



## Fort Myers Beach Management & Planning Session

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

Minutes

Thursday, April 7, 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. Beach Renourishment Update

###### **Update on the beach renourishment project**

Environmental Project Manager Chadd Chustz utilized PowerPoint for his presentation. Slides included: Erosion Control Line vs. Critically Eroded; Erosion Control Line or ECL; Critically Eroded Designation and Construction Budget by Reach. Discussion was held regarding the cost of the project.

Town Attorney Herin, Jr. addressed the requests from the Attorney representing Island Winds and noted the town had been seeking public input and there would be additional opportunities for public comments. The Association mentioned hiring an independent engineer to assess the town's shore protection project and JCP (Joint Coastal Permit) implications.

Town Attorney Herin, Jr. remarked that was standard practice and could take years to go through the state process. He stated there would be multiple opportunities for the public to have input into the JCP process. He indicated that the process to determine critically eroded beaches had already been done and did not affect the JCP. Mayor Murphy discussed educational opportunities for property owners and encouraged future input.

###### B. Structural Inspections

**A discussion on multi-story/condominium structural inspections as requested by Town Council.**

Town Manager Hernstadt noted that the state did not pass legislation regarding inspecting buildings. Mayor Murphy questioned whether the town was equipped to inspect buildings and whether the fire department could provide an opinion. Vice Mayor Hosafros did not think it would be difficult to require inspections after a building was a certain age. Town Attorney Herin, Jr. agreed that it did not have to be a complex process and noted that Miami-Dade and Broward counties created provisions for a 40-year recertification process. He offered to provide copies of the documents. Council Member Allers questioned whether condominiums inspected their buildings. Mayor Murphy felt the associations were waiting for a decision from the state or town. He supported obtaining copies from Miami-Dade and Broward for discussion at a future M&P. Consensus was reached to obtain documents and add the topic to an M&P.

C. Code Enforcement Philosophies

**A discussion of the Code Enforcement Philosophies as requested by Town Council.**

Council Member Veach indicated that most code enforcement was complaint-driven except for public safety and environmental issues. He shared his experience with trucks parked on sidewalks and bicycle lanes on Estero Blvd. for a couple of weeks during season. He noted that bicycles were blocked and had to enter the traffic lane. After he called code enforcement, the problem was taken care of within 15 minutes. He questioned finding a middle ground between a complaint-driven system and proactively driving around town issuing citations.

Mayor Murphy stated that there was a problem with landscapers using the center lane for parking their vehicles while servicing lawns. He agreed that staff should have more leeway with enforcing obvious code violations.

Vice Mayor Hosafros stated that it was up to the Sheriff's Department to address violators who parked in the center lane since Estero Blvd. was county-owned.

Council Member Allers indicated that public safety or environmental issues should be addressed by town staff immediately. He felt it was a common-sense issue. Town Manager Hernstadt commented that construction companies could obtain a permit from the town to park on town streets safely. Council Member Veach brought up enforcing short-term rental rules and noted it was difficult to get the evidence to make charges stick. He suggested requiring short-term rental registration numbers on signs and indicating whether they were weekly or monthly rentals. He brought up requiring owners to use a town calendar for reservations so they could be tracked for compliance. He noted that the town was not enforcing violations by jet ski vendors.

Council Member Allers reiterated that staff should be able to address common sense issues affecting public health or the environment without a complaint. He cited porta-potties on the sidewalks and parking in the center lane as common sense issues.

Vice Mayor Hosafros indicated that since the state no longer allowed anonymous complaints, some people would hesitate to call in complaints because of potential retribution. She suggested that code enforcement could call the Sheriff's Office to report issues like vehicles in the center lane of Estero Blvd.

Town Manager Hernstadt stated that code enforcement emphasized public and environmental safety and irrevocable violations. Council Member Atterholt brought up educating the community concerning ordinances and did not think the town should depend on fines as a source of revenue. He felt they needed to be more specific and provide more guidance and education. He agreed with a common sense approach unless public safety or environmental issues were involved. Council Member Veach agreed with education before issuing citations.

Mayor Murphy stated that fines were not a profit center but a deterrent for violators.

Town Manager Hernstadt discussed property owners who profited from violating codes. He stated that codes were put in place because they served a purpose. Mayor Murphy added that the codes and ordinances put in place had improved the quality of life on the beach.

Town Attorney Herin, Jr. explained the code enforcement timeline from a warning to a hearing with the Special Magistrate before entering a lien on properties. He stated that by the time a lien was ordered, the property owner generally had three to four months to bring the property into compliance.

Community Services Administrator Daphnie Saunders stated there were approximately 25 liens.

Town Attorney Herin, Jr. produced a list of liens with significant fines that continued to accrue. He identified all but two properties that were unencumbered by other liens so the town would have priority. He explained the foreclosure process and injunctive relief.

Consensus was reached to add the topic to the next regular Town Council meeting agenda.

#### **IV. AGENDA MANAGEMENT**

##### **A. April 2022**

Council Member Atterholt noted there was a conflict between their M&P session and the TDC meeting in December. Consensus was reached to change the date of the M&P meeting to Wednesday, December 7, 2022.

**V. ADJOURNMENT**

Mayor Murphy adjourned the meeting at 11:22 a.m.  
The meeting was adjourned at 1:05 p.m.

Minutes adopted as presented, April 18, 2022; Motion by Vice Mayor Hosafros  
seconded by Council Member Allers. Adopted 5-0.

A handwritten signature in blue ink, appearing to read "Amy Baker". The signature is written in a cursive, flowing style.

Amy Baker, Town Clerk