



Fort Myers Beach Local Planning Agency

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

Minutes

**Tuesday, December 1,
2020**

11:30 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Present: Chair Megan Heil, Forrest Critser, Dan Hughes, Jane Plummer, Scott Safford and Patrick Vanasse.
Excused: Karen Swanbeck

II. INVOCATION

Chair Heil.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

- A. Minutes of October 13, 2020 meeting
LPA Member Hughes moved to approve the minutes; second by LPA Member Critser.
Motion approved; 6-0 with LPA Member Swanbeck excused.

V. PUBLIC HEARINGS

- A. Comprehensive Plan Amendment to Utilities Element
Request the Local Planning Agency make a recommendation to the Town Council to transmit the proposed Utilities Element text amendments along with data and analysis to the Department of Economic Opportunity for review.
Community Development Services Director Jason Green reviewed the background of the topic.
Danny Nelson with Tetra Tech stated that the Utilities Element update was required by the Water Management District. He described changes to the

document.

LPA Member Vanasse moved to recommend approval as presented by staff and the consultant; second by LPA Member Safford.

No public comment.

Motion approved; 6-0 with LPA Member Swanbeck excused.

B. Amendments to LDC Ch 6 and 34

Recommend approval of the proposed amendments removing and adding text to LDC Sec 6-366, Sec 14-11, 34-2441, Sec 34-2, Sec 34-3041 thru Sec 34-3048.

Director Green explained edits and deletions. He indicated the biggest difference was to clarify whether an event was administrative or had to be approved by Town Council. He pointed out that the definition of activity was added to Pages 47-48. Chair Heil questioned whether the time limit section belonged in Chapter 22 rather than Chapter 34. Director Green replied that temporary uses were regulated in Chapter 34. LPA Member Critser suggested that permit fees should be waived for the Chamber of Commerce. Chair Heil responded that they were a private entity. Director Green commented that the fee schedule was in Chapter 22 and not part of their discussion.

LPA Member Vanasse discussed construction projects under temporary uses in Chapter 34-2 and off-site construction staging sites. Director Green stated that blocking or changing the use of a public-right-of-way was not a special event or temporary use issue. LPA Member Vanasse felt that construction projects should be discussed further. Director Green stated that none of the uses were approved to be in the Town's right-of-way or blocking roads and the temporary use went with the site.

LPA Member Vanasse requested clarification regarding banners and garage sales. Director Green replied that banners were included under special events and garage sales were a definition but not formally codified under the permit process. LPA Member Vanasse suggested that garage sales be exempt from a permit. LPA Member Hughes agreed. Town Attorney Herin, Jr. brought up past complaints concerning garage sales impacting the flow of traffic.

LPA Member Plummer questioned how many applied for garage sales and whether they should educate people regarding permits. Director Green replied that there were no permit requests for garage sales while he was with the Town. LPA Member Vanasse expressed concern regarding requiring a permit when one was not required before. LPA Member Hughes questioned how they would enforce situations where garage sales were abused. Chair Heil indicated that garage sales were defined as three days. LPA Member Vanasse noted that enforcement was complaint-based. LPA Member Plummer agreed that they should not be permitted, and if there were no complaints, they would be fine. She brought up creating a notification system instead of a permit. Chair Heil noted that they were looking for a mechanism to enforce garage sales. Town Attorney Herin, Jr. reported that they did have a permit process for garage sales and the proposed revision was to clarify the issue.

LPA Member Safford agreed with leaving the permit requirement and suggested creating an on-line application process. LPA Member Critser and Chair Heil agreed. LPA Member Vanasse did not think a permit should be required.

Chair Heil questioned why using an RV (recreational vehicle) or mobile home during rehabilitation following a disaster was removed from Page 45. Director Green was not sure, but he noted the difference between mobile homes and RVs. Some LPA Members voiced agreement with striking mobile homes and leaving RVs. Town Attorney Herin noted that it might have been removed since many emergency orders issued from the state allowed RVs and mobile homes after disasters. He referred to Section 6-519 that addressed the temporary placement of RVs. He will verify whether it was removed due to duplication or direct conflict with state or federal law.

LPA Member Safford questioned providing temporary cell towers.

LPA Member Hughes referred to the bottom of Page 43 and questioned who decided what any similar use meant. He requested that it be struck through.

Discussion was held regarding language in the motion.

LPA Member Critser stated that garage sale permits were free and helped to protect neighbors. He supported permits.

No public comment.

LPA Member Vanasse recommended approval of the recommended changes to the LDC with the following changes of removal of Sec. 34-3041(b)(4) and (5), leave remaining 34-346 and 347 or as renumbered, and a request to address right-of-way use; second by LPA Member Plummer.

LPA Member Hughes was not in favor of removing the permit for garage sales. Discussion followed. Town Attorney Herin stated that it was bad form, bad drafting and bad government to have a regulation in a definition. They were moving the regulation out of a definition into the code itself, where it should have been in the first place. There was already a form for people to fill out to track the three-per-year limitation.

Motion approved; 4-2 with LPA Members Hughes and Safford dissenting and LPA Member Swanbeck excused.

VI. ADMINISTRATIVE AGENDA

VII. LPA MEMBERS ITEMS/REPORTS

LPA Member Safford hoped that people could attend the boat parade on Saturday safely.

Chair Heil questioned why the public could no longer access the status of permits online. Director Green replied that Etrakit was not available to the public due to hacking issues and people had to call the Town or make an appointment. Chair Heil questioned whether the system would be fixed. Director Green stated that iWork was available to the public.

No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

No items.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Director Green reported that one application was received for the Historic Preservation Advisory Committee. Chair Heil encouraged members of the public to apply for the three vacancies.

Director Green discussed an upcoming survey to gather public input.

X. ITEMS FOR NEXT MONTHS AGENDA

Chair Heil suggested that they come up with three to five priority issues in the LDC.

XI. PUBLIC COMMENT

No public comment.

XII. ADJOURNMENT

LPA Member Plummer moved to adjourn; second LPA Member Vanasse
Motion approved; 6-0 with LPA Member Swanbeck excused.

Minutes adopted, January 12, 2021; Motion by LPA Member Vanasse and seconded by LPA Member Swanbeck. Adopted 5-0, with LPA Members Critser and Hughes excused.



Amy Baker, Town Clerk