



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft City Council

Monday, November 20, 2023

8:00 AM

BIG ARTS - 900 Dunlop Road

Special Meeting

1. CALL TO ORDER

The meeting convened at 8:00 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Crater)

Councilmember Crater gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

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

4. SET THE AGENDA

The agenda was set as published.

As it was before 8:10 a.m., Council spoke to amending the agenda to hear Item 6 before Item 5 to meet the advertised time for Second Reading.

Councilmember Henshaw moved, seconded by Councilmember Smith, to amend the agenda to move item 6 Consent Agenda before item 5 Second Reading. The motion carried.

6. CONSENT AGENDA

a. ADOPTION OF RESOLUTIONS

- i. RESOLUTION 23-082 OF THE CITY OF SANIBEL, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE SANIBEL HISTORICAL MUSEUM AND VILLAGE, INC., WHICH SERVES AS THE NOT-FOR-PROFIT OPERATOR OF THE CITY-OWNED SANIBEL HISTORIC MUSEUM AND VILLAGE; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (Supplement 1)**

Attorney Agnew read into record the title of Resolution 23-082.

Discussion ensued regarding what amounts are covered by the City. City Manager Souza spoke to the amounts being provided in Attachment 2 in the budget documents.

Councilmember Henshaw moved, seconded by Councilmember Smith, to adopt Resolution 23-082. The motion carried.

Council spoke to the Historical Museum Open House scheduled for December 1 from 4pm-6pm.

b. BUSINESS ITEMS

- i. Approve an agreement between OpenGov and the City of Sanibel to provide a budget transparency solution and authorize City Manager to execute same.

Vice Mayor Miller requested to pull for discussion. Discussion ensued regarding the software improving transparency along with combining the budget process with the financial reporting process. Discussion continued regarding the reduction of staff hours for budget preparation and Council expressed their appreciation for staff efforts. City Manager Dana Souza spoke to efforts for more transparency and implementation of this software will meet one of the strategic goals.

Public Comment:

- Steve Maxwell

Vice Mayor Miller moved, seconded by Councilmember Smith, to approve the agreement. The motion carried.

5. 8:10 - SECOND READING AND PUBLIC HEARING

- a. **ORDINANCE 23-025 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ADJUST MAXIMUM BUILDING HEIGHTS WITHIN ECOLOGICAL ZONES BY AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 126 , ZONING, ARTICLE VII, RESIDENTIAL DISTRICTS; DIVISION 4, E-1 BLIND PASS AREA ZONE, SECTION 126-334, REQUIRED CONDITIONS; DIVISION 5, E-2 GULF BEACH RIDGE ZONE, SECTION 126-354, REQUIRED CONDITIONS; DIVISION 6, D-1 LOWLAND WETLANDS ZONE, SECTION, 126-374, REQUIRED CONDITIONS; DIVISION 7, D-2 UPLAND WETLANDS ZONE, SECTION 126-394, REQUIRED CONDITIONS; DIVISION 8, F MID-ISLAND RIDGE ZONE, SECTION, 126-414, REQUIRED CONDITIONS; DIVISION 9, C MANGROVE FOREST ZONE, SECTION 126-434, REQUIRED CONDITIONS; DIVISION 10, G ALTERED LAND ZONE, SECTION 126-454, REQUIRED CONDITIONS, FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

City Attorney John Agnew read into record the title of Ordinance 23-025.

Public Comment:

- Steve Maxwell

Attorney Agnew spoke to there not being a minimum height reference, noting the proposed ordinance sets maximum heights based on FEMA Flood Insurance Rate Maps (FIRM) regulations. Council discussion ensued regarding re-building a more resilient island, having heard the public comments relating to this topic, the proposed ordinance not addressing the resort housing district, and as proposed the ordinance does not oppose SB250. Council expressed appreciation for Staff efforts.

Councilmember Smith moved, seconded by Councilmember Henshaw, to adopt Ordinance 23-025. The motion carried.

City Manager Souza expressed appreciation for John Agnew, Planning Director Paula McMichael, the Planning Commission and Staff efforts to prepare the ordinance and meeting the timeline set by Council.

7. NEW BUSINESS

a. Captiva Island Conservation Area - Draft Bill - Florida House of Representatives **(Supplement 1)**

City Manager Souza spoke to the background for the item. Discussion ensued regarding supporting the protection of Captiva. Council requested drafting a letter of support to be signed by all Councilmembers in preparation of the November 30, 2023 Lee County Legislative Delegation meeting, as well as, the December 6, 2023 Lee County Board of County Commissioners (BOCC) meeting. Discussion ensued regarding including language that includes effects to Sanibel and which Committee the approval process would start in. Councilmember Smith spoke to being in communications with Representative Adam Botana regarding the process.

Council inquired if Sanibel needs state legislation to protect against height and density regulations. Attorney Agnew spoke to the Sanibel Plan including protections and that if changes to intensity were to be addressed it would require a referendum. City Manager Souza spoke to preparing a resolution for review and approval at the December 5th meeting while providing the letter before the November 30th Delegation meeting.

Public Comment:

- Barbara Joy Cooley
- Steve Maxwell

Discussion ensued regarding considering unintended consequences, supportive of the draft bill, and being cautious of what is being signed onto.

Councilmember Smith moved, seconded by Vice Mayor Miller, to draft a letter of support before the November 30 Delegation meeting, with preparation of resolution for December 5 approval and providing to BOCC at its December 6 meeting. The motion carried.

8. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Public Comment:

- Alison Ward - spoke to lighting concerns

Discussion ensued regarding supporting the Dark Skies ordinance and regulations. City Manager Souza spoke to enforcing the ordinance and trouble areas are being addressed.

Discussion turned to clarification of the requested letter of support, not including a line to add Sanibel, encouraging support of the advocacy efforts for Captiva.

9. ADJOURNMENT

There being no further business the meeting adjourned at 9:02 a.m.