



Meeting Minutes - Final  
City Council

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Tuesday, June 17, 2014

9:00 AM

City Hall

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**REVISED AGENDA - 6 A ii HAS BEEN ADDED, WHICH ARE THE CURRENT  
PROPOSED GUIDELINES DATED MARCH 11, 2014**

**1. Call to Order**

**Present:** 5 - Mayor Kevin Ruane, Vice Mayor Doug Congress, Councilman Mick Denham,  
Councilman Marty Harrity, and Councilman Jim Jennings

**2. Invocation and Pledge of Allegiance (Councilman Jennings)**

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

**3. Public Comments for non-Agenda items**

David Bath spoke in regards to Legacy Tours.

**Mayor Ruane moved, seconded by Vice Mayor Congress to amend the attendance to the Executive Session and add Sylvia Edwards. The motion carried.**

**4. Council Comments**

Councilman Jennings requested if there were any questions regarding Independence Day to ask them sometime during the meeting.

**5. First Reading of an Ordinance and scheduling of public hearing.**

- a. **ORDINANCE 14-006 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XVII TELECOMMUNICATIONS DEVICES, DIVISION 4., STANDARDS AND REQUIREMENTS, SECTION 126-1589, GENERAL STANDARDS AND REQUIREMENTS, SUBSECTION 126-1589(2) COLOR, BY ADDING A NEW SUB-SUBSECTION C., TO REQUIRE REFLECTIVE TAPE WRAPPING TO BE INSTALLED ON ALL NEW TELECOMMUNICATIONS SUPPORT STRUCTURES GREATER THAN 75 FEET ABOVE GROUND LEVEL; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of the above.

Council set the Second Reading and Public Reading July 22, 2014 at 9:15 a.m.

**7. CONSENT AGENDA**

- a. Approval of City Council liaisons  
  
Public Comment  
None  
  
**Councilman Jennings moved, seconded by Councilman Harrity to approve the City Council liaison list. The motion carried.**
  
- b. Approval of the new Illegal Discharge Brochure  
  
Public Comment  
None  
  
**Vice Mayor Congress moved, seconded by Councilman Denham to approve the new Illegal Discharge Brochure. The motion carried.**

**10. CITY MANAGER**

- a. Voting Delegate for the Florida League of Cities upcoming Annual Conference  
  
Public Comment  
None  
  
**Mayor Ruane moved, seconded by Councilman Denham to nominate Councilman Denham to remain the voting delegate. The motion carried.**
  
- b. FLC Legislative Development Process  
  
Ms. Zimomra spoke in regards to the Florida League of Cities committee service.  
  
Councilman Denham - Energy & Environmental Committee  
Vice Mayor Congress - Growth Management & Economic Affairs

**6. 9:15 - Second Reading and Public Hearing**

- a. **ORDINANCE 14-001 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XIV SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SUBSECTION 1. IN GENERAL, AND ADDING A NEW SECTION 126-855. INTER- AND INTRA-CONNECTIVITY; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**  
  
Ms. Zimomra read the title of the above  
  
Ms. Zimomra gave a brief PowerPoint presentation.

Public Comment

Mike Miller representing the Bike Club

Vice Mayor Congress moved, seconded by Councilman Denham to adopt the Inter- and Intra-Connectivity Ordinance 14-001. The motion carried.

Public Comment

None

Vice Mayor Congress moved, seconded by Councilman Denham to adopt the guidelines. The motion carried.

- b. ORDINANCE 14-002 (SEE NOTICE ABOVE) AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XII., RESORT HOUSING DISTRICT; SECTION 126-636. DEVELOPMENT INTENSITY, SUBSECTION (d), SUBSUBSECTIONS (1) and (2), BY PROVIDING LANGUAGE TO ALLOW AN INCREASE IN THE HABITABLE FLOOR AREA OF ONE BEDROOM RESORT HOUSING UNITS (TO A MAXIMUM OF 600 SQUARE FEET) THAT REDEVELOP WITHIN THE RESORT HOUSING DISTRICT; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of the above.

Discussion ensued regarding the Bert Harris Act, Planning Commission recommendations and language applied to single-family, multiple-family and resort housing.

Public Comment

- Wayne Ponader
- Barbara Cooley
- Mike Gillespie
- Bob Boly

Send back to Planning Commission for further discussion for standards or guidelines.

Mayor Ruane moved, seconded by Vice Mayor Congress to adopt Ordinance 14-002; Mayor Ruane amended the motion to include standards and guidelines with Vice Mayor Congress in agreement. The motion carried.

- c. ORDINANCE 14-003 AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE V NONCONFORMANCES, DIVISION 2 USES, SECTION 126-152 (NONCONFORMING USES) EXCEPTIONS AND PROHIBITIONS BY ADDING LANGUAGE TO ALLOW MINOR**

**NONSTRUCTURAL ALTERATIONS TO LAWFULLY EXISTING STRUCTURES DEVOTED TO A NONCONFORMING USE AND TO ALLOW MODIFICATIONS TO THE ROOFLINES OF LAWFULLY EXISTING STRUCTURES DEVOTED TO A NONCONFORMING USE; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 14-003.

Public Comment

None

Vice Mayor Congress moved, seconded by Councilman Denham to adopt Ordinance 14-003. The motion carried.

- d. **ORDINANCE 14-004 AMENDING CHAPTER 126 OF THE SANIBEL CODE OF ORDINANCES ENTITLED “ZONING”, ARTICLE XIV, “SUPPLEMENTARY DISTRICT REGULATIONS”, DIVISION 4 - “OUTDOOR LIGHTING” , SECTION 126-997 “OUTDOOR LIGHTING GENERALLY”, IN ORDER TO EXTEND THE DATE FOR ALL OUTDOOR LIGHTING (OTHER THAN LIGHTING FOR MARINE TURTLE PROTECTION) WITHIN THE CITY OF SANIBEL TO BE BROUGHT INTO COMPLIANCE; EXTENDING THE CURRENT COMPLIANCE DATE OF JANUARY 1, 2015 TO A REVISED COMPLIANCE DATE OF JANUARY 1, 2020; SPECIFYING THAT COMPLIANCE WITH LIGHTING FOR MARINE TURTLE PROTECTION IS CURRENTLY REQUIRED AND IS NOT BEING EXTENDED OR OTHERWISE AFFECTED BY THE REVISED COMPLIANCE DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of the above.

Discussion ensued regarding history of the Dark Skies Ordinance, educating the community, and a reasonable time for education and compliance.

Public Comment

- Bob Holder
- Claudia Burns
- Paula Rice
- Allison Ward
- Molly Winter
- David Bath
- Joe Salvatino
- Claudia Burns
- Paula Rice
- Bob Smith

- Mike Gillespie

Discussion ensued regarding the pamphlet needed to be redone, create a phase in approach, education with a three-prong approach, returning it to the Planning Department and the Planning Commission, and bring it back to the City Council in 90 days, identify first the beach bay area, the new homes and the renovations, three months staying with the Planning Commission, (emails, mailing, etc.), and identify exact issues.

Effective date of Ordinance 14-004 would be 3 years from January 01, 2015.

**Mayor Ruane moved, seconded by Councilman Jennings to put in a three year timeframe of compliance with a deadline of January 1, 2018. The motion carried.**

Mayor Ruane announced City Council was entering into an Executive Session.

### **13. 11:30 a. m. Convene an EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS**

**In attendance shall be only the following persons:**

**Mayor Kevin Ruane  
Vice Mayor Doug Congress  
Councilman Denham  
Councilman Marty Harrity  
Councilman Jim Jennings  
Sanibel City Manager Judie Zimomra  
Sanibel City Attorney Kenneth B. Cuyler  
Jim Isom, Director of Administrative Services  
Crystal Mansell, Administrative Services Technician  
Wayne Helsby, Labor Counsel (Allen, Norton & Blue)**

City Council Resumed the open meeting.

- e. **ORDINANCE 14-007 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 86 DEVELOPMENT STANDARDS, ARTICLE II SITE PREPARATION, SECTION 86-42 DETERMINATION OF IMPERMEABLE COVERAGE BY AMENDING SAID SECTION TO ALLOW, UNDER CERTAIN CONDITIONS, THE USE OF PERMEABLE PAVERS WITHIN THE DRIVEWAYS AND PARKING AREAS OF SINGLE-FAMILY, DUPLEX AND TRIPLEX RESIDENTIAL DEVELOPMENT TO BE CONSIDERED ONE HUNDRED PERCENT (100%) PERMEABLE; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of the above.

Public Comment

- Sonjia Smith, CASI

Mr. Cuyler noted the ordinance had not been advertised to include multi-family dwellings.

Mayor Ruane directed staff to send a new ordinance to include multi-family dwellings to the Planning Commission and then send back to City Council.

**Mayor Ruane moved, seconded by Vice Mayor Congress to adopt Ordinance 14-007. The motion carried.**

## 8. OLD BUSINESS

**a.** Water Quality Issues

Director Evans gave a brief report on Lake Okeechobee levels.

**b.** Report from Mayor Ruane regarding meeting with South Florida Water Management District Board members

Director Evans gave a brief report.

**c.** Draft letter dated June 10, 2014 regarding Adaptive Protocols

Director Evans gave a brief report.

**d.** Report from Director Evans regarding Adaptive Protocols

Discussion ensued regarding Risk assessment and C-43 capacity.

**e.** Continued Discussion regarding City Council Goals

Discussion ensued regarding giving staff more direction to create a list of items that need to be accomplished, and add other assignments to the project list.

Public Comment

None

**Mayor Ruane moved, seconded by Councilman Denham to bring back the City Council Goals to the July 22, 2014 City Council meeting with actual items underneath water, financial, and planning redevelopment. Under planning redevelopment identify all the various items we are working on to come up with a list, under financial the Mayor will do the same and work closely with the Finance Department and under water the Director has some input from myself and continues to have input from Councilman Denham to come up with items regarding those issues. The motion carried.**

## 9. NEW BUSINESS

**a.** Status of Park Impact Funds

Ms. Zimomra noted the concrete pad at Roadside Park could not be used and the amended recommendation was to roll forward to next year if Lee County agrees and collected from homes on Sanibel.

Public Comment

None

**Mayor Ruane moved, seconded by Councilman Denham to direct City Manager to request staff to request Lee County roll over the \$2,000 park funds to next year.**

## 11. CITY ATTORNEY'S REPORT

No additional report.

## 12. COUNCIL MEMBER'S REPORT

**a.** Attendance at the FMIT meeting (Mayor Ruane)

Mayor Ruane gave a brief report.

**b.** Attendance at the Metropolitan Planning Organization (MPO) (Mayor Ruane)

Mayor Ruane gave a brief report.

**c.** Report on Meeting with the Lee County Emergency Operations  
Director Rob Farmer (Councilmember Jennings)

Councilman Jennings gave a brief report.

Councilman Denham will be attending the Florida League of Cities nominating committee.

Mayor Ruane recommended the same raise of other employees which was 2.5%, however the City Manager and City Attorney, each of them took a decrease for about 9 months, no increase to salary, therefore the recommendation is for a one-time payment. However this does not change the City Manager and the City Attorney contracts.

Public Comment

None

**Mayor Ruane moved, seconded by Vice Mayor Congress to approve the contracts for the City Manager and the City Attorney to receive a 2.5% one time bonus. The motion carried.**

Ms. Zimomra spoke regarding Council coverage while the Mayor and Vice Mayor are out of Town at the same time.

Public Comment

None

**Mayor Ruane moved, seconded by Vice Mayor Congress to approve Councilman Jennings covering for Mayor Ruane June 20 to 23 and Councilman Denham would be available June 25 to July 05 should there be the need for signatures. The motion carried.**

#### **14. PUBLIC COMMENT**

None

#### **15. ADJOURNMENT**

No further business. Therefore the City Council June 17, 2014 meeting was adjourned.

Respectfully submitted by,

Pamela Smith, MMC  
Sanibel City Clerk