



## **Fort Myers Beach Management & Planning Session**

**Diamondhead Beach Resort  
2000 Estero Blvd.  
Fort Myers Beach, FL 33931**

**Minutes**

**Thursday, June 22, 2023**

**9:00 AM**

### **ORDER OF BUSINESS**

#### **FINAL**

##### **I. CALL TO ORDER**

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

##### **II. PLEDGE OF ALLEGIANCE**

##### **III. ITEMS FOR DISCUSSION**

###### **A. Trust for Public Land**

###### **Introduction from Trust for Public Land**

Charles Hines from the Trust for Public Land (TPL) introduced himself and discussed how they could help the town. He distributed information about the organization's background and projects completed in Florida. He stated they would identify property that could benefit the town by working with FEMA (Federal Emergency Management Agency), FDEM (Florida Department of Emergency Management) and staff. The team would work with the landowner to complete the purchase. He noted they worked based on appraisals and fair market value and the deadline for the list of properties is August 29, 2023.

Council Member King emphasized that the town was not discussing an eminent domain situation. Mr. Hines agreed and indicated they worked with people who wanted to sell their property. He explained how they operated under a 501(c)(3) and stated there was another funding source for acquisition, closing, survey and appraisals. He indicated they would have to work out an agreement with the town. He described the agreement TPL had with the City of Jacksonville, FL. Council Member Veach questioned whether they acquired easements or just property.

Mr. Hines commented that they usually worked with easements in relation to trails. Council Member Veach described an example of bottlenecks in a proposed bike trail where acquiring easements would help.

Council Member Veach questioned the difficulty of purchasing property under the cost-benefit analysis. Mr. Hines replied it was easier for them because they did third-party appraisals. Mr. Hines stated if property owners were interested, they could call him or notify town staff. Town Manager Hyatt noted that funding was available to reimburse the town for anything they owned, and many moving pieces were involved. Mr. Hines added that funds were often available from several different sources. Mr. Hines stated he would work with staff while the Town Council was on break in July.

B. Estero Island Small Business Association

**Estero Island Small Business Association discussion with Town Council**

Becki Weber, resident and spokesperson for Let's Go Fort Myers Beach, which was formed to help with rapid recovery, resiliency and rebuilding. Members were residents, property owners and businesses. The first meeting consisted of over 118 attendees and over 150 on the live stream hosted by Beach Talk Radio. Forms were distributed with six issues to vote on and rank. The number one concern was Times Square Downtown, followed by Community Nodes and Amenities, Safety, Parking, Parks & Recreation and the Pier. She noted that Alex King was working with a group to rebuild the pier. Ms. Weber mentioned that the number one issue for most attendees was permitting. She relayed how beach communities in New Jersey relaxed their permitting requirements and rebuilt their boardwalk five months after Sandy destroyed the boardwalk.

Scott Safford, resident, business owner and LPA (Local Planning Agency) member, discussed pink zones. He noted many empty commercial lots were not selling because the LDC (Land Development Code) was written to protect what they had. He explained how the LDC was working counterintuitively because of parking issues, height and density. He discussed pink zones with lean codes, lean government and LDC components. He described the benefits and wondered whether they could create a zone as a test area to see if it would work in other areas. Their next meeting was scheduled for July and would center around pink zones.

Mayor Allers brought up different parking needs for different areas. Mr. Safford stated that parking was just one component and FAR and density were also components. He indicated that small businesses were crucial for the town and described the lack of basic services after dark. He encouraged creating a pink zone test area. Vice Mayor Atterholt questioned whether there were ways to scale down the CPD (Commercial Planned Development) process for small businesses and implement the pink zone concept in certain areas. Town Attorney Herin, Jr. commented that the State created the building code and there was very little municipalities could do to it.

Mr. Safford pointed out that they were talking about the permit process, not changing the building codes. Town Attorney Herin, Jr. stated that the town was constrained by state law concerning the pink zones issue. Creating a pick zone would mean amending the comprehensive plan, which required state approval before adoption and implementation.

Vice Mayor Atterholt questioned whether they could make it easier for Mom & Pop businesses to get variances or for someone who wanted to rebuild a fence that existed before Ian. Town Attorney Herin, Jr. commented that the permitting process could be regulated to give staff the power to process specific applications administratively without going to the LPA or Town Council. He cautioned members that the town previously allowed staff to approve applications administratively, but there were unintended consequences, so the Council took the power back.

Council Member Veach brought up creating pre-approved CPD templates to save time and money; however, rules had to be created first and would take time to go through the process. Council Member Woodson questioned whether changes could be made to the LDC on a short-term basis due to catastrophic conditions to streamline processes. Town Attorney Herin, Jr. stated that land use districts and zoning map districts had to be consistent with each other internally. Zoning district regulations could be modified to make them easier, but one could not go outside those boundaries without modifying the Comprehensive Plan. Council Member Veach suggested completing the Comprehensive Plan review should be a high priority. Mayor Allers stated that by changing one district, they had to consider what was in that district. Town Attorney Herin, Jr. suggested that the Town Manager direct Community Development staff to prepare an analysis to help guide them.

Council Member Veach agreed. Mayor Allers requested that Mr. Ng from the Corradino Group attend the first Council meeting in August.

Mr. Safford noted that the group was interested in a Council liaison and a staff member. Town Attorney Herin, Jr. repeated his warning regarding Sunshine Law issues. Mr. Safford stated that all their meetings would be publicly noticed and appropriate measures would be taken to satisfy Sunshine Laws. Town Attorney Herin, Jr. commented that the Council had to vote on it at their next meeting. Council Member Veach questioned whether it would be better to create a town committee for rebuilding with appointed members. Mayor Allers thought the school Ad Hoc Committee worked well and suggested they go that route. He received support and Town Attorney Herin, Jr. will add it to the next agenda for a vote.

Terry Persaud supported the pink zone in the Downtown District. He suggested that a second committee be formed to concentrate on that area and requested a Town Council liaison. Beverly Milligan stepped in and explained that Times Square was a priority for their group and there was a little communication confusion. She stated they looked forward to working with the Town Council.

C. Public Communications Plan Development

**Town Council will be briefed on the process of creating an annual plan to guide the direction of public communications in the coming year and will be asked to provide input for that plan. The plan is to be developed over the next few months and will include a survey of the public after Town Councilors provide input, followed by a draft plan to be presented at the August Management & Planning session. Edits will be made after Town Council discussion at the August M&P. The final plan is scheduled to be presented to Council at the September Management and Planning session.**

Town Manager Hyatt stated that communication is the key and wanted to create a plan everyone could follow.

Communications Coordinator Jennifer Dexter utilized PowerPoint for her presentation. She started with Communications Plan Creation Process; Current Communications Objective; Audiences and Several Slides about Tools. She described the meeting with WGPU and discovered there was a Florida network radio connection that did not lose power after Ian. In the future, the town will use the radio to get its message out. She added that Facebook did not go down, but it had to be accessed off-island. She continued her presentation with more Tools; Topics and Your Input.

Council Member King felt their Council meetings needed to be added to social media and contacting the condominium associations would be a good place to solicit feedback. Vice Mayor Atterholt suggested a dashboard so the public can check the progress of their permits. He would like to see short how-to videos about the permitting process or any process that generated a lot of questions. He noted that some forms were complex, and people needed help filling them out. He would like to add the clean-up activities on the island to the website. Vice Mayor Atterholt discussed an adversarial relationship between the residents and the town regarding permitting. He wanted to look for examples where the town helped someone or impacted someone's life. He wanted to get out a post-Ian message that everyone was in it together and working together on recovery. Town Attorney Herin, Jr. displayed the existing dashboard on the website. Vice Mayor Atterholt described creating metrics so the public could see what was happening.

Council Member Veach indicated that the current software made metrics difficult, and the Town Manager was researching software packages. Council Member King questioned whether they could publish the data they have in the interim. Vice Mayor Atterholt supported anything that helped with transparency about the permit process. Mayor Allers stated that he and the Town Clerk would try to update the permit situation monthly so people could quickly determine where they were in the process. The information was on the website, but Mayor Allers wanted to access it with one click.

Council Member Veach suggested that all their activity is immediately available when one logs in to their account. Coordinator Dexter recommended that the town purchase a new system that works easier for reporting. Mayor Allers commented that permit dates were not chronological, making it difficult for the residents to determine where the permit was.

He offered to do tutorials to help people navigate the system and supported looking into a new software system. Coordinator Dexter stated there was only so much the website could do regarding communication. Mayor Allers discussed letting residents know other information, like whether roads or sidewalks had to be repaired. He felt that even items not so positive should be reported so people could understand what was going on instead of relying on rumors.

Council Member Woodson commented that there should be protocols for media interviews. She stated they needed to update the internal code of conduct and communications. Town Manager Hyatt replied that a strategic planning session would be tentatively scheduled for September.

Mayor Allers questioned whether they asked their current permitting software program if they could modify their program to generate the information needed. Director Poposki replied that the current system worked fine, but the reporting system had severe limitations. Some of the expensive programs did not offer reporting either and a specialist would have to be hired to program the software for what they needed. Mayor Allers questioned what was holding up permits and Director Poposki replied that it was not the staff and advised people to watch the videos of the permitting process. He noted that forms needed to be completed correctly and signed. He said the staff was spending time issuing permits as quickly as possible and needed more people to report data and do other projects. Mayor Allers commented that many people were unaware of rejection letters because they were not contacted and questioned whether the town should make sure the homeowner's contact information was provided. Director Poposki replied that it was a problem when the contractor did not forward information to the homeowner. He recommended that homeowners provide their information and stay in close contact with their contractors. He will investigate whether more automation could be built into their current system without slowing it down, but some things will not change. He stated that the existing software was inexpensive for a reason and could not be individually customized.

Vice Mayor Atterholt suggested that Director Poposki provide updates to the Council regularly. Council Member Veach brought up customized news for people who signed up for an account on the town's website. Coordinator Dexter will look into it.

D. Pedestrian Overpasses

**A discussion on Pedestrian Overpasses as requested by Town Council**

Council Member Veach suggested any development that spans Estero Blvd. be required to install a pedestrian overpass. He noted the Red Coconut property would qualify. Mayor Allers questioned whether it made sense to create a policy for two properties. He wondered whether it would make more sense to use an overpass as a negotiating tool. Town Attorney Herin, Jr. noted they could not negotiate for more than what was allowed, and the overpass might involve a decision by the county or state. Council Member Veach preferred a structured set of rules instead of using it as a negotiation tool.

Vice Mayor Atterholt did not mind negotiating for a pedestrian overpass and wondered whether they could build it into the revised comp plan as a goal. He thought more than two properties would qualify. He described a scenario where a bar might want to extend its liquor license across Estero Blvd. by building a pedestrian overpass to the other side. Council Member Veach did not think an overpass was a public benefit, it was a business decision. Town Attorney Herin, Jr. would check regarding the liquor license transfer. He discussed giving entitlements to developers that were not allowed by right and creating flexibility in the comp plan and LDC.

Vice Mayor Atterholt suggested that Town Attorney Herin, Jr. provide a legal analysis of the topic. Council Member Veach agreed it would be helpful to look at specific language. Council Members Woodson and King supported further discussion.

E. Ordinance 18-06; Boards, Committees and Commissions

**A discussion regarding Boards, Committees and Commissions as requested by Town Council**

Council Member Woodson brought up prior conversations regarding combining BORCAB (Bay Oaks Recreational Campus Advisory Board), CELCAB (Cultural and Environmental Learning Center Advisory Board) and CRAB (Community Resource Advisory Board). BORCAB and CELCAB were not interested in combining; however, CRAB's responsibilities were divided between the two committees. BORCAB would take over all parks and recreation and CELCAB would focus on history, education and Newton Beach Park. She requested that the Council ratify the decision. Town Attorney Herin, Jr. revealed that an ordinance was drafted to consolidate the advisory boards, but it did not make it to a second public hearing due to changes. He asked that the negotiated settlement be forwarded to him so the language could be reflected in the proposed ordinance.

#### IV. AGENDA MANAGEMENT

A. June 2023

Add an FGCU professor to make a presentation about how communities succeed and fail. Council Member King will forward details to the Town Clerk.

Add a Garden Club planting presentation to an M&P.

Change TBD on Times Square & DB Zone to the August M&P.

Add the tree and vegetation ordinance and water restriction ordinance to an M&P.

Add Resilient Lee hub info to an M&P.

Town Attorney Herin, Jr. stated that a current employee filed an age discrimination claim against the town and the League of Cities will handle the case.

**V. ADJOURNMENT**

Council Member King moved to adjourn; second by Council Member Veach.  
Motion carried unanimously.

The meeting was adjourned at 12:33 p.m.

Minutes adopted, August 7, 2023; Motion by Council Member King and seconded  
by Vice Mayor Atterholt. Passed 5-0.

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

Amy Baker, Town Clerk