



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Agenda - Final City Council

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Tuesday, June 6, 2023

9:00 AM

BIG ARTS - 900 Dunlop Rd

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**PLEASE NOTE THAT THE CITY COUNCIL AGENDA IS SUBJECT TO CHANGE.**

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**A COPY OF THE AGENDA PACKET IS AVAILABLE ON THE CITY'S WEBSITE AT  
WWW.MYSANIBEL.COM**

**“The Rules of Civility for Public Participation” as adopted by City Council can be found on the last page of this agenda. Reminder: Please turn all cell phones on to vibrate while in MacKenzie Hall.**

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### **1. CALL TO ORDER**

### **2. INVOCATION AND PLEDGE OF ALLEGIANCE (Vice Mayor Miller)**

### **3. ROLL CALL**

### **4. SET THE AGENDA**

### **5. PRESENTATION(S)**

- a. Representative Adam Botana
- b. 2023 Regular Session Legislative Update Issues presented by Angela Dempsey of Poole McKinley Inc.

### **6. HURRICANE IAN RECOVERY UPDATE**

*(PowerPoint Presentation to be added during the meeting)*

### **7. PLANNING COMMISSION REPORT (Commissioner Colter)**

### **8. PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

*(Maximum time allotted, 20 minutes, with a limitation of 3 minutes per speaker.)*

### **9. CITY COUNCIL COMMENTS**

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

## 11. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING

*Note: The First Reading is not a public hearing and no discussion or testimony will be taken unless the ordinance changes permitted conditional or prohibited uses as required by State Statute*

**a. Parks and Recreation Committee**

**First Reading - ORDINANCE 23-009 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO ESTABLISH A PARKS AND RECREATION ADVISORY COMMITTEE TO ADVISE THE CITY COUNCIL IN THE AREAS OF PARKS, OPEN SPACE, AND RECREATION, BY AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, BOARDS, COMMITTEES, COMMISSIONS; ADDING DIVISION 4, PARKS AND RECREATION ADVISORY COMMITTEE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Ordinance 23-009](#)  
[Proposed Timeline](#)

**b. Ceiling Height Standards**

**First Reading - ORDINANCE 23-019 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO ASSUMED CEILING HEIGHTS FOR BUILD BACK OF SUBSTANTIALLY DAMAGED OR DESTROYED NONCONFORMING STRUCTURES, AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE V, NONCONFORMANCES, DIVISION 5, STANDARDS FOR BUILDING BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-219, BUILDBACK REGISTRATION, SUBSECTION (b), FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Ordinance 23-019](#)  
[PC Resolution 23-11](#)

**c. Temporary Use Permits - Zoning**

**First Reading - ORDINANCE 23-014 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, RELATING TO REVISIONS TO ENSURE COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND TO ALLOW THE USE OF CONSTRUCTION TRAILERS, BY AMENDING CHAPTER 126, ZONING, ARTICLE III, TEMPORARY USE PERMITS, SECTION 126-61, PURPOSE AND SCOPE, SECTION 126-62, APPLICABILITY, SECTION 126-63, GENERAL REQUIREMENTS, AND SECTION 126-64, SPECIAL CONDITIONS; ADDING NEW SECTIONS 126-63, SALES OFFICE, 126-64, POST NATURAL DISASTER, 126-65,**

**STORAGE OF HEAVY EQUIPMENT, AND 126-66, COMMERCIAL BUILDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**Attachments:**

[Agenda Memorandum](#)

[Ordinance 23-014](#)

[Attachment A PC Resolution 23-15](#)

[Attachment B FEMA Definition](#)

[Attachment C DRAFT Ordinance Chapter 126 with FEMA recommendations](#)

**d. Temporary Use Permits - Floods**

**First Reading - ORDINANCE 23-013 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ENSURE COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM, BY AMENDING CHAPTER 94, FLOODS, ARTICLE III, FLOOD-RESISTANT DEVELOPMENT, DIVISION 5, RECREATIONAL VEHICLES AND PARK TRAILERS, SECTION 94-181, TEMPORARY PLACEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**Attachments:**

[Agenda Memorandum](#)

[Ordinance 23-013](#)

[DRAFT Ord Chpt 94 Strike Thru Underline betw PC and CC](#)

[PC Resolution 23-13](#)

**e. Architectural Standards - Resort Housing**

**First Reading - ORDINANCE 23-016 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO RESOLVE OMISSIONS FROM A RECENT ORDINANCE AMENDING ARCHITECTURAL DESIGN STANDARDS, REMOVING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS; SECTION 86-170, EXAMPLES AND ILLUSTRATIONS OF ARCHITECTURAL DESIGN AND BUILDING FEATURES THAT REINFORCES THE ARCHITECTURAL STANDARDS; AMENDING CHAPTER 126, ZONING, ARTICLE XII. RESORT HOUSING DISTRICT, SECTION 126-639. 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.**

**Attachments:**

[Agenda Memorandum](#)

[DRAFT Ordinance 23-016](#)

[Planning Memo PC 042523](#)

[PC Resolution 23-16](#)

## 12. DISCUSSIONS OF DRAFT LEGISLATION

a. **Elevated Swimming Pools**

**Discussion only - ORDINANCE 23-015 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW THE USE OF SHORT-FORM APPLICATION FOR ELEVATED SWIMMING POOLS HIGHER THAN SEVEN FEET ABOVE PREDEVELOPMENT GRADE BY AMENDING CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 15, ELEVATED SWIMMING POOLS, SECTION 126-1302. REQUIREMENTS AND PROCEDURES, SUBSECTION (a) PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**Attachments:**            [Agenda Memorandum](#)  
                                 [DRAFT Ordinance 23-015](#)  
                                 [PC Resolution 23-14](#)

b. **Recreation Fees**

**Discussion only - ORDINANCE 23-018 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO UPDATE RECREATION USER FEES BY AMENDING CHAPTER 90, FEES, ARTICLE V, RECREATION USER FEES; DIVISION 1, GENERALLY, AND DIVISION 2, SANIBEL RECREATION CENTER; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**Attachments:**            [AGM Ord 23-018 Rec User Fees.doc](#)  
                                 [DRAFT Ordinance 23-018](#)

c. **Driveway Separation**

**Discussion only - ORDINANCE 23-017 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO APPROVE THE PROPOSED AMENDMENTS TO CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-90, DRIVE-IN AND DRIVE-THROUGH FACILITIES, SECTION 129-91, EATING PLACES, RESTAURANTS, GROCERY STORES, ETC., NOT LISTED AS A PERMITTED USE, SECTION 126-92, MOTION PICTURE THEATERS, EXCEPT DRIVE-IN, AND THEATERS FOR LIVE PERFORMANCES, SECTION 126-93, GASOLINE SERVICE STATIONS, SECTION 126-94, VEHICLE RENTAL AND LEASING, SECTION 126-95, CAR WASHES; ARTICLE XV, OFF-STREET PARKING AND LOADING,; DIVISION 4, DESIGN STANDARDS, SECTION 126-1404, SERVICE AISLES, FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[DRAFT Ordinance 23-017](#)  
[Planning Memo PC 041123](#)  
[Planning Memo PC 042523](#)  
[PC Resolution 23-17](#)  
[CC Resolution 98-100](#)

**d.    Setbacks**

**Discussion only - ORDINANCE 23-020 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO SITE PLANNING AND ASSOCIATED SETBACKS FOR COMMERCIAL USES, 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; DIVISION 4, TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534, REQUIRED CONDITIONS; ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION II, SPECIAL SETBACKS, SECTION 126-961, OUTDOOR SEATING SETBACKS; DIVISION 5, COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1029, SITE PLANNING STANDARDS FOR THE PURPOSE OF LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[DRAFT Ordinance 23-020](#)  
[PC Resolution 23-19](#)

### **13. CONSENT AGENDA**

*ANY PERSON MAY REQUEST THAT COUNCIL REMOVE AN ITEM FROM THE CONSENT AGENDA FOR DISCUSSION BY NOTIFYING THE CITY MANAGER, CITY CLERK, OR A COUNCIL MEMBER PRIOR TO OR AT THE MEETING.*

**a. ADOPTION OF RESOLUTIONS**

- i.    RESOLUTION 23-031 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, DESIGNATING THE CITY MANAGER, DEPUTY CITY MANAGER/CFO, ADMINISTRATIVE SERVICES DIRECTOR AND RECREATION DIRECTOR TO ACT ON BEHALF OF THE CITY OF SANIBEL TO EXECUTE INVESTMENT AND BANK ACCOUNT SIGNATURE CARDS, BANKING RESOLUTION AND CERTIFICATE OF INCUMBENCY AND RELATED DEPOSIT ACCOUNT DOCUMENTATION; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-031](#)

## **b. BUSINESS ITEMS**

- i. Adoption of Minutes - May 2, 2023, Regular Meeting

Attachments:      [May 2, 2023 Minutes](#)

- ii. Professional Services in Conjunction with the Donax Wastewater Reclamation Facility Process Improvements. Staff recommends that City Council approve the proposal submitted by Tetra Tech, Inc. for remaining construction services for FY2023 in the amount of \$74,900.

Attachments:      [Agenda Memorandum](#)  
[Agreement](#)  
[Tetra Tech Professional Services Agreement \(2022-2027\) EXECUTED](#)

## **CONSENT ITEMS PULLED FOR DISCUSSION**

## **14. INFORMATIONAL ITEMS**

- a. Donax and Phase IV Sewer Update

Attachments:      [PowerPoint Presentation](#)

- b. Hazard Mitigation Grant Project Updates

Attachments:      [Agenda Memorandum - East Rocks](#)  
[Agenda Memorandum - Tradewinds](#)

- c. Water Quality Report from Natural Resources Department

Attachments:      [Staff Memorandum](#)

- d. Causeway Counts - April 2023 and Calendar and Fiscal Year 2023

Attachments:      [Agenda Memorandum](#)

- e. Finance Department Reports

- i. General Fund quarterly financial report for the first quarter of fiscal year 2023  
ii. Recreation Fund quarterly financial report for the first quarter of fiscal year 2023  
iii. Building Fund quarterly financial report for the first quarter of fiscal year 2023  
iv. Sewer Fund quarterly financial report for the first quarter of fiscal year 2023  
v. Beach Parking Fund quarterly financial report for the first quarter of fiscal year 2023

Attachments:      [Agenda Memorandum](#)

- f. Finance Department Reports

- i. General Fund quarterly financial report for the second quarter of fiscal year 2023

- ii. Recreation Fund quarterly financial report for the second quarter of fiscal year 2023
- iii. Building Fund quarterly financial report for the second quarter of fiscal year 2023
- iv. Sewer Fund quarterly financial report for the second quarter of fiscal year 2023
- v. Beach Parking Fund quarterly financial report for the second quarter of fiscal year 2023

Attachments:            [Agenda Memorandum](#)

## **15. 12:00 P.M. CONVENE AN EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS**

*In attendance shall be only the following persons:*

*Mayor Richard Johnson*

*Vice Mayor Mike Miller*

*Councilmember Dr. Scott Crater*

*Councilmember John Henshaw*

*Councilmember Holly D. Smith*

*City Manager Dana Souza*

*City Attorney John Agnew*

*Deputy City Manager Steve Chaipel*

*Administrative Services Director Crystal Mansell*

*Labor Counsel, Wayne Helsby (Allen, Norton & Blue) (via phone)*

## **16. COMMITTEES BOARDS COMMISSION**

- a.     **RESOLUTION 23-032 APPOINTING A MEMBER TO LEE COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) CITIZEN ADVISORY COMMITTEE (CAC); AND PROVIDING AN EFFECTIVE DATE.**

(Applications in alphabetical order by last name)

Attachments:            [Agenda Memorandum](#)

[Resolution 23-032](#)

[Manley, Noel](#)

[Symroski, Ty](#)

## **17. OLD BUSINESS**

- a.     2023 Regular Session Legislative Update Regarding Water Quality Issues presented by Dan Delisi, President, DeLisi, Inc
- b.     Nonconforming Use Docks Discussion

Attachments:            [Agenda Memorandum](#)

[Attachment A 93-018 Piers and Docks in the Bay Beach Zone](#)

[Attachment B City Council Minutes 092193](#)

[Attachment C The Effects of Docks on Seagrass Beds in Charlotte Harbor Estu:](#)

[Attachment D Docks and Seagrass 2023](#)

[Attachment E DIVISION 2. NONCONFORMING USES AND STRUCTURES](#)

**18. NEW BUSINESS**

- a. Approval of an agreement with Humiston & Moore Engineers, through piggybacking the Collier County Coastal Engineering Professional Services Agreement (Contract 18-7432-CZ), for technical support and project management of the City of Sanibel's beach fill (renourishment) and recovery project in the amount of \$360,000 and authorize the City Manager to execute the agreement.

Attachments:      [Agenda Memorandum](#)  
                             [Agreement](#)

**19. CITY MANAGER'S REPORT****20. CITY ATTORNEY'S REPORT****21. COUNCIL MEMBERS' REPORTS****22. PUBLIC COMMENT****23. ADJOURNMENT**

IF A PERSON DECIDES, TO APPEAL A DECISION MADE BY THE COUNCIL ON ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, TO INCLUDE HEARING IMPAIRMENT, SHOULD CONTACT SCOTTY LYNN KELLY, CITY CLERK, NO LATER THAN ONE DAY PRIOR TO THE PROCEEDINGS AT (239) 472-4135. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

Citizens may request to receive Sanibel City Council and Planning Commission meeting agenda directly via e-mail. Citizens wishing to receive a copy of the agenda via e-mail may do so by visiting the City's website at [www.mysanibel.com](http://www.mysanibel.com). Additionally, citizens may register to receive City announcements such as press releases.

Prior to requesting the agendas, the website reminds citizens that all e-mail addresses and requests submitted to the City are public information and governed by the applicable Florida Statute.

## **HORIZON – UPCOMING IMPORTANT DATES**

Horizon Upcoming Important Dates

[Attachments:](#)

[Horizon Schedule](#)

**“RULES OF CIVILITY FOR PUBLIC PARTICIPATION”**

**In recognition that public discourse is essential to the democratic system of government on April 16, 2002, Sanibel City Council adopted a Proclamation embracing civility in public deliberations. These rules were updated February 22, 2007.**

**Therefore, Sanibel City Council sanctioned these rules for public participation while conducting meetings and workshops:**

- 1. Speakers are permitted to deliver his or her comments without interruption.**
- 2. Speakers and debates should focus on issues, not on persons or personalities.**
- 3. Persons are encouraged to participate in the governmental process.**
- 4. To allow time to hear all points of view, speakers are allotted 3 minutes each time they are recognized.**
- 5. Sidebar discussions while others are speaking are not permitted in Council Chambers. These discussions are to be removed from the chamber so as not to be disruptive to those conducting and following Council business.**
- 6. Only the speaker recognized by the Chairperson has the floor. Speakers should raise their hand to be recognized. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.**
- 7. Anyone wishing to speak on an issue is given an opportunity to speak before speakers are recognized for an opportunity to speak a second time on an issue.**
- 8. We seek to understand one another's points of view.**
- 9. Anger, rudeness, ridicule, impatience and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.**
- 10. We should all take initiative to make things better. Our goal is to foster an environment, which encourages a fair discussion and exchange of ideas without fear of personal attacks.**