



**FORT MYERS BEACH
LOCAL PLANNING AGENCY (LPA)
MINUTES
Town Hall
2525 Estero Boulevard
Fort Myers Beach, Florida 33931
Tuesday, June 13, 2017**

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Chair Zuba. Members present: Megan Heil, Dan Hendrickson, Suzanne Katt, Jane Plummer, Scott Safford, Lorrie Wolf and Hank Zuba.
Town Attorney: Town Attorney Peterson
Staff: Matt Noble

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. MINUTES - May 9, 2017

Correction: Mr. Carter stated that the ~~Friends of Matanzas Pass~~ Historic Society was dedicated to saving historic structures on Fort Myers Beach...

Clarification: Mr. Orlandini stated that they had the ability to put two structures on the property (Historic Society).

Mr. Lavender distributed copies of the concept plan and he indicated they could entertain amending the current lease (with the Historic Society) to include more property if needed.

MOTION: Mr. Hendrickson moved to approve the minutes as amended, second by Ms. Plummer.

VOTE: Motion approved; 7-0.

V. LDC AMENDMENT 50% FLOODPLAIN REGULATIONS IN CHAPTER 6

Kara Stewart, Community Development Director, reviewed the history of past discussions and the change in language. Mr. Hendrickson noted that he wished they went to one year instead of permit-to-permit due to unintended consequences.

Ms. Plummer commented that they needed to proceed for the residents with ground-level homes. She did not want to go backwards.

Mr. Safford clarified that it would be easier for staff with a permit-to-permit system.

MOTION: Ms. Plummer moved to approve ordinance 17-09 with its changes and improvements; second by Ms. Heil.

VOTE: Motion approved; 7-0.

Discussion was held regarding educating the public concerning the change. Ms. Plummer offered to write an educational piece to distribute to the realtors.

VI. LDC AMENDMENT NEIGHBORHOOD FLOODING CHAPTER 6, ADD SEC. 6-14

Ms. Stewart reviewed Council's request to add the section back to Chapter 6 and she summarized changes made to the amendment. LPA Member Hendrickson discussed public nuisance and flooding and Ms. Stewart stated that they had the ability to deal with that in the Property Maintenance Code. Mr. Hendrickson noted that 6-1 through 6-15 were very specific compared to the International Property Maintenance Code. Ms. Stewart replied that they were looking to add specificity to design to a certain standard. Mr. Hendrickson asked whether they could provide relief to residents who were getting flooded out now by passing the amendment without the 67% impervious rule and the 1-1.6 inch of water rule in order to perform research on those two figures. Ms. Stewart indicated that a representative from Tetra Tech will be in the audience later to answer questions.

Town Manager Hernstadt suggested that not having a standard to design to was a serious issue and he urged them to try to address it as quickly as possible. He stated that if a particular factor was not perfect, it was better than not having one at all and variances could be obtained for particular situations.

Ms. Stewart stated the new Ordinance provided more specificity and protection for residents than 6-14. Town Manager Hernstadt explained that redundancy increased the potential for errors and he urged them not to be redundant.

Ms. Plummer questioned how to explain the 67%. Ms. Stewart stated that it addressed new construction only, not retroactive drainage issues. Ms. Wolf questioned the elimination of the six inch rule for fill in 6-14. Ms. Stewart indicated that bringing in fill for any reason would require a fill permit and she did not propose a limit to elevation.

Ms. Stewart clarified that they proposed that an engineered drawing be required to provide expertise.

Ms. Plummer questioned whether it was too restrictive.

Chair Zuba did not think it was overly restrictive.

Mr. Hendrickson stated that he did not think it was restrictive enough.

Ms. Heil commented on protecting residents.

Ms. Plummer questioned whether they could have an example of new permits that did or did not meet the 67% rule.

MOTION: Chair Zuba moved to approve the draft with the condition to include two examples of recent permit approvals and how they might be affected by this in order to give Council sufficient information to evaluate going forward; second by Ms. Katt.

VOTE: Motion approved; 6-1 with Ms. Plummer dissenting.

VII. REVIEW LPA ENABLING ORDINANCE 96-01

Ms. Katt noted a conflict of appointment dates between the Ordinance and the Land Development Code (LDC). She would like people who have knowledgeable backgrounds to be appointed and she questioned the resident requirement in the LDC.

Ms. Wolf noted that meeting requirements needed to be clarified.

Ms. Plummer agreed with using resources to try to bring in people who have specific qualifications but she felt they should be residents.

Ms. Safford questioned whether the Lee County School Board requirement came from the Florida Statute. Mr. Noble replied in the affirmative and noted that the School Board was not interested in participating.

Ms. Heil agreed that there should be language as to preference of qualifications.

Chair Zuba questioned whether staff would be interested in creating internships or other relationships with area universities. Mr. Noble replied that they had interns in public works in the past.

Chair Zuba thought members of the LPA should make an effort to reach out to universities to discuss what they were looking for.

He questioned what the LPA thought about developers hiring their own experts to assist the LPA with their reviews. Ms. Katt thought it would be helpful. Mr. Hendrickson questioned conflicts of interest. Ms. Katt noted that it would be good to have expert input. Ms. Heil questioned a conflict with implied representation to the person who paid the bill. Ms. Plummer discussed manipulation on either side and she felt each side should make their own case without hiring an outside expert. Ms. Katt discussed experts maintaining their professional reputations. Ms. Wolf stated that outside opinions were already covered in Section 34-119. Ms. Plummer discussed internships.

VIII. LPA BUDGET DISCUSSION - PROJECT BUDGET REQUESTS

Ms. Stewart explained that they were presenting budget add-ons to Council for higher levels of service. Chair Zuba brought up the ability to send members to conferences. Ms. Heil questioned adding funds for a consultant. Mr. Hendrickson questioned hiring experts for the TPI proposal. Ms. Stewart replied that they were pursuing procuring a firm to assist them.

IX. HISTORIC PRESERVATION BOARD MEETING

MOTION: Chair Zuba moved to adjourn as LPA and reconvene as Historic Preservation Board; second by Ms. Plummer.

VOTE: Motion approved; 7-0.

Chair Katt stated they had no action pending regarding the cottages. Mr. Noble stated that the Historic Society and Friends of Matanzas Pass were working together. Jesse Lavender, Lee County Parks & Recreation Director, indicated that costs to move the Hepburn Cottage from Boca Grande increased substantially. Mr. Lavender was hopeful that he would resolve the funding issue. Chair Katt clarified that the Hepburn Cottage was under the purview of Lee County and the second cottage was located on Estero Blvd. Mr. Hendrickson questioned whether there was anything they could do to anticipate issues with historic structures. Mr. Noble indicated that they could work toward tracking historic resources. He discussed the lease between the school and the Historic Society. Ms. Plummer offered to track MLS

listings. Chair Katt invited Ms. Plummer to the next HAC meeting to discuss identifying cottages. Discussion was held regarding the demolition permit.

Chair Katt indicated that letters concerning the plaque program will be sent to property owners of historic structures. She noted that a news release would be sent out and several meetings would be held at the library to assist people with the applications. Mr. Noble noted that funds for plaques were available. Chair Katt questioned increasing the budget to \$500.00. Mr. Noble agreed. He indicated that letters would be available within a couple of days.

MOTION: Ms. Wolf moved to adjourn as Historic Preservation Board and reconvene as the LPA; second by Mr. Hendrickson.

VOTE: Motion approved; 7-0.

X. LPA MEMBER ITEMS AND REPORTS

Ms. Plummer questioned the construction on 2633 Estero Blvd. Ms. Stewart will research it and get back to Ms. Plummer.

Mr. Hendrickson questioned whether their meeting packets could mirror Councils for items that were voted on. Ms. Stewart noted his request. He would like to have a discussion regarding code enforcement in the future.

Chair Zuba noted they would not meet in July. He stated that the owner of Seafarer's was not being consistent with the zoned used for that property, they have not applied for a special use permit and they have not been cited for the illegal uses.

XI. LPA ATTORNEY ITEMS

Attorney Peterson explained the form from the Supervisor of Elections. It should be returned as close to July 1, 2017 as possible.

XII. COMMUNITY DEVELOPMENT ITEMS

Scott Baker, Public Works Director, provided an update on the stormwater master plan. He explained that the "Cadillac" plan was put in place for funding purposes. Tyler Wainwright, Tetra Tech engineer, stated they were moving forward with the 30% design phase and they were identifying the worst areas first. He stated they expected to make a presentation to Council in August, 2017.

Mr. Baker encouraged people with issues to call public works, and that Tetra Tech would provide examples for the neighborhood flooding ordinance discussed above.

Ms. Stewart indicated that the floodplain issue was on Council's agenda for June 19, 2017.

XIII. ITEMS FOR NEXT MONTH'S AGENDA

XIV. PUBLIC COMMENT

John Gucciardo, resident, discussed the demolition delay process in Bonita Springs. He indicated that they may want to use them as a resource moving forward.

XV. ADJOURNMENT

MOTION: Ms. Plummer moved to adjourn the meeting; second by Mr. Hendrickson.

VOTE: Motion approved; 7-0.

Meeting adjourned at 11:26 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

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ms pl
8/2/17