



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Agenda - Final City Council

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Monday, September 11, 2023

9:00 AM

BIG ARTS - 900 Dunlop Rd

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### Regular Meeting

**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 BIG ARTS.**

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

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

#### **3. ROLL CALL**

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

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

- a.** Employee Service Awards

Attachments: [Agenda Memorandum](#)

- b.** Recognition of Steve Schweitzer, Tradesworker II, Public Works Department, upon achieving with honors the Associate of Science Degree in Business Management from Rasmussen University

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

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

#### **7. CITY COUNCIL COMMENTS**

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

**9. 9:05 - PUBLIC HEARING**

- a. **Property List for Affordable Housing**  
**RESOLUTION 23-052 DETAILING THE CITY OF SANIBEL'S CURRENT INVENTORY LIST OF MUNICIPAL-OWNED PROPERTIES LOCATED WITHIN ITS JURISDICTION SUITABLE FOR AFFORDABLE HOUSING; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attachments:            [Agenda Memorandum](#)  
                                 [Resolution 23-052](#)  
                                 [Potentially Developable City Owned Property Map](#)

**10. 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. **Architectural Design Requirements - Multifamily - Amending Ordinance 23-006**  
**ORDINANCE 23-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR MULTIFAMILY HOUSING TO CLARIFY REGULATORY LANGUAGE AND ENSURE THAT REDEVELOPMENT WILL BE CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT BY 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, SUBSECTION (c); AND DELETING SUBSECTION (e); 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](#)  
                                 [Ordinance 23-021](#)

- b. **Correcting Ordinance 22-009 - Scrivener's Error**  
**ORDINANCE 23-022 AMENDING ORDINANCE 22-009 TO CORRECT A SCRIVENER'S ERROR CONTAINED IN SECTION 4, CONDITION 3, RELATING TO THE EXTERIOR OF THE ORIGINAL BUILDING, NAMELY PROPERTY OWNED BY PRISCILLA MURPHY CENTER, A CONDOMINIUM, AND LOCATED AT 1019 PERIWINKLE WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:            [Agenda Memorandum](#)  
                                 [Ordinance 23-022](#)  
                                 [Ordinance 22-009 for reference](#)

## 11. 9:10 - SECOND READING AND PUBLIC HEARING

### a. Re-establishing Nonconforming Uses

ORDINANCE 23-020 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO EXTENDING THE DEADLINE FROM 12 MONTHS TO 24 MONTHS FOR RE-ESTABLISHING A NONCONFORMING USE FOLLOWING A NATURAL DISASTER BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE V, NONCONFORMANCES, DIVISION 2, USES, SECTION 126-152, (NONCONFORMING USES) EXCEPTIONS AND PROHIBITIONS; AND DIVISION 5, STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-218, RE-ESTABLISHMENT OF DISCONTINUED OR ABANDONED USE PROHIBITED, 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 23-020](#)

## 12. DISCUSSIONS OF DRAFT LEGISLATION

### a. Waterward Extension

DISCUSSION ONLY - DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE CONDITIONAL USE PERMIT STANDARDS FOR DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS IN THE BAY BEACH ZONE BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-96, DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS; AND TO MARINE ACCESSORY STRUCTURES STANDARDS BY AMENDING CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SUBDIVISION II, ACCESSORY MARINE STRUCTURES, SECTION 126-875, WATERWARD EXTENSION, SECTION 126-882, DECK PLANKING, AND SECTION 126-888, LIGHTING; 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 Ord 23-XXX](#)  
[PC Resolution 23-025](#)  
[Attachment A - Proposed Amendments Marine Accessory Structures](#)  
[Appendix B CUP Amendments](#)

### 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 23-053 APPROVING THE AMENDED INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-053](#)  
[GEPB Plan Investment Policy Statement \(Approved by Board\)](#)  
[GEPB Plan Investment Policy Statement \(Redlined Changes\)](#)

- ii. **RESOLUTION 23-058 APPROVING AN AGREEMENT BETWEEN THE CITY OF SANIBEL AND COMMUNITY HOUSING AND RESOURCES, INC., WHICH SERVES AS THE CITY'S HOUSING FOUNDATION PURSUANT TO THE CITY'S CODE OF ORDINANCES; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Resolution 23-058](#)

- iii. **RESOLUTION 23-059 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING RESOLUTION 23-026 BY EXTENDING THE TEMPORARY WAIVER OR DISCOUNT OF CERTAIN PERMIT FEES CHARGED FOR REPAIRS FOR BUILDING ALTERATIONS, ELECTRICAL PERMITS, MECHANICAL PERMITS, PLUMBING PERMITS, AND ROOF PERMITS, AS SUBMITTED ON THE CITY OF SANIBEL EMERGENCY REPAIR PERMIT FORMS; FIRST RE-INSPECTION FEE; AND EXTENDING THE WAIVER OF THE DEVELOPMENT PERMIT, DEMOLITION OF A STRUCTURE FEE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Resolution 23-059](#)  
[Resolution 23-026 Amending Resolutions 23-006 and 23-007](#)  
[Resolution 23-007 - Waiving the Demolition of a Structure Permit fee for a 6 mo](#)  
[Resolution 23-006 - Reducing the permit fees for Emergency Repairs - Building](#)

## b. BUSINESS ITEMS

- i. Adoption of Minutes - August 15, 2023, Regular Meeting; August 22, 2023 Special Meeting; August 22, 2023 Budget Workshop

Attachments:        [August 15, 2023 Regular Meeting Minutes](#)  
                              [August 22, 2023 Special Meeting Minutes](#)  
                              [August 22, 2023 Budget Workshop Minutes](#)

- ii. Request from the Lee County Chapter, Military Officers Association of America (MOAA) to waive the Special Event fees associated with the Veteran's Day Ceremony held at Sanibel City Hall Flagpole at 800 Dunlop Road, on November 11, 2023 (grandfathered event)

Attachments:        [Agenda Memorandum](#)  
                              [Veterans Day 2023 Special Event Permit Application](#)

- iii. Approval of the purchase of a new John Deere 5075E Utility Tractor with front end loader and box blade from Deere & Company utilizing the Sourcewell Contract Number 110719-JDC (PG 1P CG 70), through Everglades Equipment Group in the amount of \$60,406.50. This proposed purchase does not increase the FY 23 Beach Parking budget and funding is available for the purchase of the John Deere 5075E Utility Tractor.

Attachments:        [Agenda Memorandum](#)  
                              [Deere and Company Proposal](#)  
                              [John Deere Co. Sourcewell Contract 110719](#)  
                              [Deere 110719-JDC - Contract Extension](#)  
                              [RE Equipment damaged from Storm](#)

- iv. 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)

Attachments:        [TDC Beach and Shoreline Erosion Monitoring 401747](#)

- v. 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 \$2,286,072.00 and authorize the City Manager to execute same (Funds are Included in the Adopted FY2023 Budget)

Attachments:        [TDC Beach Park Facility Maintenance 401656](#)

- vi. Approval of Florida Department of Environmental Protection (FDEP) project grant contracts HA018 in the amount of \$2,186,000 for Middle Gulf Drive Force Main Replacement; HA035 in the amount of \$156,000 for Reuse System Repairs; HA034 in the amount of \$253,000 for Effluent Disposal Pond Apple Site Repairs; and HA036 in the amount of \$10,000,000 for Wastewater Collection System Repairs; and authorize City Manager to execute same

Attachments:      [Agenda Memorandum](#)  
[Agreement HA018 - Middle Gulf Force Main Replacement](#)  
[Agreement HA035 - Reuse System Repairs](#)  
[Agreement HA034 - Effluent Disposal Pond Apple Site Repairs](#)  
[Agreement HA036 - Wastewater Collection System Repairs](#)

vii. Correction to Third Quarter Financial Reports

Attachments:      [Agenda Memorandum](#)

## 14. INFORMATIONAL ITEMS

a. Donax and Phase IV Sewer Update

Attachments:      [PowerPoint Presentation](#)

b. Hazard Mitigation Grant Project Updates (Tradewinds, East Rocks)

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

c. Water Quality Report from Natural Resources Department

Attachments:      [Agenda Memorandum](#)

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

Attachments:      [Agenda Memorandum](#)

e. Hurricane Ian Recovery Update

Attachments:      [PowerPoint Presentation](#)

## 15. COMMITTEES BOARDS COMMISSION

a. **RESOLUTION 23-044 APPOINTING TWO MEMBERS TO THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES; AND PROVIDING FOR AN EFFECTIVE DATE.** (Five members of the board shall be appointed by City Council from applications submitted to the City of Sanibel, currently there are two terms expiring) (Applicants listed in alphabetical order by last name.)

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-044](#)  
[General Employee Pension Board Code and Legislation](#)  
[Albright, Ray](#)  
[Fellows, William \(Request for Reappointment\)](#)  
[Lemma, Jeffrey](#)  
[Pyle, Richard \(Request for Reappointment\)](#)  
[Sterrett, Chuck](#)  
[Thomas, Michele](#)

## 16. OLD BUSINESS

- a.      Approval of lease agreement between the City of Sanibel and Local Roots, LLC, to provide a farmers market on City grounds for a term of five (5) years with two (2) optional one-year extensions; and authorize the City Manager to execute same

Attachments:      [Agenda Memorandum](#)  
[Local Roots LLC - Sanibel Island Farmer's Market](#)  
[Farmers Market Map](#)

- b.      Ratifying Labor Agreements:

i.      **FOP Labor Agreement Police Officers Dispatchers**

**RESOLUTION 23-045 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE FRATERNAL ORDER OF POLICE REPRESENTING POLICE OFFICERS AND DISPATCHERS; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-045](#)

ii.     **FOP Labor Agreement Police Sergeants**

**RESOLUTION 23-046 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE FRATERNAL ORDER OF POLICE REPRESENTING POLICE SERGEANTS; AND PROVIDING AN EFFECTIVE DATE**

Attachments:      [Resolution 23-046](#)

iii.    **AFSCME Labor Agreement**

**RESOLUTION 23-047 APPROVING THE LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE**

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-047](#)

c. **Sanibel Sewer System Rate Increase**

**RESOLUTION 23-048 ADOPTING AND ESTABLISHING A REVISED SCHEDULE OF RATES FOR THE SANIBEL SEWER SYSTEM AND PROVIDING FOR A 3.0% INCREASE IN RESIDENTIAL, COMMERCIAL, AND RECLAIMED WATER RATES; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Resolution 23-048](#)

- d. Community Development Block Grant Disaster Recovery (CDBG-DR) Action Plan Comments  
(Information to be provided in a supplemental agenda)
- e. Legislative Priorities (Information to be provided in a supplemental agenda)

**17. NEW BUSINESS**

a. Municipal Elections Date

Attachments:      [Agenda Memorandum](#)  
                             [Ordinance 02-003 Elections and Terms](#)

b. Discussion concerning Sanibel building heights

Attachments:      [Agenda Memorandum](#)

c. Approval of a Proposal from Poole McKinley (Information to be provided in a supplemental agenda)

**18. CITY MANAGER'S REPORT**

**19. CITY ATTORNEY'S REPORT**

**20. COUNCIL MEMBERS' REPORTS**

**21. PUBLIC COMMENT**

**22. 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) 472-3700. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

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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**

Upcoming Important Dates

[Attachments:](#)      [Horizon](#)

**“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.**