

NOTES FOR DECEMBER 6TH COUNCIL MEETING

Mike Miller, president, Committee of the Islands

- COTI has not adopted a support or opposition position on the Civic Core project; we may or may not do so in future.
- But COTI's immediate concern is ensuring that the community has all of the information it will need in order to make an informed decision on these two referenda; and the public needs to appreciate that a vote on the referenda is essentially a vote on the Civic Core project.
- In May, COTI published a list of Civic Core questions and concerns, to City Council, the Project Leadership Team and to the public, which we felt needed to be addressed. These questions dealt with a host of issues including environmental, taxpayer burden, operating cost sharing, event proliferation, parking, traffic and other things.
- Recently we have had a couple meetings with some representatives of the Leadership Team about some preliminary answers to some of our questions. We appreciate and thank them for their efforts to date.
- But those answers need to be refined and published, and there are several areas that have not been sufficiently addressed and some areas not at all.
- Assuming that you move forward today with these two resolutions, it will now become the obligation of City Council and staff to see that the public has sufficient and objective information on the project including responding to all of our questions and concerns. Big Arts and the others will be involved, but information sufficiency will be your responsibility going forward.
- And, in addition, Council will need to address the question of what happens next if the referenda are approved: what additional planning for the facility will occur? Will the public have input? Will there be an opportunity to reduce the project scope? Conversely, will there be a risk of "mission creep"?

- In my remaining time, I will address a topic that was not including in our initial list of questions because it relates to a change in Sanibel ordinances that occurred subsequently dealing with the definition of "substantial improvements" found in section 94-2 of the Land Development Code. That legislative change eliminated the five-year accumulation period for determining substantial improvements in dealing in some instances of non-conforming property. I recall that the inability to renovate the Center-4-Life facility was an impetus for the Civic Core project and this recent change in law now suggests the following questions,
 - Can Center-4-Life now be adequately renovated that would obviate or change the scope of the Civic Core project? If not, why not?
 - And if the answer is insufficient parking, please provide details on the magnitude of the parking deficiency, when it occurs and how often.

**Comments to City Council
December 6, 2016
David Bath**

From the very start, this Civic and Cultural Core project has challenged COTI. COTI's mission is to protect the environment and to preserve the sanctuary character of our barrier island community. We rely on the Sanibel Plan and the Vision Statement to guide our mission. Here are some examples of why we are challenged:

From the Sanibel Plan:

Section 3.2.2. Plan for Vegetation Preservation

Item 3. Limit clearing of native vegetation

Item 4. Protect vulnerable native species of plants from destruction

From the Vision Statement: "The dominant principle is Sanibel's sanctuary quality. Sanibel shall be developed as a community only to the extent to which it retains and embraces this quality of sanctuary."

Removing 13.5 acres from the Environmentally Sensitive Lands Conservation district for the construction of the City's Civic and Cultural Core project is clearly in conflict with the Sanibel Plan and the Vision Statement.

- **In April and May this year, COTI shared some initial concerns with Council, the Civic Core leadership, and the public.**
- **We received over 40 email replies from citizens, mostly expressing the issues that disturbed them personally.**
- **One third of these emails specifically disapproved the use of environmentally sensitive lands for the Civic Core project.**
- **It is clear that the public has many questions, and they want answers.**
- **However, in the six months from June through November, no answers were offered to the public by the City or by the PCC leaders.**
- **As a result very few citizens even know that the project still exists. Some will be shocked if they see approved ballot language published after this meeting.**

Specifically, Council is considering referendum language which will ask voters to approve the removal of 13.5 acres of Environmentally Sensitive Land, with no opportunity for public input or discussion.

I have 3 comments:

- 1. If you approve this resolution today, you will preclude any discussion of alternative plans that could be less destructive to our wildlife habitat and to native trees and vegetation.**

You may ask: "how many trees will be bulldozed?" ... my sources, and my walk into the woods yesterday, indicate well over 1000 trees will be destroyed ... it could be as high as 5000.

Second comment

- 2. If you approve this resolution today, you will also preclude any discussion of the size and scope of the project, which is another important concern of our residents.**

The land transfer ballot, if passed, will provide sufficient land to support the proposed 4 new buildings and 348 additional parking spaces. If all the funding is also agreed, any discussion of reducing the size and scope of the project is extremely unlikely.

Third Comment

- 3. If you approve this resolution today, it will be your responsibility to give the public answers to all the questions that have been raised.**

Thank you

dfb 12/5/16

SANIBEL'S CITIZEN PARTICIPATION CHALLENGE
by Stuart Langton, Board of Directors, Committee of the Islands

The agenda before the Sanibel City Council today includes three ballot proposals for an election in three months. One proposal is for a salary for Sanibel City Council members. The others are to approve a bond for \$8 million (Resolution 16-086) and the conversion of 13.5 acres of conservation land (Resolution 16-085) for the development of the proposed Civic and Cultural Core Project.

These items are set forth in two different forms for the Council meeting. The City Council salary proposal is offered as an "Ordinance" which, in Florida Law, requires two public hearings. This is fair given the importance of the issue. The Civic and Cultural Core Project, however, is offered as a "Resolution" which does not require public hearings. I also note that in Resolutions 16-085 and 16-086, the following sentence is added at the end of each: "DULY PASSED AND ADOPTED by the City Council of the City of Sanibel, Florida this 6th day of December, 2016." This suggests that the City Council is intent to vote on this issue today. If this is the case, I suggest the City Council needs to explain to Sanibel citizens why it is proceeding in this way. And why is it that the Council did not make it possible last October to introduce consideration of Civic Core Project issues as "Ordinances," which require public hearings, as it did for the City Council Salary proposal?

My point today is not to support or oppose the Civic and Cultural Core Project, but rather to ask if enough has been done to engage Sanibel citizens? In raising this question, I recognize there has been stakeholder participation in project planning; but stakeholder participation should not substitute for citizen participation. Stakeholder participation involves those who will most immediately benefit or be harmed, while citizen participation includes all elements of the community. The danger in overemphasizing stakeholder interests in planning is that citizen participation may become no more than a public relations outreach program to get citizens to agree on what has already been decided for them. Hoping this fate can be avoided for Sanibel, I encourage you to take time to discuss the following questions before making any decision today:

1. Has the stakeholder participation in this project been inclusive enough to fairly represent all stakeholders who will be impacted by it?
2. Have there been enough opportunities for Sanibel residents to participate in shaping alternatives and plans for the project, including if and when a referendum should be held?

I appreciate your listening to my concern, and I look forward to your answers to these questions.

CORE QUESTIONS ABOUT SANIBEL'S CIVIC CORE PROJECT TO DATE

By Stuart Langton, Board of Directors, Committee of the Islands

I speak not to support or oppose the Sanibel Civic Core Project, but to question if the City Council should approve a referendum on the project today. My concerns are as follows:

First, there is not an adequate and thorough plan for this project. For example, Resolution 16-086 calls for a referenda to authorize \$8 million in bond debt, to finance a portion of, AND I QUOTE, “the City’s Civic and Cultural Core Master Plan.” The problem with this is that there does not seem to be a “Master Plan” of any consequence. If there is a plan, where is it, who has it, why is it not attached to this resolution or clearly available on the City website? This is not a new problem. A year ago COTI found that Civic Core Project plans were not up to date; they lacked deep and comprehensive analysis; and they failed to address critical issues related to finance, management, excessive attractions, and increased traffic congestion. Consequently, COTI asked the City Council to answer 15 questions that we hoped would clarify and improve project planning. Six months latter we still have not seen responses to these questions from the City, and we have not seen a Master Plan in which they are addressed.

Second, the Civic Core Project lacks research to justify the enormous gamble to remove 13.5 acres from conservation land for development. Sanibel has never done anything like this before, and it is likely to be viewed by many as a rejection of the Sanibel Plan for which we are world famous. Therefore, before deciding to even vote on such a measure, we should be very clear as to the potential consequences for Sanibel’s brand, businesses, and resident real estate values. Even a referendum, no matter the outcome, could be consequential. So, Sanibel residents deserve research of the highest quality and integrity to clarify the potential economic and market impacts of a referendum that is likely to attract national and world attention.

Third, funding for this project is too uncertain. Because 80% of the projects \$42 million construction costs are based on non-city funding, the public needs to be assured of the integrity and certainty of these sources. So, we need to know: who are these funders, how much will each provide, what are the sources of theses funds, when will funds be available, and under what conditions? We also need to know: what are the implications and options if the project is underfunded? Now, it is entirely reasonable if the City Council chooses not to answer these questions at this time, but it is not reasonable to push us into a referendum until you can do so.

So, for these reasons, I hope Resolutions 16-085 and 16-086 will not be passed today because they are premature. Instead, I hope the City will provide Sanibel citizens with a Master Plan that is thorough and up to date, and that the City Council will encourage greater citizen participation before it approves a referendum.

COMMENTS TO CITY COUNCIL
DECEMBER 6, 2016
BOB HOLDER

COTI'S MISSION IS TO ENSURE THE CONTINUITY OF GOOD LOCAL GOVERNMENT, PROTECT THE ENVIRONMENT, AND HELP TO PRESERVE THE SANCTUARY CHARACTER OF OUR BARRIER ISLAND.

FOR THE CCP WE ADOPTED A VERY SPECIFIC OBJECTIVE: ASSURE AN INFORMED OBJECTIVE DISCUSSION IN THE COMMUNITY; POINT OUT PROS AND CONS; SUGGEST WAYS TO REDUCE POTENTIAL NEGATIVE EFFECTS; AND ENGAGE MEMBERS, THE CITY, AND THE COMMUNITY.

IT IS NOW MORE THAN SIX MONTHS SINCE WE RAISED THE Q'S NOTED EARLIER AND IT IS ONLY THREE MONTHS TO THE REFERENDUM. THAT IS WHY YOU ARE HEARING CONCERNS.

WHY IS THIS HAPPENING? I THINK IT IS BECAUSE THERE ARE TWO COMPETING VISIONS FOR THIS PROJECT. ONE SEES NOTHING BUT POSITIVES. IF YOU LOOK AT THE COMMUNICATIONS ABOUT CCP YOU WILL NOT SEE EVEN THE ACKNOWLEDGEMENT OF AN ISSUE, LET ALONE A RESPONSE. THE OTHER VISION OF THE CCP IS AN EFFORT TO CREATE A MAJOR ATTRACTION TO DRIVE PROPERTY VALUES THAT WILL UNDERMINE THE VALUES OF THE SANIBEL PLAN.

THE CITY NEEDS TO ACKNOWLEDGE THESE DIFFERENT VIEWS AND FIND A WAY TO CLOSE THE GAP. THAT IS THE CITIZEN ENGAGEMENT CHALLENGER THAT YOU FACE.