



Fort Myers Beach Management & Planning Session

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

Minutes

Thursday, August 4, 2022

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Murphy, Vice Mayor Hosafros, Council Member Allers and Council Member Atterholt. Excused: Council Member Veatch.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Property Rights

Comprehensive Plan Amendment Property Rights Element Community Development Director Jason Green stated that Section 163.3177(6)(i)2, Florida Statutes, required local governments to adopt and include the property rights element in their comprehensive plan. The language being added was straight from the statute. This item will be on the LPA (Local Planning Agency) agenda next week and before Town Council in September for approval.

B. Amendments to LDC Chapter 6- Floodplain Articles

Amendments to LDC Chapter 6- Floodplain Articles

Director Green indicated that the floodplain articles would be amended to update regulations and adopt the new flood maps effective November 17, 2022. He noted he was waiting for additional feedback/comments from the state regarding the draft. One highlight in the amendment is the exemption regarding elevation requirements of mobile homes. Previously, if a mobile home had a substantial improvement or replacement, unless it was because of flood damage, the owner could replace it and elevate it 36 inches above grade. This amendment did away with that allowance and was a prerequisite for Class 8 CRS (Community Rating System). The town was Class 5 and would drop to Class 8 automatically if the exemption was deleted. If an

owner has to replace their mobile home, it would have to be elevated to the minimum base flood elevation.

Director Green described regulating newly added Coastal A Zones as V Zones and indicated the most significant difference would be in the neighborhoods. He noted that new construction would be impacted and new permit applicants would be encouraged to comply with the new elevations.

Town Manager Hernstadt stated that the town was able to increase the CRS rating to a 5, which helped lower insurance rates. The CRS rating of 5 resulted in a 25% discount.

C. LDC Ch. 30 Signs Text Amendment

Discussion to provide feedback on proposed amendments to the sign regulations within LDC Ch. 30 Signs.

Director Green noted he attempted to reduce overlap and confusion with signs that were not permitted or exempt. He stated that commercial districts had sign regulations, residential districts had sign regulations and portable signs had been updated. The signs cannot be categorized by the content. Vice Mayor Hosafros mentioned that political signs were out every day and questioned whether there was a constitutional way to deal with them. Director Green replied affirmatively. One community created a seasonal sign category for political signs and defined the season. He noted that two points of conflict were political and real estate signs. He commented that they could try to create ways to call them different things, but it was challenging when they were based on zoning districts.

Council Member Atterholt questioned how the current ordinance impacted restricting political signs to 30 days before an election. Director Green stated it was not in the draft because they could not call them political signs but could create timelines. He commented that other municipalities were dealing with the same issue. Attorney Sanabria indicated that he would research neutral content requirements.

D. Update on multi-story condo registration legislation.

Update on multi-story condo registration legislation.

Community Services Administrator Daphnie Saunders provided an update on registration legislation. She noted that the bill was under review and should go back to the legislature by December 31, 2022. She stated that the building department would have to send out notices to condominiums three stories or higher and built before 1992 that they would have to register with the local building department by the end of 2024. Administrator Saunders indicated that the town would have to create an ordinance to set up a registration system with a fee. She described the Phase 1 inspection and noted that if an engineer approved, the process would be complete and a Phase 2 milestone inspection would be avoided. She was not sure whether the registration would be retroactive.

E. Beach Renourishment Project Update**Beach Renourishment Project Update**

Environmental Project Manager Chadd Chustz noted he responded to the second request for additional information from FDEP (Florida Department of Environmental Protection) regarding the joint coastal permit to renourish the beach. Information was included in the council packets. Property around Lanark Ave. and Creciente condominiums were removed from the project. As a result, the budget was adjusted, but there was not much difference in the overall project cost.

Town Manager Hernstadt stated that the town was in discussions with Lee County and the state to see if they would be willing to contribute more money upfront due to the time it took for reimbursement.

Project Manager Chustz indicated that he would contact the engineer regarding whether Leonardo Arms could be first in line to be renourished, but it depended on the shorebird season. Council Member Allers clarified that property owners who did not sign the agreement with the town did not get sand.

Town Manager Hernstadt commented that Lee County and the state would fund the project, but the town needed them to pay their share earlier in the process. He explained that TDC transferred a lump sum to Lee County and Lee County administered the funds.

Town Manager Hernstadt indicated that the town planned a media blitz in the fall to provide facts surrounding renourishment benefits.

F. Local Option Gas Tax**Discussion on proposed changes to the Town's Local Option Gas Tax percentage distribution.**

Town Manager Hernstadt stated the current agreement with Lee County was up for renewal. The County was contemplating a three to a five-year agreement and the proposed percentages were based on 50% population and 50% lane miles maintained. The town's portion would be reduced to below 1% mils. as amended August 15, 2022. (0.62%), impacting some plans for the island. Town Manager Hernstadt indicated that he was working with the county to draft an acceptable agreement. Accounting Manager Cheri Russ stated that the reduction resulted in a loss of about \$140,000.00 in the gas tax fund. Typically, the town received \$230,000.00. She added that the gas tax holiday in October meant the town would lose about \$40,000.00 for the month. She was not sure whether funds from the CARES Act would be used to offset the tax holiday. She described the gas tax formula for distribution to municipalities.

Town Manager Hernstadt noted that those funds were used for traffic control under the bridge and other traffic-related activities. He stated that he was waiting to hear back from Lee County's Chief Financial Officer for further discussion.

G. FY2023 Budget Update

Council comments on Proposed Draft FY2023 General Fund Budget and Add-on List

Town Manager Hernstadt questioned whether Council would consider targeted fee increases because the town's fees had not kept pace with competitors. If fees were not increased, adjustments to the budget would have to be made. Cultural Parks & Recreation Director Alison Giesen submitted fee increases for the Mound House and Bay Oaks. Town Manager Hernstadt reported that the town's millage rate was in the bottom 10 out of the 369 municipalities in Florida. The amount of taxes paid to the town was 6% of the typical tax bill and 94% went to other entities. He felt they could accomplish everything at a .99 millage rate and still be in the bottom 10.

Council Member Allers noted the town was starting to see the effects of the pandemic when it came to buying goods and services. He used rebidding the tier one stormwater project as an example. Vice Mayor Hosafros remarked that the town had not incurred that debt yet and it may be delayed. Council Member Allers felt they needed to take a harder look at where they were putting some of the money. Town Manager Hernstadt commented that some projects could be delayed until the economy stabilizes.

Vice Mayor Hosafros noted that fees were being raised because they had not changed over the years, while similar facilities in the area had increased their fees. She felt that it was fair to raise prices for the people who were using the services. She questioned why watercraft vendor and PWV licenses increased so much. Town Manager Hernstadt replied that the fee was put into the ordinance and not subject to the fee resolution changes that would have been incurred over the last 15 years.

Council Member Atterholt discussed how much the town subsidized the Mound House and Bay Oaks. Town Manager Hernstadt responded that he would provide the exact numbers, but the town tried to keep the general fund subsidy at about 75%, with users paying 25%. Council Member Atterholt brought up increased revenue because of increased property valuations.

Town Manager Hernstadt noted the amount was approximately \$170,000.00. Vice Mayor Hosafros added that the increase offset the potential gas tax loss. Mayor Murphy explained that the guiding principle at the beginning of incorporation was government light. He discussed bringing services in-house over the years and noted the millage rate had never exceeded 1%. He indicated everything boiled down to people's expectations and what they were willing to pay.

Council Member Allers commented that the fee increases did not appear to have any rhyme or reason and questioned some of the increases. Town Manager Hernstadt explained the reasons behind the thinking. Council Member Allers questioned increasing the credit card fee for water. Utilities Director Christy Cory replied that residents who were paid online with a credit card already paid a fee, but those who called in to pay with a credit card or were set up on autopay¹ did not pay a fee. She noted the town was paying \$88,000.00 a year in credit card fees and charging residents who called in with a credit card made it fair across the board.

Council Member Atterholt questioned whether there was a policy to protect non-profit groups like the farmers market at Beach Baptist from special event fees. Vice Mayor Hosafros replied that non-profits were permanently protected in the ordinance and the entity that ran the farmer's market at the church was a for-profit organization.

Council Member Allers updated Council Members regarding adding a dual-purpose crosswalk signal at Lenell. He stated the cost of a signal could be a potential million-dollar project. He stated the crosswalk signal would be overridden if the fire trucks needed to get out. Vice Mayor Hosafros questioned why the town would have to pay for anything since Estero Blvd. was owned by the county and the fire department would pay their portion.

Council Member Allers responded that the data needed to figure costs was not in yet, but he wanted to keep Council updated.

Town Manager Hernstadt reviewed the add-on-list. Council Member Allers questioned why community policing was being used as a reason for a mileage increase instead of amber lighting, which would be an ongoing cost forever. Town Manager Hernstadt responded that it did not change the paradigm, but he would remove it if the Council wished. Council Member Atterholt explained that if one were to support a millage rate increase, one would be supporting it for proper lighting on Estero Blvd., proper beach renourishment and community policing. He felt it was important to reflect that in the documents.

Vice Mayor Hosafros questioned whether the money to remodel behind Town Hall included money for other lots. Town Manager Hernstadt replied that the money was to redo the parking area or to continue off the back of the building. Vice Mayor Hosafros questioned whether she had support to add some parking to the back of the building without taking away from something else. Mayor Murphy and Council Members Atterholt and Allers supported adding shell for parking and Council Member Allers noted he would like to see the cost involved.

IV. AGENDA MANAGEMENT

A. August 2022

Vice Mayor Hosafros reported that the alternating lights at the bottom of the bridge would stay in place during season. No changes were made to the agenda list.

V. ADJOURNMENT

Mayor Murphy adjourned the meeting at 11:00 a.m.

Minutes adopted as amended, August 15, 2022; Motion by Vice Mayor Hosafros, seconded by Council Member Allers. Adopted 5-0.



Amy Baker, Town Clerk