



Fort Myers Beach Special Town Council

**Town Hall “Base Camp”
2545 Estero Blvd. (Old TOPPs property)
Fort Myers Beach, FL 33931**

Agenda

Monday, November 14, 2022

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. PUBLIC COMMENT**
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
- VII. APPROVAL OF MINUTES**
 - A. October 25, 2022 Town Council
 - B. November 1, 2022 Town Council
 - C. November 7, 2022 Town Council
- VIII. CERTIFICATION OF ELECTION RESULTS**

CONTINUED PENDING CERTIFICATION BY LEE COUNTY SUPERVISOR OF ELECTIONS

- A. Resolution 22-39; Certification of Election
**Resolution 22-39; Certifying the results of the Town of Fort Myers
Beach General Election on November 8, 2022 for Town Council Seats
One and Two.**
- IX. INAUGURATION**
 - A. Oath of Office
**Seat #1 (King)
Seat #2 (Woodson)**

X. REORGANIZATION OF COUNCIL

- A. Selection of Mayor and Vice Mayor
Selection of Mayor and Vice Mayor in accordance with the Town Charter.

XI. ITEMS FOR DISCUSSION

- A. Restoration of Fort Myers Beach

XII. FINAL PUBLIC COMMENT**XIII. TOWN MANAGER'S ITEMS****XIV. TOWN ATTORNEY'S ITEMS****XV. COUNCILMEMBERS ITEMS AND REPORTS**

- A. Rebuilding Beach Elementary School
- B. Next Regularly Scheduled Town Council Meeting
Monday, November 21, 2022 at 9:00 a.m.

XVI. ADJOURNMENT

NOTE: THIS MEETING WILL BE STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



**For special accommodations,
please notify the Town Clerk's
Office at least 72 hours in
advance. (239) 765-0202**

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.



Fort Myers Beach Town Council

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

Minutes

Tuesday, October 25, 2022

4:00 PM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. INVOCATION

Mayor Murphy.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

Motion carried unanimously.

V. PUBLIC COMMENT

Raphael Gnirck urged the Town Council to streamline the permitting process. He indicated that his meter sockets and main panels were submerged and needed replacement. He noted that 57 permit applications were in the system, and all were rejected because the owner and qualifier acknowledgments were missing. His application was rejected due to the lack of acknowledgments and notarization. He suggested they wave through permits with meter sockets and main panels.

Karen Woodson, resident, requested that major decisions be put on hold for two weeks until after the elections and that passes be available so residents could leave to vote.

Jewell Patch commented on access to the island and felt restrictions were unreasonable. He noted that residents could not access their property for 75% of the week.

Heather Reagan, resident, thanked Council and suggested food trailers be allowed on the beach for five years to help residents and businesses.

Jesse Schmid, resident, questioned how much longer FEMA would pick up debris and where did debris need to be placed to be picked up. He indicated his permits had been in the system for over a year and kept getting rejected one at a time. He questioned whether all permit rejections could be handled at once. He noted sinkholes up and down the island and wondered if residents could fill them to protect their properties. Four of his permits were voided last week without explanation after the contractor submitted them. He stated it was unfair that he could not work on his properties on Mondays and Tuesdays.

Albert Dambrose, architect, offered help, direction and advice. He informed property owners that the higher appraisal value in the letters from Lee County was correct. He stated that Lee County's permitting process was simple and used the cost per square foot rather than an itemized list.

Jacki Liszak, resident and President of the Fort Myers Beach Chamber, stated that their building was gone, but members were working remotely. She indicated that the Chamber was dedicated to helping the town rebuild and resources were on the Chamber's website for everyone. She commented that her Sea Gypsy Inn was also gone.

Amy Loughrey, resident, tore down her house on Sunday and today the town requested a permit, but no permits were being issued. She stated that what was left of her house was a safety hazard and was told that the town would visit her property tomorrow. She noted that 180 yards of dirt were being delivered tomorrow to fill up holes on each side of the house. She supported allowing RVs on properties while rebuilding but felt 18 months was not long enough.

Jane Plummer, resident, stated people were still confused about the 50% rule. She requested a meeting between Town Council and the LPA to create a path, so everyone knew what to do. She brought up new FEMA regulations due on November 1, 2022 and wondered whether the town would receive an extension. She indicated that the beach would never get a better insurance rating for FEMA due to specific requirements.

John Cameron, non-resident, stated that his electricity and water were turned on without any inspection reports required. He said that contractors did not want to work on the island due to all the rules. He suggested that the town follow the same rules as Lee County.

Diana McDonald, property manager, agreed that contractors did not want to work on the island. She questioned whether FP&L would allow the use of refurbished parts and materials while waiting for new materials. She was looking in Mexico and Canada for parts. She asked why homeowners had to hire FL licensed contractors.

Mike Markham, resident, questioned details surrounding the 50% rule. He had several quotes but could not find a general contractor and wondered whether he could manage his projects.

Ron Berin, resident, commented that his neighbor was charged \$200.00 for an electrical permit, but he thought the fees were waived. He disagreed with the

Monday and Tuesday rule.

Paul Dohring, resident and professional engineer, had no running water or electricity but had a generator. He met with electrical contractors and was told there was a nationwide shortage of meter bases for what he needed. He asked whether he could get a temporary service permit to install a smaller base so he could stop running the generator. He questioned why he needed inspection reports to hook up to water and disagreed with limiting access to residents.

Leah Gregg, resident, contacted LEEPA and they confirmed that Fort Myers Beach was the taxing authority and decided on what building value to use for the 50% rule. She received verification that the higher value could be used. She noted recent changes to different values on LEEPA and asked for guidance from the town. She described people clogging up Estero Blvd. by taking pictures and videos of the damage and suggested that the town create different passes to allow certain groups on the island only.

Susan Hendricks commented on discussions about replacing the Town Hall so soon. She agreed that the water hookups should not be tied to electrical and structural inspections.

Jerry Kemp, resident, questioned allowing temporary trailers on lots.

Robert Koch, resident, commented that the permit process was a bottleneck for an owner-builder. FP&L could not set up services until he received permits.

Cliff Gallagher, resident, commented that residents were prevented from accessing the island for 10 days because of the recovery operation. He stated that law enforcement officers told him that he was not allowed to drive his RV on the beach and found people going through his stuff when he was allowed on the island.

Marty White, resident, addressed the colored chart describing the properties. He has an orange dot for his flooded but not structurally damaged property and engineers signed off on his property. He described other homes in his neighborhood with orange and green dots, which did not make sense to him. Town Manager Hernstadt explained that the Army Corps of Engineers did the dots because FEMA had to make decisions regarding assessing damages to determine aid.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Allers thanked everyone who reached out to support others and thanked neighbors for working with each other.

Vice Mayor Hosafros thanked the Community Foundation for the t-shirt project. She noted t-shirts and other items could be purchased online at the Community Foundation and all the money went back to people on the island.

Mayor Murphy thanked the separate incident management teams and others for assisting the town. He described their expertise and how they were helping.

Council Member Atterholt referred to his invocation last week.

Council Member Veach pointed out that the staff were working under very difficult circumstances and were doing a great job. He thanked people for their kindness.

VII. ITEMS FOR DISCUSSION - ALL CURRENT INFO IS AVAILABLE AT WWW.FMBGOV.COM AND THE TOWN'S FACEBOOK PAGE

A. Resolution 22-37; Extension of Local State of Emergency

Extension of Local State of Emergency

Vice Mayor Hosafros moved to approve Resolution 22-37; second by Council Member Allers.

Motion carried unanimously.

B. Update Utilities Reconnections

1. FP&L

2. Water Services

3. Debris Removal

Charlotte Miller, FP&L External Affairs, stated that 4 feeders and over 100 laterals were energized on the beach. As of today, 177 meters had been energized and crews were on the island to restore connections as inspections were completed. She cautioned against using non-licensed contractors and indicated that she would check about using refurbished meter cans.

Temporary service could be used with a 100 or 200-amp meter can. Ms. Miller described the Care to Share program to assist qualified homeowners with purchasing a meter can and weatherhead for up to \$2,000.00. She encouraged homeowners to go online, contact FP&L customer service or visit the customer assistance team across from the Lani Kai. She addressed meter tampering and requested that people contact FP&L if they saw anything questionable. She cautioned people concerning scammers on the island. She added that FP&L would energize the same day or the next day as inspections were received.

Utilities Director Christy Cory thanked everyone who reached out to her and her staff. As of today, 62 side streets had water turned on and 51.2% of the island had water. She explained the process of turning the meters back on and noted that debris caused some delays. She stated that, per the Town Manager, the water would be turned on when she and the staff felt the structure was safe and someone was home. She explained that Primo Dr. buckled and the contractor had to repair the damage before the water was turned on.

Public Works Director Jason Freeman noted that the island would be divided into 27 debris collection zones, with at least one truck dedicated to each zone. Bay Oaks and Lovers Key were being used as debris sites. Household and food waste was picked up seven days a week and he encouraged people to keep that waste separate.

Reed Loper, Vice President of Crowder Gulf, stated that 50 hauling units were running with more by the end of the week. They were operational for 17 days for debris removal and were there the day after the hurricane hit. He felt that about 80% of the debris by volume would probably be removed in

about 60 days. They were doing nighttime operations for sand removal and daytime operations for debris removal due to safety issues. He added that they did not want to impede sand removal at night. He stated that there were no additional vehicles on Mondays and Tuesdays, but they could be more efficient with less traffic. He explained that FEMA required that the trucks be tracked for reimbursement. He described private property removal and right-of-way removal. Town Manager Hernstadt added information regarding implementing private and commercial property removal with FEMA and the state. Mr. Loper encouraged people to separate debris into three piles to help expedite collections. He stated that allowing people on the island on Mondays and Tuesdays would slow the process by about 20%.

Nichole Lehman of Thompson Consulting Services explained that they did all the documentation management, provided data to the town and state and submitted it to FEMA for reimbursement. She provided reports to the town and knew where the trucks were working. She stated that plastic bags of debris were not eligible by FEMA because the contents could not be determined. She described creating a public-facing portal so people could follow the progress and the quantity of material removed daily.

Town Manager Hernstadt commented that the state would handle the removal of titled vessels and cars outside of the right-of-way. Crowder Gulf or another contractor will deal with non-titled vehicles and vessels.

C. Human Services

Locations / resources on Fort Myers Beach

Mayor Murphy stated that Beach Baptist on Connecticut St. was a hub of activity with many resources and facilities were also located at Santini Plaza. A third community service center will be opening at the island's north end.

Town Manager Hernstadt reported that LeeTran would start operating up and down the island. All the information was on the town's website and Facebook page.

Vice Mayor Hosafros recognized Culture, Parks & Recreation Director Alison Giesen for coordinating staffing at the community service centers. Director Giesen reported that Newton cottage was gone, but the Mound House suffered minimal damage from flooding. Bay Oaks buildings and the pool flooded, but she did not have a structural report for the building. She noted that Santini Plaza offered laundry, bathrooms and showers 24 hours a day. Hot meals were provided from 11:00 a.m. to 5:00 p.m. She encouraged people to contact her for donations. Town Manager Hernstadt described the staff's hard work running the community service centers and asked people to be kind to them.

D. Private Fuel Truck Availability

Location(s) / time(s) for private fuel locations

Town Manager Hernstadt reported that private fuel was available, and the hours and prices were posted on the website and Facebook page.

E. Temporary Housing

- 1. Allow property owners to place (wheeled) RV's or trailers on their property for up to 18 months while rebuilding;**
- 2. Allow use of storage pods for up to 18 months for rebuilding;**
- 3. Allow the lease of property such as Red Coconut or Gulf View Colony for recovery worker housing**

Town Manager Hernstadt noted that 18 months was FEMA's timeline. Town Attorney Herin, Jr. explained that the governor and legislature did not suspend the normal requirements to adopt resolutions and ordinances. Vice Mayor Hosafros stated that Council could have a consensus not to enforce the current regulation and instruct the Town Manager not to enforce people if they put an RV on their property before the ordinance was passed. Town Attorney Herin, Jr. replied that people had to be informed that the RVs would still have to be correctly installed and hooked up.

Vice Mayor Hosafros moved that this Council suspend enforcement via instruction to the Town Manager to suspend enforcement so people could temporarily place RVs on their property until the ordinance or resolution is passed and that electricity, water and wastewater be provided and review the progress in one year; second by Council Member Atterholt.

Motion carried unanimously.

Town Attorney Herin, Jr. will draft an ordinance.

Council Member Allers moved to make a motion to mirror the motion above for #2; second by Council Member Veach.

Motion carried unanimously.

Town Manager Hernstadt explained #3 and noted the town would not be involved in transactions.

Council Member Atterholt moved to approve the leasing of property with the owner's permission; second by Council Member Veach.

Motion carried unanimously.

F. Temporary Commercial Operations on Fort Myers Beach

- 1. Allow Fort Myers Beach businesses to operate outdoor displays or trailers or food truck / trailer**

Town Manager Hernstadt explained that businesses might want to set up food trailers until their business was rebuilt. Vice Mayor Hosafros suggested that only pre-Ian Fort Myers Beach businesses be allowed to operate on the island.

Council Member Veach moved to allow Fort Myers Beach businesses to operate outdoor displays or trailers or food truck/trailer; second by Vice

Mayor Hosafros.
Motion carried unanimously.

G. Town Hall Replacement Options

1. **Design a new facility on current site;**
2. **Rebuild existing building on current site;**
3. **Construct "Bay Oaks" building on Town Hall site for use as Town Hall;**
4. **Construct "Bay Oaks" building on Fort Myers Beach Fire Control District property if agreement can be reached with FMBFCD.**
5. **Design a new government complex on the Fort Myers Beach / Fort Myers Beach Fire Control District site;**
6. **Install a temporary town hall to meet the needs of the Town for the next 14-18 months while options are considered.**

Mayor Murphy reported that Town Hall was damaged beyond repair. Town Manager Hernstadt replied that the town had insurance on the property and would ask FEMA to make up the difference if insurance did not cover the entire amount. Council Member Allers questioned whether the library could temporarily meet the town's needs. Council Member Atterholt agreed that partnering with the library could be an outstanding option in the interim while they looked at other options. Mayor Murphy brought up the possibility of leasing the Estero Building.

Council Member Veach questioned FEMA's timeline regarding making up the difference for Town Hall if insurance did not cover 100%. Town Manager Hernstadt replied that he did not think FEMA had hard and fast rules.

Vice Mayor Hosafros suggested reaching a consensus regarding temporary housing and supported exploring the library option first. Town Manager Hernstadt will reach out to the appropriate people at the library and keep Council informed of the insurance process and FEMA. He explained how FEMA works with insurance.

Town Manager Hernstadt described details of constructing the Bay Oaks building on the Town Hall site. He stated construction would take about 14 to 18 months. Options 1 and 2 would take longer to complete.

VIII. FINAL PUBLIC COMMENT

Mary Shields would like to see the town build the island back green and asked about FEMA trailer availability.

Patrick Romcoe, resident, requested more public comment and a cost analysis for rebuilding Town Hall next month. He supported using the library as a temporary option.

Patrick Stockton, resident, commented on rebuilding big commercial hotels. He brought AC parts to fix houses in the Buccaneer area and reported that eight law officers stopped him and took a picture of his ID. They told him he would have to remain on that property and would be arrested if he went across the street to his property. He suggested that anyone who was not there to work or lived on the

island should be cited for trespassing.

Mike Speck, resident, suggested that permits for electricity be fast-tracked.

IX. TOWN MANAGER'S ITEMS

Town Manager Hernstadt reported that Lee County would decide how they would handle the 50% rule in approximately two weeks. Community Development Director Jason Green stated that the latest LEEPA letter with the updated market value plus 20%, divided by half, would be used per code. He reported that there was no cumulative amount on Fort Myers Beach and Council could draft policies related to the 50% rule. Council Member Allers questioned finding an easier path for homeowners to determine the cost of rebuilding a house. Director Green replied that the dollar amount per square footage was different for each house and the contractors set the price. Town Manager Hernstadt remarked that the town could set any number for square footage, but FEMA might disagree. Director Green stated that FEMA provided a comprehensive list of items that were and were not covered. He explained that even if the town wanted to opt out of the CRS program, the town still had to participate in the National Flood Insurance Program, or the town would be suspended and no mortgages would be issued.

Director Green indicated that every jurisdiction had different codes regarding the 50% rule, but there was a minimum FEMA standard. Town Manager Hernstadt noted that the town could make policy decisions regarding hardening.

Vice Mayor Hosafros stated that FEMA rules existed because they were in a flood zone and it was not a good idea to have a house on the ground. She suggested that people step back and consider whether it was safe to rebuild on the ground. Director Green pointed out that insurance rates for houses on the ground would increase and the resale value would be greater with an elevated house.

Consensus was reached to lean toward market value plus 20%, but they would wait for direction from the county.

X. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. stated that they were trying to make things easier for people, but they had to stay within the lines for FEMA reimbursement.

XI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Allers would like to meet every seven days. Town Attorney Herin, Jr. explained that Council did not have to meet to extend the emergency order. Council Member Allers still wanted to meet every week. Council Members Veach and Atterholt agreed. Council Member Atterholt questioned whether they could meet via ZOOM to make it easier for the public to watch the meetings.

XII. ADJOURNMENT

Vice Mayor Hosafros moved to adjourn; second by Council Member Veach. The meeting was adjourned at 7:32 p.m.



Fort Myers Beach Town Council

Via Zoom

Minutes

Tuesday, November 1, 2022

2:00 PM

DRAFT

ORDER OF BUSINESS**DRAFT****I. CALL TO ORDER**

Members present via ZOOM: 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**

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

Motion carried unanimously.

V. PUBLIC COMMENT

None.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

No items.

VII. ITEMS FOR DISCUSSION**A. Restoration of Fort Myers Beach**

Mayor Murphy reported that the Red Cross was now providing food. Residents will be issued wristbands to receive food and lunch will be provided to contractors at another location. Food trucks from restaurants on the island will be available at Santini Plaza pending permission from the owners and approval from Town Council members. Mayor Murphy encouraged other restaurants on the beach to contact the town regarding food trucks. Council Member Allers mentioned allowing a portable container so vendors with liquor licenses could serve food. Council Member Veach questioned whether it mattered where the container or food truck was located concerning liquor licenses. Council Member Allers was told that FL law did not allow serving alcohol from a food truck, but a container with a roped-off seating area for alcohol was allowed. Town Attorney Herin, Jr. will investigate state law regarding alcohol, food trucks and containers. He noted that food trucks were allowed to move around to different locations. He explained that self-propelled or otherwise movable vehicles hitched to a truck or other vehicle were pre-empted and could go anywhere in the town with approval from the property owner if on private property. He described issuing permits for permanent, temporary kitchens to set up outdoor seating on restaurant properties that were being rebuilt. Town Attorney Herin, Jr. stated he drafted a form to keep track of information which would be

available soon. Council Member Veach questioned allowing restaurants to operate in tents instead of food trucks. Mayor Murphy suggested that restaurants contact the town if they were interested in alternatives.

Council Member Atterholt questioned allowing other businesses to set up tents or kiosks. Mayor Murphy agreed. Council Member Veach added allowing services such as hairdressers.

Council Member Allers moved to suspend permit fees for 90 days to mirror the fire department; second by Council Member Atterholt.

Council Member Veach noted that permit fees were not a profit item and suggested that more people be hired to expedite the permit process. Council Member Allers felt they should at least streamline the process because he was receiving complaints regarding the lack of communication from the town. Town Manager Hernstadt stated that additional resources were added and three emails were pending in the queue. He added that the staff was in the process of streamlining permits. Council Member Atterholt thought the town should be in sync with the fire department in suspending fees for 90 days. Council Member Veach reiterated that waiving fees did not expedite the permit process and it would be better to keep the fee structure intact and add staff to handle the load.

Motion was denied, with Council Member Veach, Vice Mayor Hosafros and Mayor Murphy dissenting.

Council Member Allers moved to allow residents with hurricane passes (to be hung on the rearview mirror) to leave the island outside of curfew hours, subject to Lee County approval; second by Mayor Murphy.

Vice Mayor Hosafros questioned whether the Sheriff's Dept. would be willing to check passes. Council Member Allers did not know, but he would contact them. Council Member Veach stated that residents currently without houses were also issued passes. Council Member Atterholt felt those with hurricane passes held them legitimately and did not think allowing them on and off during curfew would cause problems. Mayor Murphy was concerned regarding more vehicles on the island. Vice Mayor Hosafros and Council Member Atterholt added amendments to Council Member Allers's motion and Mayor Murphy amended his second.

Motion carried unanimously.

Council Member Allers reported that the owner of the building by the 7-Eleven agreed to work with the town concerning housing staff temporarily. Vice Mayor Hosafros questioned using the library. Town Manager Hernstadt replied that the library's third floor could be available but there was no elevator. Vice Mayor Hosafros agreed that the building by the 7-Eleven was a better option. Mayor Murphy added that the Bay Oaks gym was another

option. Council Member Veach liked the Bay Oaks option except for the debris piles. Town Manager Hernstadt commented that a pathway to the building could be cleared and the debris would be cordoned off.

Council Member Allers stated that the County Commissioners were discussing the 50% rule and what percentage above the building value, if any, would be used. He noted that the commissioners were discussing 5% to 30% and they should reach a decision by Tuesday of next week.

Council Member Allers noted that condos received structural and electrical signoffs for the building, but residents were told they had to provide inspections for each unit. Town Manager Hernstadt responded that whoever was listed as the owner of the property on the Property Appraiser's record was required to provide authorization. Council Member Allers questioned providing power to individual units. Town Manager Hernstadt thought that FP&L probably drove that decision and he would try to get an FP&L representative to speak at Council's next meeting.

Council Member Veach questioned the process for removing debris on private roads. Town Manager Hernstadt responded that a representative from Homeowner's Associations would have to agree to sign documents to allow trucks to remove debris, but every situation was different.

Council Member Atterholt questioned whether the town was towing cars and where they were located. Town Manager Hernstadt replied that Lee County towed cars in the right-of-way and that owners should contact them. He stated that 650 homes had been energized. He indicated that the wastewater system was running and testing the potable water would begin within the next week to 10 days. Town Manager Hernstadt noted that a contract was out for a bid to clean out the entire stormwater system and restore the swales and ditches. He described setting up a third service area at Times Square. He explained the roles of the state and county regarding managing debris removal and noted details were located on the landebriscleanup.com site.

Council Member Veach questioned when debris on the beach would be removed. Town Manager Hernstadt replied that the State's Emergency Management Department was aware of the problem and the time constraints.

Town Manager Hernstadt noted the town had approximately \$16.5 million in cash and that did not include the \$8 million loan. Discussions would be held concerning freeing up the loan to use for the Town Hall instead of Bay Oaks. There was a \$3 million insurance payment in transit to the town and they asked FEMA for a 50% advance on the Category B work, which was \$8 billion. The total would be \$35 million to address the town's costs for recovery and day-to-day operations. He noted a consultant was assisting the town with the FEMA paperwork and he thought the town could build back at near zero cost to the town.

Council Member Veach questioned whether people needed a permit to demolish their houses. Town Manager Hernstadt replied affirmatively and stated there was a quick turnaround. He added that anyone with questions should contact the building department. Council Member Veach questioned

flood insurance grants and Community Development Director Jason Green noted he was researching options. Council Member Veach questioned whether the town could display old flood maps with the new maps for comparison purposes. Director Green responded that the town requested digital access to the maps, and they should be available in a couple of weeks. He addressed violations and enforcement surrounding the 50% rule. Council Member Veach noted that the Lee County Building Industry Association open house would be on November 3, 2022, from 5:00 p.m. to 7:00 p.m. in the media room at Cypress High School.

Mayor Murphy stated that the staff was working diligently. He noted a lot of debris had been removed and the New York Fire Department left yesterday. A team from Northeast Florida was assisting the town and everything was moving along. He encouraged Town Council to think about opportunities for the future.

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

Motion carried unanimously.

VIII. FINAL PUBLIC COMMENT

Chris Primo, business owner, noted that he had three self-contained food trucks, and they would be placed away from construction. Mayor Murphy suggested he call the Town Manager.

Mayor Murphy stated that the public was welcome to submit their comments or questions to the town's website.

IX. TOWN MANAGER'S ITEMS

No items.

X. TOWN ATTORNEY'S ITEMS

No items.

XI. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Hosafros praised the staff for their extreme efforts under adverse conditions.

Council Member Allers questioned what happened to destroyed properties with liens. Town Attorney Herin, Jr. replied that the liens still existed. Council Member Allers questioned whether memorial benches could be placed back on the beach somewhere. Council Members agreed to allow staff to help find suitable locations. Council Member Veach thanked those who provided food right after the hurricane and he looked forward to getting the restaurants back on the beach.

No items from other members.

XII. ADJOURNMENT

Vice Mayor Hosafros moved to adjourn the meeting; second by Council Member Veach.

Motion carried unanimously.

The meeting was adjourned at 3:44 p.m.

DRAFT



Fort Myers Beach Town Council

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

Minutes

Monday, November 7, 2022

9:00 AM

ORDER OF BUSINESS

DRAFT

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

Vice Mayor Hosafros moved to approve the final agenda with A. pulled for discussion; second by Council Member Veach.

Motion carried unanimously.

Vice Mayor Hosafros moved to extend the state of emergency declaration; second by Council Member Allers.

Motion carried unanimously.

V. PUBLIC COMMENT

John R. King, resident, thanked Vice Mayor Hosafros for her service to the town. Bruce & Susan Werner, residents, questioned the repair/improvement form. Mayor Murphy replied that he would have an answer for him later.

Amy Loughrey, resident, requested clarification regarding the requirement that recreational vehicles had to be parked parallel to their property. She explained how that would not work on her property or her neighbors. She questioned the language in E. concerning the base material for RVs.

Sylvia Steiger, resident, questioned which permits could be pulled by owner-builders. She thanked the Town Council for their work.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Mayor Murphy thanked the owners and staff of Bayfront Bistro for hosting the meeting. He relayed a story regarding two linemen from FP&L who provided electricity to a couple living in an RV without power.

Vice Mayor Hosafros addressed complaints regarding debris piles and noted that piles of debris still existed east of I-75 for miles in Charlotte County. She commented that many people inland were affected by Ian and only so many trucks were available.

No items from other members.

VII. APPROVAL OF MINUTES

A. October 20, 2022 Town Council

Council Member Allers moved to approve the minutes; second by Mayor Murphy. Motion carried unanimously.

VIII. CONSENT AGENDA

A. Proposed Schedule

2022/2023 Town Council

Council Member Allers requested that weekly meetings be continued through the end of the year and suggested that the dates be determined after the election so new members could provide input on their availability. Council Member Veatch noted he had a conflict on January 17, 2023. Council Member Atterholt agreed that weekly meetings were helpful and informative. Council Member Veatch suggested that every other meeting be a Management & Planning (M&P) session.

Council Member Allers moved to continue having weekly meetings through the end of the year, with the final meeting of the month being a Management & Planning session; second by Council Member Atterholt.

Council Member Veatch suggested that November 14, 2022, be an M&P. Mayor Murphy agreed, but Vice Mayor Hosafros pointed out that the first meeting after the election had to be a regular meeting to certify election results. Council Member Veatch withdrew his suggestion.

Council Member Allers amended his motion to table the discussion until the regular meeting next Monday; second by Council Member Atterholt. Motion carried 4-1, with Mayor Murphy dissenting.

Town Manager Hernstadt stated that the item was on the agenda to schedule regular council meetings going forward; however, the council could decide to meet whenever they wanted. Council Member Allers reiterated that he wanted to meet once a week.

IX. ITEMS FOR DISCUSSION

A. Restoration of Fort Myers Beach

Council Member Veach commented that there were serious water quality issues and requested that the seawall at Newton Park be cordoned off.

Council Member Atterholt questioned which utilities were not allowed on the first floor. Town Manager Hernstadt suggested that the homeowner contact the town for details. Council Member Atterholt requested clarification regarding the electrician's inspection reports. Town Manager Hernstadt responded that the electrician's inspection and the structural report verified that the property could receive electricity. He added that water would be connected without an electrician's report if it was explicitly requested. He indicated that condos should request water for their unit by emailing the Utilities Department. He will request an update for internet access.

Council Member Allers suggested that homeowners be included in the FP&L loop when requesting electricity. Town Manager Hernstadt replied that if power was not connected within 72 hours of submitting the electrician's report, residents should contact the town. He indicated that he asked the post office to set up a local office and staff would contact delivery companies to find out when they would be on the island. Publix was trying to open before the beginning of the year, but he had not heard from CVS. Council Member Atterholt questioned removing debris and dredging and removing the debris in the sand. Town Manager Hernstadt commented that a state contract for debris removal from the canals was signed last week and the state was dealing with debris on the beach. He described facilitating an agreement for the mechanical removal of the large items on the beach, followed by volunteers' efforts to remove the smaller trash. Council Member Veach expressed concern regarding water quality and the danger to volunteers working in and near the water. Town Manager Hernstadt described how the town would address the costs of beach renourishment with Mike Poff from Coastal Engineering Consultants and FEMA. Mayor Murphy noted that Mr. Poff and his team had already conducted beach surveys after the hurricane.

Town Manager Hernstadt responded to questions from public commenters. He thought the town's 50% rule would remain at the property value plus 20%. He reviewed the tiers of punishment if the 50% rule was not followed.

He noted that a site plan was needed if RVs could not be parked parallel to their property. The RV should be placed on a hard surface if possible and a tarp has to be placed underneath the RV in case of leaks. He noted that a list of permits available for owner-builders was on the town's website.

Mayor Murphy reminded the Council they needed a plan and goals and his goal was to rebuild the town in five years. He noted the Cordino firm was already working on the comprehensive plan and the land development code and wondered whether they would be interested in doing more planning. He suggested that the town put out an RFP (Request for Proposal) as soon as possible for planners. He mentioned Victor Dover, who worked with the town in the past. He described holding a series of charrettes with the town to build

a consensus regarding the rebuild. Mayor Murphy noted that Mexico Beach provided a list of changes after Hurricane Michael destroyed their town. Town Manager Hernstadt indicated that FEMA would not reimburse the town for a planner, but FEMA did provide an administrative reimbursement for the town to spend however they wanted. Consensus was reached to put out an RFP for a planner.

Council Member Atterholt suggested committing to rebuilding in one year or two years maximum. He agreed with longer-term plans but felt it was important to maintain a sense of urgency about rebuilding the island. Mayor Murphy thought a five-year plan was realistic and appreciated Council Member Atterholt's enthusiasm.

Council Member Allers questioned whether sand taken from private property would be returned. Town Manager Hernstadt responded that the county was assuming sand reclamation and details were yet to be determined.

B. Local Planning Agency Appointments

Appoint Members to the FY2022-2023 Local Planning Agency (LPA)

Vice Mayor Hosafros moved to appoint members who had applied; second by Council Member Atterholt.

Motion carried unanimously.

X. FINAL PUBLIC COMMENT

Dr. John Albert asked whether FEMA would assist residents who wanted to remove their houses. He could not find verification, but he kept hearing the rumor. Mayor Murphy directed him to landebriscleanup.com for details. The town did receive a waiver from FEMA to remove debris and titled property, including houses. Dr. Albert replied that FEMA told him they would only remove titled vehicles. Town Manager Hernstadt commented that FEMA would remove houses and people had to sign up at landebriscleanup.com. FEMA would make a claim against insurance companies for some of the costs. Council Member Allers noted that receiving a response from FEMA might take a little time. Dr. Albert questioned whether it was true that they would not receive flood insurance for five years if they rebuilt their homes. Dr. Albert discussed offering three quickie permits for electricity to help homeowners with the costs. He felt that residents should get sand back before anyone else.

Marilyn Healy indicated that the president of Captain's Bay North would not give her any information, but he stated he submitted the electrician and structural reports with the application. She wondered if he was supposed to submit them in a particular order. Town Manager Hernstadt will assist her after the meeting.

XI. TOWN MANAGER'S ITEMS

Town Manager Hernstadt commented that forms and answers to questions were shared on the town's Facebook and website. He noted a couple more restaurants were scheduled to open and a third community service center was open. He thanked the people of Jacksonville for assisting the town. He indicated that the work on the Bay Oaks gym for Town Hall had to be bid out and the scope of work should be completed today.

XII. TOWN ATTORNEY'S ITEMS

No items.

XIII. COUNCILMEMBERS ITEMS AND REPORTS

No items.

XIV. ADJOURNMENT

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

The meeting was adjourned at 10:37 a.m.

DRAFT