



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, January 17, 2023

9:00 AM

BIG ARTS - 900 Dunlop Road, Sanibel

AS OF 1/13/23 SUPPLEMENT 1 - UPDATED INFORMATION TO DISCUSSION ITEMS 10(a), 10(b); CONSENT AGENDA ITEM 11(a)(i) AND OLD BUSINESS ITEMS 14(a)(i) and 14(c)(i)

PLEASE NOTE THAT THE CITY COUNCIL AGENDA IS SUBJECT TO CHANGE.

**A COPY OF THE AGENDA PACKET IS AVAILABLE ON THE CITY'S WEBSITE AT
WWW.MYSANIBEL.COM**

“The Rules of Civility for Public Participation” as adopted by City Council can be found on the last page of this agenda. Reminder: Please turn all cell phones on to vibrate while in MacKenzie Hall.

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Vice Mayor Johnson)

3. ROLL CALL

4. PRESENTATION(S)

- a. Presentation by Tommy Doyle, Lee County Supervisor of Elections
- b. Proclamation declaring and celebrating January 20, 2023, as Florida Arbor Day
Attachments: [2023 Arbor Day Proclamation](#)
- c. Community Housing and Resources, Inc (CHR) Update by Executive Director Melissa Rice

5. HURRICANE IAN RECOVERY UPDATE

Presentation to be added to the record during the meeting.

Attachments: [PowerPoint Presentation - ADDED TO THE RECORD](#)

6. PLANNING COMMISSION REPORT (Chair Grogman)

7. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

(Maximum time allotted, 20 minutes, with a limitation of 3 minutes per speaker.)

8. CITY COUNCIL COMMENTS

9. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING

Note: The First Reading is not a public hearing and no discussion or testimony will be taken unless the ordinance changes permitted conditional or prohibited uses as required by State Statute

a. **Development Permit Fees Waiver**

ORDINANCE 23-001 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW FOR A WAIVER OF DEVELOPMENT PERMIT FEES FOLLOWING A DISASTER, AMENDING CHAPTER 90, FEES, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE I, IN GENERAL, SECTION 90-5, EXEMPTIONS, IMMUNITIES, AND WAIVERS, TO ADD SUBSECTION (F)(4) ALLOWING FEES TO BE WAIVED FOR A SPECIFIC PERIOD OF TIME BY MAYOR PROCLAMATION OR CITY COUNCIL RESOLUTION FOLLOWING A DISASTER, PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 23-001](#)

b. **Building Fees**

ORDINANCE 23-002 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO AMEND CHAPTER 14, BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE IV, PERMITS, SECTION 14-188, FEE SCHEDULE, BY ADDING NEW SUBSECTIONS (13) AND (14) RELATING TO BUILDING PERMIT DISCOUNTS AND FEE WAIVERS IN CERTAIN INSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 23-002](#)

c. **Temporary Use Fees - Chapter 90**

ORDINANCE 23-003 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND CHAPTER 90 - FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 8, TEMPORARY USES, SECTION 90-213, TEMPORARY STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 23-003](#)

d. **Resort Housing Development Regulations - Chapter 126**

ORDINANCE 23-004 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCE TO UPDATE RESORT

HOUSING DEVELOPMENT REGULATIONS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 - ZONING, ARTICLE XII, RESORT HOUSING DISTRICT, SECTION 126-637, RESORT HOUSING DEVELOPMENT REGULATIONS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 23-004](#)

e. Parking Standards - Chapter 126

ORDINANCE 23-005 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO OFF-STREET PARKING REQUIREMENTS AND LAND USE REGULATION WITHIN THE RESORT HOUSING DISTRICT TO STREAMLINE PERMIT PROCESSING AND AID REDEVELOPMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE XV, OFF-STREET PARKING AND LOADING, DIVISION 2, OFF-STREET PARKING, SUBDIVISION II, RESIDENTIAL USES, SECTION 126-1341, REQUIRED PARKING SPACES; ARTICLE IV, CONDITIONAL USES, SECTION 126-83, RESORT HOUSING ACCESSORY COMMERCIAL USES AND RELOCATING THOSE STANDARDS TO ARTICLE XII, RESORT HOUSING DISTRICT, ADDING SECTION 126-640, RESORT HOUSING ACCESSORY COMMERCIAL USES, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Ordinance 23-005](#)

10. DISCUSSIONS OF DRAFT LEGISLATION

- a.** Discussion of a DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO AMEND THE ARCHITECTURAL DESIGN STANDARDS FOR MULTIFAMILY HOUSING

Attachments: [Agenda Memorandum \(Supplement 1\)](#)
 [Agenda Memorandum](#)
 [Draft Ordinance](#)

- b.** Discussion of a DRAFT ORDINANCE TO AMEND THE ARCHITECTURAL DESIGN STANDARDS FOR COMMERCIAL AND INSTITUTIONAL USES

Attachments: [Agenda Memorandum \(Supplement 1\)](#)
 [Agenda Memorandum](#)
 [Draft Ordinance](#)

11. CONSENT AGENDA

ANY PERSON MAY REQUEST THAT COUNCIL REMOVE AN ITEM FROM THE CONSENT AGENDA FOR DISCUSSION BY NOTIFYING THE CITY MANAGER, CITY CLERK, OR A COUNCIL MEMBER PRIOR TO OR AT THE MEETING.

a. Adoption of Resolutions

- i. RESOLUTION 23-002 DESIGNATING THE QUALIFIED CANDIDATES FOR THE OFFICE OF CITY COUNCIL FOR THE MARCH 7, 2023 CITY OF SANIBEL MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Agenda Memorandum \(Supplement 1\)](#)
 [Resolution 23-002 \(Supplement 1\)](#)

b. Business Items

- i.** Adoption of Minutes - December 6, 2022 Regular Meeting; December 20, 2022 Special Meeting

Attachments: [December 6, 2022 Regular Meeting](#)
 [December 20, 2022 Special Meeting](#)

- ii.** Approval of the grant from the Florida Department of Environmental Protection (DEP) Resilient Florida Program for “Vulnerability Assessment and Adaptation Planning for Sanibel Island” in an amount of \$124,000.00 and authorize the City Manager to execute the same (This project does not increase the FY2023 adopted budget.)

Attachments: [Agenda Memorandum](#)
 [22PLN82-Vulnerability Assessment and Adaptation Planning](#)

- iii.** Community Housing & Resources, Inc.(CHR) - Audit Extension Request

Attachments: [Agenda Memorandum](#)
 [Request from Melissa Rice, CHR](#)

CONSENT ITEMS PULLED FOR DISCUSSION

12. INFORMATIONAL ITEMS

a. Phase IV Update

Attachments: [Agenda Memorandum](#)

b. Hazard Mitigation Grant Program (HMGP) Update - Tradewinds/East Rocks

Attachments: [Agenda Memorandum - East Rocks](#)
 [Agenda Memorandum - Tradewinds](#)

13. COMMITTEES, BOARDS, COMMISSION

- a. RESOLUTION 23-003 APPOINTING THREE MEMBERS TO THE SANIBEL PLANNING COMMISSION TO FILL THREE-YEAR TERMS BEGINNING ON JANUARY 10, 2023 THROUGH MIDNIGHT, JANUARY 12, 2026; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Agenda Memorandum](#)
[Resolution 23-003](#)
[Christopher Beane](#)
[Ken Colter](#)
[Robert Darrow](#)
[Laura DeBruce](#)
[Andrew Economakis](#)
[Jeffrey Harvey](#)
[Mark Heiman](#)
[Will Jones](#)
[Carl Ordemann](#)
[Karen Storjohann](#)
[Patrick Trimble](#)
[Lyman Welch](#)
[Tommy Williams](#)
[Michael Young](#)

14. OLD BUSINESS

- a. Water Quality Issues**
i. Report from Natural Resources Department (15 min)
- b. Approve issuance of a \$20.0 million line of credit with Fifth/Third Bank**

Attachments: [Agenda Memorandum \(Supplement 1\)](#)

Attachments: [Agenda Memorandum](#)
[Fifth/Third Bank Proposal](#)
[Sanibel LOC Summary Matrix 12-20-22](#)

- c. Sanibel Captiva Effluent Disposal Analysis**
i. Authorize the Mayor to execute an Agreement between the City of Sanibel and the Captiva Community Panel to complete the Sanibel-Captiva Effluent Disposal Study.

Attachments: [Agenda Memorandum \(Supplement 1\)](#)
[Agenda Memorandum](#)
[Agreement for Approval](#)
[Captiva Panel and Lee County Agreement approved December 6, 2022](#)

- ii. Adoption of **RESOLUTION 23-001 APPROVING BUDGET AMENDMENT 2023-002 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$45,105 in funding for an effluent discharge options study related to the proposed Captiva Sewer Expansion Project. The cost of the project will be reimbursed to the City from the Captiva Community Panel. This amendment increases the fiscal year 2023 budget by \$45,105)

Attachments: [Resolution 23-001.pdf](#)

- iii. Authorize the city manager to execute Agreement with TetraTech, in the amount of \$45,105, to complete the Sanibel-Captiva Effluent Disposal Study

Attachments: [Tetra Tech Proposal - Effluent Disposal Study_062022](#)

15. NEW BUSINESS

- a. City Manager's Performance Evaluation
- b. Building Department Update - (CityView vs EnerGov)

Attachments: [Agenda Memorandum](#)
[PowerPoint Presentation](#)

16. CITY MANAGER'S REPORT

17. CITY ATTORNEY'S REPORT

18. COUNCIL MEMBERS' REPORTS

19. PUBLIC COMMENT

20. ADJOURNMENT

Added to the Record

Attachments: [General Update to Council](#)
[Council Report - Councilman Crater](#)
[Council Report - Councilman Miller](#)
[City Manager Souza Annual Evaluation Review Summary](#)

IF A PERSON DECIDES, TO APPEAL A DECISION MADE BY THE COUNCIL ON ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, TO INCLUDE HEARING IMPAIRMENT, SHOULD CONTACT SCOTTY LYNN KELLY, CITY CLERK, NO LATER THAN ONE DAY PRIOR TO THE PROCEEDINGS AT (239) 472-3700. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

Citizens may request to receive Sanibel City Council and Planning Commission meeting agenda directly via e-mail. Citizens wishing to receive a copy of the agenda via e-mail may do so by visiting the City's website at www.mysanibel.com. Additionally, citizens may register to receive City announcements such as press releases.

Prior to requesting the agendas, the website reminds citizens that all e-mail addresses and requests submitted to the City are public information and governed by the applicable Florida Statute.

HORIZON – UPCOMING IMPORTANT DATES

Upcoming Important Dates

Attachments: [Horizon Calendar](#)

“RULES OF CIVILITY FOR PUBLIC PARTICIPATION”

In recognition that public discourse is essential to the democratic system of government on April 16, 2002, Sanibel City Council adopted a Proclamation embracing civility in public deliberations. These rules were updated February 22, 2007.

Therefore, Sanibel City Council sanctioned these rules for public participation while conducting meetings and workshops:

- 1. Speakers are permitted to deliver his or her comments without interruption.**
- 2. Speakers and debates should focus on issues, not on persons or personalities.**
- 3. Persons are encouraged to participate in the governmental process.**
- 4. To allow time to hear all points of view, speakers are allotted 3 minutes each time they are recognized.**
- 5. Sidebar discussions while others are speaking are not permitted in Council Chambers. These discussions are to be removed from the chamber so as not to be disruptive to those conducting and following Council business.**
- 6. Only the speaker recognized by the Chairperson has the floor. Speakers should raise their hand to be recognized. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.**
- 7. Anyone wishing to speak on an issue is given an opportunity to speak before speakers are recognized for an opportunity to speak a second time on an issue.**
- 8. We seek to understand one another's points of view.**
- 9. Anger, rudeness, ridicule, impatience and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.**
- 10. We should all take initiative to make things better. Our goal is to foster an environment, which encourages a fair discussion and exchange of ideas without fear of personal attacks.**