Fort Myers Beach Town Council

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

Minutes **Monday, April 3, 2023** **1:00 PM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER
Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veach 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 final agenda; second by Council Member Veach.
Motion carried unanimously.

V. PUBLIC COMMENT
John McLean, resident, thanked the Council for the public session to meet the candidates.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS
Council Member King noted that he had a nice evening at the Mound House and looked forward to the upcoming ribbon-cutting ceremony.
Mayor Allers also enjoyed the Mound House evening and added that although he would be out of town for the ribbon-cutting event, he would be there in spirit.
Vice Mayor Atterholt recognized and thanked the town's former security guard, Mo, whose last day was Friday. He commented on his friendly demeanor and noted he accepted another position at his home in Miami. He also thanked Donna at the front desk for her service.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS
No items.

VIII. APPROVAL OF MINUTES

A. Management & Planning Session - March 9, 2023
Council Member King moved to approve the minutes; second by Council Member Woodson.
Motion carried unanimously.

B. Town Council Joint Session with LPA - March 9, 2023
LPA Member Boan was erroneously referred to as a Council Member on page 3 and his last name was misspelled.
Council Member King moved to approve the minutes as amended; second by Council Member Woodson.
Motion carried unanimously.

C. Town Council - March 20, 2023
Council Member King moved to approve the minutes; second by Council Member Woodson.
Motion carried unanimously.

D. Town Council Joint Session with LPA from March 20, 2023
Council Member King moved to approve the minutes; second by Council Member Woodson.
Motion carried unanimously.

IX. CONSENT AGENDA

Council Member Veach moved to approve the consent agenda; second by Council Member King.
Motion carried unanimously.

A. <u>Resolutions 23-31 and 23-32; Extension of State of Local Emergency</u>
Adopt Resolutions 23-31 & 23-32 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.
Mayor Allers read the title of the resolution.
Council Member Veach moved to approve the resolutions; second by Council Member King.
Motion carried unanimously.

B. <u>SRF Loan Agreement Amendment 4 - DW360801 - Payment suspension</u>
Authorize the Town Manager to execute Amendment 4 to SRF Loan Agreement DW360801 for the Town of Fort Myers Beach, which will suspend semiannual payment activities in the amount of $ 574,614 until April 15, 2025 while the Town focuses on hurricane restoration efforts.
Mayor Allers read the title of the item.

Council Member Veach moved to approve authorization; second by Council Member King.

Motion carried unanimously.

C. SRF Loan Agreement Amendment 5 - SW360860 - Payment suspension
Authorize the Town Manager to execute Amendment 2 to SRF Loan Agreement SW360860 for the Town of Fort Myers Beach, which will suspend semiannual payment activities in the amount of $ 413,222 until April 15, 2025 while the Town focuses on Hurricane restoration efforts.
Mayor Allers read the title of the item.
Council Member Veach moved to approve authorization; second by Council Member King.
Motion carried unanimously.

X. ADMINISTRATIVE AGENDA

A. 15-minute question and answer session with each of the Town Manager applicants

Andrew Hyatt discussed his idea of public service and described his experiences at Surfside during COVID. He stated that public safety was job number one. He indicated that he would work closely with the town by giving each resident a voice and would address concerns promptly. He mentioned that he would continue to address opportunities to streamline processes. He said he would work with a divided Town Council by establishing relationships and building a team consensus. Mr. Hyatt commented that he preferred the lifestyle of a beach community and looked forward to challenges. He described his experience creating and managing budgets and noted everything began with a good finance director. He added that he was conservative with budgets. He explained how he built relationships with the residents and felt that working with local and federal governments was essential. Mr. Hyatt referred to his experience with the collapse of the condominium at Surfside. He brought up his emergency management experience with Surfside and past hurricanes. He described how he empowered staff members and noted he was a huge proponent of promoting from within.

Seth Lawless explained that he took politics out of local government and would not develop an agenda because he was there to carry out the will of the majority of the Council. He commented that every avenue of communication should be open to the residents for their input. In the event of a divided Council, he would tread lightly and start with building a consensus and providing recommendations on moving forward. Mr. Lawless noted the town was in an ideal location and had been through three storm cleanups and felt he could handle the challenge. He remarked that basic priorities in the budget had to be taken care of before the wants. He brought up identifying outside sources of revenue, such as grants or appropriations, to develop a long-term plan. He felt that sometimes opportunities had to be created regarding relationships with local and federal governments. He highlighted his experience regarding past construction projects.

Mr. Lawless believed in performance evaluations and strategic planning for staff to help them accomplish their goals.

Jeff Shoobridge felt that working in public service was a service call to do what was right by the community and noted that each community member needed to be heard. He stated that community involvement was essential and noted that being available and listening to the community was the only way to create a unified vision. He felt that his job was to work with Council members as individuals and to provide guidance and information when not everyone agreed. He indicated that he grew up in Cape Coral and was coming home. He felt he was the person who could step in and help to organize rebuilding to maintain the small-town atmosphere. Mr. Shoobridge described how he saved one town's budget from losing $500,000.00 per year through proper budgeting. He added that transparency in the budget was essential and described how he worked with department heads. He explained that his relationships with the governor and legislature in MN resulted in savings for utilities, sewer, stormwater and drinking water infrastructure along a corridor. Mr. Shoobridge explained his varied background and felt his skill set allowed him to engage productively and effectively with people from all walks of life. He stated that honest communication and setting expectations for staff were crucial. He described avoiding personal attacks by addressing behaviors. He did not believe in changing things that did not need to be changed. He explained how he dealt with letting someone go and added that respect was vital.

Jeff Wilkins agreed that his job was to serve the Council and the public. He described his experience in transit when he worked in IL to comprehensively serve multiple sectors of the public, which resulted in a successful transportation project. He indicated that incorporating public input into processes early on was important. He commented that he would actively listen to Council members when they were divided over a topic and treat each one individually. He stated that he wanted to be a part of the community and enjoyed the town's challenges. Mr. Wilkins noted that the budget should be linked to prioritized projects and goals. He remarked that he had experience with governmental loans, bond finance and capital planning. He indicated that staff needed to know their roles and supported providing training for them to grow. He mentioned creating cross-functional teams for specific projects.

B. Public Comment regarding prospective Town Manager candidates only

No public comment.

C. Selection of Town Manager

Per Town Council Policies and Procedures, Resolution 23-30: Town Council shall have a 15-minute question and answer session with each of the applicants (previous item). Town Councilors are to have an open discussion of the candidates. Each Councilmember uses the provided ranking sheet to list their order of selection, with 1 being the top choice. The Town Clerk will tally the votes and announce each applicant's combined ranking score with the lowest score being the candidate selected. A contract negotiator from Town Council is selected and the transition period, if necessary, is discussed.

Mayor Allers asked whether Council members were comfortable with making a selection.

Vice Mayor Atterholt noted he found a candidate he thought would make an excellent town manager.

Council Member Veach was comfortable.

Council Member Woodson was not comfortable and felt there should be stronger candidates.

Council Member King was not totally comfortable moving forward.

Mayor Allers felt comfortable moving forward.

Council Member Veach was impressed with Jeff Wilkins because of his experience with bigger communities and projects. He was also impressed with Andrew Hyatt due to his close hurricane experience and his comment regarding involving the CFO regarding budget impacts.

Vice Mayor Atterholt commented that the interim town managers were not interested in the position. He felt Andrew Hyatt had a spectacular resume and his Surfside experience could help. He noted that Mr. Hyatt adequately addressed why he left Surfside. His second choice was Jeff Wilkins, but he said that his lack of Florida experience put him at a disadvantage.

Council Member Woodson stated that Hyatt and Wilkins were her top two candidates, but Mr. Hyatt gave her a red flag when he made a diversity comment. She could not proceed with Mr. Hyatt even though he was her number one choice.

Mayor Allers supported Mr. Hyatt as the top candidate.

Council Member Veach felt that Mr. Wilkins was a better listener, although his lack of Florida experience made him pause.

Town Clerk Baker tallied the votes and Andrew Hyatt received the lowest score at 5, Seth Lawless received a 12, Jeff Wilkins received a 13 and Jeff Shoobridge received a 14.

Vice Mayor Atterholt recommended that Council Member Woodson be the liaison from the Council to participate in contract negotiations with the interim town managers and town attorney. Council Member Woodson agreed along with the rest of the Council.

Vice Mayor Atterholt moved to authorize the interim town managers, town attorney and Council Member Woodson to enter into negotiations and bring back a contract recommendation by April 17, 2023; second by Council Member Veach.

After a short break, Town Clerk Baker revealed that the scores HAD BEEN re-tallied and were initially read incorrectly. Andrew Hyatt received a 5, Jeff Wilkins received an 11, and Seth Lawless and Jeff Shoobridge tied at 14.

Mayor Allers welcomed Andrew Hyatt to the town. Mr. Hyatt thanked everyone and appreciated the opportunity.

D. ITB-23-10-AD Emergency for Temporary Relocation

Adopt Resolution 23-26 entitled; A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS, FLORIDA, ACCEPTING C.E. GLEESON CONSTRUCTORS INC. AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER TO ITB-23-10-AD "EMERGENCY PREPARATIONS FOR TEMPORARY RELOCATIONS; " APPROVING AN AGREEMENT BETWEEN THE TOWN AND C.E. GLEESON CONSTRUCTORS, INC. FOR TEMPORARY RELOCATION WORK; AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT, AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Interim Town Manager Wilkins explained that the resolution was to clean up Bay Oaks. Rudy Garcia represented C.E. Gleeson and stated they expected to complete the job before August 10, 2023. Mr. Garcia mentioned that he might be able to help with opening the school and he offered to donate a US flag and a Florida flag to fly over the temporary town hall. He stated that he was ready to start the work immediately.

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

Motion carried unanimously.

E. RFQ-22-25-AD; Ongoing Misc. Professional Services

Accept the recommended rankings for RFQ-22-25-AD and authorize the Town Manager to enter into negotiations with the top 5 ranked firms under each category for Ongoing Miscellaneous Professional Services.

Council Member King moved to accept the rankings; second by Mayor Allers.

Motion carried unanimously.

F. Public Claims Adjuster

Authorize the Town Manger to waive the procurement policy and execute an agreement with Garrett Claims Group as Public Adjuster.

Interim Town Manager Holley explained that they were authorizing a contingency agreement to bring an adjuster on board and start demolishing the town hall.

Council Member Woodson moved to authorize; second by Council Member Veach.

Motion carried unanimously.

G. RFQ-23-11-TC; Town of Fort Myers Beach General Legal Representation

Selection of Town Attorney

Interim Town Manager Wilkins stated that he received one response from someone who practiced in Clearwater, FL and lived in Babcock Ranch, FL. He recommended that the town amend the requirements and post the position again. He revealed that he called the firm in Clearwater about two weeks ago and had not heard back. Attorney Sanabria explained the certification process and noted it was issued by the Florida Bar and offered a level of protection. He commented that the certificate applied to individual attorneys, not entire firms. He added that the lack of a certificate did not have a practical effect on the town. Interim Town Manager Holley pointed out that the RFA was created by a recovery contractor who left last week and the interim town managers did not feel qualified to respond to inquiries.

Mayor Allers was uncomfortable with moving forward with the one response and supported removing the board certificate to open up the pool of applicants. Council Member Woodson agreed and wanted to look at what the town needed. Interim Town Manager Holley noted that he had an attorney friend who offered to assist in the search for free.

Council Member Veach did not think they needed to look for another attorney with all the town's other problems. Mayor Allers brought up the lack of responsiveness from the current town attorney. Council Member Woodson agreed. Council Member Veach stated that he had no communication issues. Mayor Allers commented that he requested a volunteer form three weeks ago and still did not have one.

Mayor Allers was in favor of accepting interim Town Manager Holley's offer for his attorney friend to assist with the search.

Mayor Allers moved to reject the current bid and to instruct the interim Town Manager to work with the pro-bono firm to redraft the RFQ-RFP to remove the requirement for the board certification but add the word "preferred," and the attorney had to be within the boundaries, but the firm could be outside the boundaries. Motion withdrawn.

Mayor Allers moved to resubmit a solicitation for a town attorney with the amendments discussed; second by Council Member King.

Motion carried 4-1, with Council Member Veach dissenting.

XI. TOWN MANAGER'S ITEMS

Interim Town Manager Holley noted that in the six months since Hurricane Ian, the town had lost several employees. He requested authorization to hire three new staff members who had been on loan from the State in the permitting department. Finance concurred that resources were available to support the positions.

Mayor Allers moved to authorize the interim town managers to hire the three permitting techs to replace those lost; second by Council Member Veach.

Community Development Director Steve Poposki requested four new hires. Interim Town Manager Holley stated that hiring people to review plans and a building inspector was the bigger challenge. He suggested that they hire three permit techs to start and revisit later. He noted they wanted to get the department away from hiring independent contractors to hiring people committed to the community.

Mayor Allers amended his motion to authorize the Interim Town Manager to hire four Permitting Techs; second by Council Member Veach.
Motion carried unanimously.

Interim Town Manager Holley noted the bridge loan application had been submitted last week and he was optimistic the Town would hear something next week. The FEMA bridge loan of $2.5 million was awarded and additional insurance proceeds of about $2.6 million should be received in a week or two. He described a meeting with Lee County Manager Roger Desjarlais regarding the HUD (Housing and Urban Development) money and noted discussions were ongoing.

XII. TOWN ATTORNEY'S ITEMS

No items.

XIII. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Atterholt indicated that the interlocal agreement negotiations with the Lee County School District were ongoing and a draft was not ready yet. The district requested an informal cone of silence until an agreement was final. The draft will be distributed as soon as it is ready.
Council Member Veach described a hazard mitigation grant program of up to $150,000.00 to raise or rebuild a house. He encouraged people to visit the town's website to qualify for the program without risk. He noted that he was told the town qualified for USDA (U.S. Department of Agriculture) funding. He requested that Tidal Basin keep the Council updated on the status of grants and loans and Mayor Allers supported his request. Interim Town Manager Wilkins agreed and will request a monthly update.
Council Member Woodson noted the town finally had mail delivery service and thanked Vice Mayor Atterholt for his work.
Council Member King added that his neighbor was happy to receive mail even though it was all bills.

XIV. ADJOURNMENT

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

The meeting was adjourned at 3:50 p.m.

Minutes adopted, April 17, 2023; Motion by Council Member King and seconded by Council Member Woodson. Passed 5-0.

Amy Baker

Amy Baker, Town Clerk