



Fort Myers Beach Management & Planning Session

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes

Thursday, March 13, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Charter Review Commission

Discussion of Charter Review Process

Town Attorney Stuparich explained the charter review process as stated on the green sheet. Town Clerk Amy Baker indicated that the Charter Review Committee is comprised of five members. The Town Attorney and Clerk were ex-officio members to help guide the discussion. The town council appoints members of the committee. Members of the last committee included Rexann Hosafros as council liaison and Tom Babcock, Miffie Greer, Dan Hughes, Jay Light and Dan Parker. Consensus was reached to appoint members by May 16, 2025. Vice Mayor Atterholt suggested that the listing should clarify that residents currently serving on advisory committees were welcome to apply.

B. Proposed Ordinance; Payment of Fees / Charges for Review prior to issuance of permit(s)

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA SUGGESTED BY THE LAND PLANNING AGENCY TO AMEND SECTION 34-53 OF CHAPTER 34, ARTICLE II, DIVISION 1 OF THE LAND DEVELOPMENT CODE REGARDING ACCEPTANCE OF PAYMENT OF FEES AND CHARGES FOR REVIEW OF ANY APPLICATION OR ISSUANCE OF A PERMIT, INCLUDING INSPECTIONS, UNTIL ALL FEES AND CHARGES DUE THE TOWN INCLUDING BUT NOT LIMITED TO EXPENDITURES FOR NOTICING, ADVERTISING, ADDITIONAL PROFESSIONAL SERVICES, OUTSTANDING UTILITY BILLS OR CODE ENFORCEMENT FINES OR

LIENS HAVE BEEN PAID AND THE PROPERTY IS IN COMPLIANCE WITH ALL APPLICABLE TOWN CODES AND ORDINANCES UNLESS REVIEW OF THE APPLICATION IS NEEDED FOR SAFETY PURPOSES OR FOR COMPLIANCE WITH TOWN CODES AND ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Stuparich reviewed the background of the discussion as stated on the green sheet. Mayor Allers read the proposed title of the ordinance. Town Attorney Stuparich stated the first question was whether they wanted to prohibit anyone with indebtedness to the town from asking for a land use approval or a building permit. The second question dealt with the type of indebtedness, from a parking ticket to a lien. She recommended limiting it to land use approvals because that was the beginning of the process and building permits were regulated by state statutes. Council Member Safford asked how the process would work if one owned two LLCs. Community Development Planner Sarah Propst replied that the applicant could provide an affidavit of the properties they owned. Mayor Allers was not comfortable relying on a bad actor's honor. Town Attorney Stuparich noted that performing title or property searches cost money and created a delay.

She recommended that it only be the property that was the subject matter of the application. Mayor Allers asked whether someone running an illegal parking lot could apply to change the use of a rental on the same property without paying the lien for the illegal parking lot. She replied that this would prohibit them from moving forward. The town council agreed with the recommendation to limit it to a land use approval.

Town Attorney Stuparich asked whether someone requesting a rezoning should have to pay for an outstanding parking ticket before being allowed to move forward with the rezoning. All council members agreed.

C. Proposed Ordinance; Notices

DISCUSSION OF A DRAFT ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236 RELATED TO NOTICES SUGGESTED BY THE LOCAL PLANNING AGENCY.

Mayor Allers read the title of the draft ordinance. Planner Propst reviewed the background of the item as stated on the green sheet. People complained that they were not receiving notices and she thought it made more sense for the applicants to handle this. The town currently charges for postage and printing but not staff time. This change would apply to applicants with bigger projects like CPDs and rezoning cases. It would not apply to variances and special exceptions. She indicated that other communities require similar things, including larger signage. This ordinance would not require larger signs, but anyone requesting a variance or special exception would be required to do the signage and the town would do the mailings. Planner Propst noted that other communities require certified mail receipts and an affidavit that notices were sent. Council members did not support requiring

certified mail receipts but supported the applicant being responsible for the mailings and signage.

Town Attorney Stuparich indicated that another change required that the signage posted be in layperson's language so a multi-family dwelling would be identified as an apartment building to provide transparency. Mayor Allers asked about extending the seven calendar days and Planner Propst replied that they aim for ten days now. Council members agreed with the ten-day requirement.

D. Discussion - Temporary Housing

DISCUSSION OF STATUS OF TEMPORARY HOUSING ON FORT MYERS BEACH REQUESTED BY TOWN COUNCIL

Council Member Woodson asked if they were keeping the September 30, 2025, deadline for residents to remove their RVs or trailers unless they could prove they were in the process of rebuilding. If they were allowed to stay, what were the parameters? Council Member Safford asked whether the state extended the deadline. Town Attorney Stuparich replied that the statute preempted local governments from prohibiting temporary resident structures from remaining in specific zoning categories after a storm. She read three criteria included in the statute and qualifications in the town's ordinance regarding extensions. FEMA (Federal Emergency Management Agency) indicated in their letter that temporary housing for survivors that has been permitted by the town is acceptable. Town Attorney Stuparich suggested that they determine how many residential permits are out there and who does and does not fall into that category. Town Manager Hyatt commented that he could get most of the information in a couple of days. Town Attorney Stuparich suggested that the town not issue any extensions unless there was a hardship. Council Member Woodson suggested leaving the deadline and dealing with the exceptions for those who have done nothing toward rebuilding. Mayor Allers revealed that some temporary permits were open-ended with no renewal date. He stated they had to find out how many had temporary permits but had no plans to do anything. Operations & Compliance Director Frankie Kropacek noted there was enough time to send letters to questionable properties to determine their intentions. Town Council members agreed to address the situation now. Town Manager Hyatt will present the data at the next council meeting.

IV. AGENDA MANAGEMENT

A. March 2025

Add an FDOT (Florida Department of Transportation) representative to discuss the base of the bridge construction.

Add a formal plan from staff regarding the status of derelict properties on the side streets. Vice Mayor Atterholt described rats terrorizing the neighborhood due to a derelict house on Tropical Shores Way. He suggested it would be nice for the public to be able to monitor and update the status of derelict structures. Director Kropacek commented that he would work on posting the

information on the website. Mayor Allers described another property that had not been touched since Ian and he could not find any information from the town regarding violations on that property. He asked what they were going to do to address these properties.

Planner Propst described the community outreach opportunity at the library so that people could take a survey and give feedback regarding the Comprehensive Plan and LDC (Land Development Code).

Discussion was held regarding the progress of the town hall and the parking lot. Town Attorney Stuparich discussed the CRA (Community Redevelopment Agency) bills in the legislature. Director Kropacek explained how the process helped to revitalize the downtown district. Mayor Allers suggested they call Bonita Springs regarding their process. Town Attorney Stuparich suggested it was now or never because of the possible deadline. She also suggested working with the town's lobbyist regarding an extension. She will come back with a resolution. Vice Mayor Atterholt requested they invite an expert to explain why a CRA was a good idea. Director Kropacek will work on it.

V. ADJOURNMENT

Council Member King moved to adjourn, seconded by Mayor Allers. The motion carried unanimously.

The meeting was adjourned at 10:39 AM

Minutes adopted as presented, April 7, 2025. Motion by Council Member King and seconded by Council Member Safford. Passed 5-0.



Amy Baker, Town Clerk