



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final City Council

Tuesday, February 7, 2023

9:00 AM

BIG ARTS - 900 Dunlop Road

1. CALL TO ORDER

The meeting convened at 9:03 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Crater)

Councilmember Crater gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

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

4. PRESENTATION(S)

- a. Recognition of Officer Robert Feliciano upon his retirement from the City of Sanibel Police Department - Supplement 1

Mayor Smith introduced Sanibel Police Chief William Dalton and Officer Robert Feliciano. Chief Dalton spoke his appreciation for Officer Feliciano's 28 years of service and friendship. Mayor Smith spoke to Officer Feliciano's service and read into record the proclamation recognizing his retirement.

- b. Employee of the Quarter Recognition

Crystal Mansell, Administrative Services Director, introduced Scott Forman, Public Works Department, as the employee of the quarter. Ms. Mansell gave a brief history of the employee of the quarter program, recognizing the eight employees that were also nominated this quarter. Mayor Smith recognized Scott Forman as employee of the quarter and presented him with a letter and check of accommodation.

Council spoke their thanks and appreciation to Mr. Forman and his co-workers.

- c. BerryDunn Recreation Comprehensive Assessment Presentation

City Manager Dana Souza introduced Elsa Fischer and Lisa Paradis for their hard work on the report and efforts revising due to Hurricane Ian. He further spoke to Darla Letourneau being the project manager and spoke his appreciation for her efforts. Finally he spoke to the Recreation Staff not being furloughed

during the state of emergency, positioning staff in alternate roles to assist with recovery, and efforts to establish community involvement while re-opening the Recreation Center.

Elsa Fischer spoke to the process, gave a brief PowerPoint presentation, and summarized the recommendations from the final report. Lisa Paradis spoke to efforts for public engagement throughout the comprehensive assessment and provided a final overview of the recommendations.

Policy Recommendations include:

- Eliminate the Council appointed Financial Assistance Committee
- Create a new Parks and Recreation Advisory Committee

Programming and Facilities Recommendations:

- Assume responsibilities of Senior Recreation programming, processing all revenue
 - and expenses through City finance system
- Manage the Recreation Center spaces for maximum community use and flexibility
- 4 Options
 - Recreation Programming
 - Hiring - reduce obstacles to hiring new part-time staff and contractors, establish benefits for part-time employees
 - Budgeting - create system where staff can track revenues and expenses by program area
 - Revisit City Council budget limit policy to allow staff flexibility in adding new programs
- Membership updates and options
- After school program/summer camps - create RFP to partner with or contract this program to another organization
- Aquatics, outdoor sports, fitness, indoor sports, continue to add new classes based on community needs
- Youth Programming - review the inventory listing and direct programmers to add new programs seasonally as facility space allows
- Other programming - seek opportunities to partner with island nonprofits and private businesses to provide expanded and innovative programs and services to island residents

Marketing and Communications:

- Enhance marketing

- Establish meaningful relationships with island service clubs, nonprofits, Chamber Realtor Associations and HOAs
- Enhance the Department's website presence highlighting current offerings, facility hours, rentals, etc.

Financial Recommendations:

- Simplify the Recreation Center Membership structure
- Determine an appropriate nonresident fee and be consistent with all fees
- Prepare an annual cost recovery and fiscal review to be presented to staff, stakeholders, City Leadership and City Council
- Continue to forecast revenues based on prior year actuals and plan for new programs annually

Technology Recommendations:

- Improve the Wi-Fi at the Recreation Center

Facility Recommendations:

- Evaluate the attendance at all events where the Department permits space to outside groups to determine if this is the best use of the space

Operations Recommendations:

- Write an operation manual and make it available to all staff
- Coordinate with City Human Resources Department to staff can lead recruiting efforts
- Create a robust volunteer program and recruit volunteer

Training and Development:

- Utilize state and national associations for low-cost online learning schools, networking, skill development, and conference attendance in preparation for Department CAPRA accreditation

Additional Recommendations Post Ian:

- Create a system to gather feedback on community needs
- Prioritize connections with the community to rebuild programming and services
- Partner with City departments, island nonprofits, and the Sanibel School to understand emergent demographics of the City
- Commit to implementing all the recommendations in this plan over time

Next Steps:

- Confirm priority recommendations with staff based on Council direction
- Develop an action plan of all recommendations assigning priority, timeline and ownership

- Annually, evaluate outstanding recommendations and determine which will be funded and implemented in the next fiscal year

Council spoke their appreciation for the efforts of the team and the recommendations in the report. Discussion ensued regarding the Policy Recommendations for City Council Action, noting the endorsement of retiring the Financial Assistance Committee and reestablishing a Parks and Recreation Advisory Committee. Council spoke their appreciation for the teams efforts and for really understanding the City demographics. Council inquired as to the status of the interlocal agreement with the Sanibel School and Lee County. City Manager Souza spoke to allowing the school to reopen and then starting discussions to update the interlocal.

Discussion ensued regarding recommendations related to the Senior Programming and holding a summit to determine how to move forward with collaboration, looking at programming and facilities, and considering cost recovery efforts. Council provided consensus to proceed.

Discussion ensued regarding Recreation Center Memberships and implementing with the next fiscal year beginning in October, option for use of a punch card, authorizing staff to come back with evaluation of what recommendations could be established, and order of priority.

Discussion ensued regarding Recreation hiring and budgeting options, and creating a budget policy that addresses revenue shortfalls. City Manager Souza spoke to this tying into the budget process.

Discussion ensued regarding after-school programming and summer camps, being interested to see what proposals come in response, currently have a wait-list and looking for solutions. City Manager Souza spoke to the continuity of service between security at the School and the Recreation Center for after school programs.

Discussion ensued regarding outdoor sports and fitness options and recommendations, supportive if cost effective, develop strategy, and articulate desires to School District.

Discussion ensued regarding supporting the youth and other programming recommendations, directing the Parks and Recreation Committee to address, and reaching out to other organizations for partnership.

Discussion ensued regarding the updated City website, continuing with the Recreation Center website updates, developing a summit, and enhancing online portal. Further discussion ensued regarding the local non-profits being eager to participate and partner with the City.

Discussion ensued regarding preparing a cost recovery and fiscal review. Council inquired as to clarification of the tables in the report, creating a history for tracking purposes, establishing realistic numbers, and streamlining tasks to appropriate departments. Council spoke to authorizing Staff to determine the services and activities to be provided, as well as discussions with the School District.

Discussion ensued regarding the need for creation an operation manual and working with the HR Department to assist with recruitment and hiring efforts. Further discussion ensued regarding training and development.

Council concurred with reviewing all recommendations and evaluating them. Discussion ensued regarding the funds remaining from the Financial Assistance Committee being used to fund scholarships for the youth programs as they were raised for. Mr. Souza recognized Barry Roth for his efforts in raising funds for the youth scholarship program. Council thanked the Recreation Financial Assistance Committee members (past/present) for their efforts over the years.

Public Comments:

- Lyman Welch - should inclusion of the Shared Use Path be part of the motion to
create the new committee

Councilmember Henshaw moved, seconded by Vice Mayor Johnson, to retire the Recreation Financial Assistance Committee and establish a Parks and Recreation Advisory Committee. The motion carried.

Council further thanked the Committee for their service. City Manager Souza spoke to transferring review and approval of the applications from the Financial Committee to Staff, Council concurred.

Council thanked Elsa Fischer, Lisa Paradis, Darla Letourneau and Director Andrea Miller for their hard work and efforts.

Public Comment:

- Roy Gibson - resident - refer to the referendum which established the Recreation
Center
- Nichole Decker-McHale - resident
- Walter Gangl - resident
- Bob Moore - resident - Sanibel Captiva Renewable Energy Working Group
- Lyman Welch - resident - appreciate efforts for after-school program, adjusting
hours for those that work 9-5 jobs

City Manager Souza thanked Council for their discussion and direction.

The meeting recessed at 11:20 and reconvened at 11:33 a.m.

Councilmember Miller moved, seconded by Councilmember Henshaw, to move Planning Commission Report and Public Comments on Non-Agenda Items up in the agenda before the Hurricane Ian Update. The motion carried.

6. PLANNING COMMISSION REPORT (Vice Chair Pfeifer)

Vice Chair Pfeifer gave the following brief report:

Since last report the Planning Commission met on January 24, 2023:

- Welcomed new Commissioners Ken Colter and Lyman Welch and returning Commissioner Laura DeBruce.
- Held elections for Chair and Vice Chair - Roger Grogman re-elected as Chair, Eric Pfeifer re-elected as Vice Chair.
- Adoption of a resolution approving a conditional use permit for Coastal Creek subdivision. The motion carried with a vote of 5-0 with Commissioner Welch abstaining due to bias as an adjacent property owner and Commissioner

Nichols

excused.

- Public hearing for consideration of a variance request and development permit to

construct a single-family residence with 4,760 square feet of living area, a multiple

access driveway, and associated improvements, located at 1898 Woodring Road.

The applications were approved by a vote of 4-1 with Commissioner Welch opposed, Chair Grogman abstaining due to a bias relating to his involvement with

the submission of the application and Commissioner Nichols excused.

- Public hearing for consideration of an application for demolition or removal from the

City Register of Historic Landmarks of the Nutt Home on the Nutt Homestead located at 3405 West Gulf Drive. The motion carried by a vote of 6-0 with Commissioner Nichols excused.

- Public hearing for consideration of amendments to the Sanibel Code regarding mixed use development. Commission voted to forward the draft ordinance to

City

Council for consideration.

- The next Planning Commission meeting is at 9 a.m. on February 14, 2023, and will

be held at BIG ARTS.

7. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

- Francis Wilson - thanked the City Council, City Manager, Police Department
- Roy Gibson - thanked Commissioner Pfeifer for his report, thanked Craig Chandler and Planning Staff for their efforts
- Emilie Alfino - owner of LEO property through CHR
- Walter Gangl - Board of Loggerhead Cay - fees related to building permits

- Barry Wilson - resident
- Richard Penny - resident and HOA President - sand repair and replacement on beaches
- Alison Haviltad - resident - President of Bicycle Club - looking forward to updates to the shared use paths
- Alison Ward - resident - National Geographic article about Sanibel
- John Mitchell - Board member at Tamarind
- Brian Wilson - new resident
- Peter Pappas

5. HURRICANE IAN RECOVERY UPDATE

City Manager Souza spoke to items for Council consideration:

- Amending curfew
- Temporary signs

Recovery Milestones:

- Reopened 2 beaches
- Temporary post office set up and operating
- Sanibel School reopens tomorrow

Planning and Building Departments are working from Fort Myers at 6200 Whiskey Creek Drive.

Code Compliance - Pools, debris, assistance through iandebris.com

Temporary Housing Needs:

- One FEMA trailer has been placed on a property on Sanibel
- 18 residents have requested FEMA trailers
- FEMA is reviewing a City owned location on Library Way for placement of trailers

Causeway Repairs:

- Lee County Board of County Commissioners (BOCC) presentation will be available on website

Deputy City Manager Steve Chaipel gave a brief financial report, speaking to applications received by the Property Appraiser's Office requesting relief from taxes, and spoke to reimbursement and funding options.

Administrative Services Director and Risk Manager, Crystal Mansell, spoke to updates for the lighthouse repairs, turnkey repairs for the Recreation Center, passing the electrical inspection at the Sanibel Historical Museum and Village, working on repairs to the HVAC and alarm system at the Village, MacKenzie Hall passing air quality tests, and repairs at Donax facility being complete.

Interim Public Works Director David Schmitt spoke to continuing debris pickups, repairing street signs, continuing street cleaning and maintenance, continuing fleet maintenance efforts, getting back to regular public works tasks, resuming projects that had been put on hold, and spoke to beach parks and accesses being repaired and efforts to reopen.

City Manager Souza gave a brief report of debris removal efforts.

Building Official Craig Molé spoke to the number of permits processed, in review, and applied for, noting the types of permits that are being applied for.

Planning Director Paula McMichael spoke to the temporary use permits relating to trailers on properties during recovery. She further spoke to code regulations for temporary signs, noting the recommendations to Council 1) waiving Section 106-133(4) allowing advertising on a temporary sign, 2) waiving Section 106-135(6) related to a 60-day placement limit.

Police Chief William Dalton reported the number of vehicles entering the island, recommending that Council amend the curfew to 12a - 5a. or remove the use of the curfew and the police blotter.

Andrea Miller, Recreation Director, spoke to efforts for Healthy Heart Month activities, noted speaking to the roof contractor for the Recreation Center, received update from JSM regarding restoration of the ball fields, spoke to youth program enrollments, SWOT (Swim team) enrollment, and provided a revenue update.

Natural Resources Director Holly Milbrandt spoke to Special Session Legislation items relating to beach recovery and spoke to grant funding programs. She further spoke to opportunities to fund beach recovery through FEMA and the State. Additionally, she provided an update on nesting season. Finally, Ms. Milbrandt spoke to site work and landscape restoration regulations.

Discussion ensued regarding still having assistance from the Sheriff's Office, staffing being adequate for the removal or amendment of the curfew, and the City Manager supporting the recommendation to lift the curfew. Additional discussion ensued regarding the recommendation to remove the use of the police blotter reports, option to continue reporting during the first couple weeks without the curfew, and possibility of posting release if needed when the blotter is discontinued.

Consensus from Council to remove the curfew and continue the Police Blotter reporting.

Discussion ensued regarding pool fencing requirements and options. Building Official Molé spoke to state building code requirements for pool fencing and

pool barriers.

Council inquired regarding a letter received specific to PODS and code requirements. Director McMichael spoke to processes for permitting PODS and limiting it to 30 days, code does not address a time frame, and could consider 180 days during recovery. Discussion ensued regarding the different uses of the containers whether for storage of household items or construction materials. City Attorney John Agnew spoke to having a set 180 days as opposed to tracking each individual unit. Discussion ensued regarding the option to address individually if needed or could be extended. August 6, 2023 would be 180 days. Council concurred with the 180-day deadline of August 6, 2023.

Discussion ensued regarding temporary signs, sign blight, prohibited signs being used, if Code Enforcement will be removing those signs, allow advertising on temporary signage and extend time limit from 60 days to 120 days or up to a year. Signs would have to be on the property, not in the right-of-way. Ms. McMichael spoke to some signs needing a permit to be compliant with code. Craig Chandler, Planning Supervisor, spoke to some of the signs qualifying as permit boards.

Continued discussion ensued regarding allowing temporary signs, limiting to 3 per property, 3 foot by 3 foot per sign, 120 days - 180 days, supporting businesses to reopen, directing staff to bring back options for sign regulations, and maintaining balance between residential and commercial signage. Final consensus by Council was to support the recommendation from Staff with a date of August 6, 2023, and allowing advertising on the signs such as “open”, “open for lunch”, etc.

Council inquired as to the status of the Library Way bank building, Director Mansell responded that work is expected to be completed in March.

Discussion ensued regarding weir levels and flooding issues in the Sea Oats subdivision. Deputy Public Works Director Scott Krawczuk, spoke to the levels of the weir and City policy regarding the opening of the weirs. Discussion ensued regarding the opportunity for reviewing and revising that policy. Mr. Krawczuk spoke to the regulations by DEP for filing the lots when being developed, and how current water levels are typical for the area. Discussion ensued regarding the functions of the weir and water tables, if lowering the weirs could be impactful, communication with the residents being key, is the standing water helpful to revegetation or still high salinity. Ms. Milbrandt spoke to sampling done across the island at various locations. Reports show freshwater in the ground water, but some salt content on the surfaces of some lakes and other previously freshwater waterbodies.

Discussion ensued regarding temporary housing not only from FEMA but from DEM. Mr. Souza spoke to DEM properties being a shorter period of time and

would not go to the same locations that FEMA would not go to. Discussion returned to looking for temporary housing for CHR residents that lost their homes or leases, also not knowing if they would be able to return to CHR in the future.

Discussion ensued regarding limitations for helping, needing to know what needs are, continuing to look for locations, and addressing in future planning initiatives. Discussion then turned to notifying the City of properties that have been severely damaged and not touched since the storm.

Council inquired regarding the information for the Causeway repair funds being federal and state funded. Additionally, the reimbursement for pay was for storm pay and overtime, not for the standard 80 hours worked. Finally, the paddle signs would be replaced when the haulers have completed their jobs.

Public Comment:

- James Haworth
- Roy Gibson
- Lyman Welch

Discussion ensued regarding traffic issues, use of the boat ramp, and concerns regarding pool security regulations. City Manager Souza and Attorney Agnew spoke to researching the issue but staying in compliance with regulations. Further discussion ensued regarding foreseeing maintenance issues on Periwinkle due to the recovery efforts and large trucks additionally speed issues. Chief Dalton spoke to monitoring with speed guns beginning tomorrow.

Additional discussion ensued regarding the contract with DEM for use of the boat ramp and the estimated date being the end of February or early/mid March. Finally, discussion ensued regarding preparing for the next potential storm by planning to remove temporary signs and structures in preparation.

The meeting recessed at 2:21 p.m. and reconvened at 2:50 p.m.

8. CITY COUNCIL COMMENTS

Councilmember Miller spoke his appreciation to Mayor Smith for her efforts getting the Post Office services back on island, spoke to regulations for building fees, attendance at the CHNEP meeting and a presentation regarding resiliency, and spoke to a court hearing scheduled for Friday between Big Sugar and the Army Corps of Engineers. Mr. Miller spoke his concerns for the outcome of the hearing possibly delaying the construction of the Everglades Agricultural Area (EAA).

Councilmember Henshaw echoed his appreciation for all who worked to get the temporary Post Office up and running, thanked the organizations helping fund relief efforts, and thanked the volunteers who helped collect vegetation and

move to the right of way for debris removal. Mr. Henshaw spoke to the incorporation of the City of Sanibel and encouraged planning efforts to celebrate the 50th anniversary begin. Finally, he spoke to opportunities to demonstrate resiliency while rebuilding and maintaining our community as well as establishing a series of workshops for citizen and community engagement.

Councilmember Crater spoke to the Council election on March 7, 2023 and noted the polling location is at the Recreation Center. He also spoke to supporting tasking the new Parks and Recreation Committee with the Shared Use Path. Finally, he spoke to native and invasive vegetation standards and regulations.

Vice Mayor Johnson spoke to being liaison for the Historic Preservation Committee as well as to the Sanibel Historic Museum and Village, noting the passing of Board President Bill Rahe, and member Dorothy Donaldson, additionally, the retirement of the Village Director, Emilie Alfino. Mr. Johnson spoke his appreciation for the reopening of the temporary Post Office and the Sanibel School. He spoke his appreciation for seeing people enjoying the beaches with the reopening of Blind Pass and Tarpon Bay beaches. Finally, he spoke to the Village being ready for electricity to be reestablished.

Mayor Smith spoke to celebrating all the little things, opening two beaches, the temporary post office, the school reopening, and the Arbor Day celebration. Ms. Smith spoke to meeting with Legislators in Tallahassee with City Manager Souza to discuss the legislative priorities. She also spoke to attending the Everglades Coalition Conference with Councilmember Henshaw, Councilmember Miller and Natural Resources Director, Holly Milbrandt. She further spoke to participating in a fly-over of the island to view the recovery efforts, see the scouring effects on the beaches, and noting areas in the water that have debris that needs to be removed.

Discussion ensued regarding the possibility of providing Hurricane Ian updates separate from the City Council meetings.

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

a. Architectural Design Requirements - Multi-family

ORDINANCE 23-006 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR MULTIFAMILY HOUSING TO ADD DEFINITIONS, CLARIFY REGULATORY LANGUAGE, AND ADDRESS DESIGN OF ELEVATED STRUCTURES TO ENSURE THAT REDEVELOPMENT WILL BE CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT; 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; 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 23-006.

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

- b. Architectural Design Requirement for Commercial and Institutional Development**
ORDINANCE 23-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR COMMERCIAL AND INSTITUTIONAL DEVELOPMENT TO ADD DEFINITIONS, CLARIFY REGULATORY LANGUAGE AND PROVIDE DESIGN STANDARDS FOR ELEVATED STRUCTURES TO ENSURE THAT REDEVELOPMENT WILL BE CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 - ZONING, ARTICLE VIII. - COMMERCIAL DISTRICTS, DIVISION 2. - GC GENERAL COMMERCIAL DISTRICT, SECTION 126-494. - REQUIRED CONDITIONS; DIVISION 3. - TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514. - REQUIRED CONDITIONS; AND DIVISION 4. - TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534. - REQUIRED CONDITIONS; AND ARTICLE XIV. - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. - COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1028. - ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES; 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 23-007.

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

10. 9:10 - SECOND READING AND PUBLIC HEARING

- a. Waiver of Development Fees**
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 MAYORAL PROCLAMATION OR CITY COUNCIL RESOLUTION FOLLOWING A DISASTER, PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT;

PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Planning Director Paula McMichael summarized the amendments and noted the accompanying resolution. Attorney Agnew read into record the title of Ordinance 23-001.

Councilmember Henshaw moved, seconded by Vice Mayor Johnson, to adopt Ordinance 23-001. The motion carried.

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. Building Official Molé summarized the amendment relating to private providers. City Manager Souza spoke to the accompanying resolution. Council clarified the definition of a private provider.

Councilmember Miller moved, seconded by Councilmember Henshaw, to adopt Ordinance 23-002. The motion carried.

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. Planning Director Paula McMichael summarized the amendments and noted the accompanying resolution. Council clarified the amount of the fee being waived.

Vice Mayor Johnson moved, seconded by Mayor Smith, to adopt Ordinance 23-003. The motion carried.

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. Planner Kim Ruiz provided a brief background and summarized the amendments.

Discussion ensued regarding non-conforming properties, parking regulations, elimination of grandfather provision which is being kept in the ordinance, this ordinance focusing on redevelopment, height restrictions, clarification of which coastal construction control line (CCCL) was being referenced by the building code, and if the proposed amendments are in compliance with the charter. Attorney Agnew spoke to the amendments complying and noted there would be no allowance for increasing a non-conformity. Discussion ensued regarding a scrivener's error. Attorney Agnew express language for placement of the language being kept.

Further discussion ensued regarding rental and time-share options. Ms. Ruiz noted the changes were to clean up language relating to resort units. The updates are to encourage redevelopment, permits are required from the state to buildback.

Public Comment:

- Ken Evers - Resident
- John Mitchell - The Tamarind - deeded beach access easements
- Larry Schopp - President of COTI
- Roy Gibson - Resident
- Chris Davidson - Island Inn

Discussion ensued regarding height limitations, Ms. Ruiz spoke to the language coming from the Sanibel Plan and read the language into the record. Further discussion ensued regarding allowances for condo buildings building back elevated.

Discussion ensued regarding the additional access ways and deeded accessways or easements being an unintended consequence that would be addressed. Further discussion ensued regarding the amendments not being substantive or requiring coming back for further consideration. Attorney Agnew spoke to interpretations of the code regarding standards for new construction and process for re-development.

Attorney Agnew spoke to the reason for the reference to City Charter Section 3.10.5. He additionally spoke regarding 4a and 4b, updating to clarify readability, but could be left alone with the same results. Discussion ensued regarding each of the comments being addressed and the amended motion covered the unintended consequences.

Councilmember Miller moved, seconded by Mayor Smith, to adopt Ordinance 23-004, with inclusion of B2c in new paragraph subsection a, and correction of scrivener's error in Section 126-637, and in B5c correcting '1975' to '1974'.

Councilmember Miller moved, seconded by Mayor Smith, to amend the motion to include within subsection B6d the exclusion of beach access and public access as stated by the City Attorney. The motion carried.

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. Planning Supervisor Craig Chandler provided a brief background and summarized the amendments.

Discussion ensued regarding 126-1341a and concerns with limiting parking for duplexes as street side parking is not allowed, and lowering the minimum requirement allows for less developed coverage. Mr. Chandler responded that the existing standards state no additional parking is required for real estate offices or small retail establishments. Further discussion ensued regarding the rationale for the reduction being based on references regarding parking requirements.

Attorney Agnew spoke to adding the word “minimum” under Section 126-13(a) to read “minimum required parking spaces”, on page 4 under section 126-640(5) (a) and (c) adding parenthesis to add code references.

Further discussion ensued regarding the applicable structure types, and whether if Section 5 is specific to resort housing district. Which Mr. Chandler responded that the section was being relocated to the resort housing and commercial uses section, from the conditional use section.

Public Comments:

- Roy Gibson
- Bill Wellman - Inns of Sanibel
- Ben Dahlman

Discussion ensued regarding the option of proposing 1.5 spots for duplexes and leaving at 2 for multifamily units. Mr. Chandler spoke to it coming down to the inventory of 1 bedroom units. Discussion ensued regarding making the minimum standard 2 which would increase the number of applications for variances. Mr. Chandler spoke to the benefits of setting the minimum to 1.

Councilmember Crater moved, seconded by Mayor Smith, to adopt Ordinance 23-005, with the requirement of 2 parking spots for duplexes, 1 parking space for multifamily, and adding the word “minimum”, and on page 4 under section 126-640(5)(a)(c) adding parenthesis for code as “subject to references to 126-91 for Restaurants and subject 126-94 for Motorized Equipment Rentals”. The motion failed.

Opposed: 3 - Vice Mayor Richard Johnson, Councilmember John Henshaw, and Councilmember Mike Miller

Councilmember Henshaw moved to adopt with the recommendations as presented by Staff.

Mr. Chandler clarified what the proposed recommendation was and described what was being removed from the table. Discussion ensued regarding if the changes were more restrictive and how best to address the issue across the island. Ms. McMichael spoke to meeting with representatives of multiple resort units that were supportive of the recommendations by staff.

Public Comment:

- Al Calciano - consider setting minimum as 1.2
- Roy Gibson

Discussion ensued regarding considering 1.2 or 1.25 instead of 5 and considering area under a building as parking.

Vice Mayor Johnson moved, seconded by Councilmember Miller, to adopt Ordinance 23-005 with “minimum” in section 126-1341(a), 1.5 spaces for duplex units, keep strike throughs, and on page 4 under section 126-640(5)(a)(c) adding parenthesis for code as “subject to references to 126-91 for Restaurants and subject 126-94 for Motorized Equipment Rentals”. The motion failed.

Opposed: 4 - Mayor Holly Smith, Vice Mayor Richard Johnson, Councilmember Scott Crater, and Councilmember John Henshaw

Councilmember Henshaw moved, seconded by Councilmember Crater, to adopt Ordinance 23-005 with “minimum” in Section 126-1341(a), 1.5 for duplexes, and multifamily developments and unified cluster housing to 1.25 parking spaces, inclusive of the three clerical issues stated above. The motion carried.

The meeting recessed at 5:50 p.m. and reconvened at 6:01 p.m.

11. CONSENT AGENDA

a. Adoption of Resolutions

i. Waiver of Building Permit Demolition Fee

RESOLUTION 23-004 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, WAIVING THE BUILDING PERMIT DEMOLITION FEE FOR A SIX-MONTH PERIOD RETROACTIVELY TO NOVEMBER 2, 2022, AND ENDING MAY 7, 2023 FOR ALL BUILDINGS SUBSTANTIALLY DAMAGED BY HURRICANE IAN; AND PROVIDING AN EFFECTIVE DATE

ii. **Waiver of Temporary Structure Development Permit Fee**

RESOLUTION 23-005 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, WAIVING THE TEMPORARY STRUCTURE DEVELOPMENT PERMIT FEE FOR A SIX-MONTH PERIOD RETROACTIVELY TO NOVEMBER 2, 2022, AND ENDING MAY 7, 2023; AND PROVIDING AN EFFECTIVE DATE

iii. **Reduction in Emergency Repair Permit Fees**

RESOLUTION 23-006 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, REDUCING PERMIT FEES CHARGED FOR EMERGENCY REPAIRS FOR BUILDING ALTERATIONS, ELECTRICAL PERMITS, MECHANICAL PERMITS, PLUMBING PERMITS, AND ROOF PERMITS, AS SUBMITTED ON THE CITY OF SANIBEL EMERGENCY REPAIR PERMIT FORMS BY 25% FOR A SIX-MONTH PERIOD, AND WAIVE THE FIRST RE-INSPECTION FEE FOR A SIX-MONTH PERIOD FOR ALL EMERGENCY REPAIR PERMITS; AND PROVIDING AN EFFECTIVE DATE

iv. **RESOLUTION 23-003 RATIFYING THE APPOINTMENT OF THREE MEMBERS TO THE CITY OF SANIBEL PLANNING COMMISSION TO FILL THREE-YEAR TERMS BEGINNING JANUARY 17, 2023 THROUGH MIDNIGHT, JANUARY 12, 2026; AND PROVIDING AN EFFECTIVE DATE**

v. **RESOLUTION 23-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, WAIVING THE DEVELOPMENT PERMIT, DEMOLITION OF A STRUCTURE FEE FOR A SIX-MONTH PERIOD RETROACTIVELY TO NOVEMBER 2, 2022, AND ENDING MAY 7, 2023 FOR ALL BUILDINGS SUBSTANTIALLY DAMAGED BY HURRICANE IAN; AND PROVIDING AN EFFECTIVE DATE (Supplement 2)**

Attorney Agnew read into record the titles of Resolutions 23-004, 23-005, 23-006, 23-003, and 23-007.

Councilmember Henshaw moved, seconded by Mayor Smith, to adopt Resolutions 23-004, 23-005, 23-006, 23-003, and 23-007. The motion carried.

b. Business Items

i. Adoption of Minutes - January 17, 2023 Regular Meeting

ii. Approval of a second two-year extension of Agreement 20-016 with Ferrier Enterprises, Inc.

- for exotic plant control and land management activities on City managed lands (this does not increase the FY2023 budget)
- iii. Ratify the City Manager's emergency purchase authorization of a vac truck in the amount of \$473,151.05 through Environmental Products Group, Inc. utilizing the State Sourcewell Contract 101221
 - iv. Ratify the City Manager's emergency purchase authorization of a sweeper truck in the amount of \$152,688.62 through Jet-Vac Equipment Company LLC utilizing the State Sourcewell Contract 030619-MUL
 - v. Approval of the proposal submitted by Tetra Tech, Inc. for bidding, construction observation services and construction closeout services for the Wulfert Wastewater Treatment Plant (WWTP) New Reclaimed Ground Storage Tank (GST) in the amount of \$168,820
 - vi. Approval of a three-year contract with CrownCastle in the amount of \$14,940 annually, for Internet Access for the Building and Planning Departments at 2475 Library Way, and authorize the City Manager to execute same
 - vii. Second Amendment to City Manager Employment Agreement

Approval of the Consent Agenda business items.

Councilmember Miller moved, seconded by Mayor Smith, to approve the consent agenda business items. The motion carried.

CONSENT ITEMS PULLED FOR DISCUSSION

12. INFORMATIONAL ITEMS

- a.** Water Quality Issues
 - i. Reports from Natural Resources Department
 - ii. Letter to Colonel James Booth, Jacksonville District Commander, US Army Corps of Engineers, expressing the City's appreciation for water quality efforts from Mayor Holly D. Smith, dated January 26, 2023
- b.** Donax Wastewater Plant Update
- c.** Phase IV Update

d. Hazard Mitigation Grant Program (HMGP) Update

No discussion was held on the informational items.

13. OLD BUSINESS

- a. Adoption of **RESOLUTION 23-011 APPROVING BUDGET AMENDMENT 2023-004 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$77,500 in professional fees and commitment fee related to the issuance of a \$20.0 million line of credit. The funding for this amendment is coming from the General Fund Available for Appropriation segment of Ending Fund Balance. This amendment does not increase the fiscal year 2023 budget.)

Attorney Agnew read into record the title of the Resolution. Deputy City Manager Chaipel spoke to the purpose for the budget amendment. Discussion ensued regarding the request being in line with other requests and there are not immediate requests to draw down on the line of credit. City Manager Souza spoke to a request to draw would come before Council.

Vice Mayor Johnson moved, seconded by Councilmember Crater, to adopt Resolution 23-011. The motion carried.

- b. Adoption of **RESOLUTION 23-008 AUTHORIZING THE ISSUANCE OF ITS CITY OF SANIBEL, FLORIDA TAXABLE LINE OF CREDIT NOTE, SERIES 2023, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000 TO REIMBURSE AND FUND DISASTER RELATED RECOVERY PROJECTS; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY SECURED BY AND PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of the resolution. Mr. Chaipel spoke to the resolution authorizing the line of credit.

Vice Mayor Johnson moved, seconded by Mayor Smith, to adopt Resolution 23-008. The motion carried.

- c. Adoption of **RESOLUTION 23-009 APPROVING BUDGET AMENDMENT 2023-003 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$329,766 in funding to enter into an agreement with CityView to provide software related to the City's permitting and licensing processes. The funding for this amendment is coming from the Building Fund Ending Fund Balance. This amendment does not increase the fiscal year 2023 budget.)

Attorney Agnew read into record the title of the resolution. Mr. Chaipel spoke to the resolution appropriating the funds to implement the CityView software.

Councilmember Miller moved, seconded by Vice Mayor Johnson, to adopt Resolution 23-009. The motion carried.

Attorney Agnew requested a motion to approve the contract with CityView.

Councilmember Henshaw moved, seconded by Councilmember Crater to enter agreement with CityView. The motion carried.

d. **Outdoor Display of Merchandise**

RESOLUTION 23-010 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AUTHORIZING OUTDOOR DISPLAY OF MERCHANDISE UNDER CERTAIN CONDITIONS FOR A TWELVE-MONTH PERIOD RETROACTIVELY TO SEPTEMBER 28, 2022, AND ENDING SEPTEMBER 28, 2023; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Resolution 23-010. Planning Director McMichael summarized the background for the resolution. Discussion ensued regarding the direction coming from Council with a time line of 12 months from September 28, 2022.

Councilmember Henshaw moved, seconded by Mayor Smith, to adopt Resolution 23-010. The motion carried.

e. Legislative Priorities Update

City Manager Souza spoke to the updated document and requested Council approval to forward to the Legislators.

Vice Mayor Johnson moved, seconded by Mayor Smith to approve the updated the legislative priorities and authorize forwarding to Legislators. The motion carried.

Discussion ensued regarding option to approve administratively.

f. Approval of Draft Fiscal Year 2024 Budget Adoption Calendar

Deputy City Manager Chaipel spoke to the proposed calendar including proposed budget workshops. Discussion ensued regarding workshops to allow for public input and being inline with the strategic goals. Discussion ensued regarding scheduling a separate workshop.

Vice Mayor Johnson moved, seconded by Mayor Smith, to approve the budget calendar. The motion carried.

14. NEW BUSINESS

a. Tentative Timeline for Consideration of Proposed Amendments Related to Green Building Regulations

Paula McMichael spoke to the proposed timeline requested by Council.

Discussion ensued regarding what information can be provided, Ms. McMichael spoke to the next step being research by staff and bringing information back to Council. Consensus by Council to forward to Planning Commission.

b. **RESOLUTION 23-012 OF THE CITY COUNCIL OF THE CITY OF SANIBEL RELATED TO QUASI-JUDICIAL PROCEEDINGS; PROVIDING A METHOD TO**

REMOVE THE PRESUMPTION OF PREJUDICE FROM EX PARTE COMMUNICATIONS

Attorney Agnew read into record the title of Resolution 23-012 and provided a brief background. Discussion ensued regarding this providing a safe harbor for future hearings by putting into record the ex-parte communications.

Councilmember Henshaw moved, seconded by Mayor Smith, to adopt Resolution 23-012. The motion carried.

15. CITY MANAGER'S REPORT

City Manager Souza spoke to working on scheduling a workshop for resiliency, noting two-weeks would not be feasible with the current work load. Discussion ensued regarding possibly partnering with another organization to organize.

16. CITY ATTORNEY'S REPORT

No further report.

17. COUNCIL MEMBERS' REPORTS

No further reports.

18. PUBLIC COMMENT

There were no public comments from the audience.

19. ADJOURNMENT

There being no further business the meeting adjourned at 6:36 p.m.