



Fort Myers Beach Town Council

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

Minutes

Monday, November 7, 2022

9:00 AM

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

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Vice Mayor Hosafros moved to approve the final agenda with A. pulled for discussion; second by Council Member Veach.

Motion carried unanimously.

Vice Mayor Hosafros moved to extend the state of emergency declaration; second by Council Member Allers.

Motion carried unanimously.

V. PUBLIC COMMENT

John R. King, resident, thanked Vice Mayor Hosafros for her service to the town. Bruce & Susan Werner, residents, questioned the repair/improvement form. Mayor Murphy replied that he would have an answer for him later.

Amy Loughrey, resident, requested clarification regarding the requirement that recreational vehicles had to be parked parallel to their property. She explained how that would not work on her property or her neighbors. She questioned the language in E. concerning the base material for RVs.

Sylvia Steiger, resident, questioned which permits could be pulled by owner-builders. She thanked the Town Council for their work.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Mayor Murphy thanked the owners and staff of Bayfront Bistro for hosting the meeting. He relayed a story regarding two linemen from FP&L who provided electricity to a couple living in an RV without power.

Vice Mayor Hosafros addressed complaints regarding debris piles and noted that piles of debris still existed east of I-75 for miles in Charlotte County. She commented that many people inland were affected by Ian and only so many trucks were available.

No items from other members.

VII. APPROVAL OF MINUTES

A. October 20, 2022 Town Council

Council Member Allers moved to approve the minutes; second by Mayor Murphy. Motion carried unanimously.

VIII. CONSENT AGENDA

A. Proposed Schedule

2022/2023 Town Council

Council Member Allers requested that weekly meetings be continued through the end of the year and suggested that the dates be determined after the election so new members could provide input on their availability. Council Member Veatch noted he had a conflict on January 17, 2023. Council Member Atterholt agreed that weekly meetings were helpful and informative. Council Member Veatch suggested that every other meeting be a Management & Planning (M&P) session.

Council Member Allers moved to continue having weekly meetings through the end of the year, with the final meeting of the month being a Management & Planning session; second by Council Member Atterholt.

Council Member Veatch suggested that November 14, 2022, be an M&P. Mayor Murphy agreed, but Vice Mayor Hosafros pointed out that the first meeting after the election had to be a regular meeting to certify election results. Council Member Veatch withdrew his suggestion.

Council Member Allers amended his motion to table the discussion until the regular meeting next Monday; second by Council Member Atterholt. Motion carried 4-1, with Mayor Murphy dissenting.

Town Manager Hernstadt stated that the item was on the agenda to schedule regular council meetings going forward; however, the council could decide to meet whenever they wanted. Council Member Allers reiterated that he wanted to meet once a week.

IX. ITEMS FOR DISCUSSION

A. Restoration of Fort Myers Beach

Council Member Veach commented that there were serious water quality issues and requested that the seawall at Newton Park be cordoned off.

Council Member Atterholt questioned which utilities were not allowed on the first floor. Town Manager Hernstadt suggested that the homeowner contact the town for details. Council Member Atterholt requested clarification regarding the electrician's inspection reports. Town Manager Hernstadt responded that the electrician's inspection and the structural report verified that the property could receive electricity. He added that water would be connected without an electrician's report if it was explicitly requested. He indicated that condos should request water for their unit by emailing the Utilities Department. He will request an update for internet access.

Council Member Allers suggested that homeowners be included in the FP&L loop when requesting electricity. Town Manager Hernstadt replied that if power was not connected within 72 hours of submitting the electrician's report, residents should contact the town. He indicated that he asked the post office to set up a local office and staff would contact delivery companies to find out when they would be on the island. Publix was trying to open before the beginning of the year, but he had not heard from CVS. Council Member Atterholt questioned removing debris and dredging and removing the debris in the sand. Town Manager Hernstadt commented that a state contract for debris removal from the canals was signed last week and the state was dealing with debris on the beach. He described facilitating an agreement for the mechanical removal of the large items on the beach, followed by volunteers' efforts to remove the smaller trash. Council Member Veach expressed concern regarding water quality and the danger to volunteers working in and near the water. Town Manager Hernstadt described how the town would address the costs of beach renourishment with Mike Poff from Coastal Engineering Consultants and FEMA. Mayor Murphy noted that Mr. Poff and his team had already conducted beach surveys after the hurricane.

Town Manager Hernstadt responded to questions from public commenters. He thought the town's 50% rule would remain at the property value plus 20%. He reviewed the tiers of punishment if the 50% rule was not followed.

He noted that a site plan was needed if RVs could not be parked parallel to their property. The RV should be placed on a hard surface if possible and a tarp has to be placed underneath the RV in case of leaks. He noted that a list of permits available for owner-builders was on the town's website.

Mayor Murphy reminded the Council they needed a plan and goals and his goal was to rebuild the town in five years. He noted the Cordino firm was already working on the comprehensive plan and the land development code and wondered whether they would be interested in doing more planning. He suggested that the town put out an RFP (Request for Proposal) as soon as possible for planners. He mentioned Victor Dover, who worked with the town in the past. He described holding a series of charrettes with the town to build

a consensus regarding the rebuild. Mayor Murphy noted that Mexico Beach provided a list of changes after Hurricane Michael destroyed their town. Town Manager Hernstadt indicated that FEMA would not reimburse the town for a planner, but FEMA did provide an administrative reimbursement for the town to spend however they wanted. Consensus was reached to put out an RFP for a planner.

Council Member Atterholt suggested committing to rebuilding in one year or two years maximum. He agreed with longer-term plans but felt it was important to maintain a sense of urgency about rebuilding the island. Mayor Murphy thought a five-year plan was realistic and appreciated Council Member Atterholt's enthusiasm.

Council Member Allers questioned whether sand taken from private property would be returned. Town Manager Hernstadt responded that the county was assuming sand reclamation and details were yet to be determined.

B. Local Planning Agency Appointments

Appoint Members to the FY2022-2023 Local Planning Agency (LPA)

Vice Mayor Hosafros moved to appoint members who had applied; second by Council Member Atterholt.

Motion carried unanimously.

X. FINAL PUBLIC COMMENT

Dr. John Albert asked whether FEMA would assist residents who wanted to remove their houses. He could not find verification, but he kept hearing the rumor. Mayor Murphy directed him to landebriscleanup.com for details. The town did receive a waiver from FEMA to remove debris and titled property, including houses. Dr. Albert replied that FEMA told him they would only remove titled vehicles. Town Manager Hernstadt commented that FEMA would remove houses and people had to sign up at landebriscleanup.com. FEMA would make a claim against insurance companies for some of the costs. Council Member Allers noted that receiving a response from FEMA might take a little time. Dr. Albert questioned whether it was true that they would not receive flood insurance for five years if they rebuilt their homes. Dr. Albert discussed offering three quickie permits for electricity to help homeowners with the costs. He felt that residents should get sand back before anyone else.

Marilyn Healy indicated that the president of Captain's Bay North would not give her any information, but he stated he submitted the electrician and structural reports with the application. She wondered if he was supposed to submit them in a particular order. Town Manager Hernstadt will assist her after the meeting.

XI. TOWN MANAGER'S ITEMS

Town Manager Hernstadt commented that forms and answers to questions were shared on the town's Facebook and website. He noted a couple more restaurants were scheduled to open and a third community service center was open. He thanked the people of Jacksonville for assisting the town. He indicated that the work on the Bay Oaks gym for Town Hall had to be bid out and the scope of work should be completed today.

XII. TOWN ATTORNEY'S ITEMS

No items.

XIII. COUNCILMEMBERS ITEMS AND REPORTS

No items.

XIV. ADJOURNMENT

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

The meeting was adjourned at 10:37 a.m.