



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

AMENDED Agenda

Tuesday, June 20, 2023

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. PUBLIC COMMENT**
- VI. PRESENTATION**
- VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
 - A. Resolution 23-62, Times Square Clock Donation
Approve Resolution No. 23-62 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION AND OWNERSHIP OF A REPLACEMENT CLOCK PREVIOUSLY LOCATED IN THE TIMES SQUARE AREA FROM GEORGE AND LINDA MERSCHMAN; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.
 - B. Resolution 23-68; 7-Eleven Donation for Ball Field Restoration Work
Approve Resolution No. 23-68 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING THE DONATION OF \$25,000 FROM 7-ELEVEN FOR BALL FIELD RESTORATION WORK AT BAY OAKS RECREATIONAL CAMPUS; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.
- VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
- IX. APPROVAL OF MINUTES**
 - A. Town Council - June 5, 2023

X. CONSENT AGENDA

- A. Resolutions 23-54 through 23-60; Extending Local State of Emergency
Approve Resolutions No. 23-54 through 23-60, all 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.
- B. Resolution 23-66; 1054 Fifth Street
Approve Resolution No. 23-66 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO TRANSFER TITLE OF THE PROPERTY LOCATED AT 1054 FIFTH STREET, FORT MYERS BEACH, FL 33931 (STRAP NO. 24-46-23-W3-00206.0050) TO LEE COUNTY; AND PROVIDING AN EFFECTIVE DATE.
- C. Resolution 23-53; Stormwater Grant Acceptance
Approve Resolution No. 23-53 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$10 MILLION DOLLAR GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY'S HURRICANE STORMWATER AND WASTEWATER ASSISTANCE GRANT PROGRAM AND AUTHORIZING THE TOWN MANAGER'S EXECUTION OF ANY ASSOCIATED GRANT DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.
- D. Special Event - Off Duty Fishing Series
Moss Marine is hosting an off-duty fishing event to benefit FMB Fire Control District.
- E. RFP-23-03-UT, Earthview First Amendment
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO CONTINUE SERVICES; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

- F. Resolution 23-63, Town Road Signs
Approve Resolution No. 23-63 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING AMERICAN INFRASTRUCTURE SERVICES AS THE TOP RANKED RESPONSIBLE AND RESPONSIVE BIDDER TO ITB-23-17-PW "ROAD SIGNS"; APPROVING AN AGREEMENT BETWEEN THE TOWN AND AMERICAN INFRASTRUCTURE SERVICES 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.
- G. RFP-23-14-PW Debris Monitoring
Approve the Selection Advisory Committee's recommendation in response to RFP-23-14-PW entitled Disaster Debris Monitoring, and authorize the Town Manager to negotiate and execute an agreement with Tetra Tech, Inc.
- H. Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.
Authorize the Town Manager to sole source Turtle Time Inc. services for sea turtle nest monitoring and relocation in the emergency berm project area.
- I. Direct Staff to place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.
Direct Staff on whether to place sand waterward of the Erosion Control Line for beachfront properties that do not sign the Town's Easement to place sand landward of the Erosion Control Line.

XI. PUBLIC HEARINGS

- A. Ordinance 23-09; Amending the conditions for the Commercial Planned Development Zoning
First Reading and Public Hearing on proposed Ordinance 23-09 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH ORDINANCE NO. 18-04, AND AMENDING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP

PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on August 7, 2023 at 9:00 a.m.

B. 645 Old San Carlos CPD Amendment

Second reading and public hearing on proposed Ordinance 23-10 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 17-39, AND AMENDING THE AREA FOR CONSUMPTION ON PREMISES AND THE MASTER CONCEPT PLAN FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 645 OLD SAN CARLOS 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.

C. Residential setbacks in the Downtown Zoning District

Second Reading and Public Hearing on proposed Ordinance 23-11 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 5, SUBDIVISION II. DOWNTOWN ZONING DISTRICT, SECTION 34-674 BUILDING PLACEMENT; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

D. Ordinance 23-12 to amend Table 34-3 Dimensional Regulations in Conventional Zoning Districts

Second Reading and Public Hearing on proposed Ordinance 23-12 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

- E. Resolution 23-64; VAR20230060, 106 Hibiscus Drive
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230060 TO ALLOW HIBISCUS DRIVE FRONTAGE THE FRONT STREET AND ESTERO BOULEVARD THE SIDE STREET; TO SWITCH SIDE AND REAR SETBACKS; TO REDUCE HIBISCUS DR SETBACK FROM 25 FEET TO 15 FEET 10 INCHES; AND TO REDUCE THE SIDE SETBACK FROM 7.5 FEET TO 5.5 FEET.
- F. Resolution 23-65; VAR20230055, 718 Estero Blvd.
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENY VARIANCE VAR20230055 TO ALLOW 2.5 FEET IN EAST SIDE SETBACK FOR THE PROPERTY LOCATED AT 718 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE.

XII. ADMINISTRATIVE AGENDA

- A. Resolution 23-67; FY:23/24 Tentative Millage Rate
Approve Resolution No. 23-67 entitled: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF 1.1200 MILLS FOR FISCAL YEAR 2023-2024 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2023-2024; AND PROVIDING AN EFFECTIVE DATE.
- B. Resolution 23-70; Truist Public Fund Checking **NEW**
Approve Resolution updating Town representatives, signatories and users of the Town's Truist Public Fund Checking Account f/k/a SunTrust Bank
- C. Resolution 23-71; Truist Business Credit Card Account **NEW**
Approve Resolution updating Town representatives, signatories and users of the Town's Truist Business Credit Card Account f/k/a SunTrust Bank
- D. Farmers Market Under the Bridge requesting use of property.
Shop Local Productions is requesting a special event permit to hold Saturday Farmer's Markets in Fort Myers Beach.
- E. RFQ-20-22-AD, STA #8
Motion to approve STA #8 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.

XIII. FINAL PUBLIC COMMENT**XIV. TOWN MANAGER'S ITEMS****XV. TOWN ATTORNEY'S ITEMS****XVI. COUNCILMEMBERS ITEMS AND REPORTS**

A. Indemnification and Hold Harmless Agreement.

XVII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.