



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final City Council

Thursday, June 12, 2025

3:00 PM

BIG ARTS - 900 Dunlop Road

2nd Regular Meeting (Approved 060325)

1. CALL TO ORDER

The meeting convened at 3:20 p.m.

2. PLEDGE OF ALLEGIANCE (Councilmember Henshaw)

Councilmember Henshaw 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

Council requested to move item 9a before item 6.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to move Old Business Item 9a before Discussion of Draft Legislation item 6. The motion carried.

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

There were no public comments from the audience.

9. OLD BUSINESS

- a. Wulfert Channel-Dinkins Bayou Area Dredging Special Assessment OR Wulfert Channel Area Dredging Special Assessment.

RESOLUTION 25-024 EXPRESSING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO DECLARE A SPECIAL ASSESSMENT TO FINANCE A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW, AND THE SANIBEL CHARTER; ESTABLISHING A SPECIAL ASSESSMENT FOR THE PURPOSE OF DREDGING IN THE WULFERT CHANNEL AND DINKINS BAYOU AREA AND DISPOSAL OF DREDGE MATERIALS WITHIN AN AREA TO BE REFERRED TO AS THE "WULFERT CHANNEL AND DINKINS BAYOU AREA DREDGING ASSESSMENT DISTRICT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING AND COLLECTING ASSESSMENTS, SPECIFYING THE PORTION OF THE

ASSESSMENT TO BE PAID BY THE CITY TO ACCOUNT FOR GENERAL PUBLIC BENEFIT ACCRUING FROM THE PROJECT, THE ESTIMATED COST, AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED; AND PROVIDING AN EFFECTIVE DATE

OR

RESOLUTION 25-024 EXPRESSING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO DECLARE A SPECIAL ASSESSMENT TO FINANCE A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW, AND THE SANIBEL CHARTER; ESTABLISHING A SPECIAL ASSESSMENT FOR THE PURPOSE OF DREDGING IN THE WULFERT CHANNEL AND DISPOSAL OF DREDGE MATERIALS, WITHIN AN AREA TO BE REFERRED TO AS THE "WULFERT CHANNEL AREA DREDGING ASSESSMENT DISTRICT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING AND COLLECTING ASSESSMENTS, SPECIFYING THE PORTION OF THE ASSESSMENT TO BE PAID BY THE CITY TO ACCOUNT FOR GENERAL PUBLIC BENEFIT ACCRUING FROM THE PROJECT, THE ESTIMATED COST, AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED; AND PROVIDING AN EFFECTIVE DATE

Mayor Miller spoke to there being two versions of the resolution and recommended discussion to determine which project is desired. City Manager Souza provided a brief background for the different projects. Mr. Souza and Natural Resources Director Holly Milbrandt provided a brief PowerPoint presentation regarding the project options. City Manager Souza spoke to including the updated Exhibit A with adoption of a resolution for Wulfert and Dinkins Bayou, summarized the 5-year plan requested by Council, and spoke to a 10-year payment plan. Mr. Souza further spoke to the option for a resolution to dredge Wulfert only, summarizing the breakdowns for 5 or 10-year plans.

Discussion ensued regarding levying a tax or assessment against the residents, looking at the benefits, being mindful of the share for entities involved. The new plan proposes a reduced scope, addressing the minimum necessary with reduced cost, and reduced scale to make it more favorable. Council then spoke in favor of the project only including Wulfert, they then inquired about the natural flow of water between Dinkins and Clam Bayous. Ms. Milbrandt responded in regard to the impacts of storms to the project area and noted the 10 years is challenging due to these impacts. The topic of cost sharing with Lee County was brought up. Ms. Milbrandt spoke to the water bodies location and the sovereign submerged lands, as well as the permitting needed through the State.

Discussion ensued regarding grant opportunities. Council spoke in support dredging Wulfert only with a 5-year assessment. City Manager Souza spoke to the options for addressing Dinkens Bayou making note that this community will not be left out of the considerations. However, could come forward as a separate project. City Attorney Agnew spoke to the process and timeline for the assessment district creation

Public Comment:

- Barbara Joy Cooley - Sanibel Resident - Concerned Lee County is not cost sharing project in public access area
- Alan Antley - Sanibel Resident - appreciate the work done, allow process to move forward to establish the district then work out the fine details
- John Wolf - Sanibel Resident - support either project, concerns that the long-term solution is not being realized,
- Merthyn Harris - Sanibel Resident - support the project, requesting to not charge again within 5-years,
- Laurence Schmukler - Sanibel Resident - One time assessment, not annual or bi-annual
- Jason Cohen - (via text to Vice Mayor Smith) - concerns with leaving Dinkins out
- Doug Billings - Sanibel Resident - recalculating to charge based on areas used, rushed doing it during off-season

Discussion returned to determining which project to support, concerns for addressing only Wulfert at this time, and the 5-year option vs. 10 years. Ms. Milbrandt responded that most issues would be during low tide times, when vessels are exiting the bayous, and further spoke to the permitting required.

Attorney Agnew read into record the title of Resolution 25-024 for the Wulfert Channel Area Dredging Assessment District, advising the inclusion of up to 5-years repayment, and amount of \$718 thousand. Mr. Souza requested the inclusion of the revised Exhibit A.

Council summarized the earlier discussions for new attendees, supporting a 5 year assessment for dredging Wulfert only as a 1- time dredge and continue discussions for Dinkins in future.

Public Comment:

- Barbara Joy Cooley - Sanibel Resident - recommended changing the City share to 2/3
- Alan Antley - Sanibel Resident - spoke to Dinkins Bayou being a complicated issue that will need to be addressed, noting it was appropriate to move forward with Wulfert only
- Merthyn Harris - Sanibel Resident - recommended to consider including Dinkins Bayou

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to adopt Resolution 25-024 for the Wulfert Channel dredge only and to include Exhibit A as presented today. The motion carried by a vote of 4-1 with Councilmember Johnson opposed.

Opposed: 1 - Councilmember Richard Johnson

8. 4:00 PM - CONVENE AN EXECUTIVE SESSION RELATING TO FRATERNAL ORDER OF POLICE (FOP) UNION NEGOTIATIONS

Discussion ensued regarding continuing the agenda prior to recessing for the executive session.

6. DISCUSSIONS OF DRAFT LEGISLATION

a. Shared Path Use Violations

DISCUSSION ONLY - DRAFT ORDINANCE 25-009 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 66, TRAFFIC; AMENDING ARTICLE V, BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS, INCLUDING SECTION 66-161, DEFINITIONS, SECTION 66-164, USE OF BICYCLE PATHS/CROSSWALKS, AND SECTION 66-171, PENALTIES; AND AMENDING ARTICLE VIII, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew spoke to the background for the proposed code amendments, advising he provided Council with a red-line and clean copy of the revised proposed ordinance for inclusion in the record.

Councilmember DeBruce moved, seconded by Vice Mayor Smith, to forward to first reading. The motion carried.

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

a. Shared Path Use Violations

FIRST READING - ORDINANCE 25-009 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 66, TRAFFIC; AMENDING ARTICLE V, BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS, INCLUDING SECTION 66-161, DEFINITIONS, SECTION 66-164, USE OF BICYCLE PATHS/CROSSWALKS, AND SECTION 66-171, PENALTIES; AND AMENDING ARTICLE VIII, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the revised title of Ordinance 25-009.

Second reading and public hearing scheduled for 9:10a.m., Tuesday, July 15, 2025.

b. Special Event Fee Schedule

RESOLUTION 25-022 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE SPECIAL EVENT SCHEDULE OF FEES; PROVIDING FOR ADDITIONAL FEE FOR SUBSTANTIAL REVISIONS OF APPROVED SPECIAL EVENT PERMITS; PROVIDING FOR FEE FOR MAILING OF PERMITS; ESTABLISHING A FEE FOR THE RENTAL OF CITY HALL GROUNDS; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Resolution 25-022. Recreation Director Andrea Miller provided a brief background for the proposed fee schedule updates.

Discussion ensued regarding the on island rental comparison and what the update is in the ordinance.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to adopt Resolution 25-022. The motion carried.

- c. Approval of a 5-year Memorandum of Understanding among the City of Sanibel, Sanibel-Captiva Conservation Foundation, Sanibel Fire and Rescue District, and the U.S. Department of the Interior U.S. Fish and Wildlife Service to facilitate the cooperation of the parties to manage conservation lands more efficiently and economically on Sanibel, including the use of prescribed fire and mutual aid response to natural disasters and other emergencies (Supplement 1)

City Manager Souza spoke to the background for the memorandum of understanding.

Discussion ensued this being a continuation of a current agreement.

Councilmember Johnson moved, seconded by Councilmember Henshaw, to approve a 5-year Memorandum of Understanding among the City of Sanibel, Sanibel-Captiva Conservation Foundation, Sanibel Fire and Rescue District, and the U.S. Department of the Interior U.S. Fish and Wildlife Service to facilitate the cooperation of the parties. The motion carried.

10. GENERAL CITY COUNCIL DISCUSSION

Mayor Miller spoke to this topic being a step to improve the meeting process and length of meetings. Mr. Miller requested changing public comment at the beginning of the meeting to any item as opposed to "non-agenda items". Discussion ensued regarding concerns with that change, leaving process as-is for concise discussions, the current process is working, and continue addressing public as possible during meetings.

Mr. Miller recommended having invocation for first Council meeting of the month with Pledge only for all workshops and other meetings. Discussion ensued regarding continuing Invocations at regular meetings with Pledge only for workshops or other types and continuing Council Invocations as opposed to guest speakers.

Councilmember DeBruce inquired as to the negative response by Councilmember Johnson on a previous item. Attorney Agnew spoke to the requirement for defending an opposing vote being for a quasi-judicial hearing. Mr. Johnson responded that his

reasoning was to demonstrate unity with the community.

11. PUBLIC COMMENT

There were no public comments from the audience.

8. 4:00 PM - CONVENE AN EXECUTIVE SESSION RELATING TO FRATERNAL ORDER OF POLICE (FOP) UNION NEGOTIATIONS

Attorney Agnew spoke to the process for recessing for the shade session and adjourning the meeting. Mr. Agnew noted the purpose of the shade session and advised the members that will be participating.

The meeting recessed at 5:10 p.m. and reconvened at 7:02 p.m.

12. ADJOURNMENT

There being no further business, the meeting adjourned at 7:03 p.m.