



Fort Myers Beach Town Council

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

Minutes

Thursday, September 9, 2021

5:01 PM

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

Council Member Atterholt moved to approve the agenda; second by Council Member Allers.

Motion carried unanimously.

V. PUBLIC COMMENT

Larry Drebes, 5750/5760 Estero Blvd. described new zoning issues affecting his property and asked to be grandfathered.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Mayor Murphy presented Jan Fleming and Janeen Paulauskis with the 2021 Citizens of Distinction Award. He read a letter from Anita Cereceda nominating the two.

Council Member Veach thanked Carlos Point, Castle Beach and Islands End condominiums for cooperating with the FWCC (Fish & Wildlife Conservation Commission) and the Audubon Society regarding bird nesting sites on their properties.

Council Member Atterholt thanked Jan and Janeen for their efforts. Not items from other members.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

Chair Steve Johnson from the Marine Resources Task Force (MRTF) requested direction regarding eradicating invasive species of vegetation. He noted there was nothing in place to prevent property owners from planting exotic invasive plants. He questioned whether MRTF should pursue a minimal exotic invasive management program. Council Member Veach and Vice Mayor Hosafros supported MRTF moving forward with the management program and Council Member Veach brought up a landscaper certification program. Chair Johnson mentioned dark skies and stated that the 2010 lighting ordinance was good but it was not pursued outside of new construction. He questioned starting a public information campaign to educate and guide homeowners regarding lighting. Vice Mayor Hosafros and Council Member Atterholt agreed with a public education campaign. Chair Johnson thanked the Community Foundation for their donation to the pop-up booth program.

VIII. APPROVAL OF MINUTES

- A. August 16, 2021 Town Council meeting
Vice Mayor Hosafros moved to approve the minutes; second by Council Member Veach.
Motion carried unanimously.

IX. CONSENT AGENDA

Vice Mayor Hosafros moved to approve the consent agenda; second by Mayor Murphy.
Motion carried unanimously.

- A. Donation to Marine Resources Task Force (MRTF)
Accept the Fort Myers Beach Community Foundation donation to the Town of Fort Myers Beach in the amount of \$1,000 for use by the Marine Resources Task Force (MRTF) for their pop-up booth program.
Vice Mayor Hosafros moved to accept the donation; second by Mayor Murphy.
Motion carried unanimously.
- B. ITB-21-16-PW Bayside Park Improvements
Authorize the Town Manager or designee to negotiate a best and final contract with Wright Construction for proposed improvements at Bayside Park.
Vice Mayor Hosafros moved to authorize; second by Mayor Murphy. Motion carried unanimously.
- C. Estero Bay Hotel Company Sidewalk/Utility Easement
Approve and accept the Sidewalk and Utility Easement from Estero Bay Hotel Company in accordance with their approved Master Concept Plan and authorize the execution of easement.
Vice Mayor Hosafros moved to approve; second by Mayor Murphy. Motion carried unanimously.

D. Managed IT Services

Authorize the Town Manager to execute an agreement with Softrim, LLC as an emergency procurement as provided for in Section 2-480(d)(1) of the Town Code.

Vice Mayor Hosafros moved to authorize; second by Mayor Murphy. Motion carried unanimously.

X. PUBLIC HEARINGS

A. Resolution 21-34, Setting Proposed Millage Rate for FY 21-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE PROPOSED AD VALOREM MILLAGE RATE FOR THE TOWN OF FORT MYERS BEACH, FLORIDA FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE GENERAL FUND; SETTING THE SECOND AND FINAL BUDGET ADOPTION PUBLIC HEARING FOR THURSDAY SEPTEMBER 16, 2021 AT 5:01 P.M.; AND PROVIDING AN EFFECTIVE DATE.

Mayor Murphy read the title of the resolution.

Vice Mayor Hosafros moved to table Resolution 21-34; second by Council Member Atterholt.

Motion carried unanimously.

Vice Mayor Hosafros moved to reopen Resolution 21-34; second by Council Member Atterholt.

Motion carried unanimously. No public comment.

Town Attorney Herin, Jr. read the title of the resolution.

Vice Mayor Hosafros moved to move this to a second and final adoption hearing for September 16, 2021, at 5:01 p.m.; second by Council Member Allers.

Motion carried 4-1 with Council Member Atterholt dissenting.

B. Resolution 21-41; Tentative FY 2021-2022 Budget

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022; SETTING THE SECOND AND FINAL BUDGET ADOPTION PUBLIC HEARING FOR THURSDAY SEPTEMBER 16, 2021 AT 5:01 P.M.; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Murphy read the title of the resolution. Town Manager Hernstadt noted that a letter summarizing the budget was included and the add-on list had not changed since the last M&P session.

Council Member Veach discussed increasing parking rates from \$3.00 an hour to \$5.00 per hour to purchase a parking app and help accrue funds to

cover cost overruns with current projects. He noted the roll-back rate of .909 would cost \$157,000.00 per year. Raising the parking rates could cover the roll-back rate. Vice Mayor Hosafros supported an increase in parking rates, but she did not support applying it to a roll-back rate due to increased costs for the three projects. Council Member Allers was not opposed to a rate increase. Council Member Atterholt supported the parking app, but he preferred that the public provide input before raising rates. He questioned the cost of an app. Council Member Veach did not know. Town Manager Hernstadt described the installation of sensors for the app, but he did not have a cost estimate. Council Member Allers suggested contacting LeeTran to find out whether they had an app they could piggyback on. Town Manager Hernstadt commented that they would explore options with all government partners. Council Member Atterholt stated he would like to see data concerning how traffic was affected by parking fees. Town Manager Hernstadt indicated that they could set an effective future date for a fee increase after their questions were answered. Mayor Murphy questioned whether their parking fees were below the market. Town Manager Hernstadt replied that they charged less than most other places.

Council Member Atterholt questioned whether they would receive COVID-19 funds. Town Manager Hernstadt replied affirmatively but noted that the use of those funds was restricted.

Council Member Veach discussed increasing short-term rental fees from \$50.00 per year to \$300.00 per year. He stated in 2018, there were 1,258 registered short-term rentals and in 2021, there were 2,547. He suggested the increase go toward affordable workforce housing similar to Sanibel's project. He predicted an estimated revenue of \$636,000.00 per year. Council Member Atterholt discussed the drop in full-time residents according to the census and reiterated that he would like more time for public input. Council Member Veach described the nexus between short-term rental and affordable housing. He explained the difference between workforce housing and affordable housing and noted that he supported both, although workforce housing made the most sense if they acquired the property. Town Attorney Herin, Jr. noted that housing was a requirement in the Comprehensive Plan and the state requirements included affordable and workforce housing. He discussed low-interest loans, state and federal tax credits and the scoring system used for developers. Vice Mayor Hosafros supported the idea.

Council Member Allers wondered whether short-term rental companies would be interested in creating a non-profit to help with the seed money for housing. He was not opposed to the idea, but he wanted more time to answer questions.

Council Member Veach proposed moving forward with both rate increases next week and figuring out an effective date. He commented that they could get information regarding the app and the housing program in the meantime. Town Manager Hernstadt stated that they would not have a lot of new information by next week.

Council Member Atterholt questioned whether funds for two additional

community policing officers were in the proposed budget. Town Manager Hernstadt replied that \$230,000.00 was in the budget and would come from the millage rate or savings. Vice Mayor Hosafros would like funds for community policing to go toward installing cameras. Council Member Allers indicated that they could have both. He described community policing and felt it was a minimal investment. Council Member Atterholt was not opposed to cameras, but he strongly supported community policing. Vice Mayor Hosafros stated that adding two officers would not double the police presence. She did not support continuing to pay the Sheriff's Department extra for ordinary policing. Council Member Atterholt discussed enhancing the level of security. Council Member Veach explained why he supported cameras.

Mayor Murphy felt that they should get four more deputies and pay for two. He did not know how the program would be controlled or who set up the program. He commented that there were too many unknowns. He suggested additional officers could enforce the speed limit on Estero Blvd. and provide additional general enforcement. Mayor Murphy felt that community policing was a sales pitch by the Sheriff's Office. Council Member Allers discussed add-ons that did not benefit the entire town. Council Member Veach stated that the Laguna Shores project was a one-time deal and community policing was an annual occurrence and would have to be reconciled with an increase in taxes. Town Manager Hernstadt pointed out that the money for Laguna Shores was half the total cost. Vice Mayor Hosafros and Council Member Veach supported cameras rather than community policing.

Vice Mayor Hosafros questioned installing native plants in the right-of-way with the money from the county instead of grass that had to be maintained. Council Members Allers and Atterholt supported planting something other than grass. Vice Mayor Hosafros stated that Fort Myers planted native ground cover in their medians and rights-of-way years ago. Town Manager Hernstadt noted that they finally received the money from the county and could move forward.

Cultural Parks & Recreation Director Alison Giesen explained the increases in her budget.

Council Member Allers suggested that revenue from increasing parking fees could go toward community policing.

Council Member Veach moved to table the resolution; second by Vice Mayor Hosafros.

Motion carried unanimously.

Town Attorney Herin, Jr. read the title of the resolution. No public comment.

Council Member Allers moved to approve Resolution 21-41; second by Council Member Veach.

Motion carried 4-1 with Council Member Atterholt dissenting. After determining that Community Policing was included in the budget, Council Member Atterholt withdrew his dissent.

Motion carried unanimously.

XI. ADMINISTRATIVE AGENDA

- A. Resolution 21-40; Funding Request to FDEP for Estero Island Shore Protection Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AUTHORIZING TOWN STAFF TO SUBMIT A FUNDING REQUEST TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE ESTERO ISLAND SHORE PROTECTION PROJECT; SEEK ADDITIONAL GRANT FUNDING FROM THE TOURIST DEVELOPMENT COUNCIL; AND AUTHORIZING LOCAL MATCHING FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Murphy read the title of the resolution.

Council Member Allers moved to approve; second by Council Member Veach.

Council Member Veach did not think the beach in that area was eroded.

Motion carried unanimously.

- B. Lobbyist Ronald L. Book, P.A. Contract Renewal

Authorize the Town Manager to renew and execute an agreement in the amount of \$45,000 with the Town's State Lobbyist, Ronald L. Book, P.A.

Council Member Veach moved to authorize; second by Vice Mayor Hosafros.

Motion carried unanimously.

- C. FY22 Community Development Employment Agreements

Approve four contractual Employee Agreements for FY2022 in the areas of Environmental Services, Planning/Zoning, Building Services, and Community Development Administration, together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, and authorize the Town Manager to execute the Agreements on behalf of the Town.

Council Member Veach moved to approve; second by Vice Mayor Hosafros.

Motion carried unanimously.

XII. FINAL PUBLIC COMMENT

No public comment.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt reported that LeeTran requested the use of regular screening material around the TOPS property. Consensus was reached to allow LeeTran to use regular screening.

Town Manager Hernstadt reviewed the fee schedule and noted staff recommended slight changes to the benefit of residents.

A. 1054 Fifth Street Property License Agreement

Approval of a License Agreement with the Lee County Sheriff's Office for the use of the property located at 1054 Fifth Street (former Ocean Jewels property) as a community outreach center.

Town Manager Hernstadt reviewed the background of the issue. Vice Mayor Hosafros mentioned the bullet points and Town Attorney Herin, Jr. replied that they had been incorporated into the draft. He stated that the contract could be extended. Town Manager Hernstadt suggested that the end date be moved to September 30, 2022.

Council Member Allers moved to approve the agreement and authorize the Town Manager and Town Attorney to work out the final agreement with the Sheriff's Office; second by Council Member Veatch.

Town Attorney Herin, Jr. reiterated that all bullet points had been included and addressed in the license agreement.

Motion carried unanimously.

XIV. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. stated that Mr. Jamison appealed the final orders issued by the trial court. He will keep Council posted.

Town Attorney Herin, Jr. discussed the ownership dispute over the Tropical Shores Way canal. He stated it was a private dispute regarding private issues. He indicated that he could file a declaratory judgment if Council requested.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Veatch suggested that a liaison be appointed to the Resiliency Council meeting on October 8, 2021. Council Member Atterholt nominated Council Member Veatch as liaison and Vice Mayor Hosafros volunteered to be the alternate. Council Member Atterholt requested that a discussion regarding the results of the census be added to an M&P Session. Vice Mayor Hosafros stated that the Town had a low response rate attributed to Covid and the data was online.

Mayor Murphy noted he was impressed with his tour of the Intelligence Center at the Sheriff's Office.

No items from other members.

A. Resolution 21-42; Zoning In Progress

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, INVOKING ZONING IN PROGRESS; DECLARING THE TOWN IS CONSIDERING AMENDING ITS LAND DEVELOPMENT CODE BY ADOPTING REGULATIONS LIMITING THE SIZE OF SINGLE-FAMILY HOMES BUILT ON ONE OR MORE LOTS ASSEMBLED FOR THAT PURPOSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Murphy read the title of the resolution. Council Member Atterholt questioned whether Mr. Drebes could be grandfathered. Town Attorney Herin, Jr. replied affirmatively. He discussed setting criteria for property owners who may be in the pipeline. Council Member Veach questioned homes built on one lot. Town Attorney Herin, Jr. replied that he specifically added that language to review very large homes built on single lots.

Discussion was held regarding homes being built on two or more lots. Council Member Allers thought they addressed three or more lots.

Vice Mayor Hosafros moved to adopt Resolution 21-42 as amended orally by the Town Attorney to two or more in the appropriate places; second by Council Member Veach.

Motion carried 4-1 with Council Member Allers dissenting.

B. Updated Town Council Policies and Procedures

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING UPDATED TOWN COUNCIL POLICIES AND PROCEDURES MANUAL; AND PROVIDING AN EFFECTIVE DATE

Vice Mayor Hosafros moved to continue Resolution 21-43 to the next Town Council meeting; second by Council Member Atterholt.

Motion carried unanimously.

XVI. ADJOURNMENT

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

Meeting was adjourned at 7:52 p.m.

Minutes adopted, October 4, 2021; Motion by Vice Mayor Hosafros and seconded by Council Member Allers. Adopted 5-0.



Amy Baker, Town Clerk