

**MINUTES**  
**FORT MYERS BEACH**  
**Local Planning Agency**

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

**Tuesday, July 13, 2010**

**I. CALL TO ORDER**

Meeting was called to order at 9:04 AM by Joanne Shamp. Other members present:

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

LPA Attorney Marilyn Miller  
Staff present: Terry Stewart, Town Manager

**II. PLEDGE OF ALLEGIANCE and INVOCATION**

Rochelle Kay

The Chair thanked Mr. Ryffel for taking over the last meeting in Ms. Shamp's absence and welcomed back Mr. Van Duzer from his long absence.

**III. MINUTES**

A. Minutes of June 8, 2010

**Motion: Mr. Ryffel moved to accept the minutes, as recorded.**

**Seconded by Ms. Kay;**

**Vote: Motion passed 5-0; Mr. Van Duzer and Ms. Shamp abstaining due to absences.**

**IV. ADMINISTRATIVE ADGENDA**

A. Introduction of new LPA Attorney-Mr. Stewart

Mr. Stewart welcomed Mr. Van Duzer back and gave a brief synopsis of Ms. Miller's background, adding that he had worked with her for many years for the City of Cape Coral and can personally attest to her broad experience.

Ms. Miller thanked Mr. Stewart and gave the group additional information about her background. She said that she does a majority of the work for the beach with Jim

Humphrey, former mayor of Fort Myers. Mr. Stewart will assign town email addresses for the legal staff. Mr. Ryffel asked if email communication is still acceptable between the attorney and board and Mr. Stewart explained how this is to work within the Sunshine Law.

B. Update on Personnel Changes-Terry Stewart

Mr. Stewart advised the members that the Community Development department was rearranged to allow for the hiring of a Zoning Coordinator before Dr. Shockey resigned. The director's position is being advertised and should be filled soon.

Mr. Stewart also shared information from a budget hearing with the Council. He said that the Town pays in excess of \$25,000.00 a month, plus permit fees, to the county. He wondered if having actual in-house employees to do these functions would be more economical and said he will propose this to Council.

C. Discussion-Procedures and Prioritization of LPA Agenda Items-Terry Stewart

Mr. Stewart acknowledged that this board has a great vested interest in the items that move forward to Council. He proposes to keep the LPA aware of the applications that come before the Town, which eventually require LPA approval, so that they have a better view of what the list is. He will have the Director supply the LPA with an ongoing list so that they can have a better understanding of priorities, order of action, etc. Ms. Shamp agreed and thanked him for addressing this to keep the communications open and things moving along.

Mr. Ryffel asked about the Post-Disaster Reconstruction Recovery Ordinance. He referred to the minutes wherein it is noted that Ms. Dalton would pass this along to the incoming attorney and wondered if this was done, pointing out that this is critical in view of the season. Ms. Shamp stated that she understood this item does not come through the LPA and asked if this was already through to Council. Mr. Stewart said it is not before them but another matter dealing with this issue is; one having to do with how a "state of emergency" is declared, the progression of responsible people, etc. He said it was in conflict with another ordinance dealing with the funding of the emergency so Council took these and blended them together. He added that the ordinance Mr. Ryffel is referring to is different but he didn't know if Ms. Dalton had an opportunity to pass this on to Ms. Miller. Ms. Miller responded that she did not see this item, specifically, but has a list of many items with which she is becoming familiar. Mr. Ryffel expressed further concern, and Mr. Stewart said he would examine this, along with the attorney, and let the board know where it stands.

Ms. Kay asked about an item she read wherein the Public Works Department was having a problem with Teco Gas. Mr. Stewart explained that this is related to the North Estero project and deals with underground piping, owned by Teco, in places where it is not supposed to be. He said the problem is that Teco has not responded quickly enough when contacted to come out and address problems, delaying construction. Ms. Miller added that this is being addressed and she sent a letter to Teco last week.

Mr. Kakatsch asked if any options are being explored to purchase space for Town administrative offices. Mr. Stewart said the Town is in the process of renewing the current lease on the present building and had requested a purchase price, but the owner was not able to come up with that as the property is part of a real estate trust investment and it is difficult to separate the individual pieces. An appraisal is being preformed to get a value for the building so the Council can decide whether or not to make an offer for purchase. He said that rent is about \$115-120,000.00 per year, about \$10,000.00 per month. More discussion took place about the current property and the plans to purchase an acceptable alternative.

D. Adoption of Resolution 2010-07 Recognition of Dr. Frank Shockey

Ms. Shamp presented her draft and asked for input from the board.

**Motion: Mr. Ryffel moved to approve Resolution 2010-07.**

**Seconded by Mr. Kakatsch;**

**Discussion: A few spelling errors were corrected.**

**Vote: Motion passed 7-0.**

Mr. Ryffel suggested that the Resolution be framed and sent to Dr. Shockey in Chicago. Ms. Shamp asked if the members agreed for her to include a cover letter; all agreed.

**Motion: Mr. Kosinski moved to adjourn as the LPA and reconvene as the HPB.**

**Seconded by Mr. Van Duzer;**

**Vote: Motion passed 7-0.**

V. **ADJOURN AS LPA-RECONVENE AS THE HPB**

Ms. Kay called the meeting to order at 9:40 AM. She reported that the HAC did not meet last month and that they will not likely meet again until September.

Ms. Kay said that the budget became a line item on the Town budget but does not have a status; Mr. Stewart said he will get that information but doesn't have it at this point. Ms. Kay also asked about an update on the Historic Vistas Project and advised Mr. Stewart that they cannot move ahead without Council's approval. Mr. Stewart suggested adding it to the agenda for the next meeting, which is August 2.

**Motion: Ms. Shamp moved to adjourn as the HPB and reconvene as the LPA.**

**Seconded by Mr. Van Duzer;**

**Vote: Motion passed 7-0, with 2 members absent. Please verify the accuracy – of this (are there 9 members of HPB?)**

VI. **ADJOURN AS HPB AND RECONVENE AS LPA**

Reconvene at 9:47 AM with all above members still present.

VII. **LPA MEMBER ITEMS AND REPORTS**

Mr. Moorefield reported that he will be on vacation next month and requested an excused

absence.

Mr. Van Duzer thanked the board for their support and expressed his appreciation for all of their good wishes and patience with his illness.

Ms. Shamp reiterated Mr. Ryffel's comments on the Recovery ordinance and agreed with the importance of moving this along. She also suggested that the board hold an August meeting to discuss pressing issues. Mr. Stewart opined that this is not a matter that requires the LPA's input but he will keep the board apprised about the progress. Ms. Shamp also reminded that it is CIP time and asked if the Finance Director had something ready for their review. Mr. Stewart confirmed that she does and will get it out to the LPA in time before the August meeting and he agreed that there should be an August meeting. Members were polled to see if all would be available for an August meeting and most are.

Ms. Shamp asked for a status of the COP on the beach but Mr. Stewart didn't know what the Council's direction is on this. He did say that they have discussed it at length trying to come up with a consistent plan. Ms. Shamp said that it is difficult to review any similar issues not knowing what the general policy or feeling of the Council. Mr. Stewart suggested that the LPA communicate to Council that they need direction on this item and Mr. Ryffel suggested a personal appearance at the Council meeting. Ms. Shamp agreed and went on to say that the members had voted almost unanimously to move forward with their proposal and yet it is still in limbo. The members agreed that someone should address the issue with the Council to get this moving. Ms. Shamp will represent the LPA at the August 16<sup>th</sup> meeting.

Ms. Shamp said that there is a right-of-way survey online to review. Mr. Stewart added that the Council has established a workshop meeting for the Storm Water Master Plan and Ms. Shamp asked that the LPA be notified in advance of that session.

Ms. Shamp commented that the Town is doing an excellent job on beach access vegetation and related matters.

Ms. Kay asked Mr. Stewart about proposed new technologies on the beach and there was short discussion about this, including the savings for the Town of about \$40,000.00 in negotiations with Lee County.

Mr. Kakatsch commented on the economic conditions at the beach due to the economy but more so to the oil spill crisis. He suggested that a big sign be erected at the foot of the bridge which stresses that FMB is a family beach and which promotes the local businesses. He also suggested that signs and ads be placed at the airport for tourists to visit the beach. Mr. Stewart suggested that he speak with the mayor about his ideas and concerns.

#### **VIII. LPA ATTORNEY ITEMS**

Ms. Miller 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-TBD; Ms. Kay
- Shipwreck-10/12
- ROW Residential Connection; TBD-Van Duzer
- LDC 613-14 10-25 Storm Water; TBD
- CIP Vistas-Ms. Kay
- Post-disaster reconstruction/recovery-TBD; Ms. Miller

**XI. PUBLIC COMMENT**

No comment.

**XII. ADJOURNMENT**

**Motion: Mr. Van Duzer moved to adjourn.**

**Seconded by Mr. Kakatsch;**

**Vote: Motion passes 7-0.**

Meeting adjourned at 10:28 AM.

Adopted \_\_\_\_\_ with/without changes. Motion by \_\_\_\_\_  
(DATE)

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

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