



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft City Council

Tuesday, January 17, 2023

9:00 AM

BIG ARTS - 900 Dunlop Road, Sanibel

1. CALL TO ORDER

The meeting convened at 9:01 a.m.

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

Vice Mayor Johnson 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. Presentation by Tommy Doyle, Lee County Supervisor of Elections

Mayor Smith introduced Supervisor of Elections, Tommy Doyle. Mr. Doyle gave a brief report regarding polling locations, mail in ballots, and updated statutes for election processes. Discussion ensued regarding there not being an early voting option, only the mail in ballots or in person at the Recreation Center, hours being 7a-7p.

Public Comment:

- Lewis Gould
- Larry Schopp

b. Proclamation declaring and celebrating January 20, 2023, as Florida Arbor Day

Director of Natural Resources Holly Milbrandt gave a brief background for the proclamation and introduced Ed Holden, Vegetation Committee Member, to receive the proclamation. Mayor Smith presented the proclamation.

Mr. Holden spoke his appreciation for working with the Vegetation Committee Members and Staff.

c. Community Housing and Resources, Inc (CHR) Update by Executive Director Melissa Rice

Mayor Smith introduced Melissa Rice, Executive Director of Community Housing and

Resources (CHR) who provided a brief update of the status of the residential units and tenants.

Discussion ensued regarding if CHR Representatives had communicated with the individual residents, Ms. Rice responded not individually, through emails. Council spoke to concerns with the harshness of the evictions, what major repairs were needed, how many residents voluntarily relocated, if there were a timeline for completion of repairs, who the contractor is, and when the repairs will begin. Further discussion ensued regarding the date of the next CHR board meeting, options for placing PODs on the properties, and making accommodations for the current residents who need immediate lodging.

Steve Brown, President of the CHR Board, spoke to focusing on the health and wellbeing of the residents, protecting their belongings, and his appreciation for CHR Staff Efforts.

Public Comments:

- Ed Holden
- Laura DeBruce

5. HURRICANE IAN RECOVERY UPDATE

City Manager Souza spoke to items that Council will be requested to make decisions on:

- Curfew
- Debris Collection deadline
- Recreation Center Memberships to be reinstated

Mayor Smith gave a brief update regarding mail service on the island and spoke to authorizing businesses to have more opportunity for displaying merchandise outdoors during the rebuilding. City Attorney Agnew noted it could be included in the weekly mayoral proclamations or by resolution at the next meeting. Discussion ensued regarding bringing back as a resolution with a defined date of expiration.

IT Director Bert Smith provided a brief update regarding the status of the network and phone systems for City facilities.

City Manager Dana Souza spoke to traffic trends, goal for reopening two beaches, and compliance with code enforcement.

Deputy City Manager Steve Chaipel gave a brief report regarding reimbursable expenses, loan options, and insurance coverage. Discussion ensued regarding what the Florida Municipal Insurance Trust (FMIT) provides for the City.

Administrative Services Director, Crystal Mansell gave a brief update of the status of the lighthouse repairs, working to schedule the relighting of the lighthouse, status of City Hall facilities, elevator, and Recreation Center repairs.

Interim Public Works Director David Schmitt gave a brief report of the status of island roads, beaches, and provided some estimated dates for reopening.

Barrett Holmes, Crowder Gulf, provided a brief update on debris removal and haul outs.

Building Official Craig Molé provided an update relating to the number of permits being processed and timing for processing and review.

Paula McMichael, Planning Director gave a brief update regarding planning permits, Commission meetings, and public records requests for elevation certificates.

Sanibel Police Chief William Dalton spoke his appreciation for the statewide assistance that has been on island for the last few months, provided a brief report on reported burglaries, and updated the status of the mobile pay app for beach parking. Discussion ensued regarding Police recommendations for curfew updates.

Recreation Director Andrea Miller gave a brief report regarding activities at the Recreation Center and updated on repairs and inspections.

Holly Milbrandt, Natural Resources Director, gave a brief report regarding wildlife sightings, resumption of the exotic lizard removal program, beach conditions, and water quality on the island.

Council discussion ensued regarding options for updating, reducing, or removing the curfew, allowing for the removal of the check point, noting people would be pulled over if driving after midnight.

Discussion ensued regarding that pedestrians, bikes, and vehicles will be stopped for questioning during curfew. Eliminating the check point allows more officers to be on patrol.

Vice Mayor Johnson moved, seconded by Councilman Crater, to remove the checkpoint and revise curfew to midnight to 6 a.m., and authorizing the Police Chief to initiate a checkpoint as needed. The motion carried.

Discussion ensued regarding establishing a date for residents and businesses to get debris to the road for pickup and removal, proposed date being February 20, 2023, and new construction debris not being included in the pickup. Further discussion ensued regarding releasing information to the public regarding the date, who to contact and how, and processes for removing large debris such as concrete, tree

stumps, and such.

Discussion ensued regarding the opportunity for reviewing and revising the date if needed, the need for the cutoff deadline for processes.

Public Comment:

- Ed Holden

- Bob Holder

Vice Mayor Johnson moved, seconded by Councilman Miller, to establish the date of February 20, 2023 as the deadline for moving debris to the right-of-way for pickup and removal. The motion carried.

Discussion ensued regarding considering February 1, 2023 as the date for reinstating paid memberships for use of the Recreation Center and reestablishing Monday Hours. Recreation Director Miller stated the goal is to get back to pre-covid hours of seven days a week, working in a staged manner to reopen. Discussion continued regarding Staffing issues limiting ability to reopen, limiting coverage for after-school program, and what options are available for memberships.

Councilman Crater moved, seconded by Mayor Smith, to reinstate membership fee requirements on February 1, 2023, authorizing the option for a two-month extension or pro-ration for existing memberships. The motion carried.

Council discussion ensued regarding reinstating the sale of beach parking permits before the beach parking lots are reopened. Further discussion ensued regarding public inquiries to use the boat launch and ramp. City Manager Souza spoke to meetings with FDEM regarding debris in the waterways and needing to have it removed before recovery efforts and staging are removed from the boat ramp area. Due to the damage to the dune walk over infrastructure it is Council's desire to prioritize these repairs in order to reopen the beach. Council spoke favorably of reopening Community Park, but realizes the work cut out for staff to re-open.

Council inquired about permitting and if residents are required to apply for permits in order to rebuild in the same footprint and scope as previously done. Sanibel Building Official, Craig Mole noted that permitting is required, even for projects that normally would not require a permit due to the FEMA 50% regulations, the City has to verify the repairs and replacements are above flood elevations in order to be compliant. Permitting is required in order to show that an owner is working toward restoring a home to pre-storm conditions. The City's CRS (Community Rating System) Rating being maintained by this permitting process as well as the value of the home for later re-sale. Estimated 1400 permits being submitted being a low number, Mr. Mole noted it will be a slow but steady incline in submissions.

Vice Mayor Johnson voiced concerns with un-permitted work being done on the island, he further noted concerns with the timeliness with issuing permits. Permitting is processed in 3 stages: submission, review, and inspection. Continuing to attempt to

meet the 5-day time frame.

Public Comment:

- Sharon Dooley - Small Business Administration (SBA) Office
- Bob Holder

The meeting recessed at 12:52 p.m.

The meeting reconvened at 1:12 p.m.

6. PLANNING COMMISSION REPORT (Chair Grogman)

Commission Chair Roger Grogman gave a brief report of the January 9, 2023 meeting:

- Public Hearing for approval of a major subdivision known as Coastal Creek, approved by Commission with the 23 conditions included in the staff report provided in the agenda packet
- Public Hearing for updates to Code regarding residential architectural standards, approved by the Commission, forwarding to City Council
- Public Hearing for updates to Code regarding commercial architectural standards, approved by the Commission, forwarding to City Council
- Discussion relating to mixed use development
- Recognition of the resignation of Matt Kirchner from the Planning Commission

Discussion ensued regarding the letter from the state that required testing soil samples for the Coastal Creek Development, which was not one of the conditions included with the approval. City Attorney Agnew spoke to the motion being to close the public hearing and authorize staff to prepare a resolution in conformance with the motion.

7. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Public Comment:

- Alison Ward
- Larry Schopp

8. CITY COUNCIL COMMENTS

Councilman Crater noted his comments were addressed earlier in the meeting.

Vice Mayor Johnson thanked the Postmaster and Captiva Post Office Staff for their efforts, thanked Keep Lee County Beautiful for their cleanup efforts, and spoke to participation in the Solar Co-Op.

Mayor Smith spoke to opportunities for volunteerism on the island, helping the business community re-open, welcoming the Farmer's Market back to the island, the Sanibel School looking to reopen late January, and noted hearing from USPS

regarding being on track for portables being placed at the Post Office by January 20, 2023. Mayor Smith spoke to the passing of Bill Rahe and Dorothy Donaldson. Further she spoke to attending press conferences of the Governor who recently authorized funds for restoration of the environment throughout the state.

Councilman Henshaw spoke his appreciation to many volunteers and non-profits that have assisted throughout the state of emergency, spoke in remembrance of Bill Rahe, Board President of the Sanibel Historical Museum and Village, Inc.

Councilman Miller spoke to the upcoming budget process, noting the upcoming budget session will be tighter due to Hurricane Ian expenditures and lower revenue income.

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

a. Development Permit Fees Waiver

ORDINANCE 23-001 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW FOR A WAIVER OF DEVELOPMENT PERMIT FEES FOLLOWING A DISASTER, AMENDING CHAPTER 90, FEES, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE I, IN GENERAL, SECTION 90-5, EXEMPTIONS, IMMUNITIES, AND WAIVERS, TO ADD SUBSECTION (F) (4) ALLOWING FEES TO BE WAIVED FOR A SPECIFIC PERIOD OF TIME BY MAYOR PROCLAMATION OR CITY COUNCIL RESOLUTION FOLLOWING A DISASTER, PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 23-001.

Second reading and public hearing scheduled for February 7, 2023 at 9:10 a.m.

b. Building Fees

ORDINANCE 23-002 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO AMEND CHAPTER 14, BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE IV, PERMITS, SECTION 14-188, FEE SCHEDULE, BY ADDING NEW SUBSECTIONS (13) AND (14) RELATING TO BUILDING PERMIT DISCOUNTS AND FEE WAIVERS IN CERTAIN INSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 23-002.

Second reading and public hearing scheduled for February 7, 2023 at 9:10 a.m.

c. Temporary Use Fees - Chapter 90

ORDINANCE 23-003 OF THE CITY COUNCIL OF THE CITY OF SANIBEL,

FLORIDA, TO AMEND CHAPTER 90 - FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 8, TEMPORARY USES, SECTION 90-213, TEMPORARY STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 23-003.

Second reading and public hearing scheduled for February 7, 2023 at 9:10 a.m.

d. Resort Housing Development Regulations - Chapter 126

ORDINANCE 23-004 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCE TO UPDATE RESORT HOUSING DEVELOPMENT REGULATIONS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 - ZONING, ARTICLE XII, RESORT HOUSING DISTRICT, SECTION 126-637, RESORT HOUSING DEVELOPMENT REGULATIONS, 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 23-004.

Second reading and public hearing scheduled for February 7, 2023 at 9:10 a.m.

e. Parking Standards - Chapter 126

ORDINANCE 23-005 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO OFF-STREET PARKING REQUIREMENTS AND LAND USE REGULATION WITHIN THE RESORT HOUSING DISTRICT TO STREAMLINE PERMIT PROCESSING AND AID REDEVELOPMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE XV, OFF-STREET PARKING AND LOADING, DIVISION 2, OFF-STREET PARKING, SUBDIVISION II, RESIDENTIAL USES, SECTION 126-1341, REQUIRED PARKING SPACES; ARTICLE IV, CONDITIONAL USES, SECTION 126-83, RESORT HOUSING ACCESSORY COMMERCIAL USES AND RELOCATING THOSE STANDARDS TO ARTICLE XII, RESORT HOUSING DISTRICT, ADDING SECTION 126-640, RESORT HOUSING ACCESSORY COMMERCIAL USES, 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 23-005.

Second reading and public hearing scheduled for February 7, 2023 at 9:10 a.m.

10. DISCUSSIONS OF DRAFT LEGISLATION

- a. Discussion of a DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO AMEND THE ARCHITECTURAL DESIGN STANDARDS FOR MULTIFAMILY HOUSING

Planning Supervisor Craig Chandler spoke to the background for the requested amendments and summarized the proposed amendments.

Public Comment:

- Lyman Welch

Councilman Henshaw moved, seconded by Vice Mayor Johnson to direct staff to prepare a draft ordinance for first reading on February 7, 2023. The motion carried.

- b. Discussion of a DRAFT ORDINANCE TO AMEND THE ARCHITECTURAL DESIGN STANDARDS FOR COMMERCIAL AND INSTITUTIONAL USES

Planning Supervisor Craig Chandler spoke to the background for the requested amendments and summarized the proposed amendments.

Discussion ensued regarding reviewing design standards for efficiency, criteria or specifics for resiliency or green options.

Councilman Crater moved, seconded by Mayor Smith to direct staff to prepare a draft ordinance for first reading on February 7, 2023. The motion carried.

City Manager Souza asked for Council consensus on direction to staff for and the items will go to Planning Commission.

11. CONSENT AGENDA

- a. Adoption of Resolutions

- i. **RESOLUTION 23-002 DESIGNATING THE QUALIFIED CANDIDATES FOR THE OFFICE OF CITY COUNCIL FOR THE MARCH 7, 2023 CITY OF SANIBEL MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE**

City Attorney Agnew read into record the title of Resolution 23-002.

Councilman Miller moved, seconded by Councilman Henshaw to adopt Resolution 23-002. The motion carried.

- b. Business Items

- i. Adoption of Minutes - December 6, 2022 Regular Meeting; December 20, 2022 Special Meeting
- ii. Approval of the grant from the Florida Department of Environmental Protection (DEP) Resilient Florida Program for “Vulnerability Assessment and Adaptation Planning for

Sanibel Island” in an amount of \$124,000.00 and authorize the City Manager to execute the same (This project does not increase the FY2023 adopted budget.)

iii. Community Housing & Resources, Inc.(CHR) - Audit Extension Request

Approval of the consent agenda business items.

Councilman Miller moved, seconded by Mayor Smith, to adopt the consent business items. The motion carried.

12. INFORMATIONAL ITEMS

a. Phase IV Update

b. Hazard Mitigation Grant Program (HMGP) Update - Tradewinds/East Rocks

No discussion held on the informational items.

13. COMMITTEES, BOARDS, COMMISSION

a. **RESOLUTION 23-003 APPOINTING THREE MEMBERS TO THE SANIBEL PLANNING COMMISSION TO FILL THREE-YEAR TERMS BEGINNING ON JANUARY 10, 2023 THROUGH MIDNIGHT, JANUARY 12, 2026; AND PROVIDING AN EFFECTIVE DATE**

Mayor Smith spoke to the applications received and the process for appointing members.

Discussion ensued regarding institutional knowledge, continuity of service, the quality of the candidates, and encouraging applicants to continue applying to serve the City.

Ballots were provided to Council Members and tallied by Attorney Agnew.

Mr. Agnew noted Laura DeBruce, Lyman Welch, and Ken Colter were the appointees.

14. OLD BUSINESS

a. Water Quality Issues

i. Report from Natural Resources Department (15 min)

Natural Resources Director Holly Milbrandt gave a summary report of water quality issues.

b. Approve issuance of a \$20.0 million line of credit with Fifth/Third Bank

Deputy City Manager Chaipel summarized the request for proposal (RFP) process, noting Fifth Third is the recommended bid winner.

Councilman Miller moved, seconded by Vice Mayor Johnson, to approve the agreement with Fifth Third Bank issuing a \$20.0 million line of credit. The motion carried.

Discussion ensued regarding bringing a resolution to the February meeting.

c. Sanibel Captiva Effluent Disposal Analysis

- i. Authorize the Mayor to execute an Agreement between the City of Sanibel and the Captiva Community Panel to complete the Sanibel-Captiva Effluent Disposal Study.

City Manager Dana Souza provided a background of the subject project.

Discussion ensued regarding the current effluent disposal processes and if there were an opportunity for updating processes. Interim Public Works Director Schmitt noted there were options for increasing reuse. City Manager Souza spoke to the opportunity to explore additional line options as well.

Discussion ensued regarding at looking for options without implementing another deep injection well, costs will be incurred for adding reuse options, would be a savings for residents that want to change from potable water to reuse water for irrigation.

Public comment:

- Ed Holden

Councilman Henshaw moved, seconded by Councilman Crater to Authorize the Mayor to execute an Agreement between the City of Sanibel and the Captiva Community Panel to complete the Sanibel-Captiva Effluent Disposal Study. The motion carried.

- ii. Adoption of **RESOLUTION 23-001 APPROVING BUDGET AMENDMENT 2023-002 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$45,105 in funding for an effluent discharge options study related to the proposed Captiva Sewer Expansion Project. The cost of the project will be reimbursed to the City from the Captiva Community Panel. This amendment increases the fiscal year 2023 budget by \$45,105)

City Manager Souza read into record the title of Resolution 23-001.

Councilman Crater moved, seconded by Vice Mayor Johnson to adopt Resolution 23-001. The motion carried.

- iii. Authorize the city manager to execute Agreement with TetraTech, in the amount of \$45,105, to complete the Sanibel-Captiva Effluent Disposal Study

Councilman Miller moved, seconded by Councilman Henshaw to approve the agreement and authorize the City Manager to execute same. The motion carried.

15. NEW BUSINESS

- a. City Manager's Performance Evaluation**

Mayor Smith introduced the process for the City Manager's performance evaluation.

Administrative Services Director Crystal Mansell spoke to the City Manager's contract stipulating there would be an annual review of the City Manager's performance, noting his 1-year anniversary passed on November 15, 2022. The annual review was postponed due to recovery efforts from Hurricane Ian. Ms. Mansell spoke to the evaluation results provided by Council.

Ms. Mansell spoke to the contract authorizing the City Council to provide a pay increase based upon the performance evaluation if so desired and summarized the salaries and pay increases of the other local municipalities and Lee County.

Discussion ensued regarding if a pay increase could be retroactive to Mr. Souza's anniversary date of November 15th, which was confirmed. Discussion ensued regarding the Sanibel base salary being low, while other compensations are similar to the other municipalities. Further discussion ensued regarding Mr. Souza stating to Ms. Mansell, he would not want to receive any more than what the general employees received in 2022 which was a total of 8%. Further discussion ensued regarding limiting the increase to 8% as per Mr. Souza's request.

Council spoke to providing a salary adjustment of 2% and a salary increase of 8%. Council strongly considered Mr. Souza's request to receive the same increase as staff, working to enable Mr. Souza to move his family to the island, reconsider the housing allowance for the City Manager. Attorney Agnew spoke to travel allowances as stated in Mr. Souza's current contract.

By consensus, Council agreed to a pay increase of 8% retroactive to November 15, 2022 and directed Ms. Mansell to provide a housing survey for consideration of adjusting the City Managers contract.

Mayor Smith then spoke to the need for reviewing the City's contract with Attorney Agnew for an hourly increase.

b. Building Department Update - (CityView vs EnerGov)

Building Official Craig Molé provided a brief PowerPoint Presentation regarding service goals, teamwork efficiencies and empowerment, streamlining processes, enhancing technology efficiencies, and compared EnerGov (current City software) to CityView (recommended software). Mr. Molé further spoke to the Building Department organization and proposed positions to be filled.

Discussion ensued regarding potential state requirements to evaluate building fees, building department organization needs, updating technology that has been proven not to work, timeframe for implementation of the new software in 1 year, running parallel

systems during implementation, open communication with the contractors and public, and ease of use for public and staff. Further discussion ensued regarding improving customer service, modifying business practices, updating permit applications and forms. Council inquired about the fees for building fees and the surplus of funds of the department based on the law that the money made by the department must stay within the department. Will the study show that the fees need reduction in order to stay in compliance with the law.

Mr. Mole noted the fees would be adjusted as needed based on cost, and value of the work being done. Fees could be further reduced by the number of permits being submitted and by type.

Mayor noted the three options available to Council and thanked the department for bringing forward to make the system more efficient for all.

City Manager Souza noted all options would come back to Council for further consideration. Options to consider were; draft contract for CityView for sole source or piggy-back to come back at next meeting, requires 25 thousand dollar reduction to the budget for the system upgrades, and fee study based on permitting trends.

Councilman Miller moved, seconded by Councilman Henshaw to accept the 3 recommendations in agenda memorandum as presented by Official Molé. The motion carried.

16. CITY MANAGER'S REPORT

City Manager Souza spoke his appreciation for the evaluation review and spoke to updates for the legislative priorities. City Manager Souza has requested authorization to release the priorities to the lobbyists. Discussion ensued regarding how the estimates for taxes and revenues were calculated, if the assumptions were based on worst case scenarios, and the priorities were based on Hurricane Ian. Gas tax reductions were already accounted for in the budget. The state was asked to lead on the bulkhead project.

17. CITY ATTORNEY'S REPORT

No further report.

18. COUNCIL MEMBERS' REPORTS

Reports will be added to the record.

19. PUBLIC COMMENT

There were no public comments from the audience.

20. ADJOURNMENT

There being no further business the meeting adjourned at 4:58 p.m.

