



Fort Myers Beach Management & Planning Session

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

Minutes

Thursday, November 17, 2022

10:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veatch and Council Member Woodson.

LPA Members present: Chair Plummer, LPA Member Cereceda, LPA Member Eckmann, LPA Member Sudduth, LPA Member Safford and LPA Member Safford.

II. ITEMS FOR DISCUSSION

A. FMB Restoration

Chair Plummer noted there were many questions concerning the 50% rule and the website did not answer all of them. She questioned whether the 20% was something they could count on. Community Development Director Jason Green replied that the town's ordinance included an assessed value plus 20% and was still valid. He indicated that the property appraiser presented a market value without an additional percentage. He explained that the assessed value plus 20% was different than the market value and in some cases, the market value was probably higher. LPA Member Cereceda pointed out an error in the letter and Director Green indicated the mistake would be corrected. LPA Member Cereceda questioned whether there was an appeal process with the property appraiser's assessment. Director Green thought so but suggested the property appraiser's office be contacted for confirmation. Director Green added that the assessed and market values were two different calculations.

LPA Member Vanasse stated there were three options: the town's assessed value plus 20%, the market value from the property appraiser and a private appraiser. He recommended that property owners close to the 50% value look at all three options. Director Green stated that a second appraisal would be required if an appraisal came in 35% above the assessed value. He

suggested hiring an appraiser who had done those types of appraisals because it was not a typical appraisal.

Council Member Woodson noted that some property owners had a letter from the property appraiser on the website, but now the letter was gone. Director Green was unsure what happened and directed questions to the property appraiser's office.

LPA Member Vanasse indicated that some people were getting pre-disaster and post-disaster build-back confused when thinking about the 50% rule.

Director Green cautioned people from trying to circumvent the requirements because it could come back to hurt them financially in the future.

Chair Plummer questioned whether the costs allowed for rebuilding were available. Director Green replied that there were no specific dollar amounts, but it was a market value range. Chair Plummer requested a copy of the ranges and Director Green responded the town did not have a range; it was whatever the general market conditions were. Chair Plummer received clarification on built-in appliances.

Director Green revealed that insurance rates were going to increase significantly. LPA Member Eckmann questioned whether building back to a bare minimum would suffice. He questioned whether the town could establish a minimum price per square foot to make it easier for people to calculate. Director Green replied that Lee County had a number on the website, but it was outdated and the town did not use it. Town Attorney Herin, Jr. stated that FEMA audited records to ensure the town complied with the National Flood Insurance program criteria. He explained that trying to get around the rules could affect the entire community's rating, which translated into how much property owners would pay for insurance.

LPA Member Cereceda questioned whether the town created an inventory of how many property owners were trying to meet the 50% threshold. Director Green replied that there were hundreds and noted most of the elevated structures did very well. He indicated that they had initial damage assessment data and he could put raw numbers together to determine where the town stood and approximately how many homeowners were trying to meet the 50% criteria.

LPA Member Safford questioned whether demo costs counted toward the 50%. Director Green replied affirmatively. Mayor Allers added that if the homeowner did the demo, they had to use the minimum wage to estimate how much it cost. LPA Member Vanasse suggested that homeowners whose homes were identified with an orange dot should contact town staff for assistance before proceeding. Mayor Allers agreed. LPA Member Cereceda questioned how long it would take to get an appointment with town staff.

Director Green replied that people should send an email or call and obtain three quotes from contractors before contacting staff. He indicated that general numbers were out there to figure the cost per square foot and property owners could get a general idea of the cost.

LPA Member Vanasse questioned whether an office could be set up so professionals could answer questions in person. Director Green replied that it was an administrative decision. Senior Planner Jason Smalley noted people could call the main number, leave a message and they would be read via email. He encouraged people with permitting questions to send an email to zoningpermits@fmbgov.com and someone would reply as soon as possible. He added that Frequently Asked Questions (FAQ) were on the town's website for more information.

Director Green explained that the LDC (Land Development Code) and Comp Plan (Comprehensive Plan) were being updated to recognize the age of structures concerning rebuilding and changes would come before the Council. He encouraged people to contact him before starting to rebuild.

Vice Mayor Atterholt questioned the quirk in the law that prevented an owner/builder of an LLC from beginning the work themselves. Town Attorney Herin, Jr. replied that it was state law and part of the Florida Building Code.

No LLCs, trusts or partnerships were allowed to pull permits. Only licensed contractors were allowed to pull permits.

Council Member Woodson questioned whether there was a plan to streamline the permitting process. Town Attorney Herin, Jr. replied that the permitting lag was not due to the process. There was a timeline that staff strived to meet. The delay was because applications were not submitted correctly and had to be sent back for more information. Mayor Allers noted that it appeared not all application discrepancies were identified at the same time and time was wasted by sending the application back and forth. Director Green responded that various departments had to review the application.

Mayor Allers suggested that all departments review the application before sending it back to the applicant. Director Green agreed and explained why the process was set up that way.

LPA Member Cereceda suggested that the LPA meet and discuss how to streamline the process. Town Attorney Herin, Jr. agreed. LPA Member Cereceda stated that prior Councils wanted everything to come before them and did not want staff to have the liberty to approve requests, but another Council allowed more administrative leeway. She noted it was a policy decision. Vice Mayor Atterholt welcomed recommendations from the LPA. Council Member Veatch pointed out that zoning issues should be a priority. LPA Member Vanasse suggested that the LPA could address zoning issues and provide a little more leeway. Regarding commercial development, the units and square footage were vested and he advised patience. He felt they had to develop a vision for the long term and described how Punta Gorda moved forward after a previous hurricane. Director Green clarified that units that were legal non-conforming were vested.

Chair Plummer questioned overhead and profit on the improvement sheet. Director Green replied that the contractors usually filled that section out.

Chair Plummer questioned how much longer permit fees would be waived. She questioned what would happen if the permit application was submitted during that period but was kicked back after the fees were reinstated.

Town Attorney Herin, Jr. replied that the builder permit waiver coincided with the fire department. Director Green commented that the waiver ended approximately a month from today. Vice Mayor Atterholt added that the Council had the right to extend the waiver. Mayor Allers indicated that the Council had to clarify the process on Monday. Consensus was reached to bring the topic back for discussion.

LPA Member Safford questioned when the comp plan would be completed. Director Green hoped they could start having discussions in January. LPA Member Safford questioned whether certain issues could be tackled first.

Director Green replied affirmatively. Chair Plummer questioned where homeowners could go to determine their existing and required elevation for their property. Director Green indicated there were new flood maps on the website and expected digital maps from FEMA soon. LPA Member Vanasse noted that his property on the Lee County website included the existing and proposed flood maps. He suggested that property owners check with their insurance company or mortgage holder for the elevation.

Chair Plummer questioned the change regarding small and corner lot setbacks. She noted the change from the LPA was supposed to be on double lots. She stated that the change negatively affected small lots and questioned whether they could revisit the setback change. Director Green responded that lots greater than 50 feet in width were impacted. Chair Plummer commented that the standard lot was 75 feet, so the change should affect those over 75 feet. Director Green indicated that the change could be revisited. Mayor Allers supported giving the LPA the authority to bring back recommendations. Director Green stated he would provide a list of several topics that needed to be discussed.

Chair Plummer questioned when the LPA would start meeting again and suggested they meet twice a month. She mentioned meeting with FEMA and building professionals to work out concerns. Director Green commented that staff could accommodate a meeting before the end of November. LPA Member Vanasse questioned whether staff could provide a list of items via email so the LPA could research before their first meeting. Director Green replied affirmatively.

LPA Member Vanasse suggested topics to review: side setbacks, accessory setbacks and non-conforming structures on small lots. Director Green added that the town's administrative authority had to be defined and limits determined. Council Member Veach felt that commercial property should be addressed.

Director Green will get back to the LPA regarding a date for their next meeting. Director Green stated there was an opportunity to consider a right-of-way acquisition or dedication. Vice Mayor Atterholt commented it was a great idea. Town Attorney Herin, Jr. added that checklists for the town's forms could be created to help applicants submit complete documentation. Chair Plummer confirmed that if the property owner's box did not change, a survey was not needed.

LPA Member Vanasse suggested that the public be involved with redevelopment. Director Green noted that he would contact the executive

director of Punta Gorda to invite her and others to speak to the town.
Town Attorney Herin, Jr. stated that an analysis would be presented before Monday regarding the disposition of the town manager and moving forward under new management.

III. ADJOURNMENT

Council Member Veatch moved to adjourn; second by Mayor Allers.
Motion carried unanimously.

The meeting was adjourned at 12:44 p.m.

Minutes adopted, January 9, 2023; Motion by Council Member King and seconded by Council Member Veatch. Passed 5-0.



Amy Baker, Town Clerk