



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft City Council

Tuesday, November 1, 2022

9:00 AM Crowne Plaza at Bell Tower - Sanibel Room - 13051 Bell Tower Dr.,
Fort Myers, FL 33907

1. CALL TO ORDER

The meeting convened at 9:01 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilman Henshaw)

Councilman Henshaw gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

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

4. PRESENTATION(S)

a. Proclamation declaring October as Florida Native Plant Month on Sanibel Island

Mayor Smith presented Natural Resources Director Holly Milbrandt with a proclamation recognizing October as Florida Native Plant Month on Sanibel Island. Director Milbrandt spoke her appreciation for the proclamation, noting there were no Vegetation Committee Members available to attend today's meeting. Councilman Crater, liaison to the Vegetation Committee, spoke his appreciation for the proclamation and looking forward to revitalizing the vegetation on the island.

b. Proclamation declaring October Breast Cancer Awareness Month

Mayor Smith presented Marletta Short, on behalf of Mary Bondurant and Pink Out, with a proclamation declaring October as Breast Cancer Awareness month on Sanibel. Ms. Short spoke her appreciation for the proclamation.

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

There were no public comments from the audience.

6. CITY COUNCIL COMMENTS

Vice Mayor Johnson spoke to the native plant proclamation and the strength of the vegetation on the island.

Councilman Crater echoed the appreciation for the vegetation on the island and its

protection of the boats and homes.

Councilman Henshaw concurred regarding the vegetation, thanked the residents of the island for their patience and understanding during this event, thanked City Manager Souza and staff for their tireless efforts during the recovery, and thanked the partners who have worked diligently to get the roads repaired, trash picked up, and debris removed.

Councilman Miller concurred with the thanks for all that are assisting and living through the recovery, noting special thanks to the communities that have provided staff and assistance to begin the recovery process. He further spoke to the 50% rule regarding build-back, noting the City's participation in the Community Rating System (CRS) program which offers homeowners a 25% discount on flood insurance. Finally, he spoke to the amounts of debris removed in comparison to the removed amounts following Hurricane Irma and Hurricane Charley.

Mayor Smith spoke to seeing new buds on the trees and vegetation on the island, expressing her support for the Staff and decisions being made, thanked those from the community that are providing ideas for solutions to get back to the lives we know on the island. Ms. Smith spoke her condolences to the families who lost loved ones during the storm, extended gratitude to the Emergency Responders who dealt with the families. Finally, she spoke her appreciation to the partners and recovery providers.

7. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

There were no topics for consideration.

Vice Mayor Johnson moved, seconded by Mayor Smith, to move the Hurricane Ian Update items (12a - 12(a)(vi)) next on the agenda. The motion carried.

12. NEW BUSINESS

- a. Hurricane Ian Update**
 - i. Department Reports (Information to come)**

City Manager Souza spoke to having had plans to meet with the Police Department and Structural Safety team the day after the storm to assess the island. They had to change plans quickly as the meeting location was inaccessible. Mr. Souza spoke to the efforts being made towards recovery, showing photos of how the temporary City Hall has been set up in the hotel, and speaking to the processes for processing hurricane re-entry passes.

Mr. Souza gave a brief PowerPoint presentation and spoke to staff members filling different positions and performing different duties during the recovery. He further spoke to the upcoming permitting processes that will begin next week, again thanking all those partners we rely on for essential services.

City Manager Souza introduced Kevin Guthrie, Director of Florida Department of Emergency Management. Mr. Guthrie spoke to being on scene since October 3 and provided a brief background of his experience in the field. He then gave a brief report of what Sanibel has requested: Lee County to pay for debris removal of public rights of way, Lee County forwarded to State who has taken over the contract and will pay for the debris removal; vendors coming in to arrange private property and commercial property debris removal; working with FEMA to get travel trailers placed on properties and set up for those who qualify to have a place to live on their property for rebuild; picking up vessels, vehicles, and titled property in the waters.

Mr. Guthrie spoke to making application on IanDebrisCleanup.com noting the number is 850-961-2002. Need ID, insurance documents, list of waivers to be signed, get with neighbors to apply as a group. Commercial property - look up how the business name is listed and apply in that manner. FDEM sheltering is a 6-month program on property, FEMA housing is 18-months.

Mr. Guthrie spoke to expedited project worksheets being the best way to get cashflow for the City. These amounts will be estimates, deadline has been extended to 60 days. Request has been submitted requesting an additional 30 days, waiting for Presidential approval. He further spoke to applying for Community Disaster Loans and making the minimum monthly payments. Additionally, he spoke to extended law enforcement coverage through the end of the year, paid for by the State.

Mr. Guthrie spoke to getting the City's CRS (Community Rating System) rating to a 4 by working on the watershed plan to get additional savings on the insurance rates.

City Manager Souza spoke to the extensive request for debris removal funding being \$84 million which is equal to the amount of the City's full budget for the year.

Mr. Souza introduced Kati Sherrard, Resident Construction Engineer, Florida Department of Transportation. Ms. Sherrard spoke to the incredible response by the team and provided the following update:

- Allowed temporary access via the causeway in 5 days
- Reestablished areas with sturdy materials
- Opened the bridge on day 15 for pass entry
- End of Phase 1A, Phase 1B will be completed within the next month, truing up the roads and sides, will remain staffed 24/7
- Phase 2 - permanent repairs, in design planning
- Goal to have causeway repaired and renovated - completion by October 2023
 - * Adding resiliency measures
- East Periwinkle Way bridge being rebuilt
 - * Begin work next week, goal to be completed in 2 weeks

Mr. Souza spoke to the announcements made by Director Guthrie and Ms. Sherrard and introduced Diana Wilson, General Manager of Island Water Association who gave the following report:

- Reconnected approximately 3000 homes
- Reopened to public, regular hours, 239-472-1502
- Receiving requests via website for activating service
- Still under boil water advisory, will send out communication when changed
- Billing and Payment is on website, late fees and penalties have been waived for 90 days, billing only based on re-establishment of service

Mr. Souza introduced Tricia Dorn, Key Executive of Lee County Electric Cooperative (LCEC) who provided the following update:

- Working 24/7 to get power restored to the island
- As of today, have received 1485 affidavits, 970 have been energized
- Linemen working sun-up to sun-down
- 117 of the properties were unserviceable
- Contacting owners if property is not able to be energized
- Working to energize lift stations
- If service is questionable, contact LCEC so transformers can be inspected

City Manager Souza introduced Sanibel Fire and Rescue District Chief Kevin Barbot who gave the following brief report:

- 6 structures lost during storm
- 4 electric vehicle fires
- 2 small fires from e-bikes
- 32 golf carts caught fire at Dunes Golf Club
- Electric Vehicle (EV) mission - Removed 209 vehicles
- Focusing on propane emergency mitigation
- Continuing humanitarian efforts - tarps, food, water
- Concerns - increase in industrial/construction emergencies, increase in brush fire danger, increased response times from mutual aid partners as traveling from off island

Vice Mayor Johnson moved, seconded by Councilman Henshaw, to recess for a 15-minute break. The motion carried.

The meeting recessed at 11:00 am and reconvened at 11:15 am.

City Attorney John Agnew spoke to his position being a support role for City Manager Souza, Council and Staff. He spoke to working on a daily basis with the City Manager and Directors regarding legal issues, ordinance compliance, drafting emergency proclamations, and drafting and reviewing contracts and agreements.

Administrative Services Director Crystal Mansell gave a brief report of her duties

during an emergency: procuring 42 rooms for housing staff, providing meal vouchers, providing food and water, looking for a more long-term temporary location until can be relocated back to the island. Ms. Mansell spoke her appreciation to the staff working the phones and filling in different positions through the recovery efforts. She spoke to providing the information table, staffing the licensing and pass stations, staff van and shuttle operations. Additionally, she spoke to risk management efforts, contractors reviewing 126 city assets for damage assessments, 114 claims entered, 34 assets with level 3 damage, 31 assets with level 2 damage, Lighthouse is level 2, missing leg has been found, 48 assets with level 1 damage, 52 with no damage, two worker's compensation claims have been filed.

Recreation Director Andrea Miller spoke to the team efforts and thanked them for their efforts. Ms. Miller reported the damage sustained by the Recreation facility. The pools have been emptied, cleared, pressure washed, and being repaired. Gymnasium floor took damage and needs to be replaced, tennis courts and playground need clearing and remediation.

Natural Resources Director Holly Milbrandt spoke to her team working in a variety of rolls including structural safety and HAM radio operators. She gave the following report:

- Working to certify vegetation contractors.
- Congratulations to Joel Caouette for his tireless efforts at the Emergency Operations Center (EOC) and for getting married last weekend.
- Ms. Milbrandt thanked the partners for their efforts in recovering the vegetation and wildlife on island noting a vegetation and recovery guidance document is available on the City's website.
- Working with partners to prepare post-storm condition reports regarding beaches and dunes for short- and long-term remediation.
- Continued advisory to keep out of the water due to the unknown debris submerged.
- Working with Sanibel Captiva Conservation Foundation (SCCF) and Florida Gulf Coast University (FGCU) to begin monitoring water quality post storm.
- Working with Johnson Engineering to test water in the Sanibel Slough for NPDES monitoring.

Director Milbrandt gave a brief water quality report regarding Lake Okeechobee and rain fall levels. Ms. Milbrandt spoke to red-tide blooms being detected in the area, and 5 additional samples offshore of Lee County.

Interim Public Works Director David Schmitt and Deputy Public Works Director Scott Krawczuk gave a brief report:

- City Sewer operations are back online but not at full capacity
- Requested residents to not flush or wash sediments from the home down the drain
- New lift station pumps in high demand, City Staff manually maintaining in the mean

time

Sanibel Police Chief Bill Dalton spoke his thanks to the Council, City Manager, and City Attorney for their support during this event. Chief Dalton thanked the citizens of the island for their support and patience. He thanked the partners and other communities for their support and assistance. Finally, he thanked the men and women of the Sanibel Police Department for their tireless efforts. Chief Dalton provided the following report:

- Working closely with Florida Department of Transportation (FDOT) regarding the causeway and traffic.
- Processing hurricane re-entry passes
- Statewide partnerships with Law Enforcement Agencies
- Working with State to work with businesses
- Allowing tow-trucks access to the island, confirming as trucks leave the island they have the verified vehicles

Planning Director Paula McMichael gave the following report:

- Staff working as Structural Safety members, manning call center and information table, working as Public Information Officer (PIO) the first week
- Requests for elevation certificates
- Requests for build back standards and regulations per property
- Working on permitting processes
- Toured Historic Register properties with Historic Preservation Committee Chair
- Toured canals and reviewed seawalls for damage
- Working on temporary housing and temporary use regulations
- Working on zoning in progress regulations

Interim Building Official Shane Kittendorf, CAP Government Consultant, gave the following report:

- New Building Official and Deputy Building Official begin employment on November 7, 2022
- 50% rule administration
- Direct coordination with Florida Department of Emergency Management (FDEM) and Army Corp of Engineers (ACOE) to perform reassessment of properties following Urban Search and Rescue (USAR) assessments
- Use licensed professionals regarding electrical issues
- Working directly with LCEC to get homes energized
- Reactivation of departmental operations to begin on November 7

City Manager Souza spoke to releasing emergency permitting guidance tomorrow, working to activate online access on Monday, November 7. Staff working diligently to follow State and regulatory guidelines.

Deputy City Manager/CFO Steve Chaipel thanked Natural Resources and Recreation Staff for filling in multiple capacities. He further spoke to the final budget hearing from October 3 at which the budget was adopted, noting the City is financially prepared, grateful for the debt relief provided by the State. This event will be a \$100 million event including debris removal. The City has filed for reimbursement through FEMA, been approved, and have representative assigned. Once projects are dedicated the request for expedited funding can be submitted, first request will be for payroll, additionally repairs to City facilities and shared use paths will follow. The City has currently expended \$8 million in funds and have emergency pay plan which will end on November 6. State response for funding or reimbursements have been phenomenal.

Mr. Chaipel spoke to insurance paying first, City paying deductibles which are reimbursable to an extent, moving reserve funds to operating funds which will be done via resolution later in this meeting, and recognizing losses to beach parking and toll revenue. Some State considerations, such as delaying property taxes, my further delay revenue receipt. Mr. Chaipel spoke to requesting Council approval to look at possible loan options.

City Manager Souza spoke to exploring options such as the line of credit or expedited funds from FEMA to ensure the funding is available. Mr. Souza further thanked every City Staff member for their efforts, thanked Lee County, thanked partners, and thanked the residents, visitors, and business community.

Public Comment:

- Al Labotto - 1039 Beach Road, Unit 103 - inquired about the maintenance and clearing of the Sanibel Slough and Sanibel River, additionally regarding Community Housing
- Tobi Toupe - Sanibel Realtor - 50% rule based on number from the Lee County Property Appraiser database

Mr. Souza spoke to the numbers on the letters as well as the option for property owners to obtain their own assessments if owners did not agree with the numbers provided.

Public Comment:

- Allie Arlington - 362 Ardsley Way - FEMA guidelines for rebuilding
- Caleb Lohman - 350 East Gulf Drive - triaging internal waterways for clean-up

Mr. Souza spoke to including clean-up in some of the main waterways to allow access for boat traffic, with more through and complete cleaning to come in the near future.

Public Comment:

- Patricia Fox - 2902 West Gulf Drive #5 - seven cottage condo association which wants to build back - not seeing letters for individual owners, only the whole parcel

- ii. **RESOLUTION 22-055 APPROVING BUDGET AMENDMENT 2023-001 AND PROVIDING AN EFFECTIVE DATE** (To appropriate reserves and ending fund balance for personnel expenditures and revenue reductions related to Hurricane Ian and budget the appropriate anticipated reimbursements from other governmental agencies. Funding for the amendment is coming from ending fund balance, reserves, and revenue from other governments. This amendment increases the fiscal year 2023 budget by \$877,905) (**Supplement 3**)

Attorney Agnew read into record the title of Resolution 22-055.

Deputy City Manager Chaipel spoke to the background for the fund transfers.

Council inquired if the payroll funds include consideration for the City Attorney. Mr. Chaipel responded that it did not include contractual employees or the City Manager. Discussion ensued regarding those costs being included in the budget and storm related items will be eligible for reimbursement at a later time.

Councilman Miller moved, seconded by Councilman Henshaw, to adopt Resolution 22-055. The motion carried.

- iii. **RESOLUTION 22-056 DECLARING A ZONING IN PROGRESS AND THEREBY IMPOSING A TEMPORARY MORATORIUM UPON THE PROCESSING OR ISSUANCE OF CERTAIN DEVELOPMENT PERMITS OR ORDERS; RELATING TO RESORT HOUSING DEVELOPMENT REGULATIONS (SEC. 126-637); RELATING TO OUTDOOR LIGHTING (SEC. 126-996 ET SEQ., (SEC. 126-152(E)(5)); RELATING TO BEACH ACCESSWAY STANDARDS (SEC. 126-294); RELATING TO DUNE RESTORATION (SEC. 126-675); RELATING TO VEGETATION BUFFERS - MAINTENANCE STANDARDS, TIMING OF RESTORATION (CHAPTER 122, ARTICLE II); RELATING TO ENVIRONMENTAL PERFORMANCE STANDARDS RELATED TO VEGETATION (LANDSCAPING) AND USE OF SOD OR GRASS (CHAPTER 126, ARTICLE VIII); RELATING TO COMMERCIAL AND INSTITUTIONAL USES - SITE PLANNING STANDARDS; RELATING TO PARKING STANDARDS (SEC. 126-1029); RELATING TO TOWN CENTER GENERAL AND TOWN CENTER LIMITED ZONING DISTRICTS - REQUIRED CONDITIONS (SEC. 126-514, 126-534); RELATING TO COMMERCIAL AND INSTITUTIONAL USES - ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES (SEC. 126-1028); AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 22-056.

Planning Director Paula McMichael summarized the purpose for the resolution and the regulations included.

Discussion ensued regarding properties that already had been in the permitting process. Director McMichael noted that permits that were ready for approval would be continued, new permits will be on hold for 60 days.

Public Comment:

- Caleb Lohman - concerns for 60 pause in permitting process

Director McMichael spoke to the moratorium lasting for 45 days. City Attorney Agnew spoke to the process for approving emergency ordinances as well as providing a public hearing.

Councilman Crater moved, seconded by Vice Mayor Johnson, to adopt Resolution 22-056. The motion carried.

**iv. RESOLUTION 22-057 ISSUING A TEMPORARY MORATORIUM ON
ISSUANCE OF CERTAIN PERMITS FOR BUILDING OR DEVELOPMENT;
AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 22-057.

Planning Director Paula McMichael summarized the purpose for the resolution and the regulations included.

Discussion ensued regarding the demolition not being considered construction, build back would. Director McMichael spoke to working on plans for new construction during the 45-day moratorium.

Further discussion ensued regarding prioritizing emergency permits for making homes safe. City Attorney Agnew spoke to statute regulations for permitting, noting the addition of new staff and consultants enabling Staff to process the permits in a timely fashion. City Manager Souza spoke to having new customer service standards published and instituted by December 7th.

Councilman Miller moved, seconded by Mayor Smith, to adopt Resolution 22-057. The motion carried.

v. Wastewater Utility Information (Supplement 3)

Deputy City Manager Chaipel summarized the memorandum included in the agenda and spoke to the background of the request.

Discussion ensued regarding budgeting and ARPA funds allocated for capital improvements. Director Chaipel specifically spoke to revenue recovery and how this would not be covered by ARPA funds as a reimbursable expense. Council inquired if missing one month of payments would affect the sewer revenue to which

Director Chaipel responded no.

Discussion ensued regarding the restoration of the sewer system being reimbursable by FEMA through the contractor or from City application. Continued discussion ensued regarding fixed operating expenses.

Item will be brought back as a resolution.

vi. Public Comment

There were no public comments from the audience.

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

a. Leaf Blowers - Deadline Extension:

ORDINANCE 22-007 AN ORDINANCE PERTAINING TO CHAPTER 30, ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING ARTICLE III, NOISE, SECTION 30-70, GAS POWERED LEAF BLOWERS, BY AMENDING SUBSECTION (1) RELATING TO THE EFFECTIVE DATE OF THE PROHIBITION OF GAS-POWERED LEAF BLOWERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

City Attorney Agnew read into record the title of Ordinance 22-007.

Second reading and public hearing scheduled for December 6 at 9:10 am.

b. Sanibel Boat Ramp Parking - Pilot Program:

ORDINANCE 22-008 AN ORDINANCE AMENDING CHAPTER 66 - TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-76, TYPES OF PERMITS AND SECTION 66-85, FEES; HOURS; AND CHAPTER 74, WATERWAYS, ARTICLE III, BOAT RAMPS, SECTION 74-97, PARKING AND USE OF THE PARKING AREA ADJACENT TO THE CITY PUBLIC BOAT RAMP FACILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

City Attorney Agnew read into record the title of Ordinance 22-008.

Second reading and public hearing scheduled for December 6 at 9:10 am.

c. Historical Register - Priscilla Murphy Center:

ORDINANCE 22-009 - FIRST READING - AMENDING THE LOCAL REGISTER OF HISTORIC LANDMARKS OF THE CITY OF SANIBEL, HISTORIC PRESERVATION ELEMENT, PURSUANT TO CHAPTER 82, ADMINISTRATION, ARTICLE II, CITY COUNCIL, DIVISION 1, GENERALLY, SECTION 82-31, CONSIDERATION OF AMENDMENTS, relating TO PLACEMENT OF A STRUCTURE ON THE LOCAL

REGISTER OF HISTORIC LANDMARKS AND ADOPTING AN UPDATED REGISTER, NAMELY property owned BY PRISCILLA MURPHY CENTER, A CONDOMINIUM, and located at 1019 PERIWINKLE WAY, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

City Attorney Agnew read into record the title of Ordinance 22-009.

Second reading and public hearing scheduled for December 6 at 9:10 am.

d. FEMA (LiMWA) Regulations:

ORDINANCE 22-010 TO UPDATE FLOOD REGULATIONS AFFECTING DEVELOPMENT STANDARDS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 94 - FLOODS, ARTICLE I - ADMINISTRATION, DIVISION 1. GENERAL, SECTION 94-13 - BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; AMENDING CHAPTER 94 - FLOODS, ARTICLE II - DEFINITIONS, DIVISION 1 - GENERAL, SECTION 94-124 - DEFINITIONS; AMENDING CHAPTER 94 - FLOODS, ARTICLE III - FLOOD-RESISTANT DEVELOPMENT, DIVISION 1 - BUILDINGS AND STRUCTURES, SECTION 94-133 - ACCESSORY STRUCTURES; AMENDING CHAPTER 94 - FLOODS, ARTICLE III - FLOOD-RESISTANT DEVELOPMENT, DIVISION 4 - MANUFACTURED HOMES, SECTION 94-162 - LIMITATIONS ON INSTALLATION; AND AMENDING CHAPTER 94 - FLOODS, ARTICLE III - FLOOD-RESISTANT DEVELOPMENT, DIVISION 5 - RECREATIONAL VEHICLES, AND PARK TRAILERS, SECTION 94-182 - TEMPORARY USE PERMIT REQUIRED, AS RECOMMENDED BY THE LDC REVIEW SUBCOMMITTEE AND PURSUANT TO LAND DEVELOPMENT CODE CHAPTER 82, ARTICLE VI. - AMENDMENTS; SECTION 82-97 - CONDUCT OF HEARINGS; ACTION, AND SECTION 82-117 - AUTHORIZATION, FOR THE PURPOSE OF LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

City Attorney Agnew read into record the title of Ordinance 22-010.

Second reading and public hearing scheduled for December 6 at 9:10 am.

The meeting recessed at 1:53 p.m. and reconvened at 2:13 p.m.

9. PUBLIC HEARING OF EMERGENCY ORDINANCES (Supplement 2)

- a. ORDINANCE 22-011 AN EMERGENCY ORDINANCE PERTAINING TO CHAPTER 94, FLOODS, ARTICLE III, FLOOD-RESISTENT DEVELOPMENT, DIVISION 5 - RECREATIONAL VEHICLES AND PARK TRAILERS; RELATING TO EXPANDING AUTHORIZED USE AND PLACEMENT OF RECREATIONAL VEHICLES AND PARK TRAILERS IN CONNECTION WITH A STATE OR FEDERALLY-DECLARED DISASTER; AMENDING SECTION 94-181 - TEMPORARY PLACEMENT; AMENDING 94-182 - TEMPORARY USE PERMIT REQUIRED; PROVIDING FOR**

**CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE;
AND PROVIDING AN EFFECTIVE DATE (Supplement 2)**

City Attorney Agnew spoke to the provision for allowing the adoption of emergency ordinances and read into record the title of Ordinance 22-011.

Planning Director Paula McMichael spoke to the purpose for the emergency ordinance and summarized the regulations.

Discussion ensued regarding the owner or resident being able to live in the RV, not to be rented out or used by a contractor; one RV or trailer per property site, option for one 180-day extension; vehicle must be on wheels and able to hook to power and water; must obtain a temporary use permit prior to placing on property; strictly pertains to residential use; adding option to extend by 180-days to subsection 1; and subsection 3 includes cable.

Further discussion ensued regarding limitations for power and sewer connections on residential sites; does verbiage specify one (1) unit per site; Permitting Staff will be prepared to process applications; will there be a sign/placard identifying the units approved use; and how does this apply to condos.

Additionally, discussion ensued regarding working with Building and Planning to prepare application; if inspections would be required; and Code Enforcement could be utilized if needed.

Councilman Miller moved, seconded by Councilman Henshaw, to adopt Emergency Ordinance 22-011. The motion carried.

b. ORDINANCE 22-012 AN EMERGENCY ORDINANCE PERTAINING TO CHAPTER 126 - ZONING, ARTICLE III, TEMPORARY USE PERMITS; RELATING TO EXPANDING AUTHORIZED ISSUANCE OF TEMPORARY USE PERMITS TO FACILITATE USE OF TEMPORARY COMMERCIAL STRUCTURES IN CONNECTION WITH A STATE OR FEDERALLY-DECLARED DISASTER; AMENDING SECTION 126-61 - PURPOSE AND SCOPE; AMENDING SECTION 126-62 - APPLICABILITY; AMENDING 126-64 - SPECIAL CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE (Supplement 2)

City Attorney Agnew read into record the title of Ordinance 22-012.

Planning Director Paula McMichael spoke to the purpose for the emergency ordinance and summarized the regulations.

Discussion ensued regarding giving priority to businesses that exist and have current business tax receipt; what happens if property owner is unable to accommodate temporary use on the property; consider making accommodations through special

event permit process; thinking outside the box to allow businesses to operate; possibility for food court such as farmer's market; approving business tax receipts; wastewater disposal; filling stations for fresh water; expediting permit inspections; and will there be a waiver of permit fees for businesses trying to reestablish services.

Further discussion ensued regarding how food trucks would be addressed noting this ordinance would allow licensed food establishments to operate out of a food truck temporarily.

Continued discussion ensued regarding keeping in mind these ordinances are to help residents get back into their homes as well as allowing businesses to get back into operation, and these options being for the short-term.

Attorney Agnew spoke to the time frame for the temporary use permits being one year.

Councilman Henshaw moved, seconded by Vice Mayor Johnson, to adopt Emergency Ordinance 22-012. The motion carried.

10. CONSENT AGENDA

- b. RESOLUTION 22-047 CALLING FOR AN ELECTION FOR SANIBEL CITY COUNCIL MEMBERS; SETTING THE DATE AND POLLING PLACES FOR THE ELECTION; PROVIDING FOR BALLOT LANGUAGE; REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND CERTIFY THE RESULTS TO THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 22-047. Mr. Agnew spoke to the variability in polling locations due to the storm.

Councilman Miller moved, seconded by Mayor Smith, to adopt Resolution 22-047. The motion carried.

- a. Adoption of Minutes - August 30, 2022 Budget Workshop; September 12, 2022 First Budget Hearing; September 26, 2022 Special Meeting (Supplement 3)
- c. Award Professional Services Agreements to perform the City's Wastewater Engineering and Utility Advisory Services to Tetra Tech, Inc., Hole Montes, Inc., and Kimley-Horn and Associates, Inc.
- d. Engineering Services in Conjunction with the City's National Pollutant Discharge Elimination System Permit (NPDES). Staff recommends that Council approve the proposal submitted by Johnson Engineering for FY2023 NPDES-related work for a fee of \$84,092
- e. 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 \$2,083,396.00 and authorize the City Manager to execute same (Funds are Included in the Adopted FY2023 Budget)

- f.** Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Bowman's Beach Kayak Launch Replacement (project 403367) in an amount not to exceed \$180,000.00 and authorize the City Manager to execute same (Funds are Included in the Adopted FY2023 Budget)
- g.** Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Changing Room Rehabilitation at Bowmans Beach Park (project 403284) in an amount not to exceed \$200,000 and authorize the City Manager to execute same (Funds are Included in the Adopted FY2023 Budget)
- h.** 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)

Approval of nonresolution consent agenda items a, c, d, e, f, g, and h.

Vice Mayor Johnson moved, seconded by Councilman Henshaw, to approve nonresolution consent agenda items a, c, d, e, f, g, and h. The motion carried.

11. INFORMATIONAL ITEMS

- a.** Sanibel Causeway Traffic Count - September
- b.** Golf Course Nutrient and Lake Management Recommendations- 2021/2022 Report Card Summary (Dana Dettmar, Environmental Biologist)

Mayor Smith noted the possibility of staff revisiting this item after reports from the storm are completed.

13. CITY MANAGER'S REPORT

City Manager Souza spoke to working with Staff to refine the strategic goals based on the new conditions from the storm. Facebook live update for November 2 being cancelled, looking for location for meetings for Friday. Discussion ensued regarding not having a timeline for when staff will be back at City Hall or when meetings will return to MacKenzie Hall.

14. CITY ATTORNEY'S REPORT

Attorney Agnew spoke to the current emergency related pay policy and inquired of Council to authorize the City Manager to receive the same pay policy which is consistent with prior employees in this situation.

Deputy City Manager Chaipel requested Council consensus to move forward with looking for a line of credit. Council concurred; item will be brought back at the December 6 meeting.

15. COUNCIL MEMBERS' REPORTS

Vice Mayor Johnson spoke to being proud of the City Manager, City Attorney, Deputy City Manager and Council for their cooperation and collaboration, and appreciation for the Staff, Police Department, and those involved in the recovery efforts.

Mayor Smith spoke her appreciation to all involved at every level (local, State, and Federal) and the accomplishments already achieved in the first month following the hurricane.

16. PUBLIC COMMENT

There were no public comments from the audience.

17. ADJOURNMENT

There being no further business, the meeting adjourned at 3:08 p.m.