



Fort Myers Beach Town Council

**Bay Oaks Recreational Center
2731 Oak Street
Fort Myers Beach, FL 33931**

Minutes

Thursday, January 11, 2024

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King (virtually) and Council Member Woodson.

- A. Request from Council Member King to appear virtually Mayor Allers moved to allow Council Member King to participate virtually; seconded by Vice Mayor Atterholt. The motion carried unanimously.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. PROGRESS UPDATES

Rick Mindemann from Santa Maria Condos commented that the milestone study had to be completed in 2024 along with the SIRS and the talk was that it might be extended into 2025. He asked whether that was the rule. He questioned the rule regarding the timeline for replacing the fire pump.

Steve Bruns from the Caper Beach Club complimented the town and fire department. He asked whether a resource portal could be set up, so people could see other condo associations' issues. He stated that some owners were back, the white box was done and they were in litigation with the insurance company. He noted they had substantial assessments. Most of the common areas were done and they hoped to open for rentals around April.

Rick Mindemann stated that the roof was completed and the elevators were fixed. The decks and the gazebo had to be replaced. He mentioned that more assessments might be in the future.

Jeff Moore from Marina Towers noted the flood knocked out the infrastructure and

the building was uninhabitable. He remarked that the traffic was worse than ever and contractors did not want to deal with that. He felt the federal government was having a problem concerning SBA loans and insurance companies were not paying up.

Bill Althoff, President of Shamrock Beach Condos, stated that they started an SBA (Small Business Administration) loan in November 2022 and it still was not done. He asked the town to help. Structural damage was repaired and they were in the process of fixing the plumbing, electric and replacing the roof. He wondered if the town could help to delay the implementation of SB4. He stated they would have huge assessments and hoped to get the money back. They needed direction on FEMA (Federal Emergency Management Agency) rules to calculate the 50% rule, the Lee County look-back rule and the FEMA 2010 workbook. He addressed the FEMA valuation snafu but noted they got through it. He asked that the town publish issues the permitting department was having to help prepare the contractors. The emergency berm created a moat around the property because they were five feet short of sand. He referred to Mexico Beach and asked that the town look into getting more sand from FEMA.

Dave Nusbaum, President of Island Winds Condos, stated they could not open because they were waiting for parts, permit approvals, authorizations from the fire department and cash. They were having trouble with FEMA because they kept moving the goalposts. He said they needed help with the legislative reserve funding rule and exhausted their reserves to get their building in order. He asked that the timetable be delayed by two years so they could rebuild. He asked for help and latitude from the fire department regarding building back to code. They lost their priority with FP&L (Florida Power & Light) and asked the town to help.

Mayor Allers responded that several entities were pushing for a moratorium on SB4. Mr. Nusbaum noted the elevators should be working in two weeks and would help the recovery and he hoped to be fully functional by the end of February or March.

Todd Kluener, a Board Member of Seaside Condos, stated their project was moving along great and they divided the project into insurance-covered and non-insurance-covered items. They received all their insurance funds. He needed clarity concerning the town's landscaping code, grilling huts and permitting issues. George Kessler from Ocean Harbor Condos indicated they had been waiting for a transformer power change from FP&L for 2 1/2 months. He stated they filed a complaint with the Public Service Commission two weeks ago and have not heard anything. He suggested that everyone file a formal complaint. He listed everything they could not do because there was no power. He thanked the town for doing an excellent job.

Bruce Harding from Bella Lago Condos noted they were in good shape and were finishing the roofs. He thanked the town for their help.

Lisa Wallace from the Privateer Condos stated their first floor was wiped out, but they hired an engineer immediately and did not have insurance problems. They were waiting for a few permits to start construction and had to use all their reserves. They hoped to open around September or November. She appreciated all the town's hard work.

Gary Fields, President of Pelican Watch Condos, stated they were suing their insurance carriers and closed on the SBA loan but had not received funds. He commented on the delays with permits and felt it was a staffing issue that needed attention. He thought their building would be functional in two to three months.

Jim Brubaker of Terra Mar Condos noted they were multi-owned, which was challenging. He discussed issues with multifamily high rises compared to single-family homes. He asked that the town be sensitive to those differences. He recommended periodic workshops for condos and revisions to the permit application for high-rises in VE zones.

Denise Klint from Sandarac A Condos stated they were doing well and almost everyone was back in except for the first floor. They have a new roof but no pool and the lobby and common areas need work. She suggested that one person in the permitting department be designated to deal with the condos. It was difficult to see their entrance at night because it was dark. She suggested that someone from the town schedule a monthly meeting with the condos.

Mike Close, President of Creciente Condos, noted their pool was destroyed and they intended to rebuild it as it was before. He proposed that the town council give a blanket exemption for a public hearing as long as the rebuild complied with what was there. He described the difference between how private residences were treated compared to condos according to the town's ordinances. He proposed changing the ordinance so they could supervise minor projects themselves and described extra work requirements due to the FEMA regulations. He stated they could not afford to install charging stations for electric vehicles. He suggested the town sell charging stations or lease them to the condos. He thanked the town for the forum.

Mike Alexander, Treasurer for Estero Beach Club, indicated one building was stripped down to the studs, but the other building was good. He noted that they were getting wind and flood insurance funds, but they were unsure how much they would get. He agreed with every complaint regarding FP&L and stated that they could not get them to install their equipment. He questioned what they had to do to get their occupancy without an elevator.

Jim Waltour from the Riviera Condos Board thanked the Fort Myers Beach Fire District. He described how the board became proactive regarding involvement with contractors and engineers. He commented that it would help to have a building official from the town walk the property with them in case they missed something that would prevent occupancy. He remarked that now the board communicated with contractors daily, items were being done.

Ed Smith, Treasurer of Harbor Point, thanked the council for listening to everyone. He explained the repairs made so far and thanked the fire department. He requested guidance on how to protect the property and people working there. He requested clarification regarding how long temporary generators were allowed. He asked that the town relax the code requiring permits for small items like hanging cabinets and trim work. He supported a two-year moratorium on the reserve funding. He stated the biggest issue now was the life safety requirements to move the electrical room to the first floor and FP&L was supposed to be there in a month and a half. He supported having more meetings.

Larry Conway from Woodward Point requested clarification regarding turtle-friendly lights for their parking lot. The cost was four times the cost of their other lights.

Dave Wellington represented the Bay Village Condos and said they were waiting for drywall, insulation, electrical and concrete permits. He was unsure whether the issues were with the contractor or the town.

Jim Cecil from Admiral's Bay noted that replacing three broken windows took almost a year. They were in litigation with the insurance company. He stated that they had another appraiser after Ian, but the town denied it because the town's name was not on the appraisal, so they had it redone with the town's name. He questioned why they were not told that up front and why some permits were so expensive. He complimented the fire department for working with them.

Zach Louzao, Studio AD architect, requested clarification regarding the code and categorizing repairs as level 3 alterations. He believed some condos could be categorized as renovations to reduce the scope of work and below the 50% rule. He provided a flowchart from the NFPA (National Fire Protection Association) illustrating how to categorize a project.

Tom McDonnell of Estero Island Yacht & Racquet Club indicated that all first-floor units were damaged. He asked whether individual unit owners would have to obtain a permit after the white box to finish their unit. He stated that FP&L had not replaced the streetlights after 89 days. They sued, settled with the wind carrier, and now have three new roofs. The flood carrier kept changing their requests, and getting answers was difficult. Contractors had to leave early due to the bad traffic and he did not think the new traffic light was helping. He thanked the town for hosting the meeting.

Birdie Murphy from Estero Beach Club East thanked everyone for the opportunity to meet. Their issues were insurance, difficulties with changes to permitting requirements, extending the reserve fund, and dark streets.

Robert Galvanoni from Carlos Point Beach Club endorsed a delay for the reserve issue. The contractor told them all the subcontractor's contracts had to be signed before he could submit the application to the town. He questioned whether they could get partial approval for a large contract and questioned delaying beach renourishment.

A. Fort Myers Beach Building Official

Building Official Joe Specht addressed categories of concern and noted he was in the process of correcting the permit process. He stated that since they had engineer reports for many buildings, they could be used as part of the milestone system started by the legislature. Egress was important and required before occupancy. He was comfortable with buildings without elevators as long as the fire department agreed. The existing building code was one of his favorite resources because it gave him leeway with how things had to be put back. He would help with hanging cabinets and trim without a permit, but electrical and plumbing had to have permits. He encouraged anyone with questions to contact him. He added that he would assist with owner/builder exemptions and noted it was a state requirement. Mr. Specht offered to walk around buildings to help identify any issues that might slow

them down. He added that he was streamlining the building valuation process.

Kevin VanBuren, President of Windward Point, stated that they needed a sign permit for a sign that had been there for 40 years because it was in the right-of-way. He noted it would cost thousands to run new electricity for a sign that was on a dead-end street. He stated that the town refused to look at it in person because it was on GSI.

Vice Mayor Atterholt encouraged people to contact their state legislators regarding the reserve fund issue and contact federal legislators to help with FEMA issues. Contact representatives from FP&L and Jimmy Patronis with the state insurance department about problems with those entities. Mayor Allers asked people to send contact information to him or the town manager regarding FP&L issues.

B. Fort Myers Beach Fire Control District

Fire Chief Scott Wirth addressed water pressure in condos and urged people to contact them if they had problems fixing their systems.

John Myanza, President of Santa Maria Condos, thanked the fire department for informing them of what they needed to do to get owners back in their units. Chief Wirth encouraged people to reach out to them with questions.

He indicated that they did not see an application regarding grilling huts. He revealed that he was also a general contractor and they were supposed to know what to do. Often, plans were kicked back because they did not have the proper engineering attached or completed.

Regarding life safety issues and temporary fire pumps, some condos were able to bypass the fire pump. He suggested that people call the fire department for possible solutions.

One gentleman asked why they had to rebuild their fire pump and generator system 14 feet above the ground. Fire Official Jennifer Campbell replied that elevating was to protect the fire pump.

V. ADJOURNMENT

Council Member Woodson moved to adjourn; seconded by Council Member King. The motion carried unanimously.

The meeting was adjourned at 11:01 a.m.

Minutes adopted as presented, January 22, 2024. Motion by Council Member King and seconded by Mayor Allers. Passed 4-0.



Amy Baker, Town Clerk