



MINUTES

Wednesday, January 9, 2013

**JOINT WORK SESSION
FORT MYERS BEACH TOWN COUNCIL
AND
LOCAL PLANNING AGENCY
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

I. CALL TO ORDER

Mayor Raymond called to order the January 9, 2013 Joint Meeting of the Fort Myers Beach Town Council and the Local Planning Agency at 9:00 a.m. Present along with Mayor Raymond: Vice Mayor Mandel, Council Members Andre, Kosinski, and List; Local Planning Agency Members present were: Chair Hank Zuba, Al Durrett, John Kakatsch, Jane Plummer, Joanne Shamp, Alan Smith, and Jim Steele. Also Present: Town Manager Stewart, Town Attorney Miller, Community Development Director Fluegel, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

III. WELCOME AND INTRODUCTION

IV. ESTERO BOULEVARD

Chair Zuba questioned the status of Estero Boulevard.

Mayor Raymond reported the first mile would be done in 2013-14, and noted his understanding that almost all of the engineering had been completed.

Town Manager Stewart reported the Town had not received a specific, solid date yet; however, he believed it was to start in the middle to the end of the 2013-14 Fiscal Year.

Ms. Plummer questioned where the ‘first mile’ would begin.

Town Manager Stewart reported that it would not begin at the bridge since there were still some design issues and concept issues to work through; however, he believed it would begin about a mile from that point.

Town Attorney Miller noted there were some right-of-way constraints around the bridge/Lani Kai area.

Town Manager Stewart reviewed the historical background of the anticipated improvement work to Estero Boulevard which included the completed right-of-way analysis for Estero Boulevard; Council's past work to get Estero Boulevard onto the County's Five Year Capital Improvement Plan (CIP); preliminary design work conducted through the County and Town staff's participation on that work; the County's funding of Phase 1 for construction; and an interlocal agreement prepared by the Town Attorney, approved by Council, and forwarded to the County in August 2012.

Mayor Raymond noted that until they learned what would happen to the Seafarer's corner it would not be a good idea to begin the roadway at that point. He reported the Town was meeting with Lee County on February 20, 2013 at 9:00 a.m. in Council Chambers and at that time they would be discussing Estero Boulevard.

Ms. Shamp noted the role of the LPA as it pertained to the land development code; and she reviewed how the LPA had worked in the past with Town staff on items such as but not limited to driveway connections, and percentages of pervious and impervious materials for drainage issues. She expressed her opinion that this type of work was taken away from the LPA. She asked if the Council saw the role of the LPA as participating in the work related to the land development code and Estero Boulevard.

Community Development Director Fluegel explained that the responsibilities of the LPA related more to the Comprehensive Plan and that was an effort that staff would begin down the road.

Town Manager Stewart clarified that Ms. Shamp was questioning that since Estero Boulevard was now in the design phase, would the LPA have a role in the design work.

Town Attorney Miller pointed out that the regulations for matters such as driveway separations for Estero Boulevard would not involve the LPA because it was a County road and the County would not look to the Town's regulations. She added that, presumably the County was designing a stormwater drainage system that would take care of stormwater, and that the LPA would not be involved in the design aspect.

Ms. Shamp discussed her interpretation of Chapter 34 as it pertained to the role of the LPA.

Town Attorney Miller reported that staff was working on revisions to Chapter 10 that would be coming before the LPA.

Discussion was held concerning previous work by the LPA regarding driveways and pervious/impervious material which would influence the entire Town and not just Estero Boulevard.

Discussion was held regarding various types of encroachments on Estero Boulevard; and drainage issues along Estero Boulevard.

Town Manager Stewart mentioned that there were some federal funds available to the Town to use for drainage issues along the route of the first mile. He reported the Town was working to have the stormwater drainage and the potable water work done along Estero Boulevard concurrently. He added that there were some sewer mains that may need to be replaced; and Lee County had not decided what to do with the power lines yet.

Discussion ensued concerning the repair/replacement of sewer lines and repair/replacement of water mains; and crosswalks along Estero Boulevard.

Vice Mayor Mandel reported the Public Safety Committee was working on actions to help improve the safety along Estero Boulevard (i.e. banners, lighting, crosswalks, etc.).

V. DOWNTOWN DISTRICT (Seafarer's, Times Square, Old San Carlos)

Chair Zuba noted the importance of the Seafarer's site and asked if the County was still considering a parking lot at the site.

Town Attorney Miller reported she had received a phone call from the County approximately six weeks ago advising her that even though the County had started the rezoning process that they did not have any clear BOCC direction to go that route, so they were stopping that process and there was not current plan to make the subject parcel into a parking lot.

Town Manager Stewart reviewed the Town's prior discussions to acquire the subject property; how the Town petitioned the County to determine if they were willing to sell the site, which they were not; and explained why the Town had since decided not to pursue the purchase of the Seafarer's property.

Community Development Director Fluegel reported that staff was working on a draft scope of work to retain a land use consultant. He stated the initial scope of work would be:

- Review all historic documents related to Fort Myers Beach CRA and DRA.
- Review previous traffic studies, plans, reports for the downtown area.
- Provide a report summarizing previous studies, plans, reports for CRA downtown traffic and summarize legal status of existing CRA, DRA; and include an initial assessment of potential land use-related issues involved in potential traffic solutions for Estero Boulevard in the downtown.
- Conduct up to two workshops with Town Council to develop visions and strategies for downtown with specific emphasis on strategic approaches to Seafarer's, Helmerich Plaza, and determine if visioning sessions are necessary.
- If CRA is determined to be a viable option for downtown renewal, provide initial assessment of potential boundaries and critical path timelines for Finding of Necessity and Master Plan.

Mayor Raymond discussed his opinion of the importance of the subject property; and his belief that the site development would more than likely be a public/private project. He pointed out that the Town did hold the permitting and taxing rights on the subject property.

Vice Mayor Mandel explained how the Council had been reviewing the enlargement of the taxing district in the area of the subject property (Tax Increment Financing District – TIF).

Town Attorney Miller noted the need for the expertise of the land development planner to establish which area was ‘blight’ for the purposes of a CRA.

Discussion was held concerning the ‘green space’ across the street from the subject property.

Ms. Shamp addressed Community Development Director Fluegel’s comments regarding the draft scope of work for a land use consultant as it pertained to ‘visioning’; and she suggested that would bring up the role of the LPA.

Community Development Director Fluegel commented on the role of the LPA as it related to a ‘visioning process’ and possible new or revised policies for the Comprehensive Plan. He outlined the potential process if Council decided to support a CRA in the downtown area.

Discussion was held concerning the advantages and disadvantages of the Town owning the subject property; and the approximate property boundaries of the Seafarer’s site (i.e. the vacant land, the inclusion of it in a CPD, etc.).

Town Manager Stewart reported the Town received a recent notification from the DEP that they were requiring the boring of monitoring wells on the subject site because of a former gas station that had been located on the site.

Vice Mayor Mandel noted that the Seafarer’s property would be a topic for discussion at the upcoming Town Council and BOCC Joint Meeting.

VI. FEMA & 50% RULE

Chair Zuba explained that the LPA had been concerned about deteriorated buildings, and why was it so difficult to get some improvement, and why it was a disincentive for an owner to improve. He asked if the LPA could, through a sub-committee or in some other fashion, explore a way to begin to incentivize the issue of rehabilitation or renewal of a property without providing a penalty.

Town Manager Stewart discussed the differences in the 50% Rule as it pertained to property value and structure value; when it was required to bring property up to current building codes; and the Town’s location in a flood zone (velocity or ‘A’ Zone).

Discussion was held concerning potential incentive for rehabilitation and new construction; some FEMA and other grant funds available for certain properties when elevated; staff’s work to improve the quality of life and increase the value of the community; Florida law as it pertained to property tax abatement and historic designation tax credits; improvement versus maintenance as it related to the 50% Rule; the Cumulative Substantial Improvement Rule; FEMA’s oversight regarding structure improvement.

Chair Zuba noted that the LPA had previously discussed organizing a subcommittee to address FEMA and the 50% Rule and asked for Council and staff feedback.

Community Development Director Fluegel explained that he was in favor of such a subcommittee.

Mayor Raymond expressed the Council's approval of the subcommittee.

Mr. Kakatsch discussed the cost of demolition of a single-family wooden house; how residences were passed down from one generation to another on the Island and how it hindered exterior improvements at times; and his belief that the Town needed to incentivize exterior property improvements.

Town Manager Stewart noted that the Council was in the midst of approving the International Property Maintenance Code (IPMC) and described how this would assist the Town to address community maintenance.

Discussion ensued regarding property maintenance and the IPMC, and consideration of incentives from the Town regarding exterior property maintenance.

Town Attorney Miller reviewed the difference between a code enforcement violation issued to a property with a mortgage and without a mortgage as it pertained to getting the property to come into compliance. She cautioned that the Town needed to be careful when trying to incentivize because government could not use public funds to aid private entities.

Mr. Kakatsch described how Code Enforcement operated in Fort Myers and operated as a 'profit center'.

Discussion ensued regarding the differences between code enforcement in Fort Myers and Fort Myers Beach as it pertained to operation; the revenues generated; the IPMC; and the ability of the IMPC to allow the Town's Code Enforcement to be more proactive.

Ms. Plummer discussed her concerns regarding insurance companies that were not insuring second structures (i.e. detached garages).

Discussion was held regarding flood insurance as it related to federally-backed mortgages.

VII. POST-DISASTER RECOVERY ORDINANCE

Ms. Shamp reported that a post-disaster recovery ordinance was given the number one priority for the LPA, and reviewed the historical background of the work already conducted on the ordinance.

Town Attorney Miller explained that she had seen in other communities that the purpose of the ordinance was to expedite things such as but not limited to issuance of building permits.

Town Manager Stewart requested Community Development Director Fluegel to provide a copy of the draft ordinance prepared by the former Town Attorney to Town Attorney Miller. He offered that once

the Town Attorney had received the document that in approximately 30 days staff should be able to give the LPA a synopsis of a timeline.

Ms. Shamp requested the item be placed on the LPA Action List.

VIII. PLAY AREA ON BEACH

Ms. Plummer pointed out that the Town advertises itself as a ‘family island’ and that there was only one playground open from 3:00 p.m. to ‘mosquito time’. She discussed her concerns about the lack of playgrounds in the Town.

Discussion was held regarding the removal of the playground from Lyn Hall Park; the Bay Oaks play area tied to the school which limits the hours of use by the public; and if there was a potential for redesigning the Bay Oaks area.

Town Manager Stewart reviewed the background details surrounding the removal of the playground equipment from Lyn Hall Park and how the County indicated the equipment would be replaced; however, it did not happen. He encouraged contact with Mr. David Harner (Lee County Parks Director). He stated that he would contact Mr. Harner this afternoon to inform him of this matter of discussion, and that there was a strong feeling in the Town for the equipment to come back.

Discussion ensued regarding the beach as a ‘playground’; the need for other family attractions and playground equipment on the island other than the beach; and the many amenities at Lakes Park.

Mayor Raymond stated he would bring the matter up to the BOCC the next time he met with them.

Ms. Shamp pointed out that ‘shade’ needed to be an important aspect of any discussion regarding playground equipment.

Mr. Kakatsch noted the Town honored the *Privateer Lynx* tall ship at the Council Meeting. He described his visit to the tall ship and mentioned that he met the Chair of the Board who informed him that he was seeking to relocate the ship’s home port from Newport Beach, California. He added that the Chair of the Board was interested in obtaining the support of the Town Council and the LPA to be able to dock the ship where it was presently located or at the north end of the beach where there was a pier with a 10’ depth. He discussed a potential site on the other side of the Island and if there was the possibility of the Town annexing property on the other side of the pass.

Vice Mayor Mandel noted that 80% of the vacations people take are tied to an educational purpose; and pointed out how the Town had the Mound House as an educational archeological attraction and how the Town attracted bird watchers. He described how the Town had welcomed the tall ship, and how the TDC assisted with advertising the tall ship’s visit in order to work towards making Fort Myers Beach the ship’s home port in the winter.

Town Manager Stewart reviewed the number of attempts to form a municipality on Fort Myers Beach and how the final vote was approved 17 years ago. He noted that the last voted passed because San

Carlos Island was taken out of the boundaries; and explained that the residents there have not expressed a desire to become part of Fort Myers Beach. He added that the residents of San Carlos Island would have to vote to be annexed by the Town.

Ms. Plummer discussed her belief that San Carlos Island preferred to be part of Lee County rather than Fort Myers Beach.

Council Member Andre complimented the Chamber of Commerce for their assistance with finding accommodations for the *Privateer Lynx* sailors.

Vice Mayor Mandel noted that some business owners have provided meals and/or discounted meals for the *Privateer Lynx* crew.

Mr. Kakatsch noted his concern over the decreasing navigability of Big Carlos Pass.

Mr. Durrett discussed his concern regarding the decreasing navigability at Big Carlos Pass. He recounted a recent stakeholder meeting concerning this issue and reported that Bonita Springs supported a permanent solution for Big Carlos Pass. He displayed a copy of a survey completed on the depths of Big Carlos Pass; and noted at low tide there was a depth of 2.5 feet. He discussed how this related to the ecology of the flushing of Estero Bay.

Vice Mayor Mandel stated that as a participant in the Coastal Advisory Committee that he had mentioned this problem every month and that the County's reaction had been that *'they were not aware of the problem'*. He explained that data needed to be presented to the County.

Mayor Raymond stated he would bring up this matter when he next met with the BOCC. He discussed his belief that the Town had welcomed the tall ship with open arms. He reported he had spoken with some San Carlos Island residents and none of them expressed an interest in annexation.

IX. ADJOURNMENT

Meeting adjourned at 10:45 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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