



Fort Myers Beach Management & Planning Session

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

Minutes

Thursday, January 13, 2022

9:00 AM

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. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. FDOT Foot of the Bridge Update

FDOT Presentation on the Foot of Matanzas Pass Bridge

Victoria Peters, Community Liaison from the Florida Department of Transportation (FDOT), introduced Chris Speece. Project Manager Speece stated that a public hearing was scheduled for the bridge project on February 3, 2022 at Chapel by the Sea. He utilized PowerPoint for his presentation. Slides included: Project Limits, Project Goals and Preferred Alternative. He stated that, due to timing, FDOT could not move forward without the PD&E being completed and the public hearing. They were waiting for a corrosion analysis from the state to determine whether they could include a cantilever to provide access for pedestrian traffic on both sides of the bridge. They would not know the corrosion analysis results until after the public hearing. They were told they could only present what they knew they could put forward at the hearing. If they determine they can add the cantilever, they will bring back the findings. Council Member Veach stated that bicycles would end up weaving in and out of traffic. Vice Mayor Hosafros questioned why they did not design a four-foot lane on both sides rather than one lane at eight feet. Project Manager Speece replied that a four-foot lane was not enough room to navigate safely. Council Member Veach stated that the alternating light and the guard rail were premised on having two lanes of continuous traffic. Project Manager Speece continued with the presentation. Slides included: Preferred Alternative - South Carlos Blvd. at Main St. Intersection: Main St. to Hurricane Bay Bridge, Hurricane

Bay Bridge and Seafarers Alternative. Council Member Allers questioned the status of the second right-hand turn lane in front of Winds. Town Manager Hernstadt replied that the town controlled the right-of-way, but they had not pursued the idea. Project Manager Speece remarked that adding the right-of-way would delay the project. Mayor Murphy felt they should look into it even if it delayed the project. Project Manager Speece stated he would take it back to the designer. Slides continued with The Preferred Alternative Evaluation Matrix, Project Schedule, Project Schedule and Funding and Project Contacts. Council Members discussed keeping the alternating light, or the option, even with two lanes. Council Member Atterholt brought up crosswalks at the base of the bridge and hoped they would keep a pedestrian overpass in mind or at least guardrails to channel pedestrians to the crosswalks. Vice Mayor Hosafros stated that they have asked for guardrails over the past eight years. Project Manager Speece commented that he would take it back to the designer.

B. Lee County Update

An update of Lee County projects on Fort Myers Beach

Rob Phelan from the Lee County Department of Transportation (LDOT) noted that he sent an update and the project was nearly complete. He stated the final lift of asphalt was scheduled for the end of February. Mayor Murphy thanked ChrisTel Construction Manager Darin Brown for his hard work over the past seven years. Mr. Phelan indicated that he sent an update to the town regarding green bike lane markings and they would evaluate areas with potential conflicts. He stated the existing RRFBs (Rectangular Rapid Flashing Beacons) would be reinstalled and the plan was to add another set at the south end as part of the Big Carlos Pass project. Mr. Phelan commented that they were out to bid for the signal at Crescent St. and bids were due by the end of the month.

C. Discussion of Council Policy Relating to Code Enforcement Liens, Beach Activities, and Bicycle Safety

Discussion of Council Policy Relating to Code Enforcement Liens, Beach Activities, and Bicycle Safety

Town Manager Hernstadt reported there were some cases with large liens and the property owners were not cooperating with the Town to resolve their violations. He noted they created guidelines for qualifying cases, which were included in their information packet. Town Attorney Herin, Jr. discussed the current code and indicated that they could change the criteria with a modified ordinance, which would require two public hearings. He described the current Special Magistrate process. Council Member Allers commented that a violator could pay their accrued fees without correcting the violation. Town Attorney Herin, Jr. replied that daily fees would continue to accrue if the property owner paid the fines without coming into compliance. Vice Mayor Hosafros expressed the same concern. Town Attorney Herin, Jr.

shared the circumstances and results of two different situations. He felt that the current language in the code provided enough flexibility. Vice Mayor Hosafros suggested that Town Attorney Herin, Jr. provide a list of violators during Attorney's Items at Town Council meetings. Town Attorney Herin, Jr. agreed but recommended using a six-month benchmark. Council Member Veach and Vice Mayor Hosafros preferred to be notified of property owners out of compliance over 90 days. Vice Mayor Hosafros suggested providing a list of violators over 90 days and another six months. Town Attorney Herin, Jr. agreed to provide.

Town Manager Hernstadt provided draft language requiring rental companies and other businesses to add lights and audible devices on bicycles. Council Member Allers supported requiring rental companies, short-term rentals and hotels to install bells and lights on bikes. Town Manager Hernstadt noted that the town sold lights and bells at cost. He added that some rental companies indicated they did not have to provide bells or lights because renters signed agreements that stated they would not ride after dusk. Consensus was reached to add additional language to the ordinance.

Town Manager Hernstadt reviewed the history of the current ordinance. He questioned whether they wanted to give property owners of existing qualified properties the right to perform one or more of the activities. Vice Mayor Hosafros questioned limiting dormant licenses. Council Member Veach stated that he discovered only one inactive license and they were working with the property owner. He thought that most businesses were satisfied with the current setup. He would limit how long a permit could be inactive and create a lottery system when licenses become active rather than first come first serve. Council Member Allers questioned whether they could modify the ordinance to allow property owners to apply for a license if they wanted to self-perform. Town Attorney Herin, Jr. stated they would have to develop criteria or make it random. The current process awards the same people licenses at their current locations. Council Member Allers questioned how they would handle other people applying for the licenses. Town Manager Hernstadt replied that they did not look at that because it had not happened in years. Council Member Atterholt questioned whether there was a barrier to prevent a new resort from obtaining a license. Town Attorney Herin, Jr. stated that resorts could apply for a license to self-perform as long as they met the criteria. He commented that they capped the grandfathered numbers. Vice Mayor Hosafros stated that they intended to have an upper limit on the number of operators on the beach and she was opposed to raising the number. The ordinance capped licenses at 11. Council Member Veach did not support raising the cap. Council Member Allers supported a system that would allow resort owners to self-perform. Vice Mayor Hosafros agreed as long as they did not lift the cap. Council Member Veach questioned whether they could create another category for resorts.

Town Attorney Herin, Jr. replied that the cap would increase unless there were unused licenses. Town Manager Hernstadt stated that if a property wanted to self-perform, they would have to sign an agreement with an existing license holder. Council Member Veach suggested they get rid of inactive permit holders entirely.

Council Member Atterholt questioned whether each license holder was limited to one location. Town Manager Hernstadt replied that some had multiple locations. He noted there was a limit on the permit holders and a 500 foot limit on the distance. Vice Mayor Hosafros supported removing a license after two years of inactivity. Town Attorney Herin, Jr. stated that the entire code should be read in context because the number of licenses was already capped. He reviewed the section regarding inactive licenses and suggested they modify it and prohibit inactive licenses.

Mayor Murphy suggested that Town Attorney Herin, Jr. provide suggested language regarding inactive licenses. Town Attorney Herin, Jr. distributed copies of specific code sections for discussion. He commented that he would bring back draft language.

D. Discussion of Tree Protection and Removal Policy

Discussion of Tree Protection and Removal Policy

Vice Mayor Hosafros discussed the lack of trees and noted the Comprehensive Plan called for shade trees. Council Member Veach agreed. Vice Mayor Hosafros supported the bulleted items from the January 13 M&P agenda and ideas from other communities. She did not support requiring irrigation.

Town Manager Hernstadt noted they did not have a way to prevent people from clearing their lots. He suggested a free tree inspection process to allow the town to tag trees to prevent removal before lots were cleared. He commented that it was a short-term fix but would give them time to develop a broader policy. Vice Mayor Hosafros indicated that Marco Island's code contained good ideas. Town Attorney Herin, Jr. referred to page 18 in their packet concerning their immediate needs and he will bring back language to address a long-term solution.

Vice Mayor Hosafros stated the tree giveaway was January 21, 2022, from 9:00-noon at Bay Oaks. All Council Members agreed that condominium owners were allowed to take trees.

E. American Rescue Plan Act**American Rescue Plan Act**

Town Manager Hernstadt provided a list of ideas regarding how the funds could be used. He noted that water and stormwater projects were eligible, but other items on the list also met the criteria. Vice Mayor Hosafros supported using part of the funds for water for the three projects and the remainder for water and stormwater. Council Member Atterholt agreed.

Council Member Allers supported using a portion for non-profits. Council Member Atterholt explained why using the funds on water projects and stormwater was prudent. Council Member Veatch and Mayor Murphy agreed. Council Member Allers brought up considering broadband services. Council Member Atterholt was not opposed. Town Manager Hernstadt stated that the funds would be paid out in two installments and he would move forward with their guidelines for the first installment. They would revisit distribution when the second installment was received.

IV. AGENDA MANAGEMENT

A. January 2022

Add discussion to research a right-hand turn lane in front of Winds.

Add tree ordinance.

V. ADJOURNMENT

Mayor Murphy adjourned the meeting at 1:06 p.m.

Minutes adopted, January 24, 2022; Motion by Council Member Allers and seconded by Council Member Veatch. Adopted 5-0.



Amy Baker, Town Clerk