



Fort Myers Beach Town Council

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

AMENDED Agenda

Monday, August 7, 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. LOCAL ACHIEVEMENTS AND RECOGNITIONS
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS
- VIII. PRESENTATION

NEW A. Evergreen Solutions
Compensation and Classification Study

IX. APPROVAL OF MINUTES

- A. Town Council June 20, 2023
- B. Management & Planning Session June 22, 2023
- C. Special Town Council June 26, 2023

X. CONSENT AGENDA

- A. Resolutions 23-77 & 23-78: Extending Local State of Emergency
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 23-79; BankUnited Signatory Authority
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN CERTIFICATES OF DEPOSIT(S) AND ANY OTHER TOWN ACCOUNTS WITH BANKUNITED: PROVIDING AN EFFECTIVE DATE.
- C. Resolution 23-81; Florida Municipal Investment Trust
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, AUTHORIZING TOWN OFFICIALS ACCESS AND AUTHORITY ON TOWN ACCOUNTS THROUGH THE FLORIDA MUNICIPAL INVESTMENT TRUST; PROVIDING AN EFFECTIVE DATE.
- D. Resolution 23-83; Broadening Allowable Use of ARPA Funds
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR GOVERNMENT SERVICES AND INFRASTRUCTURE; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. Resolution 23-82; Purchase of Ford F-150 Trucks
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A PIGGYBACK CONTRACT BETWEEN THE TOWN AND SAM GALLOWAY FORD IN AN AMOUNT NOT TO EXCEED \$120,000.00, UTILIZING LEE COUNTY CONTRACT 031121, AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT, EXPEND FUNDS, AND TAKE ALL APPROPRIATE ACTIONS TO PURCHASE THREE F150'S FOR NEW HIRES OF BUILDING INSPECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.
- F. ITB 23-10-AD Amended Contract Services
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING A CHANGE ORDER TO THE CE GLEESON CONTRACT FOR ARCHITECTURAL DESIGN OF BAY OAKS REC CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. Beach Maintenance Lift Truck
Approving the direct purchase of a beach maintenance lift truck in the amount not to exceed \$190,000 as budgeted in the Town and TDC Grant Request for the current fiscal year from TruckMax, waiving the Town's competitive procurement policies and procedures and authorizing the Town Manager to execute any purchasing documents.
- H. Additional funds for Calvin, Giordano & Associates
Requesting approval to allocate additional building enterprise funds towards contractual services in the amount of \$300,000. Contractual services include vendors such as Calvin, Giordano & Associates, who provide plans examining and building code inspection services for the Town of Fort Myers Beach. This allocation of funds is necessary to enable the Town to continue plans examining and inspecting operations for building permits for the remainder of FY2023.

- I. RFQ-20-22-AD; Misc. On-Going Professional Services
Motion to approve STA #9 authorizing the appropriation of additional funds for Axis International to continue to provide planning and zoning professional services.
- J. Use of Town's logo by FMB Community Foundation
Approve use of the Town's circular logo by the FMB Community Foundation for a fundraiser.

XI. PUBLIC HEARINGS

- A. Ordinance 23-09; TPI FMB
Second 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.
- B. Resolution 23-80; SEZ 20230052 / 1249 Estero
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230052 TO AMEND RESOLUTION 13-09 CONDITIONS OF APPROVAL WHICH LIMITED THE AREA OF CONSUMPTION ON PREMISES TO THE BUILDING AND DID NOT ALLOW LIVE MUSIC FOR THE PROPERTY LOCATED AT 1249 ESTERO BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE
- C. Resolution 23-72, VAR20230078- 432/434 Harbor Court
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230078 TO REDUCE REAR YARD SETBACK BY 5 FEET, FROM THE REQUIRED 20 FEET TO 15 FEET FOR THE PROPERTY LOCATED AT 432/434 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE
- D. Resolution 23-73, VAR20230062- 405 Harbor Court
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT

MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230062 TO REDUCE THE HARBOR COURT STREET SETBACK BY 17 FEET, FOR AN 8 FOOT SETBACK WHERE 25 FEET IS REQUIRED FOR THE PROPERTY LOCATED AT 405 HARBOR COURT; AND PROVIDING FOR AN EFFECTIVE DATE

- E. Resolution 23-76, VAR20230063-810 Third St

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230063 VARIANCE OF 12 FEET, 8 INCHES FROM THE REQUIRED 25 FOOT STREET SETBACK. FOR THE PROPERTY LOCATED AT 810 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

- F. Resolution 23-74, VAR20230061- 800 Third Street

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230061 TO REDUCE THIRD STREET SETBACK BY 2.5 FEET, FROM THE REQUIRED 25 FEET; TO REDUCE THE SIDE SETBACK BY 2.5 FEET, FROM THE REQUIRED 7.5 FEET; AND TO REDUCE REAR WATERBODY SETBACK BY 7.5 FEET, FROM THE REQUIRED 25 FEET FOR THE PROPERTY LOCATED AT 800 THIRD STREET; AND PROVIDING FOR AN EFFECTIVE DATE

- G. Resolution 23-82; VAR 20230057 - 4830 Coral Rd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230061, FOUR VARIANCES FROM LDC TABLE 34-3 FOR TWO LOTS, TO DECREASE REQUIRED LOT WIDTH BY 28.75 FEET FROM THE REQUIRED 75 FEET AND LOT AREA BY 2,412.5± SQUARE FEET FROM THE REQUIRED 7,500 SQUARE FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 4830 CORAL RD; AND PROVIDING FOR AN EFFECTIVE DATE

- H. Resolution 23-75, VAR20220027- 4601 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20220027 TO ALLOW A SWIMMING POOL CLOSER TO THE ESTERO BOULEVARD STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING FOR THE PROPERTY LOCATED AT 4601 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE

XII. ADMINISTRATIVE AGENDA

- A. RFQ-23-16-TC; Legal Services Agreement
Authorize legal services agreement with Vose Law Firm - either Version 1 or Version 2
- B. Floor Area Ratio Discussion
Provide input to the way Floor Area Ratio is calculated

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