



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Draft City Council

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Monday, September 11, 2023

9:00 AM

BIG ARTS - 900 Dunlop Rd

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### Regular Meeting

#### 1. CALL TO ORDER

The meeting convened at 9:02 a.m.

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

Mayor Johnson 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.

#### 5. PRESENTATION(S)

##### a. Employee Service Awards

Administrative Services Director Crystal Mansell recognized staff that have served the city for 5 and 10 years of service. Council presented the staff members with certificates and pins of services.

##### b. Recognition of Steve Schweitzer, Tradesworker II, Public Works Department, upon achieving with honors the Associate of Science Degree in Business Management from Rasmussen University

Administrative Services Director Crystal Mansell recognized Steve Schweitzer for obtaining his Associates degree from Rasmussen University.

#### 6. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

There were no public comments from the audience.

#### 7. CITY COUNCIL COMMENTS

Councilmember Crater spoke to the September 5th-6th public hearings in Lee County relating to the Land Development Code (LDC) changes for South Seas Resort on Captiva.

Vice Mayor Miller concurred with Councilmember Crater's comments and congratulated Detective John Eicher for his outstanding work and pursuing an investigation into an identity theft issue here which evolved into Miami Gardens where a search warrant was executed resulting in a discovery of all kinds of paraphernalia, including firearms, counterfeit devices and so forth. He further congratulated Deputy City Manager/CFO Steve Chaipel and the Finance Department for again receiving the Government Finance Officers Association Distinguished Budget Presentation Award for the fiscal year 2023. Mr. Miller spoke to attending the Florida League of Cities (FLC) policy committee meetings noting topics that were discussed and are a concern for the upcoming legislative session. Finally, he congratulated Tony Lapi on being inducted into the Florida Tourism Hall of Fame.

Councilmember Smith spoke her appreciation for the longevity and loyalty of the City's Employees. She further spoke to attending the Governor's Conference on Tourism at which Tony Lapi was inducted into the Florida Tourism Hall of Fame and presented with the lifetime achievement award. She further spoke to the Lee County Visitor and Convention Bureau (VCB) receiving the Henry Award for imaginative destination marketing. Ms. Smith expressed her concerns relating to the Lee County Board of County Commissioners (BOCC) LDC hearings on September 5th-6th. Finally, she spoke to attending the FLC Policy Committee meetings and being reappointed to the Municipal Administration Committee, noting priorities for the upcoming session.

Councilmember Henshaw spoke his remembrances of September 11, 2001, expressed his congratulations to Detective Eicher and Deputy City Manager Chaipel, thanked Lee County for their support during recovery efforts, and expressed his disappointment with the outcome of the September 5-6th BOCC LDC hearings. Finally, he spoke to concerns relating to annexation regulations.

Mayor Johnson concurred with comments relating to LDC meetings and hearings, spoke to attending the FLC Policy Committee meetings, being reappointed to the Utilities, Natural Resources, & Public Works Committee, and noted topics of concern for the upcoming session being peatmoss and One-Water.

## **9. 9:05 - PUBLIC HEARING**

### **a. Property List for Affordable Housing**

**RESOLUTION 23-052 DETAILING THE CITY OF SANIBEL'S CURRENT INVENTORY LIST OF MUNICIPAL-OWNED PROPERTIES LOCATED WITHIN ITS JURISDICTION SUITABLE FOR AFFORDABLE HOUSING; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 23-052. Mr. Agnew then

spoke to the Florida Statute that required this listing and noted additional information that needed to be included in exhibit A. Deputy Planning Director Craig Chandler summarized the LiveLocalAct (Florida Statute).

Council inquired if the list includes County owned properties, Mr. Chandler clarified that the properties are only properties owned by the City. Further discussion ensued regarding the property at Beach Road and if there were possibility of trading for other properties. Mr. Agnew noted the property listed as Lee County is actually owned by the City and that the scrivener's error could be corrected with approval of the Resolution.

There were no public comments from the audience.

Vice Mayor Miller moved, seconded by Councilmember Smith to adopt Resolution 23-052, with the correction in line 3 to City owned and the addition of a column in exhibit a indicating the status of the property. The motion carried.

## **8. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS**

There were no items for discussion.

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

- a. **Architectural Design Requirements - Multifamily - Amending Ordinance 23-006**  
**ORDINANCE 23-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR MULTIFAMILY HOUSING TO CLARIFY REGULATORY LANGUAGE AND ENSURE THAT REDEVELOPMENT WILL BE CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE III, RESIDENTIAL, DIVISION 3, UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION III, MULTIFAMILY HOUSING, SECTION 86-169, ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES, SUBSECTION (c); AND DELETING SUBSECTION (e); FOR THE PURPOSE OF AMENDING 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 23-021.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, October 3, 2023.

- b. **Correcting Ordinance 22-009 - Scrivener's Error**  
**ORDINANCE 23-022 AMENDING ORDINANCE 22-009 TO CORRECT A**

**SCRIVENER'S ERROR CONTAINED IN SECTION 4, CONDITION 3, RELATING TO THE EXTERIOR OF THE ORIGINAL BUILDING, NAMELY PROPERTY OWNED BY PRISCILLA MURPHY CENTER, A CONDOMINIUM, AND LOCATED AT 1019 PERIWINKLE WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Ordinance 23-022.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, October 3, 2023.

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

### **a. Re-establishing Nonconforming Uses**

**ORDINANCE 23-020 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO EXTENDING THE DEADLINE FROM 12 MONTHS TO 24 MONTHS FOR RE-ESTABLISHING A NONCONFORMING USE FOLLOWING A NATURAL DISASTER BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE V, NONCONFORMANCES, DIVISION 2, USES, SECTION 126-152, (NONCONFORMING USES) EXCEPTIONS AND PROHIBITIONS; AND DIVISION 5, STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-218, RE-ESTABLISHMENT OF DISCONTINUED OR ABANDONED USE PROHIBITED, FOR THE PURPOSE OF AMENDING 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 23-020. Deputy Planning Director Chandler summarized the memorandum included in the agenda packet. Discussion ensued regarding this extension being less restrictive and in compliance with Senate Bill 250, encouraging residents and owners to address derelict properties, and the importance of the extension during the recovery process.

Public comment:

- Barb Laskey

Councilmember Henshaw moved, seconded Councilmember Smith, to adopt Ordinance 23-020. The motion carried.

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

### **a. Waterward Extension**

**DISCUSSION ONLY - DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE**

**CONDITIONAL USE PERMIT STANDARDS FOR DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS IN THE BAY BEACH ZONE BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-96, DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS; AND TO MARINE ACCESSORY STRUCTURES STANDARDS BY AMENDING CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SUBDIVISION II, ACCESSORY MARINE STRUCTURES, SECTION 126-875, WATERWARD EXTENSION, SECTION 126-882, DECK PLANKING, AND SECTION 126-888, LIGHTING; FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Principle Planner Kim Ruiz summarized the memorandum included in the agenda packet. Discussion ensued regarding the different types of lifts and the 20-foot navigable channel being narrow for boats passing each other; noting this is not an automatic extension but that it transitions to a short form application for staff review, concerns with the 20-foot minimum, and has there been a thorough examination of the potential unintended consequences.

Attorney Agnew spoke to the item coming from Planning Commission discussions and that Council could hold discussions today before scheduling for first reading. Council discussed the differences between the sizes of the canals. Mr. Agnew noted the topic was for variances and that not all canals would require variances. Ms. Ruiz spoke to the provisions of the code being to ensure the narrower canals allow for the same restrictions and opportunities for both sides.

Discussion ensued regarding bringing back for further discussion at the next meeting, possibility of changing from 20-feet to 25-feet, ensure an expeditious process for the applicants, and updating the notification process so all properties that access the canal are notified. Council inquired what safeguards would be in place at the staff level. Ms. Ruiz responded that the language is pretty restrictive and limiting for the administrative process and that if standards were not met, the application would go through the variance process and a hearing at the Commission level.

Mr. Souza noted the items for consensus as: 1) process - should it be short form reviewed by staff, 2) minimum width - should it be extended (i.e., 25-feet), and 3) notification - should it include all properties on the navigable canal.

Council discussion ensued regarding the notification requirement, subjectivity being a concern, Planning Commission duties being very important, support the short form process to benefit the citizens, concur with minimum of 25 feet, expanding notification to include all affected on canal, and reducing government restriction while ensuring protection of the environment.

**13. CONSENT AGENDA****a. ADOPTION OF RESOLUTIONS**

- ii. **RESOLUTION 23-058 APPROVING AN AGREEMENT BETWEEN THE CITY OF SANIBEL AND COMMUNITY HOUSING AND RESOURCES, INC., WHICH SERVES AS THE CITY'S HOUSING FOUNDATION PURSUANT TO THE CITY'S CODE OF ORDINANCES; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the titles of Resolutions 23-053, 23-058, and 23-059. Mr. Agnew then read into record the corrected title of Resolutions 23-059.

Council requested to pull Resolution 23-058 for discussion.

Discussion ensued regarding support of the Resolution, being in communication with Community Housing & Resources Inc (CHR), the city being obligated to provide or pay for office space for CHR via agreement and providing funding towards the annual audit.

Public Comment:

- Lyman Welch

City Manager Souza spoke to the possibility of relieving debt for Casa Mariposa which will be on the October agenda. He further spoke to uncertainties for recovery efforts and revenue sources for the next few years.

Discussion ensued regarding the opportunity to revisit the topic relating to fiscal position and having the flexibility of making amendments to the agreement in the future.

Councilmember Smith moved, seconded by Councilmember Henshaw, to adopt Resolution 23-058. The motion carried.

- i. **RESOLUTION 23-053 APPROVING THE AMENDED INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**
- iii. **RESOLUTION 23-059 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING RESOLUTION 23-026 BY EXTENDING THE TEMPORARY WAIVER OR DISCOUNT OF CERTAIN PERMIT FEES CHARGED FOR REPAIRS FOR BUILDING ALTERATIONS, ELECTRICAL PERMITS, MECHANICAL PERMITS, PLUMBING PERMITS, AND ROOF PERMITS, AS SUBMITTED ON THE CITY OF SANIBEL EMERGENCY**

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**REPAIR PERMIT FORMS; FIRST RE-INSPECTION FEE; AND EXTENDING THE WAIVER OF THE DEVELOPMENT PERMIT, DEMOLITION OF A STRUCTURE FEE; AND PROVIDING AN EFFECTIVE DATE.**

**Councilmember Smith moved, seconded by Councilmember Crater to adopt Resolutions 23-053 and 23-059. The motion carried.**

**b. BUSINESS ITEMS**

- i. Adoption of Minutes - August 15, 2023, Regular Meeting; August 22, 2023 Special Meeting; August 22, 2023 Budget Workshop
- ii. Request from the Lee County Chapter, Military Officers Association of America (MOAA) to waive the Special Event fees associated with the Veteran's Day Ceremony held at Sanibel City Hall Flagpole at 800 Dunlop Road, on November 11, 2023 (grandfathered event)
- iii. Approval of the purchase of a new John Deere 5075E Utility Tractor with front end loader and box blade from Deere & Company utilizing the Sourcewell Contract Number 110719-JDC (PG 1P CG 70), through Everglades Equipment Group in the amount of \$60,406.50. This proposed purchase does not increase the FY 23 Beach Parking budget and funding is available for the purchase of the John Deere 5075E Utility Tractor.
- iv. Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Beach & Shoreline Erosion Monitoring (project 401747) in an amount not to exceed \$50,000 and authorize the City Manager to execute same (Funds are Included in the Adopted FY2023 Budget)
- v. Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Beach Park Facility Maintenance (project 401656) in an amount not to exceed \$2,286,072.00 and authorize the City Manager to execute same (Funds are Included in the Adopted FY2023 Budget)
- vi. Approval of Florida Department of Environmental Protection (FDEP) project grant contracts HA018 in the amount of \$2,186,000 for Middle Gulf Drive Force Main Replacement; HA035 in the amount of \$156,000 for Reuse System Repairs; HA034 in the amount of \$253,000 for Effluent Disposal Pond Apple Site Repairs; and HA036 in the amount of \$10,000,000 for Wastewater Collection System Repairs; and authorize City Manager to execute same
- vii. Correction to Third Quarter Financial Reports

Approval of consent business items 13(b)(i), (ii), (iii), (iv), (v), (vi), and (vii).

**Vice Mayor Miller moved, seconded by Councilmember Smith, to approve consent business items 13(b)(i), (ii), (iii), (iv), (v), (vi), and (vii). The motion carried.**

**14. INFORMATIONAL ITEMS**

Council requested to pull items 14(c), 14(e), and 14(a).

- b. Hazard Mitigation Grant Project Updates (Tradewinds, East Rocks)
- d. Causeway Counts - July 2023 and Calendar and Fiscal Year 2023
- c. Water Quality Report from Natural Resources Department

Natural Resources Director Holly Milbrandt gave a brief report of the Lake Okeechobee System Operations Manual (LOSOM) update.

Discussion ensued regarding the process for the formal consultation and that Ms. Milbrandt will provide additional information as available regarding interest in touring C43. Council inquired as to the proposed reservoir north of the lake and if it had been funded to any extend, Ms. Milbrandt responded that she would look into it and provide a response.

- e. Hurricane Ian Recovery Update

Discussion ensued regarding if there will be an official event hosted by the City in recognition of the 1-year anniversary of Hurricane Ian, not being at a point to celebrate recovery yet, the possibility of a vigil held at the lighthouse, and partnering with Fort Myers Beach to recognize the lives lost.

City Manager Souza spoke to an event not having been scheduled at this time and that the contractors are planning to begin work for replacing the leg of the lighthouse in the next couple weeks. Recreation Director Andrea Miller spoke to community events currently scheduled for September 28, noted the time of sunrise for that morning and possibly providing glowsticks as opposed to candles, and/or providing commemorative coins. Council inquired as to scheduling a vigil, eliminating the glowsticks, and extending the invitation to Fort Myers Beach representatives.

Public Comment:  
- Jeff Powers

Council requested any events known about to recognize September 28, be publicized on the website and through news releases. Discussion then turned to distressed property complaints, Deputy City Manager Chaipel spoke to being short one code enforcement officer, having an new code officer starting within the next two weeks, and hiring a construction inspector to assist with Code issues.



a. Donax and Phase IV Sewer Update

Council requested Staff come back at a future meeting with a proposal for reducing nitrogen levels. Deputy Public Works Director Scott Krawczuk responded that Staff plans to bring forward at the next meeting the bid results of the Micro C purchase which is to assist with the reduction. Discussion ensued regarding supplemental carbon being included in the original design and the Micro C being to assist in reaching goals.

The meeting recessed at 11:29 a.m. and reconvened at 11:43 a.m.

## 15. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 23-044 APPOINTING TWO MEMBERS TO THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES; AND PROVIDING FOR AN EFFECTIVE DATE.** (Five members of the board shall be appointed by City Council from applications submitted to the City of Sanibel, currently there are two terms expiring) (Applicants listed in alphabetical order by last name.)

Attorney Agnew read into record the title of Resolution 23-044.

City Clerk Scotty Lynn Kelly passed out ballots. Attorney Agnew tallied the votes and advised that Mr. Fellows and Mr. Pyle were both reappointed.

**Vice Mayor Miller moved, seconded by Councilmember Smith, to adopt Resolution 23-044 with the blanks filled as William Fellows and Richard Pyle. The motion carried.**

## 16. OLD BUSINESS

- a. Approval of lease agreement between the City of Sanibel and Local Roots, LLC, to provide a farmers market on City grounds for a term of five (5) years with two (2) optional one-year extensions; and authorize the City Manager to execute same

Andrea Miller, Recreation Director, summarized the updates to the contract with Local Roots, LLC to provide the farmer's market on island.

**Councilmember Smith moved, seconded by Councilmember Henshaw, to approve the 5-year lease agreement between the City of Sanibel and Local Roots, LLC. The motion carried.**

- b. Ratifying Labor Agreements:

i. **FOP Labor Agreement Police Officers Dispatchers**

**RESOLUTION 23-045 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE FRATERNAL ORDER OF POLICE REPRESENTING POLICE OFFICERS AND DISPATCHERS; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 23-045. Administrative Services Director Crystal Mansell spoke to updates to the agreement.

Vice Mayor Miller moved, seconded by Councilmember Smith, to adopt Resolution 23-045. The motion carried.

ii. **FOP Labor Agreement Police Sergeants**

**RESOLUTION 23-046 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE FRATERNAL ORDER OF POLICE REPRESENTING POLICE SERGEANTS; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 23-046.

Councilmember Crater moved, seconded by Councilmember Henshaw, to adopt Resolution 23-046. The motion carried.

iii. **AFSCME Labor Agreement**

**RESOLUTION 23-047 APPROVING THE LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 23-047. Administrative Services Director Crystal Mansell spoke to updates to the agreement.

Discussion ensued regarding the conversations held before reaching these agreements and thanking the negotiating team and Staff for their service and efforts. City Manager Souza stated the non-union members would receive the same benefits as the union members.

Councilmember Smith moved, seconded by Councilmember Crater, to adopt Resolution 23-047. The motion carried.

c. **Sanibel Sewer System Rate Increase**

**RESOLUTION 23-048 CONFIRMING THE ESTABLISHED SCHEDULE OF RATES FOR THE SANIBEL SEWER SYSTEM RELATING TO RESIDENTIAL, COMMERCIAL, AND RECLAIMED WATER RATES; AND PROVIDING AN EFFECTIVE DATE. (Supplement 1)**

Attorney Agnew read into record the title of Resolution 23-048.

Deputy City Manager Steve Chaipel gave a brief PowerPoint presentation relating to the survey and background for the proposal for no fee increase.

Discussion ensued regarding the cash in the system as well as funding from the bridge loan being sufficient to get the projects started. Mr. Chaipel responded it would be sufficient for at least 6 months, speaking to opportunities to request hurricane reimbursement cash advances. Discussion ensued regarding the FGUA plant on Captiva not being listed and adding that to the list.

Further discussion ensued regarding the next capital improvement projects (CIP) update being 5 years out, does that include grants applied for and the resilient programs that prevent damages from another storm season. Mr. Chaipel responded that the projects are still in the planning stages and that costs are being determined, 2024 is mainly for immediate repairs and total replacements until recovery costs can be accounted for; next year can anticipate an adjustment pending progress through 2024.

**Councilmember Smith moved, seconded by Vice Mayor Miller, to adopt Resolution 23-048. The motion carried.**

City Manager Souza noted public in the audience related to New Business item 17b and requested it be moved up in the agenda. Mayor Johnson called for the motion to move the item.

**Councilmember Smith moved, seconded by Councilmember Henshaw to move New Business item 17b up on the agenda. The motion carried.**

**b. Discussion concerning Sanibel building heights**

Attorney Agnew spoke to the direction needed from Council for the Planning Commission (PC) to further review and discuss possible amendments to the height regulations, only applying to resort housing district, and should commercial and residential also be included in the provided provisions.

Discussion ensued regarding the timing to look at this information, resort housing district being dealt with but could further be amended in the Commercial and Residential areas as well, and requesting this be prioritized by the Commission, even to schedule a special meeting if necessary for further discussion in an effort to have back to Council for their October or November meetings. Further discussion ensued regarding this being the beginning of a longer discussion, should reflect uniformity among land use types, address compression risks (resilience against sea level rise), and determining process and whether a referendum is required. Council spoke to the Land Development Code (LDC) currently allows for increase in building height but does not address angled roofs, and requested Commission review to revise to permit the angle and allow for storage and utilization of space. Finally, discussion ensued regarding structures seaward of the 1991 Coastal Construction Control Line (CCCL) which is determined by Florida Building Code not FEMA based flood elevation, which requires flood proofing at the 100-year storm requirement to include wave action.

Council spoke to considerations for rebuilding, considerations and unintended consequences for remediation, being consistent with habitable space, sending directly to full Planning Commission for review, and if a referendum is required. Further discussion ensued regarding trying to build back more resiliently, in the most efficient, consistent and conforming way. Attorney Agnew spoke to the section of code relating

to attic space, which went to Commission and Council earlier in the year and could come back to Council for first reading at the next meeting for cleanup. He further spoke to the topic of flood zones, clarifying the flood zone descriptions. Council inquired if "institutional height limitations" meant "governmental buildings", Mr. Agnew responded it could be government, churches, or fire.

Discussion returned to the +1 foot being a Florida Building Code requirement, clarification that it has to go to PC for consideration before Council action, and scheduling meetings to following the legal advertising requirements. Mr. Souza spoke to Staff providing a recommendation for PC to consider when reviewing the topic and what would be required for a charter amendment. He further spoke to the three deadlines for submitting a referendum to the Supervisor of Elections for the 2024 election/ballot cycle. Discussion ensued regarding the limitations for the base flood elevation, estimating changes for the future, and consideration of free-board.

Public Comment:

- Jeff Powers
- Anthony Farhatt

Discussion ensued regarding the opportunity for special meetings by the Planning Commission and City Council to have sufficient discussions and meet the November referendum submission deadline.

Public Comment:

- Jeff Powers

City Manager Souza referenced the memorandum included in the agenda packet, noting the specified concerns are regulated and addressed in the motion.

**Vice Mayor Miller moved, seconded by Councilmember Crater, to direct the Planning Commission to evaluate building heights as related to flood elevations to include all related regulatory measures (i.e., angle of light), and to include recommendations as to where voter referendum would be necessary to change building heights, and to accomplish this as expeditiously as possible. The motion carried.**

**d. Community Development Block Grant Disaster Recovery (CDBG-DR) Action Plan Comments**

City Manager Souza spoke to the information provided in the agenda packet, requesting any amendments for submitting final comments to Lee County. Council inquired if any amended comments would be recognized as the deadline for submission has passed. Mr. Souza responded that as the plan will be amended multiple times, he believes the revised comments would be recognized.

**Councilmember Smith moved, seconded by Councilmember Henshaw, to approve the City of Sanibel's Draft Comments to the Lee County 2023 Draft Action Plan CDBG-DR as written. The motion carried.**

e. Legislative Priorities

City Manager Souza summarized the draft priorities, speaking to stating flexibility in the request while emphasizing the possibility of forgiveness of the state bridge loan. Discussion ensued regarding holding Plan B for future submission. Mr. Souza further spoke to item 2, clarifying the purpose of the \$350M funding and how it would be disbursed. Discussion ensued regarding the guiding principles and including new principles for short term rentals and coastal resiliency.

## 17. NEW BUSINESS

a. Municipal Elections Date

Discussion ensued regarding the cost increase due to Estero no longer holding March elections, increasing from \$30,000 to \$40,000, the original change happening in 2003, and not advocating to change election dates. Discussion continued regarding the background for the 2003 change, why there was no referendum at that time, and the benefits to having March elections.

c. Approval of a Proposal from Poole McKinley

City Manager Souza summarized the memorandum included and spoke to the background for the requested fee increase. Mr. Souza also spoke to the process or need for bidding this contract, noting that continuity with the current company was important. Discussion ensued regarding the contract historically budgeting \$36,000, working with them throughout the year, the request to increase to \$50,000 being reasonable, and having eliminated the in-house Legislative Assistant position. Council expressed their appreciation for the efforts of Lobbyists Angela Dempsey and Dan Delisi.

**Councilmember Smith moved, seconded by Councilmember Crater, to direct the City Attorney to develop a 3-year agreement between the City and Poole McKinley for government affairs representation, with a fee of \$50,000/year, as it is in the public interest to procure the services of Poole McKinley without the need for competitive bidding. The motion carried.**

## 18. CITY MANAGER'S REPORT

City Manager Souza spoke to an email sent to Council regarding annexation, participation in a meeting with the Lee County municipalities to discuss annexation, noting a meeting of the municipal Attorneys, and inquired if would like to oppose and if Council would like Mayor to speak at the next meeting. Attorney Agnew spoke to there being representatives from all municipalities in the Attorney's meeting, concern from all sides regarding individual rights and home rule, and unanimous consent to oppose. Discussion ensued regarding the local Mayors being invited to speak at the County meeting tomorrow.

Mr. Agnew spoke to the processes for voluntary or non-voluntary annexation, noting the proposal relates to voluntary annexation. Discussion ensued regarding being in “future service areas”, to which Mr. Agnew noted may be pre-scheduled areas for service implementation. Council inquired what may be the impetus for the request to which Attorney Agnew responded he could only speculate as to the purpose.

Further discussion ensued regarding there only being one Sanibel perspective involved in the Lee County Charter Review Committee and if annexation requires the parcels to be contiguous to which Mr. Agnew responded the parcels need to be bordering each other. Council discussion continued regarding how this appears as the County taking home rule from the municipalities.

City Manager Souza spoke to providing Council with the links to the two meetings which addressed different topics. Discussion ensued regarding clarification of Lee County or other “service areas” and how this incorporates with the legislative priorities.

Mr. Souza spoke to information provided regarding damage from Hurricane Idalia, beaches that were closed and have been restored for public access, and Staff and PD keeping the roads open during the event. He further spoke to the sand renourishment project.

Discussion ensued regarding letting the State of Local Emergency for Hurricane Idalia expire while continuing the local emergency for Hurricane Ian.

Further discussion ensued regarding renourishment at Lighthouse Beach. Mr. Souza spoke to the Natural Resources Department working to contract and bid the work.

## **19. CITY ATTORNEY'S REPORT**

No further report.

## **20. COUNCIL MEMBERS' REPORTS**

No further reports.

## **21. PUBLIC COMMENT**

There were no comments from the audience.

## **22. ADJOURNMENT**

There being no further business, the meeting adjourned at 2:02 p.m.