



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Draft City Council

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Tuesday, October 1, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

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### 1. CALL TO ORDER

The meeting convened at 9:02 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 Richard Johnson, Vice Mayor Mike Miller, Councilmember Laura DeBruce, Councilmember John Henshaw, and Councilmember Holly Smith

### 4. SET THE AGENDA

The agenda was set as published.

### 5. PRESENTATION(S)

#### a. The Charitable Foundation of the Islands - Accelerate Small Business Loan Program - Doug Congress

Doug Congress introduced Chip Roach, Board Chair, who provided a brief background of the Charitable Foundation of the Islands (CFI). Mr. Congress spoke to the specifics of the Loan Program.

Council inquired as to the criteria for approving or accepting applications. Mr. Congress responded that it is for businesses that were in existence prior to Hurricane Ian, noting the Committee would review cash flow, viability, and community need. Council inquired if there were a minimum requirement to which Mr. Congress advised there is not a minimum established, but would probably be a minimum of \$50,000, with a maximum of \$100,000. Council expressed appreciation for the program and encouraged participation in it, noting support of the Leadership Program hosted by CFI as well.

#### b. Proclamation proclaiming October as Breast Cancer Awareness Month

Mayor Johnson read into record and presented a proclamation proclaiming October as Breast Cancer Awareness Month to Char Durand and Gabby Cooper-Angeles, representatives of the Sanibel Recreation Department. Ms. Durand, a breast cancer survivor, spoke her appreciation for the proclamation and support of breast cancer

research and awareness. Councilmember Smith, also a survivor, spoke to the need for continued research and awareness, noting an MRI, in addition to the mammogram, should be done annually for survivors.

c. 2024 Florida Native Plant Month on Sanibel Island Proclamation

Mayor Johnson read into record and presented a proclamation proclaiming October as Native Plant Month on Sanibel to the Natural Resources Department Staff and Chair of the Vegetation Committee Pam Miller. Natural Resources Director Holly Milbrandt spoke appreciation for the proclamation and to the success of the recovery efforts using native plants.

d. Hurricane Helene Update and Stormwater Management Discussion (Supplement 1)

City Manager Dana Souza provided a brief PowerPoint presentation (to be added to the record) regarding the status update following Hurricane Helene.

Mr. Souza highlighted:

- Appreciation for Staff efforts
- Appreciation for Police and Fire efforts
- Flooding concerns
- Breach of the road side on McGregor causing temporary closure of the Causeway
- Electric outages
- Debris being collected by Waste Management on regular pickup schedule

Holly Milbrandt, Natural Resources Director, and Oisin Dolley, City Engineer, continued the presentation regarding stormwater and surface water management.

Ms. Milbrandt and Mr. Dolley highlighted:

- Objectives from the surface water management portion of the Sanibel Plan
- Spoke to the weir system and river drainage basins
- Summarized the Weir Control Policy
- Historic water levels at the Tarpon Bay weir from 2015-2023
- Pre-storm environmental conditions - sea level trend
- Effects from Hurricane Helene
- Method for measuring storm surge and water levels
- Storm surge levels between storms from Ian to Helene
- Slough water levels trend
- Stormwater outside the river basins - Subdivision drainage, canal/bayou systems, and localized drainage areas
- 2016 Dunes Community Weir improvements
- Stormwater Master Plan Update

Mr. Souza thanked Ms. Milbrandt and Mr. Dolley for their speedy preparation of the presentation and spoke to using the tools available when preparing for or experiencing a storm event.

Council inquired about the barrier that failed near the causeway. Mr. Souza responded that it was a temporary structure and not a hardened structure; noting FDOT would be making adjustments.

Discussion ensued regarding the 50% rule for completed permits and if it were calculated using the value of the property before Helene minus the cost of repairs for Helene; if the permit was open it was based on pre-Ian values. Jessica Leatherman, Floodplain Manager, clarified the calculations for new or open permits.

Discussion ensued regarding storm surge and if the reported 5.2 feet includes hightide. Ms. Milbrandt spoke to the process for monitoring and calculating the tidal differences and storm surge amounts. Discussion continued regarding the totality of flooding on Sanibel due to the timing of high tide and wind affects. Ms. Milbrandt spoke to the different impacts from Ian and Helene. Mr. Dolley spoke to the timing of the high tides and the impacts to the weir systems.

Council expressed appreciation for the presentation. Discussion ensued regarding the weir at Beach Road being a fixed weir. Council inquired as to the fees for debris removal. Mr. Souza responded that Staff is in communications with Waste Management to determine what is covered in the standard contract; noting an additional truck has been added for trash removal. Mr. Souza spoke to sheetrock and construction debris not being picked up if stacked at the road side and that white-goods need to be scheduled for pickup.

Council inquired about the status and hours of the recycling center. Mr. Souza noted having opened the center last week for residents to dispose of food debris following losing power. He further spoke to the center being open twice a week for residents only. Discussion ensued regarding the cost for initiating the contract for debris removal and if the extra trash truck would be a reimbursable expense. Mr. Souza spoke to the process for FEMA reimbursements. Steve Chaipel, Deputy City Manager/CFO, spoke to opening a request for public assistance and being in communications with the Consultants regarding the FEMA grant process.

Discussion ensued regarding the management and operation of the weirs. Mr. Souza spoke to the warning process and preparation before storms. Mr. Dolley spoke to the privately owned and managed drainage systems on the island.

Discussion ensued regarding concerns with the valuations from the Property Appraiser and how they affect the permitting process. Ms. Leatherman responded

that the Property Appraiser's office is available to answer questions and clarify the information. Julian Halitaj, Deputy Building Official, spoke to the Building Department not being able to challenge the valuations but the property owners could address issues.

Discussion ensued regarding sand displacement. Ms. Milbrandt shared some slides from the presentation relating to beach conditions and over-washed sand. Mr. Souza spoke to getting authorization from Council to move forward with updating the Mayoral Proclamation accordingly. City Attorney John Agnew noted consensus would be fine to include the direction in the Mayoral Proclamation. Council concurred. Council inquired if the Staff were able to address the project to which City Manager Souza and Director Milbrandt confirmed. Discussion ensued regarding replacement of sand to the beaches and the process for clean sand being replaced. Ms. Milbrandt spoke to the process for the Department of Environmental Protection (DEP) to issue the permit. Council clarified that the consensus was to waive the fee, not the process or the requirement for the permit.

Discussion continued regarding ensuring the sand is safe while being softer, beaches are not closed while the parking areas are, and if the area near Blind Pass could be widened and deepened to allow access back to the affected areas. Ms. Milbrandt spoke to being in conversations to return access to the areas.

Discussion ensued regarding storm surge up to 5-feet and how that was calculated. Ms. Milbrandt spoke to the data collection from the gulf side. Discussion turned to the potential for the Dunes weir type system in private neighborhoods being privately managed. Mr. Dolley spoke to the public private partnership for the golf course system as opposed to fully private systems.

Further discussion ensued regarding there being an extra truck on WM trash routes for the entire week. Mr. Souza responded that it would be back to normal next week but would be monitored for continued needs.

Council inquired as to the current weir levels. Mr. Dolley spoke to the weirs being open, water flowing through the gates, and monitoring the tides to determine when to open and close the gates.

**Public Comment:**

- Dan Pacyga - Sanibel Resident - inquired about a grant for addressing stormwater systems and flooding
- Nicole Decker-McHale - Sanibel Resident - spoke to stormwater management in private neighborhoods and the need for assistance with addressing the Tradewinds development runoff inundation
- Robert Brooks - Sanibel Resident - spoke to drainage issues

- James Evans - CEO of Sanibel Captiva Conservation Foundation (SCCF) - spoke his appreciation for the update and to the storm being a surge event not a rain event

Council inquired how many electrical ground mounted transformers were affected. Mr. Souza spoke to the efforts to restore power and addressing the transformers that were affected by being under water. Discussion ensued regarding concerns with underground wiring, if there were additional pre-storm actions that could be taken, and the contracts that are initiated prior to an event. Mr. Souza spoke to the debris contract and the subcontractors that are available if needed to assist with debris removal.

Council inquired if the storm drain systems had been cleared following Ian. Mr. Dolley spoke to the inspection process during a normal year and having authorized further inspections utilizing funding received from DEP. The noticed repairs are being recorded in the stormwater master plan update, while more urgent items are being addressed immediately.

The meeting recessed at 12:15 p.m. and reconvened at 12:32 p.m.

## **6. PLANNING COMMISSION REPORT (Chair Grogman)**

Chair Roger Grogman provided the following report:

Since last report the Planning Commission met twice and the Capital Improvement Projects Review and Land Development Code Review Subcommittees each met once.

At the September 10th Planning Commission Meeting:

- Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances in relation to the definition of an open body of water. The draft ordinance with minor revisions, was forwarded to City Council for consideration by a vote of 5-1 with Commissioner Colter opposed and Vice Chair Pfeifer excused.

At the September 10th Capital Improvement Projects Review Subcommittee Meeting:

- Review of the Capital Improvement Five-Year Plan. The motion recommending to City Council that the Capital Improvement Element is consistent with the Sanibel Plan, advising there are no projects required in order to implement the plan, there are no existing deficiencies in the established levels of service from public facilities and there are no existing or projected deficiencies in order to maintain the adopted level of service standards carried unanimously.

At the September 24th Planning Commission Meeting:

- Public hearing to consider a conditional use permit and corresponding development permit (change of use) to operate a commercial retail use with more than 2,000 square feet of commercial floor area in the Town Center General Commercial district at 2400 Palm Ridge Road by Aloha Apollo LLC. The applications were approved unanimously.

At the September 24th Land Development Code Review Subcommittee Meeting:

- Continued discussions regarding the determination of impermeable coverage standards. The motion to ask the Planning Department to get a memo from the Natural Resources Department and the Public Works Department stating their position on the proposed amendments and then forwarding the packet to the Planning Commission carried unanimously.
- Continued discussion of incorporating green building standards into the Sanibel Code, by creating a "Sustainable Development Program". The motion asking the Planning Department to bring the Sustainable Building Practices Program back to the Planning Commission, making amendments in light of the discussion held, carried unanimously.
- Consideration of a recommendation to Planning Commission for an ordinance to provide an administrative permit review process including flexibility in design for alternative shoreline stabilization projects. The motion to forward to Planning Commission with the revisions as discussed carried unanimously.

As the October 8th Planning Commission meeting has been cancelled, the next meeting will be October 22nd here at BIG ARTS. The Below Market Rate Housing Review Subcommittee meeting will be held on October 8th at 10:30 am, here at BIG ARTS.

Council inquired as to the background for the opposition to the open body of water legislation. Mr. Grogman noted the Commissioner was concerned with the 20-foot setback requirement, recommending it be reduced to 10-feet. Further discussion ensued regarding whether or not the open body area would be considered in developed area calculations. As the draft ordinance is on the agenda, continued discussions will be held then.

Mayor Johnson requested to move item 17 New Business following first reading items, before Item 11 Second Readings.

**Councilmember Smith moved, seconded by Vice Mayor Miller, to move Item 17 New Business up in the agenda before Item 11 Second Readings. The motion carried.**

## 7. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

There were no public comments from the audience.

## 8. CITY COUNCIL COMMENTS

Councilmember Henshaw spoke to flooding issues and concerns with residents replacing/placing drywall or non-flood rated materials in lower levels/flood prone areas of their residences and tax-payers should not expect the City to pay for removal of such debris.

Councilmember Smith spoke to Florida League of Cities (FLC) working throughout the State to assist with recovery, the "Love Sanibel Back" event being rescheduled to November 11th, the Chamber having posted listings of businesses that have reopened, Sundial Resort looking to resume day pass program, trash pickup will take time, and Comcast and LCEC outages and impacts.

Vice Mayor Miller expressed his gratitude for Staff response to the storm and the excellent communications, welcomed Pam Miner as the new Executive Director for the Sanibel Historical Museum and Village, and welcomed Amber Cox as the new Director of the Sanibel Library.

Councilmember DeBruce expressed her appreciation for the non-profits on the island and spoke to attending the Sanibel Captiva Business Women's Association where City Clerk Scotty Lynn Kelly and Recreation Aide/Lifeguard Rachel Kelly each received scholarships for continuing education.

Mayor Johnson echoed the appreciation of the first responders and staff following the storm and encouraged the resident and business owners to continue to reach out to the City as needed.

## 9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

No discussion held.

## 10. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING

### a. Determination of Impermeable Coverage

**FIRST READING OF ORDINANCE 24-023 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA AMENDING THE CODE OF ORDINANCES TO DEEM ELEVATED BEACH DUNE WALKOVERS AS PERMEABLE UNDER CERTAIN CONDITIONS; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, SECTION 86-42, DETERMINATION OF IMPERMEABLE COVERAGE, FOR THE PURPOSE OF UPDATING 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 24-023.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, November 12, 2024.

**b. Filing Procedure for Development Permits**

**FIRST READING OF ORDINANCE 24-024 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA AMENDING THE CODE OF ORDINANCES TO UPDATE FILING PROCEDURE FOR DEVELOPMENT PERMIT APPLICATIONS; SUBPART B OF THE LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SECTION 82-382, FILING PROCEDURE, 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 24-024.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, November 12, 2024.

## 17. NEW BUSINESS

**a. RESOLUTION 24-068 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, SUPPORTING COMMUNITY HOUSING & RESOURCES' (CHR) GRANT APPLICATION TO LEE COUNTY REQUESTING FIVE MILLION DOLLARS IN COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY (CDBG-DR) FUNDING TO CONSTRUCT TWENTY NEW AFFORDABLE HOUSING UNITS IN SANIBEL; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-068. City Manager Souza provided a background for the resolution. Nicole McHale, Executive Director of Community Housing and Resources, spoke to the purpose for the request of support.

Council inquired if there were any other steps for support. Ms. McHale spoke to requesting letters of support from the community and encouraged attending the Commission meeting.

Council inquired if there were a way to strengthen the Resolution. Attorney Agnew read into record the verbiage included in Section 2, noting verbiage could be included to enhance it. Councilmember DeBruce proposed "affordable housing on Sanibel is one of the Cities most pressing needs. The City has full confidence in CHR's ability to take all necessary steps to present and prepare the application and to successfully



fulfill the criteria of the grant", as language to include. Ms. McHale noted it was "essential housing for essential people" as it is for workforce housing.

Council inquired if individual letters from Council Members could be sent. Attorney Agnew advised that was permissible though only one member (i.e. Mayor) could speak at the public meeting.

There were no public comments from the audience.

Ms. McHale expressed appreciation for the support. Discussion ensued regarding the property being "shovel ready", concerns with the "loan payback" clause, and using the verbiage "essential housing for essential people".

Attorney Agnew read into record the proposed additional verbiage for Section 2 and adding Section 3. Discussion ensued regarding the use of "in perpetuity". Attorney Agnew read into record enhanced verbiage for Section 2.

City Manager Souza reread the title of Resolution 24-068 in to the record.

**Councilmember Smith moved, seconded by Councilmember DeBruce, to adopt Resolution 24-068 as amended during discussion. The motion carried.**

Discussion ensued regarding the Mayor typically speaking at public meetings and additionally having a Liaison for CHR and determining who would be presenting the message in this instance. By consensus, the Mayor will present the City's stance.

## **11. 9:10 - SECOND READING AND PUBLIC HEARING**

### **a. Contract & Purchasing Policy**

**ORDINANCE 24-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCE, DIVISION 4, CONTRACTS AND PURCHASES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Ordinance 24-021. Deputy City Manager Chaipel provided a background for the updated policy.

Council inquired on page 6, section 2-332(c) and the reasoning for adding language that exempts notification by the City Manager to City Council. Mr. Chaipel advised that it was to make the purchasing process as efficient a possible, noting it would not be an issue to remove it. Mr. Souza confirmed he was comfortable with removing the exemption.

Discussion ensued regarding when the amended policy would come back to Council. Mr. Chaipel advised it would be at the November meeting.

Vice Mayor Miller moved, seconded by Councilmember Henshaw, to Ordinance 24-021, with the revision that the proposed language to be inserted in Section 2-332(c), beginning with the word "unless" and ending with the word "Section 2-335", not be included. The motion carried.

**b. General Employee Pension Board**

**ORDINANCE 24-022 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 50, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT PLAN, SECTION 50-483(b), BOARD OF TRUSTEES, TO DECREASE THE NUMBER OF TRUSTEES TO FIVE, THREE TO BE CITY COUNCIL APPOINTED AND TWO TO BE ELECTED BY THE PLAN MEMBERSHIP; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Ordinance 24-022. Deputy City Manager Chaipel provided a summary of the changes.

Discussion ensued regarding there only being 11 active members that can be elected to the board.

Councilmember Henshaw moved, seconded by Councilmember Smith, to adopt Ordinance 24-022. The motion carried.

## **12. DISCUSSIONS OF DRAFT LEGISLATION**

**a. Open Body of Water**

**ORDINANCE 24-XXX OF THE CITY COUNCIL OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES IN RELATION TO OPEN BODY OF WATER; AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 1, GENERALLY, SECTION 82-363, ENVIRONMENTAL ASSESSMENT REPORT; DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SECTION 82-382, FILING PROCEDURE; CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, CREATING A NEW SECTION, SECTION 86-45, DETERMINATION AND DELINEATION OF OPEN BODY OF WATER; CHAPTER 118, UTILITIES, ARTICLE II, WATER, SECTION 118-59, DEFINITIONS; CHAPTER 126, ZONING, ARTICLE VI, DISTRICTS GENERALLY, CREATING A NEW SECTION, SECTION 126-250, ADMINISTRATIVE WAIVER FROM OPEN BODY OF WATER SETBACK; ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SECTION 126-852, REQUIREMENTS; AND DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION III, LOTS, SECTION 126-977, LOTS WITH OPEN BODIES OF WATER, FOR THE PURPOSE**

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**OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Principal Planner Kim Ruiz provided a brief PowerPoint presentation (to be added to the record) and summarized the proposed amendments.

Discussion ensued regarding the impetus for the clarification of the definition of open body of water. Council inquired about page 9, Section 126-977(a) and (b) and where the general rule that would apply to a nature body of water is located. Ms. Ruiz advised it was included in the definition of lot area in Chapter 78. Discussion ensued regarding the general rule being to remove the open body of water before calculating.

Council inquired if on Page 6, dealing with concave area in Sec 86-45(b)(1)d.1., should be "or greater" instead of "or lower". Ms. Ruiz spoke to the reasoning for it being "or lower". Planning Director Paula McMichael spoke to the measurement starting at 1.3 NAVD, there would not be anything greater.

Discussion ensued regarding (on pages 3-4) Section 82-363 item (2) and clarifying the plan for mitigating or compensating for impacts to an open body of water.

Council inquired how much time it takes for the Commission to review the environmental assessment report. Ms. Ruiz spoke to the purpose for transitioning it to an administrative review.

Discussion ensued regarding postponing the topic to the next meeting for additional review due to the hurricane impacts. Council inquired how this is affected by Senate Bill 250. Attorney Agnew advised it was clarification, not more restrictive.

Discussion continued regarding postponing for additional review and discussions with Staff. City Manager Souza inquired what Council's expectations are for the next discussion. Council expressed the desire to meet individually with Staff and City Manager to get questions answered.

By consensus, this item was continued to the next meeting.

### **13. QUASI-JUDICIAL HEARING**

**a. Conditional Use Permit Approval**

**RESOLUTION 24-067 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, DETERMINING CONDITIONAL USE PERMIT APPLICATION CUP-2024-000244 PURSUANT TO SECTIONS 82-204, 126-82, AND 126-104 OF THE CODE OF ORDINANCES, TO ALLOW A COMMERCIAL RETAIL USE WITH**

**MORE THAN 2,000 SQUARE FEET OF COMMERCIAL FLOOR AREA IN THE TOWN CENTER GENERAL COMMERCIAL DISTRICT, ON PROPERTY OWNED BY ALOHA APOLLO, LLC, AND LOCATED AT 2400 PALM RIDGE ROAD, TAX PARCEL NO. 26-46-22-T2-0030E.0130, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 24-067. Deputy Planning Director Craig Chandler provided a brief PowerPoint Presentation (to be added to the record) summarizing the background and process for the conditional use permit approval.

City Clerk Scotty Lynn Kelly polled the Council for site visits, ex-parte, communications and conflict:

- Mayor Johnson	No Site Visit	No Ex-parte	No Conflict
- Vice Mayor Miller	Site Visit	No Ex-parte	No Conflict
- Councilmember DeBruce	Site Visit	Ex-parte	No Conflict
- Councilmember Henshaw	No Site Visit	No Ex-parte	No Conflict
- Councilmember Smith	Site Visit	Ex-parte	No Conflict

Councilmember DeBruce spoke to having ex-parte communications with one of the neighbors who is an owner of the business, wishing her luck in the business. Councilmember Smith spoke to speaking with Ms. Jacobson and wishing her luck. Both Council members have filed the ex-parte form with City Clerk Kelly for inclusion in the record.

City Clerk Kelly swore in the following:

- Craig Chandler - City of Sanibel, Deputy Planning Director
- Sarah Jacobson - Applicant

Discussion ensued regarding being in favor of the application, clarifying the reasoning for the process of the quasi-judicial hearing, and inquired of Ms. Jacobson if the business were mostly resident or tourist oriented. Ms. Jacobson advised the business would be for both residents and tourists. She also confirmed acceptance of the conditions included.

**Councilmember Smith moved, seconded by Councilmember DeBruce, to adopt Resolution 24-067 approving Conditional Use Permit Application CUP-2024-000244. The motion carried.**

Councilmember Henshaw left the meeting 2:54 p.m.

**14. CONSENT AGENDA**

a. BUSINESS ITEMS

- i. Adoption of Minutes - September 9, 2024 Regular Meeting; September 9, 2024 First Budget Hearing; September 23, 2024 Final Budget Hearing

- ii. Approval of Amendment No. 1 to Florida Department of Environmental Protection (FDEP) Resilient Florida Grant 22PLN82 for the City of Sanibel Comprehensive Vulnerability Assessment (VA) and authorize the City Manager to execute the same.
- iii. Approval of a proposal from Cummins Cederberg, Inc. for engineering and environmental consulting services for the City of Sanibel Comprehensive Vulnerability Assessment (VA) project authorized by Florida Department of Environmental Protection (FDEP) Resilient Florida Grant Agreement 22PLN82 in the amount of \$124,000 and authorize the City Manager to execute the agreement.
- iv. Approval of an Interlocal Agreement between the Lee County Sheriff's Office and the City of Sanibel for Use of the Hexagon OnCall Dispatch CAD/Mobile and Records Management System, and authorize the City Manager to execute same (**Supplement 1**)

Approval of Consent Agenda Business Items 14(a)(i), (ii), (iii), and (iv)

Vice Mayor Miller moved, seconded by Councilmember Smith, to approve Consent Agenda Business Items 14(a)(i), (ii), (iii), and (iv). The motion carried.

**Absent:** 1 - Councilmember John Henshaw

## CONSENT ITEMS PULLED FOR DISCUSSION

No items were pulled for discussion.

## 15. INFORMATIONAL ITEMS

- a. Hazard Mitigation Grant Project Updates (Tradewinds, East Rocks)
- b. Water Quality Report from Natural Resources Department

No discussion was held on the informational items.

## 16. OLD BUSINESS

- a. 2025 Legislative Priorities Discussion

City Manager Souza requested the item be postponed to the next meeting allowing for further discussion with Council Members and Lobbyists.

## 18. CITY MANAGER'S REPORT

No further report.

## 19. CITY ATTORNEY'S REPORT

No further report.

**20. COUNCIL MEMBERS' REPORTS**

No further reports.

**21. PUBLIC COMMENT**

There were no public comments from the audience.

**22. ADJOURNMENT**

There being no further business, the meeting adjourned at 2:56 p.m.