



Fort Myers Beach Town Council

**Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Monday, March 20, 2023

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veatch and Council Member Woodson.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member King moved to approve the agenda; second by Mayor Allers. Motion carried unanimously.

V. PUBLIC COMMENT

Jeanne Guzy, resident, commented about using a maximum square footage allowed instead of the 40% build rule and questioned why they went to 30 feet for a maximum height instead of 25. She asked about allowing 30% of the ground floor to be enclosed. She added that she sent an email to Council regarding workforce housing but did not receive an answer. She appreciated all the work the Town had done to clean things up.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Atterholt commented about the insurance companies and others denying service to residents. He called on the State to audit the most egregious offenders because some companies were not paying legitimate claims.

Council Member Veatch mentioned the sign painters and recognized the FGCU women's (Florida Gulf Coast University) basketball team.

Council Member Woodson recognized Beach Talk Radio and the Sunset Celebration in Times Square and noted that they would be hosting a 5K race on Mother's Day.

Council Member King thanked Joe Orlandini for helping build a home and thanked

Mike and Dawn Miller from The Whale for contributing \$100,000.00.

Mayor Allers commented that the Sunset Celebration was fun, and everyone enjoyed it.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. APPROVAL OF MINUTES

A. Town Council - March 6, 2023

Council Member King moved to approve the minutes; second by Council Member Woodson.

Motion carried unanimously.

IX. PRESENTATION

A. The Corradino Group

LDC / Comp. Plan Updates

No presentation.

X. CONSENT AGENDA

Vice Mayor Atterholt moved to approve the consent agenda; second by Council Member King.

Motion carried unanimously.

A. Resolutions 23-28 and 23-29; State of Local Emergency

Resolutions 23-28 & 23-29 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Atterholt moved to approve the resolutions; second by Council Member King.

Motion carried unanimously.

XI. PUBLIC HEARINGS

A. 6240 and 6230 Estero Blvd - Carousel Residential Planned Development (RPD)

2nd Reading and Public Hearing on proposed Ordinance 23-06 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 18-11, AND AMENDING THE SCHEDULE OF USES FOR THE RESIDENTIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 6240 AND 6230 ESTERO BLVD., FORT MYERS BEACH; PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER

CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the second reading and final adoption of the ordinance.

Mayor Allers read the title of the ordinance. Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: Mayor Allers disclosed a drive-by and nothing from the other members.

Ken Gallander represented the Carousel beach development and appreciated the Council's consideration.

Community Development Senior Planner Jason Smalley reviewed the purpose of the request for an outdoor area on the roof.

No public comment.

Council Member Veach moved to approve the ordinance; second by Council Member King.

Motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

A. RFQ-20-22-AD Ongoing Miscellaneous Professional Services Amendment #1

Adopt Resolution 23-23 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENTS BETWEEN THE TOWN AND THE FIRMS SELECTED UNDER TOWN SOLICITATION RFQ-20-22-AD FOR ONGOING MISCELLANEOUS PROFESSIONAL SERVICES TO CONFORM TO 2 CFR; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Attorney Herin, Jr. explained that 2 CFR related to FEMA reimbursements.

Council Member Veach moved to approve the resolution; second by Council Member Woodson.

Motion carried unanimously.

B. Amended and Updated FY22-23 Town Wide Fee Schedule

Adopt Resolution 23-24 entitled: A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING AND IMPLEMENTING, BY REFERENCE, THE FY2022-2023 TOWN WIDE FEE SCHEDULE. UNLESS PROHIBITED BY STATE LAW OR THE TOWN CHARTER, PROVIDING FOR CODIFICATION, CONFLICT OF LAW, SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. Town Attorney Herin, Jr. noted this action was to adopt modified fees. He added that the violation fines were increased and implemented administratively when tickets were generated and fees for personal watercraft, parasailing and beach furniture would be

prorated administratively and increased by 3% across the board. Interim Town Manager Wilkins will revise the resolution to include changes. Council Member Woodson questioned whether fees for additional bedrooms were revised. Mayor Allers suggested discussing the issue when the resolution comes back at the next meeting.

Mayor Allers moved to continue Resolution 23-24 to the next meeting; second by Council Member King.
Motion carried unanimously.

C. ITB- 23-06-PW- Town Road Signs

Adopt Resolution 23-25; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING V&H CONSTRUCTION INC. AS THE TOP RANKED RESPONSIBLE AND RESPONSIVE BIDDER TO ITB-23-06-PW "ROAD SIGNS"; APPROVING AN AGREEMENT BETWEEN THE TOWN AND V&H CONSTRUCTION INC. FOR THE INSTALLATION OF NEW TOWN ROAD SIGNS; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A FINAL AND BEST OFFER AND EXECUTE THE AGREEMENT, AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. Mayor Allers questioned the large spread between the lowest and second lowest bidder. Council Member Veach referred to the blue sheet for details. Mayor Allers read a section from the blue sheet concerning retaining the homemade signs. Interim Town Manager Wilkins commented that the handwritten signs might be in the town or county's right-of-way, depending on placement. Mayor Allers questioned whether the county was responsible for paying for signs on Estero Blvd. Town Attorney Herin, Jr. stated the town was asking the contractor to install signs on streets owned by the town. Interim Town Manager Wilkins noted FEMA would reimburse the town. He indicated that he would contact the company regarding creative signs.

Council Member King moved to adopt Resolution 23-25; second by Mayor Allers.
Motion carried unanimously.

D. RFQ-20-06-AD; On-Going Professional Services for Environmental Assessments & Marine Engineering

Adopt Resolution 23-27; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS, FLORIDA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ONE YEAR RENEWALS OF THE PROFESIONAL SERVICES AGREEMENTS BETWEEN THE TOWN AND THE ENVIRONMENTAL ENGINEERING FIRMS SELECTED UNDER RFQ-20-06- AD "ENVIRONMENTAL ASSESSMENTS AND MARINE ENGINEERING"; AND PROVIDING AN EFFECTIVE DATE

Mayor Allers read the title of the resolution.

Council Member Veach moved to adopt Resolution 23-27; second by Council Member King.

Motion carried unanimously.

XIII. FINAL PUBLIC COMMENT

No public comment.

XIV. TOWN MANAGER'S ITEMS

Interim Town Manager Wilkins introduced the new Finance Director, Joe Onzick. He reviewed his experience. Interim Town Manager Wilkins added that new hires included a utility manager, a permit technician, an HR Manager and a contract specialist. Posted positions included three maintenance workers, a town manager and a utility customer service and billing supervisor. Three new BASE ambassadors were also on board and five additional permitting positions would be advertised to replace the third-party providers.

Community Development Director Steve Poposki stated he was looking for a building plans examiner and building inspector and he reviewed the requirements. He described expanding over-the-counter trade permits, such as a new electrical panel, to save time. He explained how to apply for increased cost compliance through insurance carriers to elevate or demolish a home with the Substantial Damage Determination letter. He encouraged property owners to get remodeling permits before doing any work. He indicated that elevated homes did not have to comply with the 50% rule and referred to the flood maps on the website. He encouraged residents to call him with any questions.

Mayor Allers questioned whether it would be beneficial to have a forum to walk through the process of the cost form.

Director Poposki responded affirmatively, and Vice Mayor Atterholt suggested recording the meeting and uploading it on the town's website.

Director Poposki explained the three options to demolish your home, elevate your home or make repairs for under 50%. He added that permits were regularly updated on the town's website and he referred to the Frequently Asked Questions.

Interim Town Manager Wilkins described the function of the Report a Concern button on the website.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. requested permission to schedule an executive session to discuss the pending Jamison litigation. He suggested scheduling the next meeting for 1:00 p.m. on April 17, 2023, or April 6, 2023.

Mayor Allers moved to schedule the shade meeting for the Jamison matter on April 6, 2023, or April 17, 2023; second by Council Member Veach.

Motion carried unanimously.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Atterholt stated that the interlocal agreement concerning the school was not ready, but he was meeting with the superintendent's team and the ad hoc committee at 5:00 p.m. Town Attorney Herin, Jr. indicated that he had a

conference call with the Lee County School Board legal counsel tomorrow.

Council Member Veach would like to see the agreement before it is approved and Town Attorney Herin, Jr. agreed to share the document. Mayor Allers noted that opening Bay Oaks would be delayed for a few months and the town might have to rebid the project again. Vice Mayor Atterholt described how he was working to create an insurance village to handle insurance complaints but felt it was up to the regulator to take action against the bad insurance companies. He will request that links to submit complaints be added to the town's website.

Council Member Veach noted the town was eligible for water disposal grants and he questioned the grants available for hazard mitigation costs and raising houses. Interim Town Manager Wilkins replied that he would provide more information regarding the programs.

Council Member Woodson discussed holding fundraising contests and the King Foundation offered \$50,000.00 for the most creative fundraising events. She noted the contest was for 501(c)(3) corporations and would be held from June through November. She indicated the principal of the beach school was planning a fifth-grade graduation and a school concert in Times Square.

No items from other members.

A. Town Council Policies and Procedures

Adopt Resolution 23-30 entitled: A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING AN AMENDED TOWN COUNCIL POLICIES AND PROCEDURES MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Herin, Jr. stated the resolution was to allow staff to vet the Town Manager and Town Attorney.

Council Member King moved to approve the resolution; second by Council Member Woodson.

Motion carried unanimously.

XVII. ADJOURNMENT

Council Member King moved to adjourn; second by Council Member Woodson. Motion carried unanimously.

The meeting was adjourned at 10:38 a.m.

Minutes adopted, April 3, 2023; Motion by Council Member King and seconded by Council Member Woodson. Passed 5-0.



Amy Baker, Town Clerk