



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft City Council

Tuesday, October 21, 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 (Mayor Miller)

Mayor Miller 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

The agenda was set as published.

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Public Comment:

- Mitch Koppelman - Sanibel Resident - spoke to concerns with debris remaining at sites where the fiber optic lines were replaced.

City Manager Souza advised that the contractor was still going site to site cleaning up the debris and old equipment.

6. PRESENTATION(S)

a. Placenta Accreta Spectrum Awareness Month Proclamation

Mayor Miller read into record and presented Rebekah Barney of RxCompassion and Rachel Pierce with a proclamation recognizing Placenta Accreta Spectrum Awareness Month. Councilmembers expressed their appreciation for the proclamation. Ms. Barney spoke to the importance of the research, education, and advocacy of placenta accreta in effort to protect women and improve maternal healthcare.

8. DISCUSSIONS OF DRAFT LEGISLATION

Electrical & Mechanical Equipment

DISCUSSION ONLY - ORDINANCE 25-019 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES,

CHAPTER 30, ENVIRONMENT, ARTICLE III, NOISE, SECTION 30-65, EXCEPTIONS; 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 2, PROCEDURE, SUBDIVISION II, SHORT-FORM, SECTION 82-401, APPLICATION; AND CHAPTER 126 ZONING. ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, RENAMING DIVISION 16, ELECTRICAL POWER GENERATORS AND HVAC TO ELECTRICAL AND MECHANICAL EQUIPMENT; TO CREATE AN ADMINISTRATIVE WAIVER PROCESS TO PROVIDE AN EXEMPTION TO DEVELOPED AREA AND IMPERMEABLE COVERAGE LIMITATIONS AS IT RELATES TO SOLAR EQUIPMENT INSTALLATIONS; 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 proposed verbiage amendments for direction before sending back to Planning Commission.

Discussion ensued regarding "minimum necessary and size in each improvement" varying due to the size of the piece of equipment (i.e. generator) or required platform (i.e. electrical), following the Florida Building Code regulations, and whether pool equipment were included. Discussion turned to pool equipment being at the homeowner's preference, what code amendments could be considered to address hardships that are not self-inflicted, and looking for allowances for rebuild and new construction. Further discussion ensued regarding properties that are not eligible for an administrative waiver for developed coverage and the possibility of the need to go to referendum for approval if all properties (reconstruction and new construction) are included.

City Manager Souza noted the inclusion of pool equipment being the only item mentioned. Discussion ensued regarding the date for the administrative waivers, the opportunity for referendum, and the requirement for keeping the date so as not to violate the charter. Planning Director Paula McMichael spoke to the requirement for keeping the date. Continued discussion ensued regarding which date to use and why it was required, as well as the exemption in the code for generators, continue with the administrative process and consider a referendum at a later date.

Councilmember Johnson moved, seconded by Vice Mayor Smith, to forward the topic to the Planning Commission following the comments made today and the basic consensus developed during conversations for their consideration and bring back to Council. The motion carried.

Discussion ensued regarding a possible additional ordinance to bifurcate between old construction and new construction through the referendum process. Further discussion ensued regarding the need for the update to be for resilience and safety purposes. Director McMichael spoke to what administrative approval or waivers were currently

allowed. Discussion turned to directing Commission to develop a proposed ordinance that resolves concerns raised, knowing the ordinance would have to be approved by referendum. Council requested a legal opinion from Attorney Agnew regarding why case by case review does not violate the charter while a blanket allowance would.

Public Comment:

- Larry Schopp - Sanibel Resident - spoke to the background and purpose for the generator ordinance, noting new construction should consider incorporating generators and electric requirements from the start, which is why they were excluded in the current code.

Discussion ensued regarding a blanket allowance violating the charter, encouraging new construction to consider inclusion of a generator pad or leaving space for one during design, and if platforms are still considered impermeable coverage. Ms. McMichael spoke to how Staff evaluates coverage amounts during review.

Public Comment:

- Mitch Koppelman - Sanibel Resident - spoke to support of the motion, noting it was a move in the right direction.

Councilmember Johnson moved, seconded by Vice Mayor Smith, to provide direction to the Planning Commission that they develop language that will allow us as a municipality to deal with the inconsistencies that we've identified with raising homes, platforms, and additional coverage, for the purpose of emergencies, resiliency, and safety. The motion carried.

9. OLD BUSINESS

a. Planning Memo on Sun-setting Resolutions and Ordinances

Planning Director Paula McMichael summarized the memorandum included in the agenda packet item by item.

Discussion ensued regarding Resolution 24-030 (Temporary Announcement Signs). Councilmember Johnson advised he had a conflict of interest due to being one of 2 businesses affected, filed Form 8b with City Clerk Kelly, and recusing himself, stepped away from the dais at 10:34 a.m. By consensus, Council authorized extension of the deadline to December 31, 2026. Councilmember Johnson returned to the dais at 10:39 a.m.

Discussion ensued regarding Resolution 24-075 (Temporary Signs on Commercial Properties). City Manager Souza spoke to a letter from John Lai (to be added to the record) requesting the deadline be extended to the end of fiscal year 26. Council discussion continued regarding the need for the signs to be refreshed and extending the deadline to December 31, 2026. By consensus, Council authorized extension of the deadline to December 31, 2026.

Discussion ensued regarding Ordinance 23-014 (RVs or Park Trailers). Council discussion continued regarding some parcels enduring a hardship not of their own making, allowing administrative leeway for situational consideration, proposal to extend to 48 months for parcels with active permits, and the process for amending the code with review by Florida Department of Emergency Management (FDEM). City Manager Souza advised a code amendment would not be required.

Discussion ensued regarding Ordinance 25-006 (Administrative Approval of Certain Conditional Use Permits). Councilmember Johnson advised he had a conflict of interest due to being owner of a grocery store, filed Form 8b with City Clerk Kelly, and recusing himself, stepped away from the dais at 10:56 a.m. Some Council members recommended sending approvals of eating places, restaurants, grocery stores, etc., back to Planning Commission, while other Council members were in favor of allowing administrative review to continue as passed in May 2025. Ms. McMichael spoke to the administrative review process working, noting permits that had been reviewed and others expected to be received. By consensus (3-1), Council authorized extension of the deadline to December 31, 2026. Councilmember Johnson returned to the dais at 11:10 a.m.

Discussion ensued regarding Ordinance 24-018 (Administrative Review of Waivers) and Ordinance 24-017 (Development Permits to Implement Waivers/Variations to be Accepted as Short-Form). Council inquired as to the difference between Ordinances 24-017 and 24-018 to which Ms. McMichael explained. Discussion continued regarding extending the deadline to December 31, 2026. By consensus, Council authorized extension of the deadlines for Ordinances 24-018 and 24-017 to December 31, 2026.

Ms. McMichael spoke to a few exemptions included in Ordinance 24-017. There were no public comments from the audience.

7. 11:00 AM - PUBLIC HEARING

a. Assessment Against 2495 Coconut Drive - Case 25-001467

RESOLUTION 25-063 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, LEVYING AN ASSESSMENT AGAINST 2495 COCONUT DRIVE, STRAP NO.: 11-46-21-T1-0010C.0060, TO RECOVER THE COST OF DEMOLITION OF A DANGEROUS STRUCTURE LOCATED ON THE SUBJECT PROPERTY; AND PROVIDING AN EFFECTIVE DATE

City Manager Souza read into record the title of Resolution 25-063. Deputy Building Official Jessica McNulty provided a brief background for the hearing. Discussion ensued regarding the fee amount being specific to the demolition cost, not staff costs. Council inquired if the property owners had requested special allowances or

deviations to which Ms. McNulty advised they had not. There were no public comments from the audience.

Councilmember Johnson moved, seconded by Councilmember Henshaw, to adopt Resolution 25-063 to levy an assessment against the Subject Property, in the amount of \$19,698.88, for the costs associated with bringing the Subject Property into compliance. The motion carried.

Discussion ensued regarding taking a break.

City Manager Souza noted participants in the audience waiting for item 9d and requested that be moved up in the agenda following the break.

Councilmember Smith moved, seconded by Mayor Miller, to amend the agenda to hear item 9d following the break. The motion carried by unanimous voice vote.

The meeting recessed at 11:27 a.m. and reconvened at 11:36 a.m.

d. East Periwinkle Way Bridge Replacement Project Update (Supplement 2)

Public Works Director Fred Mittl introduced Farzin Zafarnian, TY Lin, who provided a brief PowerPoint presentation regarding the bridge replacement project.

Discussion ensued regarding the rationale for reducing the speed limit to 25 miles per hour. Mr. Zafarnian spoke to the Florida Department of Transportation regulations for the speed limit based on slope of the road. City Manager Souza spoke to the speed study currently in progress which may recommend reducing the speed limit on Periwinkle Way from Lindgren to the Lighthouse to 25 miles per hour.

Discussion ensued regarding the barrier walls protecting pedestrians and traffic, bike lane options as included in the proposed design, concerns with line of sight and vertical clearance of the bridge, and how to time to project so as not to affect seasonal traffic or the grant funds. City Manager Souza advised the possibility of additional expenses depending on how the timeline was adjusted to accommodate seasonal concerns.

Public Comments:

- Kevin McLellan - Anchor Drive - spoke to support for raising the bridge and requested it be raised and additional 3-4 feet.
- Cathy Lanier - Sanibel Resident - spoke to concerns with damage to her home due to reconstruction efforts as their property is adjacent to the bridge.

City Manager Souza advised scheduling meetings with the Lanier's to address concerns and work to mitigate any damage. Mr. Souza further spoke to the proposed height being based on slope, sight line, and pedestrian safety; noting additional expenses to further increase the height.

Public Comments:

- Kevin McLellan - spoke to options provided in the letter from the residents.

Continued discussion ensued regarding the letter from the Coast Guard that was sent out with an error in the proposed bridge height. Mr. Mittl advised there were errors in the letter and the Coast Guard would be correcting them on the documents and plans posted on their website. Mr. Mittl further spoke to concerns and expected costs if the bridge were to be further heightened. Council expressed desire for additional data relating to increased height. Mr. Souza advised that would increase the scope of the project, noting the current project is fully funded by outside sources and that the new design may incur costs from the city or residents.

Council discussed not putting the funding in jeopardy and noted the option for an assessment to the affected properties if the project costs increase due to the request for height.

b. Stormwater Assessment Fee Discussion

Deputy City Manager Steve Chaipel provided a summary of the memorandum included in the agenda packet.

Council inquired if there were a different methodology for a barrier island as opposed to mainland use, to which Mr. Chaipel advised there was not much difference between utilizing an assessment or a utility based user fee. Discussion ensued regarding the staffing coverage, the Tax Collector charging a low fee for collecting the assessment amounts, and determining intent to establish the assessment being the best option. City Manager Souza spoke to the issue being storm water management and what the community needs are when developing projects and applying an assessment.

Public Comment:

- Mitch Koppelman - Sanibel Resident - inquired if the intent of the fund was for capital only or would it also cover annual maintenance.

Mr. Chaipel spoke to getting expertise to guide through the process, but the goal would be to encompass all aspects and expenditures through the fund.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to direct Staff to provide City Council with a resolution prior to January 1, 2026, that would establish the City's intent to establish a storm water assessment fee. The motion carried.

c. Legislative Priorities

City Manager Souza spoke to the revised priorities document provided (to be added to the record) and summarized the updates.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to approve the legislative priorities, to include authorization for the City Manager to wordsmith as needed. The motion

carried.

10. NEW BUSINESS

a. Community Housing & Resources Temporary Waiver Request

RESOLUTION 25-062 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING A TEMPORARY WAIVER, REQUESTED BY COMMUNITY HOUSING & RESOURCES (CHR), FROM THE BELOW MARKET RATE HOUSING REQUIREMENTS OF THE 2009 GROUND LEASE BETWEEN THE CITY OF SANIBEL AND CHR, TO ALLOW ON-DUTY LEE COUNTY EMERGENCY MEDICAL SERVICES (EMS) PERSONNEL TO TEMPORARILY OPERATE IN A BELOW MARKET RATE HOUSING UNIT; AND PROVIDING AN EFFECTIVE DATE

City Manager Souza read into record the title of Resolution 25-062. Bonnie McCurry, Community Housing & Resources (CHR) Housing Administrator, provided a brief background for the requested waiver.

Discussion ensued regarding concerns with moving first responder activities into a residential neighborhood, a clause included in the resolution to limit use of lights and sirens on the residential streets, and the level of agency coordination for developing the temporary lease agreement.

Public Comment:

- Emilie Alfino - Sanibel Resident, LEO Homeowner - strongly recommended not approving the waiver in a below market rate housing (BMRH) neighborhood.

Council inquired if the adjacent neighbors and affected LEO (limited equity ownership) owners were notified of the proposed use of the property. Ms. McCurry advised she was unaware of what notifications were provided by CHR Executive Director Nicole McHale. City Manager Souza spoke to discussions with the Fire District relating to the scope of utilization or traffic that was expected at the property.

Council inquired how many vehicles are allowed per BMRH unit. Discussion ensued regarding there not being a restriction of vehicles parked at the residential units, the proposal being a good use of a property that was in an LEO program that was not as successful as expected, including a clause for review and ability to rescind if needed, and sending out notification to adjacent properties.

Discussion turned to tabling approval until the next meeting (November 4th), allowing time for the adjacent property notices to be sent out, and inquired if the delay would put in jeopardy the reconstruction of the Fire Station. City Manager Souza advised he was unaware of any deadlines that would be an issue and noted the November 4th meeting would be feasible to bring the item back. Planning Director Paula McMichael advised the notification area was properties within a 300-foot radius of the subject

property. After pulling the adjacent property report from the Property Appraiser's website, Mr. Souza advised there were approximately 20 properties to be notified.

Discussion ensued regarding the parcel being a corner lot on the residential street and a main road, sending communications to the adjacent properties, and bringing back at the next meeting with additional information. Mr. Souza clarified that Council requested a provision in the resolution allowing CHR to do a review in 6 months and break the lease if needed. Mr. Souza read into record proposed language to include in the next consideration of the resolution.

Councilmember Johnson moved, seconded by Councilmember DeBruce, to adopt Resolution 25-062 of the City Council of the City of Sanibel, approving a temporary waiver, requested by Community Housing & Resources. The item was tabled to the November 4th meeting.

11. CONSENT AGENDA

CONSENT ITEMS PULLED FOR DISCUSSION

No items were pulled for discussion.

ADOPTION OF RESOLUTIONS

- a. Amendment #1 of the Fiscal Year 2026 Classification Plan - Correcting Pay Grade 127 for Police Lieutenant (This amends City Council Resolution 25-057)

RESOLUTION 25-059 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING RESOLUTION 25-057 THAT APPROVED THE CITY OF SANIBEL FISCAL YEAR 2025-2026 COMPENSATION AND CLASSIFICATION PLAN; AND PROVIDING AN EFFECTIVE DATE

City Manager Souza read into record the title of Resolution 25-059.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to adopt Resolution 25-059. The motion carried.

BUSINESS ITEMS

- b. Adoption of Minutes

Councilmember Johnson moved, seconded by Councilmember Henshaw, to approve Consent Business item 11(b). The motion carried.

- c. ~~Friends of Randy of Sanibel Special Event Permit 25-136 for Annual Christmas Tree Sale at Jerry's—November 29 through December 24, 2025~~ (Item pulled as it was approved administratively - Supplement 1)

12. GENERAL COUNCIL DISCUSSION

13. CITY MANAGER'S REPORT

City Manager Souza inquired about a letter that was received regarding F-35

production facilities. The letter will be added to the record and Council advised they did not desire to sign on as supporters.

Mr. Souza noted upcoming events hosted by the City.

14. CITY ATTORNEY'S REPORT

No further report.

15. PUBLIC COMMENT

Public Comment:

- Emilie Alfino - Sanibel Resident - noted the preference to offer the property to an eligible below market rate housing applicant, keeping it in the program.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 2:27 p.m.