



MINUTES

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

February 14, 2012

I. CALL TO ORDER

Meeting was called to order at 9:03 a.m. by Joanne Shamp; other members present:

Dan Andre
Al Durrett
John Kakatsch
Jane Plummer
Alan Smith
Hank Zuba

LPA Attorney: Marilyn Miller – excused; no Public Hearings.
Staff Present: Walter Fluegel, Community Development Director
Josh Overmyer, Planning Coordinator

II. PLEDGE OF ALLEGIANCE

III. INVOCATION – Hank Zuba

Ms. Shamp introduced and welcomed newly appointed LPA Member, Dan Andre.

Mr. Andre introduced himself and stated he owned the *Mango Street Inn*. He gave a brief overview of his community activities which included but was not limited to serving as a member on the Town's Marine Resources Task Force.

IV. MINUTES

A. Minutes of January 10, 2012

MOTION: Ms. Plummer moved to approve the January 10, 2012 minutes; second by Mr. Zuba.

VOTE: Motion passed 6-0; Mr. Andre abstained since he was not a member or present at the January 10, 2012 meeting.

V. WORKSHOP DISCUSSION

A. Joint Meeting with Town Council

Ms. Shamp noted that it was recommended within the LPA's *Policies and Procedures* that they meet with the Town Council every six months; however, it had been about a year since the last joint meeting. She distributed a handout she prepared that outlined a proposed agenda. She asked Mr. Zuba, as Vice Chair, to conduct the Pledge of Allegiance and Invocation.

Mr. Zuba responded in the affirmative.

She continued her presentation of the proposed agenda and explained that each member would introduce themselves. Next, she reviewed the potential agenda at the joint meeting and discussion ensued:

- Post-Disaster Recovery

Discussion was held regarding the processes, mandates, and deadline dates for the Evaluation Appraisal Report (EAR); the possible use of a previous *draft* post-disaster recovery ordinance written by a former Town Attorney which Ms. Shamp would email to the Community Development Director Fluegel for review.

Consensus was to include *Post-Disaster Recovery* on the Joint Meeting Agenda.

She continued her presentation and review of the potential agenda items for the joint meeting and discussion ensued:

- Estero Boulevard (how does north Estero Boulevard improvements relate to south Estero Boulevard improvements)
- Rights-of-Way (i.e. driveway connections to street or number of driveways permitted; percentage of pervious/impervious surface)
- Estero Boulevard Interlocal Agreement
- Seafarer's property (design, planning, and future development)

Ms. Shamp suggested topic "A" would be "Design" which would include:

- North Estero – as a model and what was learned, Seafarer's, and the idea of complete streets;
- Then move to the ILA with the BOCC as one topic; and,
- Then put rights-of-way as "C".

Mr. Durrett suggested including "crosswalks" in the development of the south end.

Discussion was held regarding crosswalks (i.e. visualization, lighting, awareness, improvements, imitation red brick crosswalks, etc.).

Ms. Shamp reiterated the suggested topics for the Estero Boulevard topic:

- “A” - Design;
- “B” – ILA with the BOCC; and,
- “C” – Rights-of-way issues as listed on her handout and to include newspaper boxes.

Mr. Durrett suggested the inclusion of “trees” and discussed the illegal planting of Royal Palms on the north end of the beach which were placed directly under the power lines.

Discussion was held regarding planting palm trees and other trees in the right-of-way.

Mr. Kakatsch questioned the relationship of the anticipated water utility improvements to the other Estero Boulevard improvements.

Community Development Director Fluegel explained how the Town was working to coordinate efforts with the County.

Ms. Shamp moved onto the next agenda topic of “noise”, and noted the “Comprehensive Plan Guidance” which she received from the Community Development Director. She discussed how “noise” could be a crossover into the next topic of “alcohol and entertainment”. She noted how in years past businesses obtained special exceptions with all different types of requirements and conditions.

Community Development Director Fluegel addressed “noise” and discussed how the two issues (“noise” and “alcohol and entertainment”) which would probably be linked together, and how staff intended to deal with the topics. He stated staff planned to make a report on the topic similar to what they did for COP such as but not limited to an inventory of rules. He discussed past practice as it related to special exceptions for entertainment, and the types of issues related to entertainment which would need to be addressed by the LPA.

Ms. Shamp asked Community Development Director Fluegel if “noise/entertainment” should be one agenda topic; and then questioned if a topic should be entertainment indoor/outdoor, and perhaps by zoning district. She also asked for the Director’s opinion as to other topics that might be included on the agenda from the list on her handout.

Community Development Director Fluegel stated it was his opinion that “sexually-oriented businesses” should be a standalone issue; and also suggested adding “downtown versus outside downtown”.

Discussion ensued whether or not to include “sexually-oriented businesses” as a separate agenda topic; Ms. Shamp stated they would include it on the agenda and forward a copy of the draft ordinance to the Community Development Director.

Discussion was held concerning the topic of “re-branding Fort Myers Beach”; the potential role of the LPA in “re-branding Fort Myers Beach”; and the concept of a “family island” (i.e. educational opportunities for a family such as but not limited to informational videos on the trolleys).

Ms. Shamp stated she would forward an updated agenda with all of her notes to the Community Development Director.

Mr. Andre recounted his experience with a neighbor as it related to “noise” and the neighbor’s violation of the ordinance. He noted his belief that a “noise” ordinance should be handled separate from “entertainment” and it needed to be enforceable, especially as it related to residential areas.

Discussion was held regarding policy, direction, and communication between the LPA and the Town Council; and the role of the LPA as it pertained to the Historical Preservation Board and the Historical Advisory Committee; Ms. Plummer would discuss the HPB during the discussion on educational opportunities.

Community Development Director Fluegel suggested the LPA include the Evaluation and Appraisal Report (EAR) on their Joint Meeting agenda and discussed how it would help to prioritize staff’s workload.

Discussion ensued regarding how to grade the prioritization or categorize staff’s workload; and Community Development Director Fluegel asked that the prioritization be numerical (i.e. 1, 2, 3, etc.).

Mr. Kakatsch questioned pursuing money from BP.

Community Development Director Fluegel suggested that direction for the BP topic should come from Town Council.

Ms. Shamp noted they would include a discussion on “BP” on the proposed agenda, and that Mr. Kakatsch agreed to introduce the item at the meeting.

Mr. Kakatsch discussed the recent referendum which was rejected by the residents, and other aspects of acquiring a town hall for Fort Myers Beach.

Ms. Shamp suggested a topic for CIP and it could include a discussion on a town hall.

Community Development Director Fluegel explained that a “town hall” or CIP topic could be included under the EAR discussion, or it could be a standalone topic.

Ms. Shamp stated they would include CIP under the EAR discussion; and they would include a request to set a date for the next Joint Workshop.

B. Entertainment and Noise Ordinance

Community Development Director Fluegel explained that during his last discussion with Town Council on the COP and the EC issue it was Council’s desire to work on the entertainment issue because there was a lack of uniformity with conditions on special exceptions for entertainment. He wanted to know if when staff began their review of the topic, if the LPA had any particular thoughts or comments for staff. He requested the LPA members forward him any comments so that when staff started their analysis they know what was important to the LPA.

Discussion ensued regarding the protection of residential areas as it related to a noise ordinance, and its enforceability, and zoning and code enforcement issues; conducting a public workshop on the topic of “noise”; and problems with the current noise ordinance with respect to enforceability.

C. COP Issues

Community Development Director Fluegel reported that last week staff presented the COP at a Work Session with Town Council who had picked up on an item that was also noted by the LPA regarding the area of expansion. He explained the Council questioned the limitation of 1/3 of the distance from the EC Zoning line and suggested a change to “or a maximum number of feet”. He asked if the LPA had any thoughts on the Council’s suggestion.

Ms. Shamp reported she watched the meeting and responded to the Council and copied the Community Development Director and Town Manager on the LPA’s discussions on the maximum number of feet and rope and bollard. She noted the LPA’s comments on those topics on page 14 of the January 10, 2012 Minutes.

Discussion was held regarding the limitation of 1/3 the distance or “maximum number of feet”; and how it had been the LPA’s collective intent to recommend “100 feet” as a maximum number of feet, and a vegetative buffer in lieu of rope and bollard.

MOTION: Mr. Kakatsch moved to adjourn the LPA and reconvene as the HPB; second by Mr. Smith.

VOTE: Motion carried, 7-0.

**ADJOURN AS LOCAL PLANNING AGENCY AND RECONVENE AS HISTORIC
PRESERVATION BOARD
10:35 A.M.**

VI. HISTORIC PRESERVATION

Ms. Plummer reported that as of today she had not seen an agenda for the upcoming meeting scheduled for February 24, 2012. She explained the HAC was waiting to receive an opening date for the Mound House in order to proceed with any planning for moving forward.

Discussion ensued concerning an opening date for the Mound House and whether there was a need for a meeting on February 24, 2012.

Community Development Director Fluegel stated he would investigate the opening date for the Mound House and then contact Ms. Plummer.

Ms. Plummer reported the next HAC meeting was scheduled for March 27, 2012.

MOTION: Mr. Kakatsch moved to adjourn the HPB and reconvene as the LPA; second by Ms. Shamp.

VOTE: Motion carried, 7-0.

**HISTORIC PRESERVATION BOARD ADJOURNED AND RECONVENED AS THE LOCAL
PLANNING AGENCY
10:37 A.M.**

VII. LPA MEMBER ITEMS AND REPORTS

Mr. Smith – no items or reports; however, he noted that during the discussions today, it appeared there had already been considerable work done on “Post-Disaster Recovery” and “Sexually-Oriented Businesses” but there has been no procedure nor did anything come to fruition. He suggested stepping back and looking at the LPA’s own procedural manual.

Ms. Shamp stated they would review the LPA procedural manual, but noted how over time there were changes to the LPA membership, staff, Council, and priorities which could be frustrating.

Community Development Director Fluegel pointed out that it would be good to review the LPA procedure manual and determine if it was consistent with the way the LPA was operating, and the way the LPA was operating with the Town Council.

Mr. Zuba – no items or reports.

Ms. Shamp complimented Mr. Zuba on his letter in the newspaper regarding Seafarers (which was not written as representing the LPA).

Ms. Zuba noted that Commissioner Judah’s response outlined the County’s intention for a parking lot on the site with a portion of the revenues to the Town in order to help the Town purchase the property from the TDC.

Community Development Director Fluegel discussed the basis for staff’s continued position with the County that there was no way to do a surface parking lot on the Seafarer’s site without an amendment to the CPD rezoning.

Discussion ensued regarding development and zoning aspects of the Seafarer’s site.

Discussion was held concerning inequities of representation on the TDC.

Discussion was held regarding easements at the Seafarer’s site.

Mr. Durrett – no items or reports.

Mr. Kakatsch – no items or reports.

Ms. Plummer – pointed out the blighted appearance of the Seafarer’s site. She recounted an experience a person told her as it related to obtaining a “final”, and questioned why the person had not received the “final” after many phone calls to Permitting.

Community Development Director Fluegel asked Ms. Plummer to email him the pertinent information regarding the matter and he would investigate it. He discussed the increase in zoning applications and how the LPA’s workload would increase starting next month; the process involved and the length of staff time it takes to produce a staff report to present to the LPA.

Mr. Durrett – discussed his belief that the Town needed to be more user-friendly when it came to trying to get something accomplished (i.e. permitting) as it related to suggestions for “rebranding”. Community Development Director Fluegel responded to Mr. Durrett’s suggestion and noted how staff worked to improve processes and to insure “lean government”.

Ms. Plummer – discussed a business (Chuck’s Last Stop) that had signs and seemed to be ready for opening, yet when she questioned them each time they told her they would open in about two weeks. She asked if they had a hearing.

Community Development Director Fluegel explained how staff had worked with the business owner regarding the prior CPD approval, and opening with a temporary use. He pointed out the business owner could open next week if they install a fence in the back and obtain their liquor license from the State.

Mr. Andre – recounted his previous meetings with Ms. Pigott of the TDC and his difficulties in obtaining information from the TDC regarding bed tax percentages.

Ms. Champ – no items or reports.

VIII. LPA ATTORNEY ITEMS

LPA Attorney Miller - excused.

IX. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Community Development Director Fluegel – gave a brief update on the sign ordinance noting that beginning last May staff found that there was over 130 non-compliance signs and as of this past Friday they were down to 26 non-compliance signs. He pointed out that the sign ordinance did not allow the Town to require an ‘as built’ survey after the fact and discussed how this related to several signs that were permitted over the past several years and did not meet the sign requirement.

Consensus was that due to the sign ordinance the appearance of the Town had improved.

X. LPA/HPB ACTION ITEM LIST REVIEW

She asked that since there were many items on the LPA/HPB Action List if the Community Development Director would inform them of any specific dates:

- 216 Connecticut Street – Council had decisions to make on the Mound House Program overall before it was decided if this moved forward.
- Sign ordinance – implementation going well; probably a few months away from removing this from the list; one glitch remained to be worked out.
- All of the items listed as “Future Work Activities” (right-of-way, residential connection, and stormwater); need to have Stormwater Master Plan completed.
- IPMC – staff was working on to get to the LPA.
- FEMA/CRS – staff working on; March 15th staff would have the full set of rules.
- EAR – topic for Joint Work Session with Town Council.
- Post-Disaster Recovery – topic for Joint Work Session with Town Council.

Mr. Andre asked about the status of ‘beach raking’.

Community Development Director Fluegel reported ‘beach raking’ was passed but it did not include a fee in it; therefore, there needed to be an amendment to the fee resolution which covered all the Town fees. He discussed his views regarding certain fees and staff’s research on fee amounts and the needed empirical data in order to recommend changes to the fee resolution.

Discussion ensued regarding how to amend the fee structure in the resolution.

Ms. Plummer reported she received an email regarding a public records exemption and financial disclosure forms new members were required to complete.

Community Development Director Fluegel suggested the member’s follow-up with the Town Clerk for the necessary forms.

XI. PUBLIC COMMENT

Public Comment opened.

No speakers.

Public Comment closed.

XII. ADJOURNMENT

MOTION: Motion by Mr. Kakatsch, seconded by Ms. Plummer to adjourn.

VOTE: Motion approved, 7-0.

Meeting adjourned at 11:37 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Signature

- End of document.

DRAFT