Mayor Ruane moved, seconded by Vice Mayor Denham to adopt Resolution 17-090 with the blank filled as Holly Smith. The motion carried.

The meeting recessed at 10:04 a.m.

The meeting reconvened at 10:17 a.m.

Councilwoman Smith joined the rest of Council on the dias.

c. Discussion regarding City Council liaisons

Mayor Ruane spoke to the need to review the Council liaison list.

Discussion ensued regarding changing the Planning Commission liaison and Community Housing Resources, Inc., liaison to allow Holly Smith to be liaison to

both, Councilman Goss agreed, but Councilman Maughan spoke to remaining the CHR liaison, Recreation Financial and Employee Dependent Scholarship - Chauncey Goss, Contractor Review Board - Holly Smith, Vegetation Committee - Jason Maughan, Horizon Council - Chauncey Goss

Councilwoman Smith resigned her position from the Planning Commission.

Vice Mayor Mick Denham became the Florida League of Cities and National League of Cities voting delegate.

11. OLD BUSINESS

a. Water Quality Issues

i. Reports from Director Evans

ii. **RESOLUTION 17-091 TAKING A POSITION REGARDING THE PLACEMENT OF SEPTIC SYSTEMS; AND PROVIDING AN EFFECTIVE DATE** (Staff request this be removed from consideration)

Mayor Ruane announced that Resolution 17-091 was removed from consideration.

Director Evans congratulated Councilwoman Smith and gave a brief report regarding Lake Okeechobee.

b. Discussion regarding proposed 2018 City Council Goals

Mayor Ruane requested this item be deferred to the January 8, 2018 meeting to allow Councilwoman Smith the opportunity to review.

Mr. Cuyler stated for the record that item 11(a)(ii) Resolution 17-091 was withdrawn by staff, as stated above.

Director Evans stated a new resolution would be brought back to the January 8, 2018 meeting.

c. Golf Course Nutrient and Lake Management Recommendation- 2016 Report Card Summary (Environmental Biologist Holly Milbrandt and Dana Dettmar, Environmental Specialist)

i. Staff Memorandum

ii. PowerPoint Presentation

iii. Dunes Golf Course Fertilizer Best Management Practices and Lake Management Report Card

iv. Sanctuary Fertilizer Best Management Practices and Lake Management Report Card

- v. Sanibel Island Golf Club Fertilizer Best Management Practices and Lake Management Report Card

Holly Milbrandt and Dana Dettmar provide a PowerPoint presentation and gave a brief report.

12. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 17-086 APPOINTING A MEMBER TO THE SANIBEL RECREATION FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 17-086.

Barry Roth, Chair of the Recreation Finance Committee recommended Carolyn Tongyai

Chairwoman Holly Smith mentioned she would vote with City Council and Mr. Cuyler noted that Councilwoman Smith was required to vote.

Councilman Maughan moved, seconded by Councilman Goss to adopt Resolution 17-086 with the blank filled as Carolyn Tongyai. The motion carried.

- b. Update on status of Historical Museum & Village, Inc. negotiations (Councilman Goss)

Councilman Goss noted the agreement should be on the January agenda.

13. CITY MANAGER

- a. Informational Items
 - i. Annual accounting of expenditures from the Protection of Animal Welfare Society, Inc. (PAWS)
 - ii. Building Department Monthly Permit and Revenue Reports
 - iii. Legislative Department Monthly Report
 - iv. Public Works Department Reports
 - 1. Capital Improvement Projects
 - 2. Grease Trap Report November 2017
 - v. Recreation Revenue and Membership Report
 - vi. Planning Commission 2018 Meeting Dates

vii. Causeway Counts October 2017

viii. Community Housing & Resources, Inc., Quarterly Financials

xi. Historical Museum and Village, Inc., Financials as of September 30, 2017

Ms. Zimomra spoke to the reports being informational and brought attention to the Financial Reports and the Planning Commission meeting dates. She further reminded Council the January meeting is on Monday, January 8, 2018.

Discussion ensued regarding the Community Housing and Resources and Sanibel Historical Museum & Village financial reports.

14. CITY ATTORNEY'S REPORT

None

15. COUNCIL MEMBER'S REPORT

a. Attendance at the Tourist Development Council (TDC) meeting (Mayor Ruane)

Mayor Ruane spoke to the Tourist Development Council statistics.

b. Charter Review Committee Update (Mayor Ruane)

Mayor Ruane spoke to the first meeting being today at 3:00 p.m. and his attendance at the Metropolitan Planning Organization Executive Meeting. He further spoke to attending the Investment & Loan Council meeting.

c. Attendance at the Metropolitan Planning Organization (MPO) meeting (Vice Mayor Denham)

Vice Mayor Denham spoke to his attendance at the MPO meeting and a shared use master plan was being reviewed

d. Update regarding the Constitution Revision Committee (Vice Mayor Denham)

Vice Mayor Denham spoke to a letter sent and comments at the committee level regarding "Home Rule."

16. PUBLIC COMMENT

Claudia Burns

Karen Storjohann

17. ADJOURNMENT

There being no further business the meeting adjourned at 11:17 a.m.

Respectfully submitted,

Pamela Smith, MMC
City Clerk