

MINUTES
SPECIAL JOINT WORKSHOP
COUNCIL OF THE CITY OF SANIBEL
AND
COUNCIL OF THE TOWN OF FT. MYERS BEACH
FEBRUARY 13, 1997

City of Sanibel
Councilmembers Present:

Mayor Robert B. Davison
Vice Mayor Robert P. Janes
Councilman Wallace M. Kain
Councilman George Madison
Councilman Andrew Reding

Town of Ft. Myers Beach Councilmembers Present:
Mayor Anita Cereceda
Vice Mayor Ted FitzSimons Councilman William (Rusty) Isler Councilman Ray
Murphy Councilman Garr Reynolds

City of Sanibel Staff Presents

City Manager Gary A. Price
City Attorney Robert D. Pritt

Town of Ft. Myers Beach Staff Present:
Town Manager Marsha Segal-George
Town Attorney Richard Roosa
Assistant Town Manager John Gucciardo

Item #1: Call to order and welcome - Sanibel host Mayor Davison

The meeting was called to order by Sanibel Mayor Robert Davison at 9:00 a.m. in MacKenzie Hall. Mayor Davison welcomed the Ft. Myers Beach Council and staff, as well as the 24 members of the public in attendance. Ft. Myers Beach Mayor Anita Cereceda explained her Council's concept in suggesting the Joint meeting was to achieve more of a working relationship with sister cities than typically exists.

Item #2: Description of purpose and desired outcome of meeting - Ft. Myers Beach Town Manager Marsha Segal-George and Sanibel City Manager Gary A. Price

City Manager Gary Price explained that as a workshop there would be no final decisions made today, just Council direction to staffs. He announced the plan is to have meetings on a regular basis to investigate cooperative efforts toward accomplishing established goals. Town Manager Marsha Segal-George said she hoped the result of the meeting would be an agenda created by both Councils in a collaborative effort toward areas of common interest, sharing information that will make both operations more efficient and effective.

Item #3: Hurricane Preparation

Item #3a: An early hurricane evacuation program

City Manager Price reviewed his February 13, 1997 memos regarding an Early Evacuation Program and Off-Island Facility for Emergency Operations Center (EOC). He explained that although the City of Sanibel has been recommending early evacuation for years, a problem exists in that there are no early evacuation centers available. He reported on his discussions with Lee County Emergency Management officials and the Red Cross regarding establishment of such facilities, and their problems involving additional expense, the need for additional volunteers, school officials' unwillingness to close schools earlier than necessary, and the possibility of abuse since no one can be denied access. As a solution, Lee County has provided a list of buildings that could be used if the necessary improvements can be made and trained volunteers are available. Regarding the City of Sanibel's decision that some type of off-island EOC is necessary, City Manager Price reported that he has ended negotiations with Lee County for a facility at the Lee County Sports Complex because Lee County has stated they will

contribute only the land, and the estimated construction cost of \$750,000-\$800,000 would be too much for the City of Sanibel to bear alone. He advised he is continuing to explore sharing alternatives with private entities and other government agencies.

Councilman Kain stated that Lee County's refusal to address the issue of early evacuation is totally unacceptable. He recommended that Lee Island coastal communities join forces to demand that early evacuation facilities be made available. Mayor Cereceda advised that Ft. Myers Beach has had no serious conversations with Lee County regarding hurricane evacuation, but agreed a joint effort by coastal communities would have more clout and be more difficult to disregard. Councilman Fitzsimons also expressed support for the idea of a unified approach by coastal communities. Councilman Isler's concerns centered more around recovery issues following a storm. City Manager Price pointed out that Lee County will concentrate its resources on the most populous areas, which eliminates beach communities. Mayor Cereceda emphasized the importance of communities helping each other by sharing resources. Councilman Reding pointed out the large amount of taxes generated by coastal communities. He recommended including other, non-coastal areas that will face similar problems. The ensuing discussion touched on several areas of concern to be addressed: specific needs of communities affected, funding, what triggers an emergency, resources after a storm, restoration of utilities, security, re-entry of residents, damage assessment, and sharing of resources. Councilman Kain recommended involving Lee County commissioners for assistance as much as possible. Councilman Reynolds agreed with the idea of doing something as a coastal area, but also recommended keeping Lee County officials apprised. His recommendation drew forth additional discussion on how to proceed with Lee County, ending in general agreement that once communities have met and needs have been established, proposals should be presented to Lee County to see if they are willing to help.

There was consensus of both Councils on Mayor Davison's summary of direction: staffs to contact and meet with appropriate communities to develop a plan of action for presentation to the Lee County Board of Commissioners.

Item #5: City purchase off-island beach front buffer lands to aid hurricane evacuation, increase beach frontage, and provide additional environmental refuge lands.

Ft. Myers Beach Town Manager Marsha Segal-George explained she had included the item on the agenda to determine if there is joint interest in pursuing acquisition of the property. She made clear she was not suggesting the use of ad valorem dollars, but has developed a list of potential revenue resources.

Lucy Blair, Department of Environmental Protection (DEP), distributed a packet of information as an outline for Council and staff to follow along with her slide presentation. She said her intent was to report on the conditions of lands and encumbrances so values could be accurately assessed. She displayed maps to illustrate the location (about 1200 acres along Summerlin Road) and proposed development, including a Dolphin Human Therapy Center. Ms. Blair reported on the 1988 settlement reached between the DEP and property owner Robert Troutman following severe damage to mangrove wetlands which occurred during Mr. Troutman's attempted development of the property. The settlement required extensive restoration, about 20-25% of which was accomplished by Mr. Troutman before his death. Ms. Blair explained the parcels have now been split. Also, the restoration plan in the settlement no longer reflects current conditions. While no applications have been received at this point, Ms. Blair explained the DEP's new

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conceptual proposal involves an 800-acre conservation easement, encumbered to prevent any development that changes the development of wetlands in a negative manner; unfinished restoration issues must also be addressed. Unencumbered areas would have to be developed in accordance with current DEP standards. Ms. Blair responded to inquiries and provided additional information on the property owners and development possibilities. She clarified that while the property is still in violation, rather than go back to court for a new settlement judgment, the DEP will enter into a modification of the consent final judgment.

Summerlin Sands representative Dr. Hllburn Hllestad was present and explained his company is working on the DEP consent order in an effort to obtain a lease to pursue limited development. He provided additional details on conceptual development, including the dolphin center. He noted there are no plans for development of Bunche Beach, and Summerlin Sands will consider offers for continued use by the public. He acknowledged no

development can take place until outstanding DEP consent issues have been reconciled. Councilman Kain pointed out that the dolphin facility will attract a great deal of attention from local conservationists. Councilman Reding voiced several objections to the proposed dolphin facility, which he pointed out includes a hotel complex. He said the facility is not purely for research, but a for-profit facility that will be sustained by the public. Mayor Davison pointed out the Sanibel City Council has already gone on record as opposing the proposed dolphin facility.

Councilmembers returned to discussion of the purchase of the buffer lands. Town Manager Marsha-Segal George explained there are three major issues to be considered: (1) restricting use will help reduce density on Summerlin Road; (2) the beach area could serve as an off-island alternate beach, a reliever to Ft. Myers and Sanibel beaches; (3) preservation lands could serve as an off-island reliever to the J.N. "Ding" Darling National Wildlife Refuge. She suggested the two Councils work together, along with their respective County Commissioners, on a County-wide plan, and suggested the following as funding possibilities: Lee County's 2020 Program; South Florida Water Management District (SFWMD); various grants; TDC; and possibly Causeway revenues as they relate to density and evacuation issues. Councilman Kain recommended adding the Charlotte Harbor National Estuary Program (CHNEP) as another funding source. City Manager Price advised that the City of Sanibel and others have submitted an application for three projects to the South Florida Ecosystems Restoration Working Group, one of which is public acquisition and restoration of all of that property between the Causeway and San Carlos Boulevard.

Councilman Reynolds expressed his support for the land acquisition proposal, and also expressed appreciation for Councilman Reding's background on the dolphin facility. Councilman Janes also supported pursuing the purchase. Councilman Islet pointed out the rarity of this undeveloped property and emphasized its potential as another park facility; he saw the Councils' role as developing a plan for purchase by the County. Councilman Reding suggested broadening the view to include other appropriate parcels along the Summerlin strip as well. Councilman FitzSimons added his support for staffs to pursue financial resources and emphasized the possibility of steering toll revenues in this direction. Mayor Davison and Councilman Kain indicated their support also. There was unanimous consensus from both Councils to direct staff to pursue the proposal further and present details to respective Councils.

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Item #4: Joint Special Master to hear traffic cases/code enforcement/administrative hearings.

1. Traffic Magistrates and 2. County Judges: Ft. Myers Beach City Attorney Richard Roosa explained that a Constitutional Amendment

abolished the municipal court system, depriving municipalities of any enforcement procedure short of the County court. Subsequently, a statute was passed authorizing the creation of code enforcement boards, which was then used to enforce municipal ordinances. Recently, another Constitutional Amendment created a Special Master procedure. Mr. Roses said he believed the Special Master would be an excellent tool for hearing traffic cases. Cape Coral has a procedure where Judges hold traffic court on a regular basis, which makes it much more time- and cost-efficient for police officers who must attend traffic court. Judges have indicated they would be willing to go to a central location somewhere in South Lee County and handle traffic cases for Sanibel, Ft. Myers Beach and the Iona-McGregor area. Mr. Rooms pointed out there might be better enforcement, including from the Sheriffs department, with a more convenient court location. He concluded that while a Special Master procedure be not likely to happen under the current environment, it is realistic to have a County court closer to both Sanibel and Ft. Myers.

During discussion of costs to communities involved, Mr. Roosa suggested using a community building (church or civic club) at a minimal cost; the cost of the Judge and clerk would be paid for by the County. City Manager Price referred to a report estimating costs to send Sanibel police officers to court. However, both City Manager Price and City Attorney Pritt believed it to be substantially more than the \$2400 indicated on the report, which does not include other costs which are significant but more difficult to quantify (driving time, the community being underserved, coverage for absent officers, etc.) Ft. Myers Beach staff and Council agreed that Ft. Myers Beach might also have the problems with resistance to writing tickets because of the logistics of court appearances in Ft. Myers. Councilman Kain suggested exploration of a State program for video court appearances. Councilman Janes agreed with Attorney Roosa's suggestion that an off-island emergency center might be suitable for court hearings. Councilman Reding expressed concerns with a South Lee County approach, suggesting no reduction in costs would be realized if a second court house were to end up in Bonita Springs. He preferred the concept of "circuit" judges traveling to various municipalities.

City Attorney Pritt continued with review of 3. Code Enforcement Hearing Officers and 4. Hearing Officers for other Types of Hearings. He concluded, and Town Attorney Rooms concurred, that there probably are not enough hearings in Ft. Myers Beach and Sanibel to justify a formal special master/hearing officers effort, but it is something staffs can continue to look at and keep Councils posted.

Regarding the previous subjects, Traffic Magistrates and County Judges, both attorneys agreed that while nothing is likely to happen soon, they should continue to pursue options with the Judges. Councilman Reding requested the Councils go on record as endorsing the circuit idea, and there was general agreement that the circuit concept would be the preference. Upon suggestion from City Attorney Pritt, there was consensus of both Councils for the following language: "An expression of the two Councils that the City and the Town are interested in having a court presence, preferably to come to the towns and hold traffic court; to at least explore the idea, not close off the idea, of a traffic magistrate

if that is the most economic way to do it; and to continue to work with the court system to see if

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there are any other alternatives directed toward bringing the court system closer to the people in the area." Councilman Reding added, and it was agreed, if nothing else, Judges should be urged to try the circuit concept as a pilot project.

Item #6: Direction to staff on future Joint actions had been covered during discussion of individual subjects.

Item #7: Discussion of future meetings; subjects; timing; location.

Town Manager Segal-George suggested the next workshop should focus on TDC topics, and include updates and further direction on today's discussions. Consensus was reached to schedule the next Joint meeting for 9=00 a.m., Thursday, April 17, 1997, at Ft. Myers Beach. Subjects suggested for discussion at future Joint meetings were lobbying efforts, Summerlin corridor development in general, procurement (economies in larger quantities), potential for collaboration in marine law enforcement, Federal Communications Commission issues (tower placement), and mangrove protection.

Mayors Davison and Cereceda agreed the meeting had far exceeded expectations and expressed confidence that the discussions would result in positive actions. They also expressed their thanks and appreciation to staffs and attendees.

There was no further business and the meeting was adjourned at 12:17 p.m.