



**FORT MYERS BEACH  
LOCAL PLANNING AGENCY (LPA)  
MINUTES**

Town Hall – Council Chambers  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33931  
**Tuesday, February 10, 2015**

**I. CALL TO ORDER**

Meeting was called to order at 9:02 a.m. by Chair Zuba. Members present: Chuck Bodenhafer, Al Durrett, John Kakatsch, Joanne Shamp, James Steele, and Hank Zuba.

Excused: Jane Plummer

LPA Attorney: Derek Rooney

Staff Present: Matt Noble

**II. PLEDGE OF ALLEGIANCE**

**III. INVOCATION - Chair Zuba**

Chair Zuba read a resolution honoring Ms. Shamp.

**IV. MINUTES - January 13, 2015**

**MOTION:** Mr. Kakatsch moved to approve the minutes as amended; second by Mr. Steele.

Chair Zuba cast the nay vote regarding the Moss Marine motion.

**VOTE:** Motion approved; 6-0 (Ms. Plummer excused).

**V. DISCUSSION**

**A. Evaluation and Appraisal Report**

Mr. Noble, Department of Community Development, noted the report was due to the state by August, 2016. He envisioned future work sessions to discuss each element of the report. Mr.

Noble stated that he would provide materials from the last EAR. Mr. Noble explained that the LPA would evaluate the current comprehensive plan, identify changes, and enter into an amendment cycle to make changes to the plan. He indicated it would take several years to complete. He noted that recommendations would be made by staff and the LPA with final approval by Council. Ms. Shamp suggested that each member be assigned a chapter to review. Mr. Noble revealed that he would have a schedule of when each element would be discussed. He felt that it would be helpful to invite the public to participate in a work shop to identify perceived issues before looking at each element.

## **B. Post-Disaster Recovery and Reconstruction**

Ms. Shamp reviewed changes to the ordinance.

Page 2, section 2. Purposes. Add the following sentence to the end of A.: "...and to ensure maximum local control over the recovery and reconstruction process." Insert a new E. and F. Mr. Kakatsch questioned "sufficient time." Ms. Shamp thought the phrase was defined later in the ordinance. Town Attorney Rooney remarked that Town Council was drafting an emergency operations ordinance and the LPA may want to send appropriate language to Council to avoid duplicating efforts. Mr. Kakatsch felt that after an emergency, residents needed to return to their homes as soon as possible. Mr. Bodenhafer commented on the re-entry pass program. Mr. Kakatsch stated the program was in place before the hurricane, but the National Guard did not recognize the passes and some residents bypassed the bridge and returned by boat. Ms. Shamp stated that the LPA was tasked with reviewing the reconstruction part of the ordinance as it was related to the land development code.

Page 3, section 4. Definitions. Discussion was held concerning the definition of Building Value. Consensus was reached to define building value as, "120 percent of the latest assessment of all improvements..."

Catastrophic Disaster was discussed. Mr. Bodenhafer preferred the Longboat Key definition. Disaster - no change.

Consensus was reached that the Chief Building Official would be designated by the Town Council. Town Attorney Rooney commented that there was too much regulation in the definitions and that regulations should be in a separate assessment section.

Mr. Kakatsch stated that the definition of Assessment Value should be clarified. Discussion was held concerning the value of property, depreciation, and property appraisals.

Current Regulatory Standards - use the Longboat Key definition.

Eliminate the Damage Assessment Survey, the Damage Assessment Team, and the Local Damage Assessment Team.

Leave the Damage Assessment definition.

Debris - leave for now.

Destroyed Structure - discussion was held concerning replacement value versus building value, FEMA regulations and the 50% rule, FL building codes, zoning codes, exceptions, and flood insurance rates. Ken Miller, Building Safety Services Coordination, clarified that the 50% rule was not replacement costs. He referenced a FEMA Handbook. He explained that the value of the primary structure was based on the taxable value from the property appraiser. If the property

owner disagreed with the value, they were at liberty to obtain an independent appraisal from a licensed appraiser. If the value from the independent appraiser was more than 135% of the value from the property appraiser, and unless they were an MAI licensed appraiser, the appraisal could be peer-reviewed. Mr. Miller discussed the difference between substantial improvement and substantial damage.

Ms. Shamp questioned Town Attorney Rooney and Mr. Noble regarding skipping the definition section to concentrate on the bulk of the ordinance. Town Attorney Rooney agreed that it would be feasible to return to the definition section after discussing the remainder of the ordinance.

Section 5. Disaster Recovery Organization. - no change.

Section 6. Recovery Plan. - no change.

Section 7. General Provisions. E. Damage Assessment. 6. change filing a notice of contesting assessment within ~~40~~ 30 days.

C. Moratoria. 4. Minor Damaged Structure ~~Moratorium~~ Notice - Mr. Miller will provide recommendations. Consensus was reached to add the Build Back Policy to the March agenda.

### C. **Estero Boulevard Project Update**

Kaye Molnar, public information officer for the project, stated that Lee County was negotiating with the construction manager (Chris-Tel Construction) to get them under contract so the project could move forward. Rob Phelan, Lee County DOT, discussed driveway connections, sidewalks on both sides of the road, power poles on the beach side, right-of-ways, water line relocation, and coordination efforts between utilities. Mr. Durrett questioned the hours of operation. Ms. Molnar discussed construction noise during the evening. Mr. Phelan remarked that some construction would be done at night due to logistics. He noted that conduit would be installed to accommodate a future power line for street lighting. Mr. Phelan discussed the use of chicanes to move traffic and eliminating the center turn lane to make room for trolleys.

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

**VOTE:** Motion approved; 6-0 (Ms. Plummer excused).

### **Adjourn as LPA and reconvene as Historic Preservation Board - 10:37**

Chair Shamp discussed the agenda for the Historic Advisory Committee and set the next meeting for February 26, 2015 at 2:00 p.m.

Chair Shamp requested that HPB consider a motion to authorize funds for HAC to purchase plaques. Mr. Noble revealed that plaques existed and he offered to take an inventory.

**MOTION:** Mr. Zuba moved to authorize an amount not to exceed \$2,000.00 for the plaque program; second by Mr. Steele.

**VOTE:** Motion approved; 6-0 (Ms. Plummer excused).

**MOTION:** Chair Shamp moved to adjourn as the as the Historic Preservation Board and reconvene as the LPA; second by Mr. Zuba.

**VOTE:** Motion approved; 6-0 (Ms. Plummer excused).

## **VI. LPA MEMBER ITEMS AND REPORTS**

Mr. Bodenhafer requested clarification of the driveway drawings. Ms. Shamp clarified.

Ms. Shamp asked when the next meeting concerning bath rooms was scheduled. Mr. Noble replied that he would send her an email.

Chair Zuba stated that the scope of services had not been defined regarding the FDOT traffic study. He requested feedback from LPA members concerning their experience with roundabouts.

Mr. Durrett commented that roundabouts would be an asset to the island.

Ms. Shamp felt roundabouts were efficient.

Mr. Steele concurred and felt a roundabout at Estero Blvd. and Bay Beach Lane should be considered.

Mr. Noble felt the scope should have a component about reversible lanes.

Mr. Kakatsch stated the roundabouts in New Jersey were very effective.

## **VII. LPA ATTORNEY ITEMS**

## **VIII. COMMUNITY DEVELOPMENT ITEMS**

## **IX. LPA ACTION ITEM LIST REVIEW**

## **X. ITEMS FOR NEXT MONTH'S AGENDA**

Mr. Kakatsch stated he would like to add right-of-ways on side streets to the agenda.

## **XI. PUBLIC COMMENT**

No public comment.

## **XII. ADJOURNMENT**

**MOTION:** Chair Zuba moved to adjourn the meeting; second by Mr. Bodenhafer.

**VOTE:** Motion approved; 6-0 (Ms. Plummer excused).

Meeting adjourned at 10:54 p.m.

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

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