MINUTES

Monday, June 18, 2012

FORT MYERS BEACH TOWN COUNCIL
MANAGEMENT & PLANNING WORK SESSION
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

I. CALL TO ORDER

Mayor Kiker called to order the June 18, 2012 Work Session of the Town Council 9:00 a.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List, and Mandel. Also Present: Town Manager Stewart, Town Attorney Miller, Community Development Director Fluegel, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

III. ECONOMIC DEVELOPMENT

Town Manager Stewart discussed how a town needed to have available land in their economic development 'tool kit'; and how the Town of Fort Myers Beach was not suited for heavy industry and very little light industry, if any. He noted that if the Town worked on revisions to the Comprehensive Plan that would be the time to make any desired changes to land use and on how the community would operate regarding economic development, if desired.

Community Development Director Fluegel reviewed the Economic Development Activity Summary (dated 6/7/12) with respect to development activity (i.e. zoning applications, certificates of use, and building permits); and pointed out that zoning-related applications, certificates of use, and building permits all increased over the prior year. He noted that while the overall permit activity increased modestly over the prior year, there had been a significant increase in the more complex permits. He discussed the Comprehensive Plan, and how the Town's Plan dealt with site specific details and zoning level details. He explained how the Town was transitioning into the 'redevelopment mode'; the redevelopment implications for businesses regarding FEMA requirements; and incentive examples for businesses as it pertained to FEMA regulations/elevation. He discussed the significance of 'complex' building permit versus a minor permit application as it related to the staff review process.

Town Manager Stewart interjected how when a business owner invested a substantial amount of money in order to get through the approval process it was less money they had to invest in the business itself. He suggested the Town look at their 'processes' in the Comprehensive Plan and review what was being done to enable a prospective business or any project to accomplish their work at a minimum amount of cost to both the applicant and the Town.

Community Development Director Fluegel noted that in some instances the Town's Comprehensive Plan acted like a land development code which might be the result of when the Town incorporated because it appeared the Town followed Lee County's regulatory scheme. He explained how, over the years, the County's plan was geared more towards large parcel development. He reported he had been reviewing the Town's zoning fee schedule, which he felt for the most part was properly aligned; however, there were instances that Council might consider reducing.

Discussion ensued regarding the difference between small and large parcel reviews and the related review expenses.

Community Development Director Fluegel stated that from an economic development perspective, it was time to look at the Comprehensive Plan and Chapter 34 in more detail.

Town Manager Stewart reported that staff would be asking Council to give staff guidance as to whether or not they wanted staff to go back and begin making some recommended modifications to the Comprehensive Plan. He explained how the Town should deal with businesses so that they could have a very clear understanding of what they were faced with from both a technical and financial perspective; and that the costs were reasonable.

Mayor Kiker recounted the difference with the 'processes' with respect to development activity after Hurricane Charley as opposed to the present. He suggested they review how to streamline the processes.

Town Attorney Miller reported that the Horizon Council had recommended to Lee County that they streamline some of the processes.

Discussion ensued regarding how to simplify the processes; how to determine what the Town wants or needs in the Comprehensive Plan and Land Development Codes; how to analyze the Comp Plan and the Land Development Codes from 5,000 feet or more; and researching the Towns availability of vacant land and dilapidated structures.

Town Manager Stewart asked if the Council wanted staff to put together an effort to modify the Comp Plan so that it was more reflective of one that established the broad policies and, of course, the LDRs would flow from that to pick up the opportunities to have more specific views of what need to be done.

Discussion ensued regarding Town Manager Stewart's question about policy changes to the Comp Plan; and how staff was to review and propose changes to Chapter 34 as they determine was needed, with requirements at 30,000 feet and the corresponding changes to the Code, and then Council would determine if they were in conflict with any other part of the Comp Plan.

Discussion continued regarding potential changes to the Comp Plan, Chapter 34, and the Land Development Codes; and the Community Redevelopment Agency (CRA).

Town Manager Stewart recapped that the Council would like to see staff work on the Comprehensive Plan long-term; come forward with amendments and general recommendations to the LDC, and to work on the CRA.

Consensus agreed with the Town Manager's statement.

Mayor Kiker asked how much revenue did the Town receive from impact fees.

Community Development Director Fluegel explained the amount depended upon the project and the total varied from year-to-year.

Mayor Kiker discussed his concerns regarding permit fees and the cost of tracking.

Town Manager Stewart explained the County's portion of the permit fee.

Discussion ensued regarding permit fees, requirements by FEMA for permits and building codes, and requirements by the State for permit fees; and tracking permits as it related to institutional memory.

Recess at 10:15 a.m. – Reconvened at 10:30 a.m.

IV. DERELICT PROPERTIES

Town Manager Stewart stated that staff would review the Town's process for dealing with derelict properties and they resolved the fact that properties have fallen into a state of disrepair and that they were an ugly blight on the community.

Community Development Director Fluegel noted staff had been working on properties located at 80 Avenue E and 4545 Estero Boulevard over the past few months. He discussed how the properties would be suited for redevelopment.

Ken Miller, Building Safety Services Coordinator, pointed out that the Unsafe Building Code was written in 1985 and that it had not been modified since that time. He reviewed the process the Town must follow in order to obtain a final determination and declaration for demolition. He gave an update on the status of properties located at 80 Avenue E and 4545 Estero Boulevard and how the Town had to insure the property owners had due process.

Discussion was held concerning the historical background of 4545 Estero Boulevard and issues related to potential redevelopment of the subject property.

Discussion was held concerning the historical background of 80 Avenue E; the process involved if a property owner wanted to go through the court for final determination and declaration; and issues related to potential redevelopment of the subject property.

Town Manager Stewart pointed out that the 'process' was not the Town's process rather it was a State/Court process. He added that Council may see in the future a request regarding the subject properties.

Discussion ensued regarding the unsafe condition of a structure and the applicability of State law and the need to provide due process.

Town Attorney Miller noted that the Town may want to consider a way to incentivize the demolition of derelict structures.

Discussion ensued regarding the process for demolition of unsafe and derelict buildings and consideration of potential amendments to the process.

Vice Mayor Raymond questioned the factor when derelict buildings become unsafe structures that threaten other structures in the neighborhood.

Discussion ensued concerning unsafe structures.

Mayor Kiker suggested the Town Attorney work to develop a category to accommodate a 'safety structure problem' and reserve property rights so in the meantime the building could be demolished.

Consensus was in agreement to have the Town Attorney research the legality of a category to accommodate a 'safety structure problem'.

V. C.O.P. TASK FORCE DISCUSSION

Town Attorney Miller reported she spoke with an attorney from the Ethics Commission who informed her that it would be about another week to 10 days before they could forward her their formal opinion on the C.O.P. Task Force; therefore, it was her legal opinion that the Council not discuss/review the materials provided by the C.O.P. Task Force.

Mayor Kiker announced that the topic of the C.O.P. would require a new hearing which would require two public hearings. He asked the Town Attorney to suggest at the Council's Regular Meeting tonight a viable date to begin the hearings.

Discussion was held concerning how the Ethics Commission might impact the time frame for the public hearings on the C.O.P., and when to possibly schedule the public hearings.

VI. ADJOURNMENT

Meeting adjourned at 11:05 a.m.

Adopted 8-6-12 With/Without changes. Motion by List/Kosmoski

Vote: 5-0

Michelle D. Mayher, Town Clerk

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