

Message From President Larry Schopp

When the Sanibel City Council was considering the adoption of the new build back ordinance last year, I went to the podium to speak in favor of the ordinance both personally and in behalf of COTI. To my surprise one Council member questioned, disapprovingly, whether I really intended to speak in behalf of a "political committee," as though that would somehow taint my words. I indicated that was my intention and made my comments for the record. It was a minor incident but it troubled me because political committees or "PACs" are an important part of our system of government, yet at least in the mind of one Council member (and perhaps others) that fact may have been lost. So, I thought I would spend a few minutes describing COTI's history and mission.

Since the early days of the Republic, Americans have formed associations to further their interests and positions. In 1835 Alexis de Tocquville wrote in *Democracy in America*, "Americans of all ages, all conditions and all dispositions constantly form associations.... Wherever at the head of some new undertaking you see the government in France or a man of rank in England, in the United States you will be sure to find an association." The Daughters of the American Revolution, the American Civil Liberties Union and the American Society for the Prevention of Cruelty to Animals are examples of organizations formed to further the common goals of their members. What these organizations may not do, however, is raise money for the purpose of supporting candidates for office. That would require registration with the government, disclosure of income and expenditures and possible loss of status as a charitable institution. Does that mean that organizations that chose to go the PAC route are less worthy of support? Absolutely not. PACs enable like minded people to help candidates of their choosing win elections. Is that all they do? No, but that's what distinguishes them from other types of organizations.

COTI was formed by a group of forward-looking Sanibelians as a PAC under Florida law soon after the incorporation of the City of Sanibel. Its purpose is "to develop and promote policies designed to maintain and enhance the quality of life on the islands and preserve the island's unique and natural characteristics." It was clear from the hard fought battle to win incorporation that not everyone shared the founders' vision for Sanibel. Well-financed interests both off and on the island posed, and still pose, a threat to Sanibel from over-development and commercialization. One way to meet that threat is by supporting candidates with whom we share common ground and ballot issues in which we believe. That's what we have done. That's what we will continue to do - with your support.

Let's not confuse COTI with some national PACs that have drawn criticism for trying to "buy" candidates. COTI's activities are strictly regulated by the Florida election law. It may not contribute more than \$500 to any candidate for election; hardly a threat to any office holder's independence. All of its income and expenditures must be

reported to the Lee County election office and thus become a matter of public record.

It's true, local elections take place only once a year or so, but COTI keeps busy throughout the year. We act as watchdogs of local government by attending Planning Commission and City Council meetings and offering comments and constructive criticism on the full range of issues up for consideration. We also support ballot measures which further our mission. Most recently we supported the "People's Choice" charter amendments, the comprehensive build-back ordinance and opposed the introduction of Segways on Sanibel. We have also urged the City government to adopt tighter limits on spending so that taxes do not become a barrier to living on Sanibel.

This newsletter, the first COTI has published in several years, will bring you up to date on some of the issues COTI is concerned about today. *We welcome your input on issues you feel are important and encourage you to email us at coti@coti.org with your comments. You may tap into our web site at www.coti.org to learn more about issues that are important to us all. Thanks for your continued support.*

Lake, Estuary, Okeechobee and the Caloosahatchee

Until 1881 Lake Okeechobee and the Caloosahatchee River were completely separate water systems. As a result of a severe hurricane and flooding in 1926, which killed over 1000 residents in the area, a 20 foot high, 100 mile long dike was built around the Lake. The preexisting natural sheet flow to the south (River of Grass) was blocked off and canals were built shifting much of the flow to the then developing east coast. South of the Lake, the new dike created rich mucklands, ideal for sugar cane, while depriving the Everglades system of high quality freshwater inflows. Finally, and most significant for our estuary, outflow patterns were changed in 1947 when an existing small channel linking the Lake with the Caloosahatchee River was dredged to 425 feet wide, 25 feet deep and 65 miles long.

For decades the Lake water level has been managed mainly for flood control and agricultural water supply to the detriment of the ecosystems and coastal estuaries. In the early years more water was discharged from Lake O into the St. Lucie River than down the Caloosahatchie. Since 1960 the Caloosahatchie has received a much larger share.

The desirable range of depth of Lake O is 11-13 feet. In part because of the rains associated with hurricane Charley in 2005, the Lake reached a dangerously high depth of 16.7 feet. During that summer water was flowing into the Lake at an average of 22,300 cubic feet /sec (cfs). 72% was discharged into the Caloosahatchee and 28% into the St Lucie. This gave rise to flows up to 6,500 cfs. in the Caloosahatchee. Most experts agree that, to prevent damage to our estuary, the maximum tolerable flow rate, even in the wet season, should not exceed 2800 cfs.

In addition to the problem of excess flow, there is grave concern about the phosphorus levels of the water entering and leaving Lake O. About 900 metric tons were added to the Lake in 2005. The current phosphorus goal to improve the nutrient pollution of the Lake is a five year average of 140 metric tons per year. Best management farming practices (BMPs) currently instituted in the Kissimmee watershed are inadequate to significantly reduce this

contamination.

The continuing addition of large volumes of nutrient-rich, polluted water is clearly destroying our estuary. Dead fish and aquatic plant life as well as the proliferation of algae blooms are visible evidence of the problem. On average the high water flows of 2005 recur every seven years and it is said to take about five to ten years for the estuary to recover from them.

In 2000 the Comprehensive Everglades Restoration Plan (CERP) was passed 85-1 by the US Senate. It encompassed 68 projects that include buying land for surface reservoirs, pumping water into over 300 aquifer wells 1000 feet underground, and seeking ways to reestablish outflows from Lake O to the south. The reservoir and wells storage plans are mired in delayed funding, cost escalation, technical issues, and problems associated with safely storing and treating polluted and nutrient rich surface water. It has been calculated that neither of these storage concepts will accommodate anywhere near the volumes of water required in wet years.

The reestablishment of a flowway to the south appears to hold out one of the best comprehensive long term solutions for handling large volumes of water flowing into Lake O. There are many, many challenges (political, financial, and private property issues) which will have to be overcome to accomplish this. In addition, with respect to our estuary, it will be essential that water held in the C-43 reservoir located midway down the Caloosahatchie be properly treated to remove nutrients and other pollutants. Finally, increasing development in the Caloosahatchie watershed should mandate sewer systems and treatment plants to avoid dumping large volumes of polluted water into the River.

The challenge is great. The active involvement of all southern Florida communities, organizations (see PURRE opposite page), and individual citizens will be an absolute necessity if we are to save our estuaries. Legislation to be introduced in the 2007 Florida legislative session to fund some prerequisite steps to restore water flow south into the Everglades deserves our support. Watch the COTI web site to keep current on this and other critical issues related to our estuary.

PURRE- People United to Restore Rivers and Estuaries

PURRE was formed by a group of dedicated, passionate people who realized that the estuary system of South West Florida is in danger due to massive releases of nutrient filled polluted fresh water from Lake Okeechobee. Its goal is to restore and protect the ecosystem of South Florida and thus protect the economy of South Florida as well. As well as working closely with the City of Sanibel, it has formed a coalition with other area groups having similar goals such as the Conservancy of Southwest Florida, Sanibel-Captiva Conservation Foundation and Riverwatch (Caloosahatchie River Citizens Association). COTI is an organizational member of PURRE and Barbara Cooley, vice president of COTI, is also the vice chair of PURRE.

The leadership of PURRE is now actively engaged in several activities. One involves commenting on a rule proposed by the US Environmental Protection Agency, which would allow transfers of polluted water without permits. PURRE continues to monitor meetings of the South Florida Water Management District's (SFWMD) Lake Okeechobee Committee as representatives of various interests around the lake are beginning to examine potential solutions to the Lake's problems. This includes the SFWMD's Lake Okeechobee and Estuary Recovery program, where rules are now being drafted that will have a significant impact on the health of the Lake and the estuaries on the east and west coasts.

PURRE has been actively engaged as the Army Corps of Engineers revises the set of rules that govern releases of water from Lake Okeechobee. As the Sanibel City Council and the Lee County Commission consider litigation, PURRE representatives are attending their meetings and communicating with them to provide information and support. PURRE leaders are also in close communication with the Rivers Coalition, an east-coast group that is preparing to start litigation after suffering from many years of damaging lake releases in the St. Lucie River and Indian Lagoon.

The battle to save our estuarine environment is going to be a long one. The one hope on the horizon: we will soon have a new governor in Florida, and perhaps that will change the way the South Florida Water Management District and the Florida Department of Environmental Protection operate. Perhaps they will then work toward protecting the environment rather than protecting the interests of polluters.

CURRENT INFORMATION ON THE CALOOSAHATCHIE CRISIS

<http://www.sanibel2omatters.com> A City of Sanibel web site where you can find information about the current crisis, the links to data with the latest water release information, a list of upcoming public meetings related to this topic, actions taken by the City of Sanibel, photos of algae blooms and slime balls in our waters, addresses for public officials who you can write to about the problem, and much more.

<http://www.purre.org> A PURRE web site where you will find informative articles and press releases, an events calendar, action items with suggestions for specific things you can do to help, more photos of fish kills, algae blooms, as well as people working to make things better. PURRE MEMBERSHIP INFORMATION IS INCLUDED ON THE WEB SITE -- WE URGE YOU TO JOIN.

SANIBEL CITY COUNCIL ELECTION —MARCH 6, 2007

As most of you know, on March 6, 2007, an election will be held for two seats on council. The terms of the five council members are staggered so that in 2009 three seats will be open. Representing the citizens on council is a highly responsible position which occupies at least 20 hours per week of each member's time, and the office is unsalaried, which is evidence of the public commitment of these volunteers.

Historically, COTI has sponsored a "Candidates Night" at which each of the citizens running for council addresses the public and answers questions from the audience. During the last campaign in the winter of 2004-5 the event was hosted by the Sanibel newspapers, a more appropriate venue since COTI is a political action committee and does occasionally endorse candidates. We will urge the local papers to repeat that role.

The deadline for filing for a position on council is January 8, 2007, and the campaign season begins at that time, a mercifully short six week event. Be sure to keep yourself informed about the candidates and the issues and, if you are a full-time resident on the island, please consider whether you, as a potential candidate, would be interested in serving your community in that capacity. Contact Barbara Cooley (1-888--253-2548) if you are seeking information about requirements for candidacy.

SANIBEL'S SHARED USE PATHWAYS

Safety has been the driving issue for change in Sanibel's shared use pathways in recent months. The section of Periwinkle Way between the Sanibel Steakhouse and Casa Ybel Road has been a particular focus of concern for some time. This half-mile stretch runs immediately beside the road. Less than 4% of the total system, it accounted for one third of the pathway accidents the Sanibel Police Department reported for the last three years.

Previous discussions of this problem have centered on building a bypass behind the commercial buildings, along the Sanibel River. The Sanibel Bicycle Club has advocated this solution, and the COTI Board endorsed it in February of this year. In an August action, the Council decided against the land acquisition that the bypass would have required.

Instead Council voted to move the existing section of Periwinkle Way in order to create a separation between the road and pathway. The estimated cost of this change is \$1.5 million which the Council has included in its budget for 06/07. Because the relocation of Periwinkle Way is the kind of "major change" covered by the 2005 Charter amendments it will require a referendum vote. COTI recommends approval of the referendum (see box opposite page).

Last spring Council directed the City Manager to install delineators between the paths and the roads where they are close to one another. The appearance of these reflecting posts has intensified debate about the paths. It also drew the Fire Department into the issue, owing to concerns about passage for emergency vehicles. The removal of some delineators eliminated the concerns.

The City Council had previously embarked on a broad review of the shared use paths. In March it retained a consultant to prepare an analysis and recommendations for future action. Since then the consultant has been conducting research, including surveys of path users in April. COTI representatives met with Director of Public Works Gates Castle in June to discuss the consultant's work and other pathway issues. Council has scheduled a public workshop to obtain input on November 20, from 2-7p.m. in the Sanibel Community House. There is no organization on the Island advocating for pedestrians. If you like to walk or jog, do make sure that your views about the shared use paths are heard.

COTI's general position on the paths has been that we should consider the conflicting demands of recreation, community concerns, environmental protection and costs, as well as safety. One of our efforts is to keep sufficient attention on the costs of path maintenance. Too often discussions of expenses cover only the one-time construction costs, ignoring the maintenance costs that go on forever. According to Sanibel's expenditure records, the City spends as much to maintain a mile of shared use path as to maintain a mile of public roadway. Over the last three fiscal years, the cost for each averaged just over \$15,000 per year.

Clearly, shared use paths are a topic that will demand COTI's vigilance during the coming year. This web site will contain certain updates on this issue as warranted.

COTI SUPPORTS VOTER REFERENDUM ON SHARED USE PATHS

SCHEDULED FOR DECEMBER 19, 2006

A Mail Ballot Election on December 19, 2006 is scheduled for the registered voters of Sanibel. The language of the referendum is:

“DO YOU APPROVE RIGHT-OF -WAY IMPROVEMENTS TO PERIWINKLE WAY BETWEEN APPROXIMATELY 1/8 MILE WEST OF ITS INTERSECTION WITH CASA YBEL ROAD TO A POINT APPROXIMATELY 1/4 MILE EAST OF ITS INTERSECTION WITH DIXIE BEACH BOULEVARD, SUCH IMPROVEMENTS PRIMARILY FOR THE PURPOSE OF ENHANCING THE SHARED USE PATHWAY SAFETY IN SUCH RIGHT-OF WAY, BUT ALSO INCLUDING A RECONFIGURATION OF VEHICULAR TRAVEL LANES AND DRAINAGE IMPROVEMENTS, BUT NO ADDITIONAL VEHICULAR TRAVEL LANES?”

Every qualified Sanibel voter will receive a ballot at their designated address prior to December 19, 2006 and will be asked to cast their vote and return the ballot as directed to Lee County Supervisor of Elections.

COTI strongly believes that this roadway project will provide for much needed safety improvements to the shared use path. The money for the project has already been allocated to the 2006-2007 budget and has been approved by the City Council.

COTI STRONGLY RECOMMENDS THAT YOU VOTE “YES.”

IF YOU DO NOT EXPECT TO BE AT YOUR SANIBEL ADDRESS, PLEASE REQUEST AN ABSENTEE BALLOT TO BE SENT TO YOU BY CONTACTING THE LEE COUNTY SUPERVISOR OF ELECTIONS AT 239-533-8683.

Redevelopment

Sanibel became a city more than thirty years ago. Many structures on the island date back to the period before incorporation when the island was under the control of the County Commission. Development standards were weaker then and concern for environmental conservation was far more relaxed than it is today. The result is a high incidence of nonconformance on Sanibel; that is to say structures or uses which do not comply with current land use requirements. As build out approaches and as time and the elements take their toll on existing structures, redevelopment (which encompasses replacement of and substantial improvements to structures) emerges as one of the key issues facing the city. What ground rules will the city have in place as redevelopment moves ahead? Section 1.3 of the Sanibel Plan provides useful insight: “ Redevelopment is a process that is more difficult than initial development. The City of Sanibel will need to be more flexible and imaginative with respect to permitted uses and principles of building and site design. This flexibility should not be a lessening of standards. Rather, it should open up new routes to attaining those standards, which ensure that the harmony, general atmosphere and character of the community are retained.”

To meet the challenge, the City Council and Planning Commission held a series of joint workshops last winter and spring aimed at devising a work program for the planning department to deal with the subject comprehensively, and in keeping with the goals and objectives of the Sanibel Plan. As a result of those workshops redevelopment issues affecting four classes of structures will be the primary focus of the planning department:

- Commercial buildings and properties in the commercial district;
- Resort hotel, motel and related accommodations and facilities;
- Residential structures within the Gulf Beach Zone; and
- Single family residential construction.

One might ask why existing law isn't sufficient to deal with the issue. The reason the current law is not the answer is that to a very great extent redevelopment is about structures and uses which do not comply with the current law. Conforming properties on the other hand may be redeveloped as of right. If property owners are to have an incentive to voluntarily redevelop obsolete, nonconforming properties in ways that enhance the character of the island, the existing laws will have to be reevaluated to see how that can best be accomplished. The current law would simply perpetuate the status quo or encourage a kind of redevelopment that might not be desirable. For example, there has been a slow trend lately by owners of motels or inns which could not be redeveloped at existing residential density, to sell their properties for low density, luxury housing. That might or might not be what is best for Sanibel. It's true fewer hotel rooms might result in less traffic and less stress on the beaches but it could also threaten Sanibel's tax base by further weakening tourist based businesses, some of which are already in trouble. Those are issues which the current work program should address.

Each of the areas up for study by the planning department is likely to stir some controversy. For example, concessions on set backs and square footage will likely be considered in connection with commercial buildings. Here's why: Why would the owner of an obsolete thousand square foot store voluntarily redevelop that property to seven hundred fifty square feet and give up parking spaces to provide for additional set back from the road? The desirability of having obsolete, unsightly properties redeveloped will have to be balanced against current limitations on square footage and set back requirements. Relocation of some Gulf Beach Zone condos to less environmentally sensitive sites will be an issue, though the likelihood of large scale redevelopment of condos would appear to be remote, due to the complications of multiple ownership. It is much simpler for the sole owner of a motel to make a

decision on redevelopment than a group of twenty condo owners, particularly if the condominium documents require unanimity or a super majority before any such action could be taken. Redevelopment of single family residences would appear to be the least controversial of the subjects up for review, depending on what, if anything, is proposed with respect to Section 86-43 of Land Development Code which deals with “appropriately sized homes”, a hot button issue for some. Should the present law, which utilizes a subjective approach to the question (comparison to other structures), be amended to utilize an objective standard (square footage) or should there be no regulation at all?

The planning department will also be considering the long neglected issue of a town center and undertake a carrying capacity assessment as part of its work on redevelopment.

The process which is currently under way will take time. There will be ample opportunity for public input along the way. *It is not our intention to take a position on specific issues at this time. COTI will participate in the process and comment on specific proposals as they emerge to insure that any new legislation embodies the values of the Sanibel Plan and Vision Statement.*

GETTING A HANDLE ON THE CITY'S BUDGET

(A) Recent Trends: In the last several years, our City government has responded to a daunting list of major challenges such as hurricanes Charley and Wilma, causeway reconstruction, water quality, endless regulatory requirements in reporting and accounting, and increasing complexity in communications to name but a few. As a result, Sanibel budgets have increased significantly. To even out year-to-year variations, we have examined budget changes over the last seven years (adjusted for inflation) from fiscal 1999/2000 to the latest 2006/2007 budget.

Expenses: The general operating fund has risen from \$12.1M to \$26.4M in 7 years. Some specific reasons for this increase include:

- a 20% increase in the number of employees (from 127 to 152)
- a 30% increase in compensation and benefits
- all department budgets have increased, (Administrative, MIS and Building departments more than doubled).

Taxes: City taxes supporting the operating budget have increased from \$4.6M to \$12.5 M over the past seven years. In 1999/2000 the average homeowner contributed \$684 to the Sanibel budget. In 06/07 this amount will increase to \$1,797.

These 7-year data confirm that Sanibel Government expenses and taxes have significantly increased.

(B) Fiscal Year 06/07 Budget: Following Council's final budget meeting of Sept 19, 2006, the total fiscal year budget for the coming year is projected at \$52.6M. This is a

10% increase over the 05/06 budget of \$47.9M set a year earlier. Notable items include:-

Taxes— Average property taxes in support of the 06/07 budget are \$1,797 per homeowner versus \$1,414 for 05/06 (a 27% increase).

Revenue-- The City Manager reports several factors that have challenged the 06/07 budget. These include loss of weigh station revenue, loss of causeway revenue, repayment of Hurricane Charley debt, slow-down in development permit fee revenue.

Debt Service Funds-- The 06/07 budget reports the City's total debt has risen to \$70.1M with an annual Principle & Interest debt service of \$7.0M.

Capital Projects -- The 06/07 budget reports capital project funds at \$17.3M that includes the Recreation center construction of \$13.7M.

These data indicate that expenses and taxes will increase in the coming year.

(C) Issues on the Horizon: The City Manager also notes several issues that have the potential to impact the quality of life and the budget on Sanibel. These include the current water quality crisis, increases in crime, demands for more city services, economic challenges (including housing) in attracting high quality City employees, managing communications and technology and traffic conditions when the new causeway is opened.

(D) Summary: *Increasing budgets bring increasing taxes. In seven years, property values on Sanibel have more than doubled and average property taxes to all taxing authorities are now over \$10,000 a year. These changes make it increasingly difficult for working families to reside on Sanibel, and increasingly difficult for many who have used the Save Our Homes exemption for years to down-size or move off-island.*

Sanibel is and shall remain a small town community whose members choose to live in harmony with one another and with nature: creating a human settlement distinguished by its diversity, beauty, uniqueness, character and stewardship.

Sanibel is and shall remain a barrier island sanctuary, one in which a diverse population lives in harmony with the islands wildlife and natural habitats.

Wall hanging in McKenzie Hall provide guidance to Council meetings.

Preserving Sanibel's Vision Statement

- ❖ **Just over a decade ago the City of Sanibel engaged a consultant to create a draft vision statement for the city in conjunction with work that consultant was doing on**

the Sanibel Plan, the Sanibel Plan being the working document that defines what can and cannot be done on Sanibel.

- ❖ **That draft vision statement was published by the City accompanied by a call for constructive comments on its language. There were many comments made by various residents.**
- ❖ **Then, a voluntary citizens' committee of five well known residents of Sanibel was formed (four being attorneys and three to later become COTI board members), and they tailored the consultant's draft language to a final form consistent with Sanibel's vision. That finalized language was then adopted by City Council and placed in the introductory portion of the Sanibel Plan.**
- ❖ **But being placed at the beginning of the Sanibel Plan, it was thus in the nature of the whereas clauses of a contract, that is, setting the stage for the details of the Sanibel Plan that followed, but not necessarily having the teeth to support an enforcement action by its language alone.**
- ❖ **Now, over a decade later, one of the members of that citizens committee (who was both a COTI board member and on City Council) recently proposed the following:
"TO AMEND THE SANIBEL CHARTER TO INCLUDE THE VISION STATEMENT."**
- ❖ **This Charter being essentially Sanibel's Constitution, will protect the Vision Statement from whimsical change by some future city council, and thereby give it even greater weight.**

City Council has agreed to put this proposal on the ballot to be voted upon by Sanibel voters at the next general election in March of 2007.

COTI supports passage of this amendment to our City Charter.