

MINUTES
FORT MYERS BEACH
Local Planning Agency

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Tuesday, August 10, 2010

I. CALL TO ORDER

Meeting was called to order at 9:00 AM by Joanne Shamp. Other members present:

Joe Kosinski
Rochelle Kay
John Kakatsch
Carleton Ryffel
Bill Van Duzer
Chuck Moorefield-excused absence

LPA Attorney James Humphrey

Staff present: Terry Stewart, Town Manager
Evelyn Wicks, Finance Director

II. PLEDGE OF ALLEGIANCE and INVOCATION

Rochelle Kay

III. MINUTES

A. Minutes of July 13, 2010

Motion: Mr. Ryffel moved to accept the minutes, as recorded, with noted clarification.

Seconded by Mr. Van Duzer;

Vote: Motion passed 6-0;

IV. ADMINISTRATIVE ADGENDA

A. Review of FY 2011 Capital Improvement Plan

Ms. Shamp gave a brief overview and explanation for the benefit of new members before yielding to Mr. Stewart.

Mr. Stewart referred to the proposed CIP before the members and opened up for questions and comments. Ms. Shamp stressed the importance of this report to the new members and asked that they read and understand it, adding that they should not hesitate to ask questions if they have any. She also asked Ms. Wicks to explain certain portions of her report as they are discussed to be sure there is a full understanding of the terms and elements.

Ms. Wicks explained that all of the projects in this CIP are continuation projects and said that next year the remaining balance will appear in the report because these are funded with existing cash or grants that are already in hand. She said that there has been nothing new added to this report and continued to explain how this works,

including an explanation of a “capital improvement.” Ms. Shamp added that this is the only part of the budget that the LPA is involved in. She asked Ms. Wicks to explain the water utility, which she said is a separate corporation. Ms. Wicks stated that it is a “blended component” of the city’s financial structure, with a separate audit. For the general fund departments, with the exception of the water utility, a separate capital projects fund is set up and when money is spent for that project, the money is moved over to meet the expense. Mr. Stewart added that many government entities pay water and sewer utilities systems with an enterprise fund, which is a totally separate fund that is accounted and managed separate from any other monies. He said that an enterprise fund operates somewhat like a business and he is confused as to the reasoning for having this set up in this manner. Mr. Humphrey added that his firm is looking into the operation of the entity that operates the FL water system and whether it should be changed.

Ms. Wicks then guided the members through their budget packets, explaining each portion. Mr. Kakatsch asked if the North Estero Project is moving along. Mr. Stewart answered that it is but there have been some delays, created by TECO, dealing with underground lines, etc.

Ms. Wicks continued that there are no new additions, other than the “side street” resurfacing, which she hopes to add that every year. Mr. Stewart gave an explanation of funding specifications and formulas as well as how population affects this system. He said that there needs to be a more equitable dissemination of state funds and they will be working on changing this process in the future months.

Lastly, Ms. Wicks pointed out the last page of the report, specifically the grants and other funding sources that the Town has been diligent in searching for. Ms. Kay asked where the funding comes from for beach nourishment and Ms. Wicks responded that initially that fund was established with a transfer from the general fund, the rest being interest earnings on that investment, so if the Town should decide to use that money for something else in the future, there is no restriction to stop them. Certain impact fees are restricted by law, but the beach nourishment is not.

Mr. Ryffel asked about undergrounding utilities for the N. Estero project. Mr. Stewart said that there is not a “yes or no” answer at this point. He added that they are still working with the utility companies, etc. on these issues. Some discussion ensued about this and the associated costs.

Ms. Shamp asked if there are any laws regulating the addition of any other capital improvements. Ms. Wicks said that she didn’t think so but that, if needed, the Town would probably only adjust the budget without having to change the CIP. Mr. Ryffel also inquired about impact fees and how they are charged, as well as park impact fees. Ms. Wicks was not sure if the park impact fees are charged to both residential and commercial. Mr. Stewart also did not know but said he will get back to him with the answer.

Ms. Shamp asked for public comment on the CIP; no public comment. She asked the LPA members to carefully review this and said that the attorney will have a draft

resolution for the next meeting. Ms. Shamp also gave a brief review of the process from last year, adding that one of the biggest problems then was the addition of restrooms at beach accesses and if that was in the Comp Plan. Mr. Kakatsch asked if there is a plan for restrooms and Mr. Stewart responded that it is actually happening at this moment. He said he will present a proposal for spacing them to the Council on Monday, along with the cost. Brief discussion ensued about the restrooms.

B. Discussion of HPB Report to Council on COP for August 16, 2010

This presentation to Council was to address the lack of response on the resolution the LPA passed regarding the COP expansion, as well as the routine annual report of LPA activity. Some members had reviewed this in advance and Ms. Shamp opened it up for discussion.

Ms. Kay referred to a \$2000.00 line item for the HPB in the budget and asked if this is accurate. Mr. Stewart said he does not have an answer at this time. Mr. Van Duzer commented that he did not receive his packet in advance and was unable to read it. He did comment that the storm water issue is ongoing and well overdue, especially since the long-awaited survey is now complete. Ms. Shamp also added comments about the frustration on the part of the LPA with the lack of communication and/or feedback from Council concerning these outstanding items. She again urged the members to attend the Council meeting to help express their concerns to the Council.

Ms. Kay said that she also understood that there would be a joint workshop for these items with Council but the workshop took place without their input. Mr. Stewart corrected that the workshop has been scheduled on the right-of-way issue for Oct. 4th. There was discussion about the overall storm water management system problems.

Ms. Shamp asked if there was a consensus that some members attend the Council meeting. Members agreed that Mr. Van Duzer will attend.

Ms. Shamp pointed out that there have been many hearings on the COP issue with still no response as to direction from Council. She added that the sign ordinance is another issue they have been working on diligently and that there is still no direction from Council on this either. Mr. Humphrey commented that his firm may be partially to blame for the delay since they've been looking at this ordinance and agree that it still needs work. He said his firm will be sending a recommendation to Council on this and suggested that the LPA advise them that they still want to be involved. Ms. Shamp pointed out that, not only do they want to be involved but that they have a responsibility to be. Mr. Stewart pointed out that some municipalities were involved in legal battles due to changes to their ordinances, some which were found to be unconstitutional. Therefore, the whole ordinance needed to be carefully reviewed again to be sure that the general philosophies of the Town are not significantly altered.

Ms. Kay brought up the sign ordinance and said that the LPA had several hearings on specific signs and had come up with certain specifications. She pointed out that once a question of constitutionality came up, the Council decided to take over making the decisions on signs.

Mr. Ryffel asked if this depends on the attorneys making decisions according to case law once they review the ordinance and the code provisions. Mr. Humphrey agreed that this is basically the way it will work.

Ms. Shamp reiterated that the LPA takes their tasks very seriously and they hold the Comp Plan and the LDC as their “bible” so they do not seek to change things that do not need changing.

Mr. Humphrey brought up the parking code changes that the LPA recommended. He said this was presented at the last meeting and referred to certain “options” in the proposal and asked for the options chosen. He will request a copy of the minutes from the meeting to address this.

Mr. Stewart reported that the candidate they had chosen for the zoning position turned the job down so that position may go to the second choice. The position of Community Development Director is still not filled but there were about 28 applications reviewed and interviews will be set up next week.

**Motion: Mr. Van Duzer moved to adjourn as the LPA and reconvene as the HPB.
Seconded by Ms. Kay;
Vote: Motion passed 6-0.**

V. ADJOURN AS LPA-RECONVENE AS THE HPB

Ms. Kay called the meeting to order at 10:43 AM. She reported that she spoke with the Sandpiper about the error in the article they ran; it will be corrected.

Ms. Kay reported said that the HPB would like to move ahead on the Historic Recognition issue and plans to use the \$2000.00 remaining in the budget for that; however, she said this needs to be put on hold until there is a new Community Development Director.

Ms. Shamp pointed out the items she included in the aforementioned report to Town Council dealing with the HPB and the progress in placing the Historic Recognition plaques on their respective structures.

**Motion: Mr. Kakatsch moved to adjourn as the HPB and reconvene as the LPA.
Seconded by Mr. Kosinski;
Vote: Motion passed 6-0.**

VI. ADJOURN AS HPB AND RECONVENE AS LPA

Reconvene at 10:50 AM with all above members still present.

VII. LPA MEMBER ITEMS AND REPORTS

Ms. Shamp reported that the expiring LPA terms for October are Mr. Ryffel, Ms. Shamp and Mr. Van Duzer and these members should resubmit their applications for re-appointment. At the meeting following those term renewals, nominees for the Chair and Vice Chair positions will be discussed.

VIII. LPA ATTORNEY ITEMS

Mr. Humphrey had nothing to report.

IX. COMMUNITY DEVELOPMENT DIRECTOR ITEMS

Nothing further to report.

X. LPA ACTION LIST REVIEW

- Resolution 2009-24 COP expansion on the beach; August 16-Shamp
- Amendments to Parking Regulations-August 16-Ms. Kay

Future Work Activities

- Shipwreck-10/12
- ROW Residential Connection; August 16-Van Duzer
- LDC 613-14 10-25 Storm Water; TBD
- Sign ordinance-Ms. Miller; TBD
- CIP Resolution-Ms. Miller; Sept. 14
- HPB Vistas/Historical Designation Line item-Ms. Kay-TBD
- Post-disaster reconstruction/recovery-TBD; Ms. Miller

XI. PUBLIC COMMENT

Mr. Lee Melsek welcomed Mr. Van Duzer back. Mr. Melsek expressed his pleasure that the sign ordinance will be addressed by the LPA and added that the sign laws are being enforced and sees this firsthand. Mr. Melsek also encouraged the LPA to preserve the historic structures and the standards for them that are in effect now, begging them to research locations to relocate any historic buildings that may be in jeopardy of being lost.

XII. ADJOURNMENT

Motion: Mr. Van Duzer moved to adjourn.

Seconded by Mr. Kakatsch;

Vote: Motion passes 6-0.

Meeting adjourned at 11:12 AM.

Adopted _____ with/without changes. Motion by _____
(DATE)

Vote: _____ Signature: _____

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