



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft City Council

Tuesday, December 2, 2025

9:00 AM

MacKenzie Hall - 800 Dunlop Road

1. CALL TO ORDER

The meeting convened at 9:00 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember DeBruce)

Councilmember DeBruce gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL

Present: 5 - Mayor Mike Miller, Vice Mayor Holly Smith, Councilmember Laura DeBruce, Councilmember John Henshaw, and Councilmember Richard Johnson

4. SET THE AGENDA

Mayor Miller spoke to the time certain items. Councilmember Henshaw requested to move 14.a. following item 8.a.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to amend the agenda moving item 14.a. following item 8.a. The motion carried.

5. PLANNING COMMISSION REPORT (Commissioner Colter)

Commissioner Colter provided the following brief report:

At the November 18th Planning Commission meeting:

- Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to support the rebuilding efforts of the community by expediting the review of waiver applications for a certain period of time. The recommendation to extend the deadline to December 31, 2026 was approved by a unanimous vote.
- Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to aid hurricane recovery, for the purpose of updating the land development code regulations. The recommendation to extend the deadline to December 31, 2026 with 82-201(b)(1)(a) Eating places, restaurants, grocery stores, etc.; stricken. The motion carried by a vote of 4-3 with Commissioners Burns, Colter, and Schopp opposed. *Those that voted against the resolution were opposed to the amendment made to delete the eating places, restaurants etc., not to the extension of the deadline.

- Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to support the rebuilding efforts of the community by not requiring a long-form development permit for certain applications for a defined period of time. The recommendation to extend the deadline to December 31, 2026 was approved by a unanimous vote.
- Consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances relating to electrical and mechanical equipment. The recommendation to forward to Council for consideration passed by a unanimous vote.

The next Commission meeting will be Tuesday, December 9, 2025, followed by the Permitting Process Review Subcommittee meeting.

Mayor Miller recognized Deputy City Clerk Anna Hicks for the holiday decorations in MacKenzie Hall and around City Hall.

6. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Public Comments:

- Melissa Sprecher - Sanibel Resident - spoke to concerns with implementing a three-way stop at the Sanibel Captiva Road and Rabbit Road intersection.
- Summer Mendez - Sanibel Resident - spoke to concerns with the proposed three-way intersection.
- Jerry Muench - Sanibel Resident - spoke to coyote issues and concerns.

Discussion ensued regarding concerns with coyotes, clarification of communications regarding the stop-sign discussions, defending against rumors on social media, advising the three-way stop was intended as a pilot program, and awaiting reports from the coyote working group.

7. PRESENTATION(S)

- a. Recognition of Detective Michelle Rose, Sanibel Police Department, as Employee of the Year, Fiscal Year 2025.

Human Resources Director Crystal Mansell spoke to the employee recognition program, advising the other employee of the quarter award recipients as Brian Dye (1st Quarter), Patti Hotton (3rd Quarter), and Joe Gudinas (4th Quarter). Mayor Miller spoke to Detective Rose's accomplishments with the City and presented her with a congratulatory letter, check and Employee of the Year plaque. Detective Rose expressed her thanks and appreciation for the recognition. Police Chief William Dalton expressed his appreciation for Detective Rose and his entire Staff. Council expressed their appreciation for, and congratulations to, Detective Rose.

b. Sanibel Captiva Community Bank Proclamation

Mayor Miller introduced Kyle DeCicco and Amy Quade of Sanibel Captiva Community Bank and read into record a proclamation recognizing the banks accomplishments. Mr. DeCicco expressed his appreciation for the recognition, speaking to the accomplishments of the bank and thanked the Staff and Shareholders.

8. 9:05 AM - ASSESSMENT HEARING

a. Assessment Against 4560 Waters Edge - Case 2025-1640

RESOLUTION 25-069 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, LEVYING AN ASSESSMENT AGAINST 4560 WATERS EDGE LANE, STRAP NO.: 20-46-22-T4-00008.0150, TO RECOVER THE COST OF DEMOLITION OF A DANGEROUS STRUCTURE LOCATED ON THE SUBJECT PROPERTY; AND PROVIDING AN EFFECTIVE DATE

Mayor Miller spoke to the legal advertising issues and recommended tabling the item to allow for proper advertising. Attorney John Agnew spoke to the legal advertising requirements and advised tabling to the January 13 meeting would be an appropriate action.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to table the hearing to January 13, 2026. The motion carried.

14. NEW BUSINESS

a. Roots in Resilience (Supplement 1)

Kate Sergeant and Erika Steiner provided a background and PowerPoint presentation regarding the Roots in Resilience initiative and fundraising efforts.

Discussion ensued regarding how to participate, promote, and support the fundraising, and the intent and process of the agreement included in the agenda packet. Further discussion ensued regarding donor maintenance, Charitable Foundation of the Islands (CFI) administrative fees, the City's responsibilities for maintaining the plantings, and recommending the phrase "subject to approval by the City" be added in the agreement.

Council expressed appreciation to Ms. Sergeant and Ms. Steiner for the presentation and their participation with the initiative.

Councilmember Henshaw moved, seconded by Councilmember DeBruce to approve the agreement and authorize the City Attorney to make minor amendments as needed. The motion carried.

9. 9:05 AM - SECOND READING AND PUBLIC HEARING

a. Amending Provisions for Plats and Replats

ORDINANCE 25-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 114, SUBDIVISIONS, FOR THE PURPOSE OF UPDATING SUBDIVISION PROVISIONS RELATED TO PLATS AND REPLATS FOR CONSISTENCY WITH RECENT AMENDMENTS TO STATE STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-021. Planning Director Paula McMichael provided a brief background for the code amendments.

Public Comment:

- Mitch Koppelman - Sanibel Resident - spoke to the Staff commitment to noticing participants of the submission or approval of final plats for the Coastal Creek and Island Inn Subdivisions.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to adopt Ordinance 25-021. The motion carried.

10. DISCUSSIONS OF DRAFT LEGISLATION

a. Expediting Review of Waiver Applications

DISCUSSION ONLY - ORDINANCE 25-022 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION XIII, WAIVERS TO LAWFULLY EXISTING NONCONFORMING STRUCTURES AND PROPERTIES LOCATED IN THE GENERAL, TOWN CENTER GENERAL, AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS, SECTION 82-351, AUTHORIZATION, SUBSECTION (b), EXTENDING THE EXPIRATION DATE AS STATED IN ORDINANCE 24-018 TO DECEMBER 31, 2026, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Planning Director Paula McMichael spoke to the background for the proposed code amendments and deadline extensions. Discussion ensued regarding the standard number of applications for waivers received each year, and ensuring the process was not burdensome to staff.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to forward Ordinance 25-022 to first reading. The motion carried.

b. Conditional Uses - Aid Hurricane Recovery

DISCUSSION ONLY - ORDINANCE 25-023 OF THE CITY COUNCIL OF THE

**CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES
SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION,
ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY,
SUBDIVISION V, CONDITIONAL USES, SECTION 82-201, AUTHORIZATION,
FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE
REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR
CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE
DATE**

Planning Director Paula McMichael summarized the amendment, spoke to Commission comments, and provided a brief background. Attorney Agnew spoke to the fact that Councilmember Johnson, as a grocery store owner, does not have a conflict of interest and would be required to participate in the discussions and vote.

Discussion ensued regarding conditional use permit applications and clarification of the dissenting votes from Commissioners relating to the exclusion of "eating places, restaurants, grocery stores, etc.". Some Council members expressed the desire to approve the ordinance without the exemption, while other members desired to uphold the Commissions recommendation.

Public Comment:

- Mitch Koppelman - Sanibel Resident - recommended consideration of a waiver of fees for conditional use permits
- Larry Schopp - Planning Commissioner - spoke to his reasoning for being a dissenting vote at the Commission level
- Lyman Welch - Planning Commissioner - spoke to his reasoning for being an affirming vote at the Commission level
- Peter Pappas - Sanibel Resident - spoke to the requirement for adhering to State and Federal regulations

Discussion ensued regarding grocery stores not being considered formula retail and not these amendments not being opposed to Senate Bill 250.

Councilmember DeBruce moved, seconded by Councilmember Johnson, to forward Ordinance 25-023 to first reading. The motion carried by a vote of 4-1 with Vice Mayor Smith opposed.

Opposed: 1 - Vice Mayor Holly Smith

c. Waive Long-Form Development Permit for Certain Applications

**DISCUSSION ONLY - ORDINANCE 25-024 OF THE CITY COUNCIL OF THE
CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES,
CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS,
DIVISION 2, PROCEDURE, SUBDIVISION III, LONG-FORM, SECTION 82-421,
SUBSECTION (b), EXTENDING THE EXPIRATION DATE AS STATED IN
ORDINANCE 24-017 TO DECEMBER 31, 2026, FOR THE PURPOSE OF
UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING**

FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Planning Director Paula McMichael provided a brief background for the proposed code amendments.

Vice Mayor Smith moved, seconded by Councilmember Henshaw, to forward Ordinance 25-024 to first reading. The motion carried.

d. Electrical and Mechanical Equipment

DISCUSSION ONLY - ORDINANCE 25-019 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; AND CHAPTER 126 ZONING. ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, ADDING A NEW SUBDIVISION V, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT, A NEW SECTION 126-921, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT; RENAMING DIVISION 16, ELECTRICAL POWER GENERATORS AND HVAC TO ELECTRICAL AND MECHANICAL EQUIPMENT; AND AMENDING SECTION 129-1307, STANDARDS; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Senior Planner Savannah White provided a brief background and summary for the proposed code amendments.

Vice Mayor Smith moved, seconded by Councilmember Henshaw, to forward Ordinance 25-019 to first reading. The motion carried.

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

a. Expediting Review of Waiver Applications

FIRST READING - ORDINANCE 25-022 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION XIII, WAIVERS TO LAWFULLY EXISTING NONCONFORMING STRUCTURES AND PROPERTIES LOCATED IN THE GENERAL, TOWN CENTER GENERAL, AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS, SECTION 82-351, AUTHORIZATION, SUBSECTION (b), EXTENDING THE EXPIRATION DATE AS STATED IN ORDINANCE 24-018 TO DECEMBER 31, 2026, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND

PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-022.

Second reading and public hearing scheduled for Tuesday, January 13, 2026 at 9:05 a.m.

b. Conditional Uses - Aid Hurricane Recovery

FIRST READING - ORDINANCE 25-023 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE III, PLANNING COMMISSION, DIVISION 3, SPECIFIC AUTHORITY, SUBDIVISION V, CONDITIONAL USES, SECTION 82-201, AUTHORIZATION, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-023.

Second reading and public hearing scheduled for Tuesday, January 13, 2026 at 9:05 a.m.

c. Waive Long-Form Development Permit for Certain Applications

FIRST READING - ORDINANCE 25-024 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION III, LONG-FORM, SECTION 82-421, SUBSECTION (b), EXTENDING THE EXPIRATION DATE AS STATED IN ORDINANCE 24-017 TO DECEMBER 31, 2026, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-024.

Second reading and public hearing scheduled for Tuesday, January 13, 2026 at 9:05 a.m.

d. Electrical and Mechanical Equipment

FIRST READING - ORDINANCE 25-019 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; AND CHAPTER 126 ZONING. ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY

STRUCTURES, ADDING A NEW SUBDIVISION V, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT, A NEW SECTION 126-921, ACCESSORY STAIRS AND PLATFORMS TO ELEVATE ELECTRICAL AND MECHANICAL EQUIPMENT; RENAMING DIVISION 16, ELECTRICAL POWER GENERATORS AND HVAC TO ELECTRICAL AND MECHANICAL EQUIPMENT; AND AMENDING SECTION 129-1307, STANDARDS; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-019.

Second reading and public hearing scheduled for Tuesday, January 13, 2026 at 9:05 a.m.

13. OLD BUSINESS

a. Legislative Session 2026

City Manager Dana Souza summarized the memorandum included in the agenda packet. Vice Mayor Smith summarized some of the discussions held at the league level regarding the proposed bills.

Discussion ensued regarding the Tourist Development Council (TDC) bill, vacation rentals being tracked, and clarification of voting/non-voting seats on the TDC. Vice Mayor Smith advised she would bring back the relevant state statute at the December 16 meeting. Discussion turned to the rational and process for selecting members to TDC, TDC members being selected/appointed by the Lee County Board of County Commissioners (BoCC) and whether or not VRBO/Air BnB were collecting state and local taxes.

Public Comment:

- Lyman Welch - Sanibel Resident - spoke to concerns with Senate Bill 240

Further discussion ensued regarding showing support of the bill and being interested in the local delegation's stand on SB240.

15. CONSENT AGENDA

CONSENT ITEMS PULLED FOR DISCUSSION

No items were pulled for discussion.

BUSINESS ITEMS

- a. Adoption of Minutes
- b. Ratification of the piggyback Agreement executed by the City Manager on November 25, 2025 between the City of Sanibel and Great Lakes Dredge and Dock Company, LLC (GLDD) for the North Sanibel Beach Renourishment Project in the amount of \$8,324,125.
- c. Consider approving the purchase of a 2026 John Deere 325G Compact Track Loader in the amount of \$72,596.30 through Sourcewell Contract Number 011723-JDC from Everglades Equipment Group for the Public Works Streets Division.
- d. Approval of Hazard Mitigation Grant Program (HMGP) Contract to Elevate Two Single-Family Residences

Approval of Consent Agenda Business Items 15a, b, c, and d.

Councilmember Johnson moved, seconded by Vice Mayor Smith, to approve Consent Agenda Business Items 15(a), (b), (c), and (d). The motion carried.

16. INFORMATIONAL ITEMS

- a. Hazard Mitigation Grant Program - Tradewinds
- b. Water Quality Report from Natural Resources Department
- c. Finance Department Reports
 - i. Causeway Counts
 - ii. Grants Report
 - iii. Hurricane Financial Report
 - iv. Quarterly Reports

No discussion was held on the informational items.

17. GENERAL COUNCIL DISCUSSION

Vice Mayor Smith spoke to the Veteran's Day Celebration, continued ribbon cutting ceremonies around the island, attending the National League of Cities Summit, consideration of implementing public comment speaker cards, expecting written notice of funding for the police station from Department of Housing and Urban Development (HUD), AI discussions, and congratulations to Community Housing & Resources (CHR) upon exceeding their fundraising goals. Ms. Smith spoke to including vacation rentals to the future agenda items matrix.

Councilmember Johnson commented on the short-term rental topic, attending the Charitable Foundation of the Islands (CFI) AI conference, and expressed

condolences for the passing of Armand Ball and Dillon Bauer.

Councilmember DeBruce recommended moving Council Comments back to the beginning of the meeting. Discussion ensued regarding the opportunity for Council to respond to public comments as appropriate and keeping Council Comments at the end of the agenda. Ms. DeBruce spoke to attending the CFI Generosity Breakfast, congratulated CHR on their fundraising, and expressed appreciation for the tree lighting ceremony and the FISH program. She further spoke to meeting with CROW (Center for Rehabilitation of Wildlife) regarding coyotes.

Councilmember Henshaw thanked Vice Mayor Smith for her work on behalf of the City, supported the continued process of responding to Public Comments as necessary, recommended limiting comments to 3 minutes for significant topics, and supported concerns relating to coyotes. Mr. Henshaw thanked everyone for their support and consideration of the Roots in Resilience initiative.

a. Future Agenda Items (Supplement 2)

Mayor Miller confirmed vacation rental enforcement would come back as a future agenda item. City Manager Souza advised it was scheduled for January 13, 2026. Discussion ensued regarding coyotes also coming back in January 2026 and sending the topic of administrative approvals for waivers to the Land Development Code Review Subcommittee and Planning Commission.

Discussion turned to item 12: Voluntary elevation allowances and angle of light considerations and Councils desire for this to be added to an upcoming meeting. Further discussion ensued regarding items that may require going to referendum and the deadlines for filing referendums with the Supervisor of Elections.

Mayor Miller expressed his appreciation for Andrea Miller and her staff and the success of the tree lighting event, expressed his condolences for the passing of Mr. Ball, and spoke to keeping the council comments at the end of the meeting.

Councilmember DeBruce noted the vet at CROW that she had spoken with was Jessica Comolli and noted Ms. Comolli's recommendation to trap, sterilize, and release the coyotes.

The meeting recessed at 12:27 p.m. and reconvened at 1:00 p.m.

12. 1:00 PM - APPEAL HEARING

- a. Whitecaps South Condominium Association Appeal Hearing**
RESOLUTION 25-072 OF THE CITY COUNCIL OF THE CITY OF SANIBEL,
FLORIDA, REGARDING BUILDING OFFICIAL'S REJECTIONS TO PROPOSED

REVISIONS TO BUILDING PERMIT NUMBERS BLDR-2024-017219, BLDR-2024-017228, BLDR-2024-017232, AND BLDR-2024-017233, FOR THE BUILDBACK PROJECT AT WHITECAPS SOUTH CONDOMINIUM ASSOCIATION, INC.; AND PROVIDING AN EFFECTIVE DATE

Mayor Miller spoke to the process for the quasi-judicial hearing, advising the time allotment in the agenda memorandum was 15 minutes per side and recommended they be increased to 20 minutes, as well as adding allowance for public comment for those sworn in.

Vice Mayor Smith moved, seconded by Councilmember Henshaw, to increase the time limit to 20 minutes for each side and allow for public comments. The motion carried by unanimous voice vote.

City Clerk Scotty Lynn Kelly swore in the following:

- Mark Ebelini - Attorney for Whitecaps
- Allison Brimmer - on behalf of Whitecaps
- Kandis McKenzie - on behalf of Whitecaps
- Larry Williams - Sanibel Fire Marshall
- Craig Mole - City of Sanibel Building Official
- Dana Souza - City of Sanibel City Manager

Ex-parte Communications:

- Vice Mayor Holly Smith - site visit, no conflict, ex-parte communications
- Mayor Mike Miller - no site visit, no conflict, ex-parte communications
- Councilmember Richard Johnson - no site visit, no conflict, ex-parte communications
- Councilmember Laura DeBruce - no site visit, no conflict, ex-parte communications
- Councilmember John Henshaw - no site visit, no conflict, ex-parte communications

Each Councilmember expressed having ex-parte communications with City Attorney John Agnew, City Manager Dana Souza, and Deputy City Manager Steve Chaipel during their individual briefings and provided ex-parte communications forms for adding to the record and filing with the meeting minutes. The discussions related to the process for the appeal hearing.

Attorney Mark Ebelini presented the case on behalf of Whitecaps. City of Sanibel Building Official Craig Mole provided a packet to be added to the record and presented the case on behalf of the City. City Attorney John Agnew spoke to process and actions available resulting from the hearing. Sanibel Fire & Rescue District Fire Marshall Larry Williams further presented on behalf of the City.

Public Comment:

- Allison Brimmer - Whitecaps Unit Owner - spoke to concerns with the ADA

- requirements for rebuilding as they are not planning to rent out their unit
- Kandis McKenzie - Secretary of Whitecaps South Condominium Association - spoke to concerns with the zoning and classification of the condos and additional ADA compliance regulations

Attorney Ebelini briefly presented the Whitecaps rebuttal.

Discussion ensued regarding the transient dwelling classifications, the Building Official following the appropriate building codes, and understanding the Florida Statutes in relation to the Florida Building Code. Further discussion ensued regarding what administrative relief may be available to the unit owners, and what the waiver process looks like and if it were available for Whitecaps. Council inquired whether Whitecaps was considered transient lodging. Attorney Agnew spoke to the Building Code as written, and advised it was Council's purview to determine if the property were considered "transient housing".

Discussion continued regarding the limited authority held by the Council, Council's desire to uphold the Building Official's decision, and the recommendation for addressing the inconsistency in the Building Code referencing statutes that no longer exist.

Attorney Agnew read into record the title of Resolution 25-072, and noted options to be considered with any approval.

Vice Mayor Smith moved, seconded by Councilmember Henshaw, to adopt Resolution 25-072 with section 2d stating "did not err", and section 3 stating "decision is upheld". The motion carried.

18. CITY MANAGER'S REPORT

City Manager Souza noted there would be no changes to the agenda format moving forward and Council would continue to have the option for responding to public comments as deemed necessary. Mr. Souza congratulated Detective Rose upon being elected Employee of the Year and spoke to the qualities of the other nominees throughout the year.

Mr. Souza further expressed his appreciation for the decorations and efforts made by Deputy City Clerk Anna Hicks around City Hall.

19. CITY ATTORNEY'S REPORT

No further report.

20. PUBLIC COMMENT

Public Comments:

- Chet Sadler - Sanibel Resident - spoke his appreciation for the tree lighting

celebration event.

Council expressed their appreciation for Recreation Director Andrea Miller and her Staff for organizing and running the event. Council further expressed appreciation for City Manager Souza for his leadership and the team he has established.

21. ADJOURNMENT

There being no further business, the meeting adjourned at 2:36 p.m.