



Fort Myers Beach Town Council

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Tuesday, October 25, 2022

4:00 PM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Murphy, Vice Mayor Hosafros, Council Member Allers, Council Member Atterholt and Council Member Veach.

II. INVOCATION

Mayor Murphy.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member Veach moved to approve the final agenda; second by Council Member Allers.

Motion carried unanimously.

V. PUBLIC COMMENT

Raphael Gnirck urged the Town Council to streamline the permitting process. He indicated that his meter sockets and main panels were submerged and needed replacement. He noted that 57 permit applications were in the system, and all were rejected because the owner and qualifier acknowledgments were missing. His application was rejected due to the lack of acknowledgments and notarization. He suggested they wave through permits with meter sockets and main panels.

Karen Woodson, resident, requested that major decisions be put on hold for two weeks until after the elections and that passes be available so residents could leave to vote.

Jewell Patch commented on access to the island and felt restrictions were unreasonable. He noted that residents could not access their property for 75% of the week.

Heather Reagan, resident, thanked Council and suggested food trailers be allowed on the beach for five years to help residents and businesses.

Jesse Schmid, resident, questioned how much longer FEMA would pick up debris and where did debris need to be placed to be picked up. He indicated his permits had been in the system for over a year and kept getting rejected one at a time. He questioned whether all permit rejections could be handled at once. He noted sinkholes up and down the island and wondered if residents could fill them to protect their properties. Four of his permits were voided last week without explanation after the contractor submitted them. He stated it was unfair that he could not work on his properties on Mondays and Tuesdays.

Albert Dambrose, architect, offered help, direction and advice. He informed property owners that the higher appraisal value in the letters from Lee County was correct. He stated that Lee County's permitting process was simple and used the cost per square foot rather than an itemized list.

Jacki Liszak, resident and President of the Fort Myers Beach Chamber, stated that their building was gone, but members were working remotely. She indicated that the Chamber was dedicated to helping the town rebuild and resources were on the Chamber's website for everyone. She commented that her Sea Gypsy Inn was also gone.

Amy Loughrey, resident, tore down her house on Sunday and today the town requested a permit, but no permits were being issued. She stated that what was left of her house was a safety hazard and was told that the town would visit her property tomorrow. She noted that 180 yards of dirt were being delivered tomorrow to fill up holes on each side of the house. She supported allowing RVs on properties while rebuilding but felt 18 months was not long enough.

Jane Plummer, resident, stated people were still confused about the 50% rule. She requested a meeting between Town Council and the LPA to create a path, so everyone knew what to do. She brought up new FEMA regulations due on November 1, 2022 and wondered whether the town would receive an extension. She indicated that the beach would never get a better insurance rating for FEMA due to specific requirements.

John Cameron, non-resident, stated that his electricity and water were turned on without any inspection reports required. He said that contractors did not want to work on the island due to all the rules. He suggested that the town follow the same rules as Lee County.

Diana McDonald, property manager, agreed that contractors did not want to work on the island. She questioned whether FP&L would allow the use of refurbished parts and materials while waiting for new materials. She was looking in Mexico and Canada for parts. She asked why homeowners had to hire FL licensed contractors.

Mike Markham, resident, questioned details surrounding the 50% rule. He had several quotes but could not find a general contractor and wondered whether he could manage his projects.

Ron Berin, resident, commented that his neighbor was charged \$200.00 for an electrical permit, but he thought the fees were waived. He disagreed with the

Monday and Tuesday rule.

Paul Dohring, resident and professional engineer, had no running water or electricity but had a generator. He met with electrical contractors and was told there was a nationwide shortage of meter bases for what he needed. He asked whether he could get a temporary service permit to install a smaller base so he could stop running the generator. He questioned why he needed inspection reports to hook up to water and disagreed with limiting access to residents.

Leah Gregg, resident, contacted LEEPA and they confirmed that Fort Myers Beach was the taxing authority and decided on what building value to use for the 50% rule. She received verification that the higher value could be used. She noted recent changes to different values on LEEPA and asked for guidance from the town. She described people clogging up Estero Blvd. by taking pictures and videos of the damage and suggested that the town create different passes to allow certain groups on the island only.

Susan Hendricks commented on discussions about replacing the Town Hall so soon. She agreed that the water hookups should not be tied to electrical and structural inspections.

Jerry Kemp, resident, questioned allowing temporary trailers on lots.

Robert Koch, resident, commented that the permit process was a bottleneck for an owner-builder. FP&L could not set up services until he received permits.

Cliff Gallagher, resident, commented that residents were prevented from accessing the island for 10 days because of the recovery operation. He stated that law enforcement officers told him that he was not allowed to drive his RV on the beach and found people going through his stuff when he was allowed on the island.

Marty White, resident, addressed the colored chart describing the properties. He has an orange dot for his flooded but not structurally damaged property and engineers signed off on his property. He described other homes in his neighborhood with orange and green dots, which did not make sense to him. Town Manager Hernstadt explained that the Army Corps of Engineers did the dots because FEMA had to make decisions regarding assessing damages to determine aid.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Allers thanked everyone who reached out to support others and thanked neighbors for working with each other.

Vice Mayor Hosafros thanked the Community Foundation for the t-shirt project. She noted t-shirts and other items could be purchased online at the Community Foundation and all the money went back to people on the island.

Mayor Murphy thanked the separate incident management teams and others for assisting the town. He described their expertise and how they were helping.

Council Member Atterholt referred to his invocation last week.

Council Member Veach pointed out that the staff were working under very difficult circumstances and were doing a great job. He thanked people for their kindness.

VII. ITEMS FOR DISCUSSION - ALL CURRENT INFO IS AVAILABLE AT WWW.FMBGOV.COM AND THE TOWN'S FACEBOOK PAGE

A. Resolution 22-37; Extension of Local State of Emergency

Extension of Local State of Emergency

Vice Mayor Hosafros moved to approve Resolution 22-37; second by Council Member Allers.

Motion carried unanimously.

B. Update Utilities Reconnections

1. FP&L

2. Water Services

3. Debris Removal

Charlotte Miller, FP&L External Affairs, stated that 4 feeders and over 100 laterals were energized on the beach. As of today, 177 meters had been energized and crews were on the island to restore connections as inspections were completed. She cautioned against using non-licensed contractors and indicated that she would check about using refurbished meter cans.

Temporary service could be used with a 100 or 200-amp meter can. Ms. Miller described the Care to Share program to assist qualified homeowners with purchasing a meter can and weatherhead for up to \$2,000.00. She encouraged homeowners to go online, contact FP&L customer service or visit the customer assistance team across from the Lani Kai. She addressed meter tampering and requested that people contact FP&L if they saw anything questionable. She cautioned people concerning scammers on the island. She added that FP&L would energize the same day or the next day as inspections were received.

Utilities Director Christy Cory thanked everyone who reached out to her and her staff. As of today, 62 side streets had water turned on and 51.2% of the island had water. She explained the process of turning the meters back on and noted that debris caused some delays. She stated that, per the Town Manager, the water would be turned on when she and the staff felt the structure was safe and someone was home. She explained that Primo Dr. buckled and the contractor had to repair the damage before the water was turned on.

Public Works Director Jason Freeman noted that the island would be divided into 27 debris collection zones, with at least one truck dedicated to each zone. Bay Oaks and Lovers Key were being used as debris sites. Household and food waste was picked up seven days a week and he encouraged people to keep that waste separate.

Reed Loper, Vice President of Crowder Gulf, stated that 50 hauling units were running with more by the end of the week. They were operational for 17 days for debris removal and were there the day after the hurricane hit. He felt that about 80% of the debris by volume would probably be removed in

about 60 days. They were doing nighttime operations for sand removal and daytime operations for debris removal due to safety issues. He added that they did not want to impede sand removal at night. He stated that there were no additional vehicles on Mondays and Tuesdays, but they could be more efficient with less traffic. He explained that FEMA required that the trucks be tracked for reimbursement. He described private property removal and right-of-way removal. Town Manager Hernstadt added information regarding implementing private and commercial property removal with FEMA and the state. Mr. Loper encouraged people to separate debris into three piles to help expedite collections. He stated that allowing people on the island on Mondays and Tuesdays would slow the process by about 20%.

Nichole Lehman of Thompson Consulting Services explained that they did all the documentation management, provided data to the town and state and submitted it to FEMA for reimbursement. She provided reports to the town and knew where the trucks were working. She stated that plastic bags of debris were not eligible by FEMA because the contents could not be determined. She described creating a public-facing portal so people could follow the progress and the quantity of material removed daily.

Town Manager Hernstadt commented that the state would handle the removal of titled vessels and cars outside of the right-of-way. Crowder Gulf or another contractor will deal with non-titled vehicles and vessels.

C. Human Services

Locations / resources on Fort Myers Beach

Mayor Murphy stated that Beach Baptist on Connecticut St. was a hub of activity with many resources and facilities were also located at Santini Plaza. A third community service center will be opening at the island's north end.

Town Manager Hernstadt reported that LeeTran would start operating up and down the island. All the information was on the town's website and Facebook page.

Vice Mayor Hosafros recognized Culture, Parks & Recreation Director Alison Giesen for coordinating staffing at the community service centers. Director Giesen reported that Newton cottage was gone, but the Mound House suffered minimal damage from flooding. Bay Oaks buildings and the pool flooded, but she did not have a structural report for the building. She noted that Santini Plaza offered laundry, bathrooms and showers 24 hours a day. Hot meals were provided from 11:00 a.m. to 5:00 p.m. She encouraged people to contact her for donations. Town Manager Hernstadt described the staff's hard work running the community service centers and asked people to be kind to them.

D. Private Fuel Truck Availability

Location(s) / time(s) for private fuel locations

Town Manager Hernstadt reported that private fuel was available, and the hours and prices were posted on the website and Facebook page.

E. Temporary Housing

- 1. Allow property owners to place (wheeled) RV's or trailers on their property for up to 18 months while rebuilding;**
- 2. Allow use of storage pods for up to 18 months for rebuilding;**
- 3. Allow the lease of property such as Red Coconut or Gulf View Colony for recovery worker housing**

Town Manager Hernstadt noted that 18 months was FEMA's timeline. Town Attorney Herin, Jr. explained that the governor and legislature did not suspend the normal requirements to adopt resolutions and ordinances. Vice Mayor Hosafros stated that Council could have a consensus not to enforce the current regulation and instruct the Town Manager not to enforce people if they put an RV on their property before the ordinance was passed. Town Attorney Herin, Jr. replied that people had to be informed that the RVs would still have to be correctly installed and hooked up.

Vice Mayor Hosafros moved that this Council suspend enforcement via instruction to the Town Manager to suspend enforcement so people could temporarily place RVs on their property until the ordinance or resolution is passed and that electricity, water and wastewater be provided and review the progress in one year; second by Council Member Atterholt.

Motion carried unanimously.

Town Attorney Herin, Jr. will draft an ordinance.

Council Member Allers moved to make a motion to mirror the motion above for #2; second by Council Member Veach.

Motion carried unanimously.

Town Manager Hernstadt explained #3 and noted the town would not be involved in transactions.

Council Member Atterholt moved to approve the leasing of property with the owner's permission; second by Council Member Veach.

Motion carried unanimously.

F. Temporary Commercial Operations on Fort Myers Beach

- 1. Allow Fort Myers Beach businesses to operate outdoor displays or trailers or food truck / trailer**

Town Manager Hernstadt explained that businesses might want to set up food trailers until their business was rebuilt. Vice Mayor Hosafros suggested that only pre-Ian Fort Myers Beach businesses be allowed to operate on the island.

Council Member Veach moved to allow Fort Myers Beach businesses to operate outdoor displays or trailers or food truck/trailer; second by Vice

Mayor Hosafros.
Motion carried unanimously.

G. Town Hall Replacement Options

1. Design a new facility on current site;
2. Rebuild existing building on current site;
3. Construct "Bay Oaks" building on Town Hall site for use as Town Hall;
4. Construct "Bay Oaks" building on Fort Myers Beach Fire Control District property if agreement can be reached with FMBFCD.
5. Design a new government complex on the Fort Myers Beach / Fort Myers Beach Fire Control District site;
6. Install a temporary town hall to meet the needs of the Town for the next 14-18 months while options are considered.

Mayor Murphy reported that Town Hall was damaged beyond repair. Town Manager Hernstadt replied that the town had insurance on the property and would ask FEMA to make up the difference if insurance did not cover the entire amount. Council Member Allers questioned whether the library could temporarily meet the town's needs. Council Member Atterholt agreed that partnering with the library could be an outstanding option in the interim while they looked at other options. Mayor Murphy brought up the possibility of leasing the Estero Building.

Council Member Veach questioned FEMA's timeline regarding making up the difference for Town Hall if insurance did not cover 100%. Town Manager Hernstadt replied that he did not think FEMA had hard and fast rules.

Vice Mayor Hosafros suggested reaching a consensus regarding temporary housing and supported exploring the library option first. Town Manager Hernstadt will reach out to the appropriate people at the library and keep Council informed of the insurance process and FEMA. He explained how FEMA works with insurance.

Town Manager Hernstadt described details of constructing the Bay Oaks building on the Town Hall site. He stated construction would take about 14 to 18 months. Options 1 and 2 would take longer to complete.

VIII. FINAL PUBLIC COMMENT

Mary Shields would like to see the town build the island back green and asked about FEMA trailer availability.

Patrick Romcoe, resident, requested more public comment and a cost analysis for rebuilding Town Hall next month. He supported using the library as a temporary option.

Patrick Stockton, resident, commented on rebuilding big commercial hotels. He brought AC parts to fix houses in the Buccaneer area and reported that eight law officers stopped him and took a picture of his ID. They told him he would have to remain on that property and would be arrested if he went across the street to his property. He suggested that anyone who was not there to work or lived on the

island should be cited for trespassing.

Mike Speck, resident, suggested that permits for electricity be fast-tracked.

IX. TOWN MANAGER'S ITEMS

Town Manager Hernstadt reported that Lee County would decide how they would handle the 50% rule in approximately two weeks. Community Development Director Jason Green stated that the latest LEEPA letter with the updated market value plus 20%, divided by half, would be used per code. He reported that there was no cumulative amount on Fort Myers Beach and Council could draft policies related to the 50% rule. Council Member Allers questioned finding an easier path for homeowners to determine the cost of rebuilding a house. Director Green replied that the dollar amount per square footage was different for each house and the contractors set the price. Town Manager Hernstadt remarked that the town could set any number for square footage, but FEMA might disagree. Director Green stated that FEMA provided a comprehensive list of items that were and were not covered. He explained that even if the town wanted to opt out of the CRS program, the town still had to participate in the National Flood Insurance Program, or the town would be suspended and no mortgages would be issued.

Director Green indicated that every jurisdiction had different codes regarding the 50% rule, but there was a minimum FEMA standard. Town Manager Hernstadt noted that the town could make policy decisions regarding hardening.

Vice Mayor Hosafros stated that FEMA rules existed because they were in a flood zone and it was not a good idea to have a house on the ground. She suggested that people step back and consider whether it was safe to rebuild on the ground. Director Green pointed out that insurance rates for houses on the ground would increase and the resale value would be greater with an elevated house.

Consensus was reached to lean toward market value plus 20%, but they would wait for direction from the county.

X. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. stated that they were trying to make things easier for people, but they had to stay within the lines for FEMA reimbursement.

XI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Allers would like to meet every seven days. Town Attorney Herin, Jr. explained that Council did not have to meet to extend the emergency order. Council Member Allers still wanted to meet every week. Council Members Veach and Atterholt agreed. Council Member Atterholt questioned whether they could meet via ZOOM to make it easier for the public to watch the meetings.

XII. ADJOURNMENT

Vice Mayor Hosafros moved to adjourn; second by Council Member Veatch. The meeting was adjourned at 7:32 p.m.

Minutes adopted, November 14, 2022; Motion by Council Member Allers, seconded by Vice Mayor Hosafros. Adopted 5-0.

A handwritten signature in blue ink, appearing to read "Amy Baker".

Amy Baker, Town Clerk