



Fort Myers Beach Town Council

Via Zoom

Minutes

Tuesday, November 1, 2022

2:00 PM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Vice Mayor Hosafros moved to approve the final agenda; second by Council Member Veach.
Motion carried unanimously.

V. PUBLIC COMMENT

None.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

No items.

VII. ITEMS FOR DISCUSSION**A. Restoration of Fort Myers Beach**

Mayor Murphy reported that the Red Cross was now providing food. Residents will be issued wristbands to receive food and lunch will be provided to contractors at another location. Food trucks from restaurants on the island will be available at Santini Plaza pending permission from the owners and approval from Town Council members. Mayor Murphy encouraged other restaurants on the beach to contact the town regarding food trucks. Council Member Allers mentioned allowing a portable container so vendors with liquor licenses could serve food. Council Member Veach questioned whether it mattered where the container or food truck was located concerning liquor licenses. Council Member Allers was told that FL law did not allow serving alcohol from a food truck, but a container with a roped-off seating area for alcohol was allowed. Town Attorney Herin, Jr. will investigate state law regarding alcohol, food trucks and containers. He noted that food trucks were allowed to move around to different locations. He explained that self-propelled or otherwise movable vehicles hitched to a truck or other vehicle were pre-empted and could go anywhere in the town with approval from the property owner if on private property. He described issuing permits for permanent, temporary kitchens to set up outdoor seating on restaurant properties that were being rebuilt. Town Attorney Herin, Jr. stated he drafted a form to keep track of information which would be

available soon. Council Member Veach questioned allowing restaurants to operate in tents instead of food trucks. Mayor Murphy suggested that restaurants contact the town if they were interested in alternatives.

Council Member Atterholt questioned allowing other businesses to set up tents or kiosks. Mayor Murphy agreed. Council Member Veach added allowing services such as hairdressers.

Council Member Allers moved to suspend permit fees for 90 days to mirror the fire department; second by Council Member Atterholt.

Council Member Veach noted that permit fees were not a profit item and suggested that more people be hired to expedite the permit process. Council Member Allers felt they should at least streamline the process because he was receiving complaints regarding the lack of communication from the town. Town Manager Hernstadt stated that additional resources were added and three emails were pending in the queue. He added that the staff was in the process of streamlining permits. Council Member Atterholt thought the town should be in sync with the fire department in suspending fees for 90 days. Council Member Veach reiterated that waiving fees did not expedite the permit process and it would be better to keep the fee structure intact and add staff to handle the load.

Motion was denied, with Council Member Veach, Vice Mayor Hosafros and Mayor Murphy dissenting.

Council Member Allers moved to allow residents with hurricane passes (to be hung on the rearview mirror) to leave the island outside of curfew hours, subject to Lee County approval; second by Mayor Murphy.

Vice Mayor Hosafros questioned whether the Sheriff's Dept. would be willing to check passes. Council Member Allers did not know, but he would contact them. Council Member Veach stated that residents currently without houses were also issued passes. Council Member Atterholt felt those with hurricane passes held them legitimately and did not think allowing them on and off during curfew would cause problems. Mayor Murphy was concerned regarding more vehicles on the island. Vice Mayor Hosafros and Council Member Atterholt added amendments to Council Member Allers's motion and Mayor Murphy amended his second.

Motion carried unanimously.

Council Member Allers reported that the owner of the building by the 7-Eleven agreed to work with the town concerning housing staff temporarily. Vice Mayor Hosafros questioned using the library. Town Manager Hernstadt replied that the library's third floor could be available but there was no elevator. Vice Mayor Hosafros agreed that the building by the 7-Eleven was a better option. Mayor Murphy added that the Bay Oaks gym was another

option. Council Member Veach liked the Bay Oaks option except for the debris piles. Town Manager Hernstadt commented that a pathway to the building could be cleared and the debris would be cordoned off.

Council Member Allers stated that the County Commissioners were discussing the 50% rule and what percentage above the building value, if any, would be used. He noted that the commissioners were discussing 5% to 30% and they should reach a decision by Tuesday of next week.

Council Member Allers noted that condos received structural and electrical signoffs for the building, but residents were told they had to provide inspections for each unit. Town Manager Hernstadt responded that whoever was listed as the owner of the property on the Property Appraiser's record was required to provide authorization. Council Member Allers questioned providing power to individual units. Town Manager Hernstadt thought that FP&L probably drove that decision and he would try to get an FP&L representative to speak at Council's next meeting.

Council Member Veach questioned the process for removing debris on private roads. Town Manager Hernstadt responded that a representative from Homeowner's Associations would have to agree to sign documents to allow trucks to remove debris, but every situation was different.

Council Member Atterholt questioned whether the town was towing cars and where they were located. Town Manager Hernstadt replied that Lee County

towed cars in the right-of-way and that owners should contact them. He stated that 650 homes had been energized. He indicated that the wastewater system was running and testing the potable water would begin within the next week to 10 days. Town Manager Hernstadt noted that a contract was out for a bid to clean out the entire stormwater system and restore the swales and ditches. He described setting up a third service area at Times Square. He explained the roles of the state and county regarding managing debris removal and noted details were located on the landebriiscleanup.com site.

Council Member Veach questioned when debris on the beach would be removed. Town Manager Hernstadt replied that the State's Emergency Management Department was aware of the problem and the time constraints.

Town Manager Hernstadt noted the town had approximately \$16.5 million in cash and that did not include the \$8 million loan. Discussions would be held concerning freeing up the loan to use for the Town Hall instead of Bay Oaks. There was a \$3 million insurance payment in transit to the town and they asked FEMA for a 50% advance on the Category B work, which was \$8 billion. The total would be \$35 million to address the town's costs for recovery and day-to-day operations. He noted a consultant was assisting the town with the FEMA paperwork and he thought the town could build back at near zero cost to the town.

Council Member Veach questioned whether people needed a permit to demolish their houses. Town Manager Hernstadt replied affirmatively and stated there was a quick turnaround. He added that anyone with questions should contact the building department. Council Member Veach questioned

flood insurance grants and Community Development Director Jason Green noted he was researching options. Council Member Veach questioned whether the town could display old flood maps with the new maps for comparison purposes. Director Green responded that the town requested digital access to the maps, and they should be available in a couple of weeks. He addressed violations and enforcement surrounding the 50% rule. Council Member Veach noted that the Lee County Building Industry Association open house would be on November 3, 2022, from 5:00 p.m. to 7:00 p.m. in the media room at Cypress High School.

Mayor Murphy stated that the staff was working diligently. He noted a lot of debris had been removed and the New York Fire Department left yesterday. A team from Northeast Florida was assisting the town and everything was moving along. He encouraged Town Council to think about opportunities for the future.

Vice Mayor Hosafros moved to extend the emergency resolution; second by Council Member Veach.

Motion carried unanimously.

VIII. FINAL PUBLIC COMMENT

Chris Primo, business owner, noted that he had three self-contained food trucks, and they would be placed away from construction. Mayor Murphy suggested he call the Town Manager.

Mayor Murphy stated that the public was welcome to submit their comments or questions to the town's website.

IX. TOWN MANAGER'S ITEMS

No items.

X. TOWN ATTORNEY'S ITEMS

No items.

XI. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Hosafros praised the staff for their extreme efforts under adverse conditions.

Council Member Allers questioned what happened to destroyed properties with liens. Town Attorney Herin, Jr. replied that the liens still existed. Council Member Allers questioned whether memorial benches could be placed back on the beach somewhere. Council Members agreed to allow staff to help find suitable locations. Council Member Veach thanked those who provided food right after the hurricane and he looked forward to getting the restaurants back on the beach.

No items from other members.

XII. ADJOURNMENT

Vice Mayor Hosafros moved to adjourn the meeting; second by Council Member Veach.

Motion carried unanimously.

The meeting was adjourned at 3:44 p.m.

Minutes adopted, November 14, 2022; Motion by Council Member Veach and seconded by Vice Mayor Hosafros. Passed 5-0.



Amy Baker, Town Clerk