



Fort Myers Beach Management & Planning Session

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

Minutes**Thursday, August 10, 2023****9:00 AM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

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

Excused: Mayor Allers

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Presentation: Estero Island Garden Club

Cathy Turner, Vice President of Communications will speak about native plants

Ms. Turner represented the Estero Island Garden Club. She reviewed the background and mission of the organization and noted that nonmembers could visit the website for more information. Monthly meetings are available to the public and the first post-land meeting will be held in November at the Mound House. Ms. Turner indicated that the garden club, the town, and Director Hauge would collaborate on the Memorial Garden at Bay Oaks. The Estero Island Garden Club offered to be advisors to the town in any capacity needed. They cannot provide labor as a club, but individual members may volunteer. She requested a copy of the volunteer waiver to display on their site. The garden club is not set up as a non-profit, so dues are charged to cover expenses. She noted that the club would have to fundraise for projects to cover expenses. She suggested creating an adopt-the-block campaign to replant or an adopt-a-beach access revitalization campaign. The garden club recommended 75% native and 25% Florida-friendly plants for the new Town Hall property. She indicated that she would not replant until after the rainy season and the Sanibel Captiva Foundation put out guidelines for assistance.

She noted that the Sunshine Mimosa planted on Estero had not been planted correctly, but it was a good choice for the area. Council Member Veach added that some of the mimosas were coming back. Ms. Turner commented that an Introduction to Native Plants was on the Estero Island Garden Club's website and thought it was also on the town's website. She described why native plants fared the best after the hurricane. Consensus was reached for Public Works to work with the Estero Island Garden Club.

B. Presentation: FY23/24 Budget

Preparation for the upcoming FY23/24 Town of Fort Myers Beach Budget

Finance Director Joe Onzick utilized PowerPoint for his presentation. Slides included: Overview, Budget Process, Challenges, Major Revenue Losses, Uncertainty of Funding to Support Disaster Recovery, Maintaining Millage Rate, Additional Personnel to Support Recovery, Resulting Budget and Net Change Between FY23 & FY24 General Fund Expense Budgets. Director Onzick reported that the total amount of the general fund budget was \$12.3 million and the total amount of all funds combined was \$53 million. The presentation continued with a Summary of Changes Between FY24 & FY23 General Fund Expense Budgets, General Fund Expenses by Department, Where the Money Goes - General Fund Only, Funding Strategy for General Fund, Where the Money Comes From - General Fund Only, Expense Budgets of All Funds, Where the Money Goes - All Funds and Where the Money Comes From - All Funds.

Director Onzick stated he was concerned and hopeful regarding the bridge loan. He added that we were not required to repay the loan until the town could afford to pay it. He hoped to receive other funding sources to replace the bridge loan and noted that the loan might be forgiven. Town Manager Hyatt thought the bridge loan had to be spent before it could be forgiven.

Director Onzick commented that he would review it.

C. Presentation: FY 23-24 Health Insurance Renewal

Review of Health Insurance Renewal Recommendations for 23-24 FY
Town Manager Hyatt introduced Human Resource Manager Talissa Oliveira and Human Resources Analyst Shelby Arment. Manager Oliveira displayed slides for her presentation. The first slide was: October 1, 2023 Recommendations, Due Diligence Process, Results of Market Assessment, Proposal Costs, Appendix - Benefit Design Breakdown, Executive Summary and Benecon- Run Out Costs, Ancillary Coverages. Manager Oliveira recommended that they move to FMIT. She explained the difference between self-insurance and full insurance. She commented that everything would be automated and insurance brokers would come to the town to educate employees on their current portfolios. Town Manager Hyatt revealed that the health insurance program could include elected officials. Manager Oliveira described a health savings plan and noted they could partner with a bank to set up a plan. Town Attorney Vose recommended that a resolution be adopted. Consensus was reached to draft a resolution.

D. Public/Elected Official participation via phone, Zoom, etc.

A discussion regarding public and elected office participation at meetings via phone, Zoom, etc.

A consensus was reached to vote to allow any member to participate via phone at the beginning of the meetings. Vice Mayor Atterholt felt that comments submitted by the public should become part of the record and be distributed to the Council. He suggested that a policy be created to read or not read written comments out loud. He was concerned about taking time away from the public physically in attendance. Council Member Veach agreed. Council Member Woodson stated that the written emails were automatically entered into the record. Council Member King agreed. Town Attorney Vose will draft a resolution.

E. ResilientLee: Recovery Task Force

An open discussion of the ResilientLee Recovery Task Force

Anne Compson from Tidal Basin reported that the \$7.9 million application for turtle lighting went up under the Florida Legislative Appropriations Program. She noted that Director Guthrie stated that funding the initiative was a priority and Town Manager Hyatt and FP&L (Florida Power & Light) were working together to determine the final cost. Ms. Compson noted that ResilientLee was a planning function and not something that would go toward the CDBG (Community Development Block Grant). She said they submitted 21 applications in total and FDEM (Florida Department of Emergency Management) indicated they preferred to administer loans rather than the projects that FEMA would reimburse. She stated that it was a complex issue with jurisdictional challenges. An underfunded needs project list was being addressed and the most significant unmet need was the Lee County Draft Action Plan. Public comment will be open through the end of August and Council was provided a copy of the draft with comments.

Ashly Edwards, a consultant to Tidal Basin, introduced himself and his experience with disasters. He noted that the CDBG fund was a normal, annual program, but the CDBG-DR was a specific program made available by direct congressional appropriation. The funds are intended to directly provide resources to meet needs in the hardest hit areas. He described how the program was created and noted CDBG funds began where FEMA funds ended. Lee County was given a direct allocation of \$1.1 billion and Lee County was serving on behalf of the state to distribute funds. He stated it would be difficult for Fort Myers Beach to tap into the majority of the funding streams because the program was designed for comprehensive unmet needs to create a local recovery strategy. His concern was that the draft was not taking advantage of all of the avenues available and he provided a road map to give Fort Myers Beach every bit of flexibility and priority in receiving funds. Items the beach should ask HUD were listed at the end of the document. The comments would be sent directly to HUD and Lee County would have to answer HUD regarding how they planned to amend their action plan to meet concerns.

Mr. Edwards described how difficult it was to administer housing programs. He stated that the action plan created a vehicle through which the money would flow to the projects. He discussed prioritizing planning assistance to provide planning funds quickly to help develop projects for funding. He noted that the CDBG-DR funds filled the gaps that did not fit into other funding streams. He indicated that the \$1.1 billion could be increased over the years. Consensus was reached to move forward with the recommendations.

F. Special Exceptions/Variations/CPDs

The Town Attorney will provide a briefing and an overview of the definitions and appropriate uses of "special exceptions", "variances", "CPDs" and "amendments to the Comprehensive Plan". The Town Attorney will also discuss another tool available to the Town which is included in the Town's current land development code - "Development Agreements".

Town Attorney Vose stated that a variance was something one could ask for as long as it was not a use variance. If there was a requirement in the code, one could ask for a variance and considerations are set out. The variance should not be granted if the applicant cannot meet the findings. The difference between a variance and a special exception is that some zoning categories call out uses that might be allowed in that particular zoning category.

Zoning categories include special exceptions and there was a presumption in the code that they should be allowed. Town Attorney Vose stated that variances were unique and considered on a case-by-case basis.

Planner Propst explained the steps to obtain a variance. Town Attorney Vose suggested that the standards for variances and special exceptions be included in the agenda packet. She noted that a development agreement with deviations might be an innovative way for development. She indicated that a development agreement would be less cumbersome than a CPD and would not involve rezoning. She provided an example of how a development agreement with deviations could be used instead of a CPD. She was unfamiliar with the pink zone process, but her research indicated that it was complex and a waste of time.

Town Attorney Vose stated that procedures to use the development agreement with deviations had to be developed and adopted before it could be used. Planner Propst remarked that the entire code needed to be overhauled all at once and she recommended that the code not be changed in a piecemeal fashion. Council Member Woodson agreed with overhauling the code but did not want to hold up progress in the meantime.

Consensus was reached to explore the development agreement with deviations. Planner Propst stated that the cost of a variance was \$1,800.00 plus \$500.00 for each additional variance and a special exception was \$3,800.00. She indicated the charge was average for the area.

Planner Propst noted that about six condominium pools were partially within the EC (Environmentally Critical) zoning district and extended beyond the current CCCL (Coastal Construction Control Line). They would not be allowed to repair their pools.

She requested that the Council inform her if they wanted to change the code. Consensus was reached to explore solutions for the condos impacted.

G. Presentation: Let's Go FMB

Pink Zones

Not addressed.

H. Discuss Proposed Updates to Tree Ordinance

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Environmental Project Manager Chadd Chustz reviewed the proposed changes to the tree ordinance. He noted this was the perfect time to eradicate invasive and exotic species post-land. The proposed tree fund to plant trees on public property allowed property owners to buy their way out of having to plant trees on their properties. Planner Propst was not a fan of the tree fund because the town did not have a lot of public property for the trees and there were unintended consequences. Project Manager Chustz commented that the reason for the ordinance is to preserve native trees. He noted that the condos would have to follow the landscape plan submitted in their development order. Planner Propst added that the town probably would not have a problem with condos reimplementing their plan if they did not have one. She recommended that condos refer to the landscape requirements in Chapter 10 and reach out to staff for details.

I. Proposed Ordinance: Vegetation and Trees

Discuss Vegetation and Tree Requirements for Single Family Homes

Project Manager Chustz requested direction from the Council regarding creating a landscape code for single-family homes. He read a list of questions generated by researching ordinances in surrounding municipalities. Vice Mayor Atterholt suggested that MERTF draft a proposed ordinance for the Council to review. Project Manager Chustz and Planner Propst will work on creating language. He noted that he could recruit volunteers to help remove invasive vegetation from properties. Council Member Veach added that the town's website included a list of invasive species on properties; however, he did not know how many were standing post-land.

J. Discuss Water Management District's request to update the Town Water Conservation and Water Shortage Ordinances.

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Project Manager Chustz stated that the beach was the only municipality that had not adopted the irrigation standards. Vice Mayor Atterholt requested a copy of the changes.

IV. AGENDA MANAGEMENT

A. August 2023

Add guidance for staff to utilize administrative variances.

V. ADJOURNMENT

Minutes adopted August 21, 2023; Motion by Council Member Woodson and seconded by Council Member Veach. Passed 5-0.

A handwritten signature in blue ink that reads "Amy Baker". The signature is written in a cursive style with a large, stylized initial "A".

Amy Baker, Town Clerk

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

The meeting was adjourned at 3:55 p.m.