



Fort Myers Beach Town Council

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

Agenda

Monday, October 2, 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
 - A. Friends of the Mound House
 - B. Let's Go FMB
- VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS
- VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS
 - A. Local Planning Agency
Appoint Members to the FY2023-2024 Local Planning Agency (LPA)
 - B. Anchorage Advisory Committee
Appoint Members to the FY2023-2024 Anchorage Advisory Committee (AAC)
 - C. Audit Committee
Appoint Members to the FY2023-2024 Audit Committee
 - D. Bay Oaks Recreational Campus Advisory Board
Appoint Members to the FY2023-2024 Bay Oaks Recreational Campus Advisory Board (BORCAB)
 - E. Cultural and Environmental Learning Center Advisory Board
Appoint Members to the FY2023-2024 Cultural and Environmental Learning Center Advisory Board (CELCAB)
 - F. Marine and Environmental Resources Task Force

Appoint Members to the FY2023-2024 Marine and Environmental Resources Task Force (MERTF)

G. Public Safety Committee

Appoint Members to the FY2023-2024 Public Safety Committee (PSC)

IX. APPROVAL OF MINUTES

X. CONSENT AGENDA

A. Special Event: Santini Farmers Market

Requesting permission to hold a recurring special event

B. Moss Marine Farmers Market

Requesting permission to hold a Farmers Market at Moss Marine from November 1, 2023 through April 24, 2024 from 7 am - 2pm with set up and break down of event.

C. Communication Plan

Adopt Annual Communication Plan for 2023-24

XI. PUBLIC HEARINGS

A. Ordinance 23-15; Owner Builder Permit

First Reading and Public Hearing: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 6-325, "OWNER-BUILDER EXEMPTION", OF DIVISION 5, "CONTRACTOR LICENSING", OF ARTICLE II, "BUILDING CODES", OF CHAPTER 6, "MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS", OF THE CODE OF THE TOWN OF FORT MYERS BEACH, TO CLARIFY WHO IS ELIGIBLE FOR AN OWNER-BUILDER PERMIT, PROVIDING FOR CONFLICTS OF LAW; SCRIVENER'S ERRORS; SEVERABILITY; AND AN EFFECTIVE DATE.** Open the first public hearing and schedule for second reading and final adoption on October 16, 2023 at 9:00 a.m.

B. Ordinance 23-13; Amending EC Zoning/Location of Construction Near Beaches

First Reading and Public Hearing: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, SECTION 34-652 ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AND CHAPTER 6, ARTICLE III., DIVISION 2, SECTION 6-366 LOCATION OF CONSTRUCTION NEAR BEACHES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.** Open the first public hearing and schedule for second reading and final adoption on October 16, 2023 at 9:00 a.m.

C. Ordinance 23-14; Administrative Setback Variances

First Reading and Public Hearing: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE II., DIVISION 6, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S**

ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on October 16, 2023 at 9:00 a.m.

- D. Resolution 23-123; VAR20230071, 185 Jefferson Street

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230071 AN INCREASE OF 2 FEET TO ALLOWABLE FENCE HEIGHT WITHIN THE FRONT SETBACK; TO ALLOW CHAIN LINK FENCE TO EXTEND 19 FEET INTO THE FRONT SETBACK; TO ALLOW A FENCE WITHIN THE VISIBILITY TRIANGLE BETWEEN 2 AND 6 FEET ABOVE GRADE; AND PROVIDING FOR AN EFFECTIVE DATE.

XII. ADMINISTRATIVE AGENDA

- A. Resolution 23-122; Mooring Field Systems Purchase

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND AMERICAN UNDERWATER CONTRACTORS, INC. FOR THE SOLE SOURCE PURCHASE OF 70 MOORING SYSTEMS FOR A COST OF \$ 194,410.00.

- B. Resolution 23-124; Stewart Materials

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND STEWART MATERIALS FOR THE SOLE SOURCE PURCHASE OF 26,460 TONS OF BEACH COMPATIBLE SAND FOR A COST OF \$313,551.00.

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 TELEVISED LIVE ON COMCAST CHANNEL 98.

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



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town

			Clerk's Office.
--	--	--	------------------------

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.

1. **Requested Motion:**

Meeting Date: October 2, 2023

Appoint Members to the FY2023-2024 Local Planning Agency (LPA)

Why the action is necessary:

Three seats on the Local Planning Agency expired September 30, 2023, leaving three vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADVISORY COMMITTEES ITEMS
/ REPORTS / APPOINTMENTS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Ordinance 09-08 amended the membership terms of the Local Planning Agency, providing membership to be composed of no less than five members and no more than seven.

The objectives of the Local Planning Agency (LPA) are to further the welfare of the citizens of the town by helping to promote a better, more positive community environment and to ensure that the unique, natural characteristics of the island are preserved.

There are currently seven members on the Local Planning Agency, three of whom have terms which expired on September 30, 2023 (Boan, Cereceda and Plummer), leaving three vacancies. **Three members: James Boan, Anita Cereceda and Jane Plummer have submitted an application for reappointment.**

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 8, 2023. **The Town has received two new applications from Darcy Grout and Joseph Pugliese.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Boan, James
2. Cereceda, Anita
3. Grout, Darcy
4. Plummer, Jane
5. Pugliese, Joseph

Financial Impact:

6. **Alternative Action**

Do not appoint/reappoint members and advertise for the vacancies

7. **Management Recommendations:**

Appoint /reappoint members to the committee

8. **Recommended Approval:**

Amy Baker, Town Clerk

Amy Baker, Town Clerk

Gretchen R.H. Vose, Town Attorney

Amy Baker, Town Clerk

Andy Hyatt, Town Manager

Created/Initiated - 9/19/2023

Approved - 9/21/2023

Approved - 9/21/2023

Approved - 9/26/2023

Final Approval - 9/26/2023



Town of Fort Myers Beach

AUG 24 2023

Received by: _____

Town of Fort Myers Beach Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: August 25, 2023

Name: BOAN JAMES S
Last First Middle initial

Telephone Number: 630-284-0022

Email Address: jdam3@comcast.net

Home Address: 21067 SAINT PETERS DR FMB

Mailing Address _____

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? LOCAL PLANNING AGENCY

If yes, when is your term expiration? OCT. 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☒ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I AM ASKING TO BE REAPPOINTED TO THE LOCAL PLANNING AGENCY. I HAVE THE TIME AND DESIRE TO HELP REBUILD FMB

Community Involvement:

MEMBER OF LPA
MEMBER "LET'S GO FMB"

Interests / Activities:

PICKLEBALL, READING, HOME PROJECTS + LANDSCAPING

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

James Bown

Date

8/25/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

August 25, 2023

RE: Request for consideration of reappointment to Local Planning Agency.

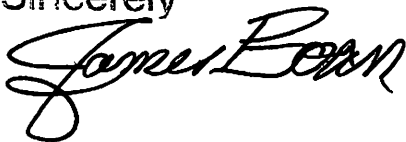
Honorable Mayor Allers and Council Members.

I would like to request your consideration for my reappointment to the Local Planning Agency (LPA). My term expires in October. I believe my legal background adds a different perspective to the planning and engineering expertise that already exists on the LPA. I have attached a copy of an announcement that was issued by the last firm I was employed by. It sets forth some of my professional experience.

I am a full time resident of Fort Myers Beach and am retired. I have the time and desire to put in the work to help rebuild Fort Myers Beach.

I appreciate you consideration.

Sincerely

A handwritten signature in black ink, appearing to read "James Bean". The signature is written in a cursive, flowing style with a large initial "J" and "B".

JAMES S. BOAN (OF COUNSEL)

James Boan brings nearly 45 years of public service to the Odelson & Sterk, Ltd. team. He earned his undergraduate degree from the University of Illinois at Urbana-Champaign in 1973, his Master's Degree from George William College in 1978, and his Juris Doctorate from Northern Illinois University College of Law in 1983. He is admitted to practice in the U.S. District Court for the Northern District of Illinois.

Early in his career, Jim held Superintendent and Director positions with the Bolingbrook Park District. He served as Village Administrator and then Chief of Staff in Bolingbrook from 1997 until 2001 when he became Village Attorney, a position he has held for nearly 20 years. As Village Attorney, his practice focuses on local governmental matters, real estate, finance and taxation, and planning, zoning, annexation and land use.

Jim is active in the Will County Governmental League and the

Illinois Municipal League Home Rule Attorneys Committee. He is a member of the Illinois State Bar Association and was the former Chairman of the Kendall County Board. In April 2011, the Bolingbrook Park District formally dedicated 27 acres of open woodlands as the James S. Boan Woods at the Hidden Oak Conservation Area in Bolingbrook in recognition of his many years of public service. Recently, Jim was awarded the Bolingbrook Chamber of Commerce Lifetime Achievement Award.

He joins the firm as Of Counsel where he will provide consultation on local government, finance, land use, zoning, and economic development matters.



RECEIVED

By Amy Baker at 12:53 pm, Aug 18, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 08/18/23

Name: CERECEDA ANITA T T
Last First Middle initial

Telephone Number: (239) 218-1450

Email Address: fmbanita22@gmail.com

Home Address: 185 JEFFERSON STREET

Mailing Address 14961 REFLECTION KEY CIRCLE FT MYERS FL 33907

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? LPA

If yes, when is your term expiration? OCTOBER 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☒ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

To assist the Town Council in furthering the goals and objectives of the Comprehensive Plan at this critical juncture.

Community Involvement:

Town committees and council 1995-current
FMB Community Foundation
FMB Womans Club

Interests / Activities:

Travel
reading research
beach

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Date

08/18/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

August 18, 2023

Mayor and council,

I have submitted my application for reappointment to the LPA. I hope that my service is of benefit to the town, and to you as council members, as we progress through this incredibly challenging time.

I am available to speak to you if you would like to talk about any issues coming forward on our agenda or any issue facing the Town of FMB.

Thank you very much for your consideration.

Kind regards,

Anita



Town of Fort Myers Beach
SEP 07 2023
Received by: _____

Town of Fort Myers Beach Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/07/23

Name: Grout Darcy J
Last First Middle initial

Telephone Number: (860) 908-9312

Email Address: darcygrout@gmail.com

Home Address: 8080 Lagoon Road, Fort Myers Beach, FL 33931

Mailing Address Same

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☒ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

My husband and I moved to FMB in early 2020 (pre-COVID). We are currently repairing our home due to lan damage. My husband's family has been on FMB for 30 years. My family in Connecticut was in the building and land development business for 40+ years. I have been listening to the LPA and Council meetings and would like to help. I find the discussion very interesting. I am retired and have the time to volunteer and hopefully help.

Community Involvement:

I have volunteered for projects with the Laguna Shores HOA for clean up and landscaping project for the neighborhood.

Interests / Activities:

Gardening, cooking, fishing, boating

You may attach a resume in addition to the above information.

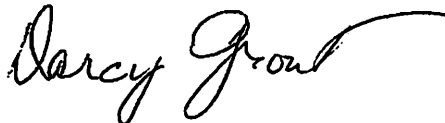
Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

09/07/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

Darcy J Grout

8080 Lagoon Rd, Fort Myers Beach, FL

 darcygrout@gmail.com

 8609089312

 [linkedin.com/in/darcy-grout-99112a4](https://www.linkedin.com/in/darcy-grout-99112a4)

Summary

A highly motivated professional with 30 years of expertise in clinical operations with an established track record of leading projects and teams to achieving increased productivity through continuous process and use of technology. Effective communicator with highly developed change management skills with demonstrated ability to quickly and efficiently to implement adaptations to the business environment. Possess an excellent understanding of the clinical drug development process as well as technical background to work effectively with IT organizations in the development and implementation of new systems.

Experience

Retired

None

May 2022 - Present (1 year 5 months)

Director, Information Management

Pfizer

Jan 2019 - May 2022 (3 years 5 months)

Managed a team of 10 employees and 15 consultants responsible for the technical development, testing, implementation and management of regulatory aggregate data solutions. Successfully managed budgets (\$14 million) related to technical development, implementation, technical and user support.

Product Owner Reference Data Systems

Pfizer

Jun 2012 - Jan 2019 (6 years 8 months)

Provide strategic direction and operational oversight of delivery of the aggregation reporting environment to meet business requirements of Pfizer Global Research and Development. Determine the schedule and fit for purpose functionality of the systems to deliver data that maximizes organizational understanding of Clinical Trials and quality to achieve operational and strategic goals. Manage assets, processes, and resources to achieve timely delivery associated with system functionality.

Operations Support Manager - Associate Director

Pfizer

Apr 2006 - Jun 2012 (6 years 3 months)

Develop and implement strategy for integration of acquired data into Pfizer systems responsible for business requirements, user acceptance testing and documentation.

Develop and implement global business strategy and process for use of systems such as Pfizer's Global Trial Registry and Metrics Reporting systems to support the conduct of clinical trials while performing general business support to a user community which includes more than 8000 global users.

Analyze process and business requirements to identify areas for improvement. Manage the development and implementation of process and system enhancements to improve efficiency and quality.

Develop and implement global business strategy for retirement systems obtained during acquisitions. Projects include migration of processes and data into Pfizer systems while maintaining business continuity for all ongoing development projects.

Process Engineer - Associate Director

Pfizer

Jan 2004 - Apr 2006 (2 years 4 months)

Supported and managed non-drug projects in support of Clinical Development including design and implementation of strategies, charters and project plans to manage strategic projects. Strong emphasis on data and system related activities for acquisitions and mergers.

Responsible for the creation and maintenance of process diagrams in CaseWise Corporate Modeler for blueprinting Pharmaceutical Sciences, Development Operations, Regulatory processes to create a Clinical Trial Process Blueprint.

Business Implementation Manager

Pfizer

Jan 2001 - Dec 2003 (3 years)

Served as Global Business Team liaison to technical, training, and validation groups providing business expertise. Developed and implemented global business strategy for retirement and decommissioning of document management systems.

Education

New England Institute of Technology

AS, Computer Science

1990 - 1991

Skills

Clinical Data Management • Business Analysis • System Migration • Business Process Improvement • Business Strategy • Project Planning • Project Management • Regulatory Compliance • Leadership • Business Communications

**RECEIVED**

By Amy Baker at 8:38 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/05/23

Name: Plummer

Jane

B

Last

First

Middle initial

Telephone Number: (239) 851-9565

Email Address: jbpreator@aol.com

Home Address: 340 Fairweather Ln Ft Myers Beach, FL 33931

Mailing Address same

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? LPA

If yes, when is your term expiration? October 23

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☒ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I have served on the LPA for at least 15 years and have been Vice Chair for many years. I feel that my history of being on the LPA has given me a better knowledge and understanding of the Comprehensive Plan and the LDC than someone new coming on the committee. I know the history of the variances and the CPD's that have come before us. The Town has so much rebuilding to do and I believe history will be important in

Community Involvement:

I served on Bay Oaks Committee for 10 years and was Chair and Vice Chair for many of those years. I was very involved in the Little League and Soccer Leagues at Bay Oaks. I served on the Historical Preservation Committee and was Chair or Vice Chair for many years. I have been a member of the Women's Club on the Island.

Interests / Activities:

I'm a avid audio book reader and listen to about 3 books a week. I love riding my bike and walking the beach. Most of my spare time now goes to repairing my home. I use to love to boat and paddle board but have not replaced those things since IAN. I love the ISLAND LIFE!

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed Jane B Plummer

Date 09/05/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

SEP 8 2023

Received by: _____

Town of Fort Myers Beach Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 9/8/23

Name: PUGLISE
Last

JOSEPH
First

A
Middle initial

Telephone Number: 814 881 4000

Email Address: JPUGLISE@AOL.COM

Home Address: 4660 ESTERO BLVD

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

☐ Anchorage Advisory Committee

☐ Audit Committee

☐ Bay Oaks Recreational Campus Advisory Board

☒ Cultural and Environmental Learning Center Advisory

☐ Board Historic Preservation Advisory Committee

☒ Local Planning Agency

☐ Marine and Environmental Resources Task Force Nuisance

☐ Abatement Board

☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☒ No

Do you have unpaid fines or liens due the Town? Yes ☒ No

Are you a registered voter within the Town's jurisdiction? ☒ Yes No

Are you a resident within the Town's jurisdiction?

☒ Yes No

Are you an owner of real property within the Town's jurisdiction?

☒ Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☒ No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

AS A RESIDENT, I AM CONCERNED ABOUT THE
FUTURE OF OUR ISLAND

Community Involvement:

Interests / Activities:

GOLF, BOATING, BIKE RIDING

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☒ No

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Joseph Pugliese

Date

9/8/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard,
Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

1. **Requested Motion:**

Meeting Date: October 2, 2023

Appoint Members to the FY2023-2024 Anchorage Advisory Committee (AAC)

Why the action is necessary:

One seat on the Anchorage Advisory Committee expired September 30, 2023 leaving four vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADVISORY COMMITTEES ITEMS
/ REPORTS / APPOINTMENTS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statutes, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(a) Anchorage Advisory Committee. The anchorage advisory committee shall advise the Town Council concerning all matters relevant to the management and use of the waters of the Town for mooring and anchoring. The Anchorage Advisory Committee shall prepare and submit the Matanzas Harbor Management Plan and any amendments thereto for review and approval by the Town Council and make recommendations for the establishment of managed municipal anchorages and mooring fields where warranted by objective evidence of environmental damage or user conflicts; or any other topics as assigned by the Town Council.

There are currently only four members on the Anchorage Advisory Committee, one whose term expired September 30, 2023 (Douglas Eckmann), leaving four vacancies. **One member: Douglas Eckmann *, has submitted an application for reappointment.**

*** Per Sec. 2(c) of Ordinance 18-06**

A member may not be a member of another Town of Fort Myers Beach board or committee unless this prohibition is specifically waived by the Town Council during their appointment.

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on

Friday, September 18, 2020. **There are no new applicants for AAC.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Eckmann, Douglas

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

8. Recommended Approval:

Amy Baker, Town Clerk
Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/19/2023
Approved - 9/21/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023

**RECEIVED**

By Amy Baker at 1:14 pm, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/06/20

Name: Eckmann Douglas H
Last First Middle initial

Telephone Number: (941) 374-1010

Email Address: doug.eckmann@gmail.com

Home Address: 120 Sabal Drive, Fort Myers, FL (before Ian)

Mailing Address 4215 Tequesta Drive, Estero, FL 33928

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? LPA and AAC

If yes, when is your term expiration? AAC October 2023

I am applying for appointment to: (Check one)

- ☒ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☐ No ☒

Are you a resident within the Town's jurisdiction?

Yes ☐ No ☒

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Interest in FMB community

Community Involvement:

Current AAC, Current LPA

Interests / Activities:

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Date

09/06/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

1. **Requested Motion:**

Meeting Date: October 2, 2023

Appoint Members to the FY2023-2024 Audit Committee

Why the action is necessary:

Three seats on the Audit Committee expired September 30, 2023, leaving three vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADVISORY COMMITTEES ITEMS
/ REPORTS / APPOINTMENTS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statutes, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

All members of the Audit Committee shall be Town residents who do not have any direct financial or business interests involving the Town. The Town Council may waive the residency requirements by majority vote if there are an insufficient number of applicants who reside in the Town. All members should, through education and experience, possess a basic understanding of governmental financial reporting and auditing. At least one member of the Audit Committee shall have accounting, auditing or related financial management expertise that is specifically relevant to the government sector. The Audit Committee shall advise the Town Council on these matters and other matters pursuant to 218.39 F.S., or any other topic(s) as assigned by the Town Council.

There are currently seven members on the Audit Committee, three of whom have terms which expired September 30, 2023 (Lombard, Hauser and Puffer). **Two members: Michael Hauser and Barbara Puffer have submitted applications for reappointment.**

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 24, 2021. **The Town has received one new application for Audit: Marianne Sheely.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Puffer, Barbara
2. Sheely, Marianne
3. Hauser, Michael

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

Appoint /reappoint members to the committee

8. Recommended Approval:

Amy Baker, Town Clerk
Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/19/2023
Approved - 9/21/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023



Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/06/23

Name: Puffer Barbara W
Last First Middle initial

Telephone Number: (203) 494-2765

Email Address: pufferpro@snet.net

Home Address: 6895 Ester Blvd. #566 Fort Myers Beach 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? Audit

If yes, when is your term expiration? 9/23

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☒ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction? Yes ☒ No ☐
Are you an owner of real property within the Town's jurisdiction? Yes ☒ No ☐
Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

This is a reappointment.

Community Involvement:

My previous application was extensive. Can you refer to that or do I need to redo all of this? Since Hurricane Ian, I have been on the recovery team for Estero Cove Condominium Association and became treasurer of the Association Board.

Interests / Activities:

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S. Yes ☐ No ☒
If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed Barbara W. Puffer Date

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

Please Attach

5/9/2022

Barbara Puffer
Audit App.

~~first application~~ first application

ADDENDUM TO FORT MYERS BEACH COMMITTEE APPLICATION

Why are you seeking appointment to the Audit Committee?

I think I would be a helpful addition to the volunteer team.

I had a 49-year corporate, consulting and college professor career in communications and public affairs at high levels. I know. That expertise doesn't seem to fit. However, I have lots of financial experience...beginning with my presidency/chairmanship of some large non-profit organizations.
(Retired 2022 - 9/23)

- I have owned on the island since 1991 and became a resident in 2009. I was the Hurricane Charley president for Estero Cove, where we had about \$4 million in association and owner damage ...cleared in 9 months. Prior to that, I was EC's treasurer and for more than a decade have been ECs Finance chairman. Our operating budget and our Reserves budget are just below \$1 million each.
- I was an elected member of the Guilford CT Board of Finance from 1991-1995 and then moved up to be one of three elected Selectmen (like your Council) for 1996-1998.
- I was treasurer for the 160+-year-old Guilford Agricultural Society/Guilford Fair, bringing them out of a financial hole around 1992 and last year spearheading fundraising for \$50K and many thousands into a community foundation to bridge COVID deficits.
- I was exec VP overseeing finance, grounds, and human resources committees before rising to be the first woman president of American School for the Deaf in the '90s. Those are a few of my more relevant experiences.
- I am one of fewer than 90 Fellows in my profession worldwide and have received more than 100 awards for my work. I have served in every position from chapter president to the international board and just authored a chapter on business communication ethics published in a global primer on business communications.

Community Involvement:

- I am a two-time breast cancer survivor -- in fact, just doubled my life from the first ordeal. Since then, I have been a fervent fundraiser for Komen Race for the Cure in both CT (where I was on the founding committee) and SWFL Florida. I have been the honored survivor in both places and stood up teams in CT, SWFL, D.C., Dallas, and NYC.
- I have been involved from volunteer, to Board, to speech coach to running the ~~WHO have been involved from volunteer, to Board, to speech coach to running the~~ media center for international winter games with Special Olympics CT and internationally for 43 years and was the first volunteer inducted into the CTSO Hall of Fame.
- I founded and ran a Very Special Arts Festival in CT for 7 years in the '90s and received a Kennedy Foundation award for my work.
- I was the youngest distinguished alum ever (1987) at my undergrad alma mater University of Bridgeport.

- I earned a masters from Fairfield University, where I served for four years on the College of Arts and Sciences Advisory Board and assisted in launching a new major of study. Those are the first that come to mind but there are many more listed on my resume.

Interests/Activities:

- My husband Tom and I have no children but are very involved with extended young family. We even have Puffer "camp" for the youngest, for 3 days in the summer.
- My elderly mother still lives in CT and we maintain a vacation home there. However, Avelo Airlines at New Haven is so close to us and non-stop to Fort Myers that we can easily make quick trips as necessary or desirable. I am also often participating in ZOOM and conference calls -- the most interesting are those for American School for the Deaf where the attendees are hearing and not.
- We love boating on the Gulf and on Long Island Sound.
- I am very active in the Ascension Women's Club and am currently writing their 60th anniversary history (Sept. 2022). *Completed the book with 4-page hurricane Jan supplement. (9/23)*

I can provide references on request.

Barbara Puffer 5/9/2022

Barbara Puffer, MA, Accredited Business Communicator*

Puffer Public Relations Strategies – A Virtual Agency

www.pufferpr.com, barbara@pufferpr.com

203-494-2765 (cell) 203-457-0231 (CT) 239-463-4543 (FL)

6895 Estero Blvd., #566, Ft. Myers Beach, FL 33931

35 Shore Drive, Guilford, CT 06437

PROFESSIONAL:

- *President, Puffer Public Relations Strategies, Promotions & Publishing* (1998 to present) Senior consulting and new business development role. Broad range of public relations, development, and marketing, as well as board training and facilitation for profit and non-profit organizations. One-on-one and team approaches.

Retired 2022

- *Associate Professor, University of Maryland University College* (2002 to present) Associate Adjunct Professor, teaching online in the undergraduate Communications Studies & Professional Writing program and for the Graduate School of Management and Technology. Undergraduate Communications Course Chair and numerous contracted assignments beyond instruction. 2011 Teaching Recognition Award.

2002-2015

- *Connecticut Health Investigative News* (2012 to present) Contributing writer.

2012-2022

- *Corporate Manager Communications, Barnes Group Inc.* 123 Main Street, Bristol, CT 06010 (1985-1998). Reported at various times to: Chairman of the Board; Senior Vice President, Human Resources; Vice President, General Counsel & Corporate Secretary; Vice President of Human Resources; and directors of public affairs, employee relations/organization development, and compensation/benefits. Barnes Group is a 150+-year-old, sometimes Fortune 500, international distributor of parts and supplies for the maintenance and repair market, and a manufacturer of springs and precision components for aerospace, automotive and other durable goods markets. **Job scope included:** Full responsibility for planning and implementation of internal communications programs and publications for as many as 4,000 employees in 7 countries, on 4 continents -- involving surveys, ethics, employee benefits, training, curriculum development, strategic operating projects, factory closings, publications, a web site, and more traditional employee information and education programs. Additional media and community relations responsibilities. Also, simultaneously served as facilities manager, Barnes Group World Headquarters, 6/96-4/97.
- *Manager Personnel and Corporate Relations Department, Southern New England Telephone* 227 Church St., New Haven, CT (1977-1985). Full range of internal and external communications and editorial responsibilities. (Included a nine-month assignment as Manager, Advertising and Promotions, SONECOR Systems Division).
- *Manager Public Relations Dept., Phoenix* (formerly Phoenix Mutual Life Insurance Company), One American Row, Hartford, CT (1976-1977). Assistant to the Senior Vice President/Public Relations. Full range of internal and external communications and editorial responsibilities.

- *Manager, Corporate Planning Dept., Union Trust Co.* (Now part of Wells Fargo system), Corner Church and Elm Sts. New Haven, CT 06504 (1973-1976). Assistant to the Vice President-Advertising. Full range of internal communications and editorial responsibilities.
- *Suburban Reporter/Photographer, New Haven Register*, Sargent Drive, New Haven, CT 06511 (1973). Daily and Sunday. Circulation approximately 140,000.
- *Other part-time:* University of Bridgeport (CT), Teaching Assistant. (1973) Journalism workshop Teaching Assistant; associate producer - CBS Network Television Sports (1975); writer - M/X Development Corporation (1979-1984); speech writer and publicity coordinator- CT and National High School Athletic Coaches Association (1977-1984) and various marketing for Connecticut non- profit organizations.

EDUCATION:

- **MA-Corporate and Political Communications** , Fairfield University, Fairfield., CT - 1976.
- **BA-Journalism-Broadcasting** , Dow Jones and Faculty "Outstanding Graduate" Award, accelerated study, Sigma Delta Chi New England news writing award, University of Bridgeport, Bridgeport, CT - 1972.
- **Advanced & Basic Faculty Development Training Certificates** – Univ. of Maryland University College.
- **Certified** - Online Teaching with WebTycho Training, Univ. of Maryland, Univ. College (Current)
- **Certified** - Development Dimensions International, Interaction Management Trainer. (1980s)
- **Certified** - Behavioral Technologies, Inc., Behavioral Interviewing Trainer. (1980s)
- **Continuing Education** - Boston University, American Management Association, American Institute of Banking, Wilson Learning Corporation, Productivity Inc., Bell System Training School (Illinois), Council of Communication Management, and International Association of Business Communicators.

* Accredited, 1979, International Association of Business Communicators

HONORS:

- 2013 -- The University of Maryland University College, two certificates of recognition: Notable Scholarly Activity in the Area of Professional Publications for being named a Fellow of IABC in 2012.
- 2012 -- International Association of Business Communicators Fellow distinction.
- 2011 -- Teaching Recognition Award. University of Maryland University College.
- 2010 -- U.S. Library of Congress Local Legacy *Guilford Agricultural Society Fair Since 1859*, Dedication
- 2009 -- International Association of Business Communicators, International Region Leader of the Year.
- 2007 - American School for the Deaf, Board of Directors Award of Merit, "for distinguished service since 1986."
- More than 100 awards of Excellence and Merit for multi-media communications programs, exhibits, sound, one-person efforts, community relations programs, employee publications, newspaper design, recruiting materials, and newspaper & special publications, International Association of Business Communicators (1979-2012)
- 2007 -- Susan G. Komen for the Cure Ultimate Drive BMW Survivor Hero Award for volunteerism for breast cancer.
- 2007 -- Inducted , Shriver Society, honoring long service volunteers in Special Olympics.
- 2000 -- International Association of Business Communicators Research Foundation Lifetime Foundation Friend Award, International Conference, Vancouver, B.C.
- 1999 -- St. Vincent's Foundation "Stamp Out Breast Cancer" Volunteer Award.

- 1999 -- Susan G. Komen Breast Cancer Foundation Race for the Cure and 10th Anniversary "*Celebration of Life*", Connecticut breast cancer survivor representative at the National Race and home of Honorary Race Chairmen, Vice President & Mrs. Gore.
- 1999 -- Extraordinary Women of CT Award, by Clear Channel Radio & Bob Thomas Ford.
- 1999 -- Positive Leadership Unselfish Service (PLUS) Award, from The Family Center, Inc., Bristol, CT. 39-town social service agency. Keynote address.
- 1998 -- Special Olympics Hall of Fame, inaugural class, Sheila Schmidt Award for Volunteerism. 10/98
- Chairman's Award, International Association of Business Communicators (IABC), Annual International Meeting in New Orleans.
- 1997 -- Jean Kennedy Smith Founders Award, Very Special Arts Connecticut.
- 1991 -- Lou Bachman Memorial Award as Outstanding United Way Volunteer (Bristol, Plymouth, Burlington, CT).
- 1987 -- Distinguished Alumni Award, University of Bridgeport.
- 1983 -- Communicator of the Year, Connecticut-IABC.
- 1983 & '81 -- Distinguished Service Award, Connecticut Special Olympics. Nominee 1993.
- 1979 -- Internationally certified event director, clinician & coach, International Special Olympics.
- 1979 -- SNET Women in Leadership Award nominee, New Haven, Connecticut, YMCA.
- 1975 -- Distinguished Service Award, Connecticut/IABC.
- Who's Who in Outstanding Young Women of America, as well as Who's Who Outstanding Women of the World, of America, In the East, Emerging Leaders in America, Advertising, Public Relations, International Women, and Two Thousand Notable Women.

SPEAKING & PUBLISHING:

- 2015 -- Speaker - Circle of Fellows, FIR Podcast Network, "The rising (or falling) value of organizational communicators."
- 2012 -- Speaker, IABC Heritage Region Conference & Student Conference, Pittsburgh.
- 2010 -- Speaker, University of New Haven Communications Studies program.
- 2009 -- Panelist, IABC Heritage Region Conference, Cleveland, Ohio.
- 2008 -- Speaker, CT IABC.
- 2006 -- Speaker, student workshop, Heritage Region IABC Conference, Washington D.C.
- 2006 -- Speaker, "Writing it Right for the Media," IABC Writing Conference, Chicago.
- 2005 -- Contributor -- LaBossiere, C. , *The Successful Communication Consultant*, International Association of Business Communicators, San Francisco.
- Public Relations community expert on the communications portal www.comunitelligence.com
- 2000 -- Speaker and published on "*Marketing Your Mission*" at the International Fundraising Conference sponsored by Blackbaud, in South Carolina.
- 2003/2000/1999 -- A speaker on "*Marketing Your Mission*" at Yale's Women's Campaign School workshop on lobbying and action for non-profits in 1999 and 2000. Also, panelist, 2003 on the politics of women running for office.
- 2001 -- Published on planning fundraising events in *Fund Raising Management* magazine.
- Published on planning fundraising events and communication planning in *Comment* newsletter for non-profit organizations.

2021 - Author of *Business Communications Ethics in the IABC Guide for Practical Business Communications: A Global Standard Primer*

VOLUNTEERISM/PROFESSIONAL AND CIVIC:

- **International Association of Business Communicators (IABC)**, Member (1974-present); *Ethics Committee*, Chairman, (2014-present); *Executive Director Search Committee*, Chairman (2013-2014); *Research Foundation Board* (1995 -1997), Chairman, 1997, Trustee (1995-1996), RFQ Committee, (2000-2005); *International Executive Board*, Director of IABC U.S. District 1, (1985-1987), Director-Professionalism, (1987-1988); Director-Educational Relations, (1988-1989); *Heritage Region Executive Committee & Board (2006-2009)*, Region Director (2009), Region Leader of the Year (2009) Region Conference Co-chair (2008); Region Conference Sponsorship Chairman (2012, 2013); *Connecticut/IABC*, two-term president, (1979 and 1980); *IABC U.S. District 1 Executive Board*, (1985-1990); *Accreditation Board* and examiner for IABC, (1984-1995), exam proctor (1997); Blue Ribbon Panel judge, division judge, and division coordinator for IABC's prestigious international *Gold Quill* competition, (1979, 1980, 1983, 2000); Chair, District 1 IABC conferences, (1979 and 1986) Chairman, *EXCEL Award*, 1992.
- **Fairfield University**, 2011 to 2015. Advisory Board of the College of Arts and Sciences.
- **11th Annual Komen CT Race for the Cure**. Vice-Chair, Public Affairs, 2004.
- **Board of Selectmen, (1 of 3) Town of Guilford, CT**. Elected 1995-1997. \$46 mil. budget.
- **Board of Finance, Guilford, CT**. Elected 1991-1995. Vice Chair., 1993 to 1995. \$40+ million budget.
- **American School for the Deaf**, West Hartford, CT. President 1996-1999 (First woman to hold position in the 180-year history of the school) \$12 million budget, 200+ students; Board of Directors (1991-present); first vice president of the Board and chairman- Executive Committee (1994-1996); past development chairman; Board of Corporators (1986-1991), and 175th Anniversary/Communications 2000 capital campaign steering committee (special gifts). Co-chair, executive director search committee, 2006
- **MILE (Micro Investment Lending Enterprise)** member of the Board of Directors of national board formed by Subway founder Fred DeLuca.(2000-2003.)
- **Mercy High School**, principal's development committee. Middletown, CT. (2002 to 2003)
- **Bristol Hospital**, Corporator (1996 to 2002). Development Foundation Board Member (1994 to 1998); Capital Campaign Cabinet (1994 -1996).
- **Special Olympics, CT**, Honorary Advisory Board (1997-2002); Executive Committee, vice chairman of the Board (1989-1996); Public Ed. Chair (1979-1981, and 1988-1996); State Wheelchair Events Co-Director, (1978-1989); creator and volunteer director of public relations/advertising program for Conn. Special Olympics. Raised more than \$400K in services over 1979 and 1980, for 2 years of prize-winning communications programs on state & regional level. Honorary lifetime trustee for Greater Hartford .
- **Special Olympics, International**, 1995 World Games Board of Directors, CT, (1993- 1995); Public Speaking Trainer for adults with mental retardation in a program called Global Messengers, formerly Athletes for Outreach (1989-1997); Director/Media Center, International Winter Games, VT (1981); and liaison and coordinator between the international office and the National High School Athletic Coaches Association(1980-1985).
- **Bristol, Plymouth, Burlington (CT) United Way**, Executive Board (1986-1989), Public Relations and Marketing committees, vice chairman Allocations Committee; Chairman and Founder of New Cambridge Society Leadership Giving Club (1990-1993); United Way Emergency Campaign Chair, (1992).
- **Guilford Agricultural Society Board of Directors** (1993 to 2005), Public Relations and Advertising Director (1996 to 2008); Treasurer (1998 - 2000.)
- **Tunxis Community College Foundation** Director (1989-1992 and 1994-1997); Economic Conference Chairman (1990), Conference and Scholarship Committees (1990-1992). Economic Conference, Membership and Capitol Campaign Committees (1994-1997).
- **"Big Sister"**, (1993-1994) and School Business Partnership mentor (1989 to 1995).
- **Bristol (CT) School/Business Partnership**. Barnes Group liaison (1989 to 1996)

- **"What About Women" Volunteer Television Production Board, WVIT-TV-30**, Connecticut's NBC Station (1993-1995).
- **Bristol (CT) Girls Club Family Center**, Executive Board, (1987-1989); Lifetime Trustee, 1990. Founder, chairperson, and Steering Committee of Bristol PLUS "Women in Leadership" Awards (1990-1999).
- **Susan G. Komen Breast Cancer Foundation Connecticut Race For the Cure**, Startup steering committee, survivor coordinator, long-range planning chair, funds distribution. (1993 to 2000).
- **Very Special Arts Connecticut**. Founder, chair and steering committee for the Shoreline Festival for physically and mentally challenged artists and performers (1992 to 1997).
- **"SARAH 40"** vice chair Celebration Cabinet in charge of public education and events (1997). (Formerly Shoreline Association for Retarded and Handicapped).

OTHER:

- **University of Bridgeport**, Alumni Board of Directors, Vice President-Alumni Affairs (1985-1989), Presidential Search Committee (1986 and 1987); Alumni House Chairman (1989-1991).
- **Exceptional Cancer Patients**, Executive Board (1988).
- **New England Association for Business, Industry, & Rehabilitation, Public Relations**, (1980). Greater New Haven, Connecticut
- **Private Industry Council**, Startup member, and Marketing Committee (1980).
- **Esterio Cove Condominium Association** (FT. Myers Beach, FL.,) President, Secretary, and Treasurer (2002 to 2006). As president, led a \$4 million recovery in 2004 after the devastation of Hurricane Charley. Finance committee, 2006 - present)
- **National Panel of Consumer Arbitrators and the New Haven Better Business Bureau**, Member and arbitrator (1984- 1985).

Updated Aug., 2015

handwritten
notations 9/23



RECEIVED

By Amy Baker at 9:00 am, Sep 07, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/05/23

Name: Sheely Marianne M
Last First Middle initial

Telephone Number: (312) 718-9958

Email Address: mariannesheely@gmail.com

Home Address: 22628 Island Pines Way #203 Fort Myers Beach, FL 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☒ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Community Resource Advisory Board
☐ Cultural and Environmental Learning Center Advisory Board
☐ Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force
☐ Nuisance Abatement Board
☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

As a new year round full time resident and property owner and CPA, I would like to get involved in the community

Community Involvement:

Past in Illinois: Providence Catholic High School Women's Club - Treasurer 2019-2022

Interests / Activities:

ice hockey and yoga

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Marianne Sheely Digitally signed by Marianne Sheely
Date: 2023.09.06 15:17:12 -05'00'

Date

09/06/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard,
Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

MARIANNE M. SHEELY, CPA
312-718-9958
mariannesheely@gmail.com

PROFESSIONAL EXPERIENCE:

CONGAREE RIVER, LLC

Feb. 2009 - Present

Controller

- Tax planning and compliance for multi-generation family office with interests in timber, real estate, outside partnership investments and securities
- Supervise and train 3 bookkeepers in all aspects of tax return preparation and compliance
- Preparation of federal and multi state partnership, foundation, trust and individual income tax returns
- Estate planning, investment analysis and oversee general ledger operations for over 150 entities
- Communicate with attorneys, accountants, investment advisors, property managers, foresters and government agencies
- Handle all estimated and extended tax payments and any federal or state taxing agency correspondence
- Prepare work-papers to outside accountants as needed
- Full responsibility for closing of all ledgers and provide assistance to staff for journal entries
- Work closely with foresters for timber inventory and sales
- Work with property managers for rental properties and operations of business parks
- Communicate with outside investments and all family members regarding their income and gift tax returns and various tax issues

OSTROW REISIN BERK & ABRAMS, LTD

(February-April) 2012-2023

Seasonal Tax Preparer

- Prepare and review individual and trust income tax returns

MAYER BROWN LLP

Oct. 2002 – Feb. 2009

Wealth Management Tax Administrator

- Prepared estate tax and gift tax returns
- Handled all real estate and asset transfers and assignments
- Drafted wills, trusts and powers of attorney
- Prepared federal and state, individual, trust, partnership, estate, and private foundation income tax returns

RSM US LLP

1995-1997 & 1998-2002 (Formerly known as:

Altschuler, Melvoin, & Glasser, LLP; American Express Tax & Business Services; McGladrey & Pullen, LLP)

Tax Accountant / Senior Tax Accountant

- Responsibilities included tax compliance and planning for real estate professional individuals, trusts and corporations
- Prepared and reviewed individual, trust, gift, corporate, and partnership tax returns
- Reviewed multiple states non-resident individual tax returns
- Prepared amended returns and corresponded with federal and state agencies

EDUCATION:

Northern Illinois University – DeKalb, IL - Bachelor of Science, Accountancy – December 1992

DePaul University – Chicago, IL – Masters in Science of Taxation- 10 classes completed (1999-2011)

Certified Public Accountant – Licensed in Illinois – August 1994

SOFTWARE: CCH Prosystem Fx Tax, CCH Axxess Tax, GoSystem Tax, CCH Document, Thomson Reuters Accounting CS

**RECEIVED**

By Amy Baker at 1:09 pm, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/06/20

Name: Hauser Michael L
Last First Middle initial

Telephone Number: (239) 420-0300

Email Address: mike@hausergroupwm.com

Home Address: 4753 Estero Blvd., #303 FMB FL 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? Audit Committee

If yes, when is your term expiration? 9/30/2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☒ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

To help support FMB community using my CPA background / experience

Community Involvement:

Volunteer my time to FMB Audit Committee and Ocean Harbor Condominium Association's Finance Committee

Interests / Activities:

Biking, fishing, golfing & boating

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed *Michael Hauser*

Date

09/06/02

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

1. **Requested Motion:**

Meeting Date: October 2, 2023

Appoint Members to the FY2023-2024 Bay Oaks Recreational Campus Advisory Board (BORCAB)

Why the action is necessary:

Four seats on the Bay Oaks Recreational Campus expired September 30, 2023, leaving four vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADVISORY COMMITTEES ITEMS
/ REPORTS / APPOINTMENTS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:
Qualifications and Appointment of members

In addition to qualifications, which may be specified for membership by state statutes, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due to the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

The purpose of Bay Oaks Recreational Campus Advisory Board (BORCAB) is to serve the Town as a community center and recreational facility providing individuals and groups passive and active recreational, social and community activities and events for both residents and visitors. BORCAB members shall work closely and in cooperation with the Parks and Recreation Director and advise the Town Council regarding matters concerning the Bay Oaks Recreational Campus and the Community Pool, or any other topics as assigned by the Town Council.

There are currently seven members on BORCAB, four of whom have terms which expired September 30, 2023 (Field, Guidry, Hill and Sullivan), leaving four vacancies. **Four members: Jesse Field, Becky Guidry, Barbara Hill * and Joe Sullivan have submitted an application for reappointment.**

*** Per Sec. 6(c) of Ordinance 18-06**

A member may not be a member of another Town of Fort Myers Beach board or committee unless this prohibition is specifically waived by the Town Council during their appointment.

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 8, 2023. **The Town received one new application for BORCAB from Beverley**

Milligan.

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Field, Jesse
2. Guidry, Becky
3. Hill, Barbara
4. Milligan, Beverley
5. Sullivan, Joy

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

Appoint/reappoint members to the committee

8. Recommended Approval:

Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/21/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023

**RECEIVED**

By Amy Baker at 2:00 pm, Sep 12, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: ~~09/07/23~~ 09/07/23

Name:

Field	Jesse	S
-------	-------	---

Last First Middle initial

Telephone Number: (310) 800-8417

Email Address: field.jesse@gmail.com

Home Address: 338 Donora Blvd. For Myers Beach, FL 33931

Mailing Address:

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)? BORCAB

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☒ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Enjoy the advisory board and know we are helping the community.

Community Involvement:

Raise money for Bay Oaks!

Interests / Activities:

Family, BBQ, Golf, Baseball, Basketball and Beach!

You may attach a resume in addition to the above information.

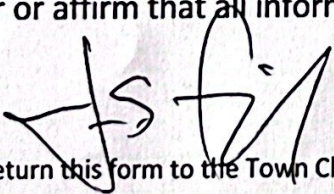
Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

09/07/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

**RECEIVED**

By Amy Baker at 8:56 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: September 1, 2023

Name: Guidry Becky D
Last First Middle initial

Telephone Number: 985-215-0486

Email Address: becguidry@gmail.com

Home Address: 321 Seminole Way, FMB

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? BORCAP

If yes, when is your term expiration? October 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☒ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I have enjoyed serving on BORCAB for the last 2.5 years. I want to be a part of the future of Bay Oaks. My husband & I are raising our family here & we love Bay Oaks.

Community Involvement:

Member of BORCAB since February 2021.
Coached U6 FMB Soccer in 2020.

Interests / Activities:

Boating, paddleboarding, traveling, biking, cooking.
I love beach days ☺

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Date

9-1-23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☒ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

dedicated to making the town of fort myers beach awesome.

Community Involvement:

borcab, celcab, friends of mound house

Interests / Activities:

poo; aerobics, beach walking, supporting community groups

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Date

09/06/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 08/15/20

Name: Milligan Beverley A
Last First Middle initial

Telephone Number: (239) 529-8785

Email Address: myerside@myerside.com

Home Address: 133 Andre Mar Drive

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☒ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☐ No ☒

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I own Myerside, which is an immediate neighbor to Bay Oaks. I am committed to supporting Bay Oaks and the Heart of the Island in General.

Community Involvement:

I am on the Board of Directors of Let's Go FMB. Under that umbrella, I am also interim-captain of the Pink Zone Committee and Captain of the Heart of the Island Committee.

Interests / Activities:

Preserving the history of the island, rebuilding our community, being a good citizen and helping where I can. Health and Wellness.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

08/15/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

Beverley Milligan

133 Andre Mar Drive
Fort Myers Beach, Florida
33931

myerside@myerside.com
239-529-8785

Profile

Beverley Milligan is a broadcast professional with subject matter expertise in accessible media. She represents Canada and US on numerous standards and technology committees with strong connections to disability research and professional organizations across North America.

Knowledge, Skills & Abilities

- Ability to mediate and build consensus within competing stakeholder environments.
- Able to successfully build for-profit and not-for-profit organizations
- Strong understanding of North America's media regulatory framework and international regulatory environment.
- Recognized internationally as a subject matter expert in accessible digital media.
- Accomplished in media liaison, public speaking and professional training.
- Established consultant in advanced accessible technologies for radio, television, production, cable, internet, satellite and wireless.
- Winner of prestigious awards for her work in accessible media, it's contribution to the Canadian Broadcasting industry and consumers.
- Volunteer for various local, national and international committees and organizations

Background

Owner

Myerside, LLC

2013 – Present

- In partnership with her husband, renovated and brought to market Myerside Resort and Cottages on Fort Myers Beach
- Staved off the sale of the Woman's Club Property on FMB, through invigorating new outreach to the FMB Community as part of Myerside's ongoing involvement in supporting the community.
- On-going promotion, support and membership to Bay Oaks and the Mound House

President and CEO

PAVO Digital Inc.

Beverley Milligan

133 Andre Mar Drive
Fort Myers Beach, Florida
33931

myerside@myerside.com
239-529-8785

2012- Present

- Research and Development in Artificial Intelligent to improve quality of captioning, especially live captioning, for Canadian broadcasting.
- 1993 – 95 Commissioned built and brought to market "VoiceWriter" non-linear captioning software, working with international and Canadian developers. Sold to Cheetah Systems in 1998 and rebranded to Captivator Non Linear captioning software, which continues to be sold around the world
- Assumed ownership of SmartCat, TurboCat and others assets previously held by Cheetah Systems Inc.
- Created and now delivering the first real-time captioning software that meets EIA 708 Digital standard.

President and CEO

Mediac Inc./Analysis and Research in Communications
May 2006 - 2015

- Established and administered a consulting firm with a diverse client base including:
 - **Industry Canada** – consultation concerning development of an accessibility strategy in a digital media framework. International standards development for closed captioning and descriptive video, creation of North American Advisory Group on Accessibility to analyze and make recommendation on approaches to accessibility, regulatory and other policy.
 - **Media Access Canada** – Founder and subject matter consultant. Created the Access 2020 Group of Disability Organizations to engage government with one voice; bridge the communication gap between the needs of people with disabilities and accessible policy development; assist policy makers and industry in addressing those needs.
 - **Ministry of Community and Social Services**, Accessibility Directorate of Ontario. Participation in the creation of the legislative policy framework through needs, inter-jurisdictional, barrier and costing analysis and review, Project Manager for the Employment and Information and Communications accessible policy development.

President and CEO

responseTV™,
Toronto, Ontario, January 2002 – May 2006

Beverley Milligan

133 Andre Mar Drive
Fort Myers Beach, Florida
33931

myerside@myerside.com
239-529-8785

- Created business concept and supporting research that led to receiving a CRTC television undertaking license and funding.
- Administered and appointed company's management team and structure.
- Negotiated angel funding and other financial investments.
- Coordinated and negotiated broadcast distribution licenses.
- Formed critical alliances with North American and International research industry.
- Authored programming grids and content development strategies.
- Created and worked with senior executive Advisory Boards, in both the market research and broadcast industries.
- Developed and implemented all strategic plans for market research television.
- Responsible for all operations including production, distribution and sales.

Development Executive

Ryerson University
Toronto, Ontario, May 1998 – December 2001

- Led an industry-wide research undertaking on advanced broadband and wireless content development.
- Worked successfully with government underwriters and private sector investors.
- Project-wide responsibility for all North American operations including partnerships, marketing, promotions and public relations.
- Government liaison.
- Disseminated research findings to the digital broadcasting and academic community.

Founder, President and CEO

Canada Captions Inc. (Charitable designation)
Toronto, Ontario 1992 – 1998

- Conceptualized and implemented the business and marketing strategy for closed captioning in Canada.
- Created and implemented Captioning Awareness Week
- Represented national, provincial and retail social marketing air-time.

Pre-1992

Canadian Independent Producer: Executive Director, Producer, 2nd Assistant Director
Publicist, CHCH TV, Publicist, TVOntario

Awards

Beverley Milligan

133 Andre Mar Drive
Fort Myers Beach, Florida
33931

myerside@myerside.com
239-529-8785

- Winner of Canadian Association of Broadcasters "Gold Ribbon Award" for the successful implementation of the social marketing business model "closed captioning brought to you in part by..."
- The Queen Elizabeth II Diamond Jubilee Medal, 2013

Volunteer Activities

- 2021 Chair of CAB's NER Advisory group examining real-time captioning measurement systems
- 2021 Chair, Advisory group for BAF funded Play-by-Play research
- 2019 appointed to the Canadian Broadcast Standards Council Advisory Committee on Implementing the Canadian NER System of Caption Quality Measurement.
- Represent Canada as a subject matter expert for Accessible Digital Media on ISO/JTC1/SC35/WG6 - User Interfaces, Creator and Editor – International Descriptive Video and Closed Captioning Standards
- CEA/R4/WG19 – User Interfaces
- Emmy Committee for Broadcast Technology Nominations Committee
- Founder and Board member of Let's Go FMB
- Past President, Fort Myers Beach Woman's Club

Other

- Articles, International, national and regional broadcasting, government, engineering and other publications
- Author – *"Monitor Project"*, *"Using Captioning as a Teaching Tool for English as a Second Language Learners"*, *"Monitor 2, A Report Accessible Content in Canadian Broadcasting"*, *"Accessible Content Best Practices for Digital Environments"*
- Lecturer, Ryerson University, Seneca College, Fanshaw College
- Public Speaking and workshops for broadcasting, accessibility and disability conferences and events

Education

- B.A., Linguistics, York University, Toronto, Ontario, Canada

Languages

- Fluent in English and American Sign Language

**RECEIVED**

By Amy Baker at 9:07 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 9/1/2023

Name: Sullivan Joy
Last First Middle initial

Telephone Number: 847-858-4320

Email Address: joys4320@gmail.com

Home Address: 4223 Bay Beach Lane H2, FMB, FL 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? BORCAB

If yes, when is your term expiration? October 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☒ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

This is an exciting and momentous time for FMB and Bay Oaks. I want to represent and support the users of this fantastic mid-island facility by advocating for popular athletic activities for ALL ages. I participate in many of the activities previously offered such as pickleball, spin, fitness classes and hope to envision, along with the others on the board and staff, the type of facility that our full/part-time residents want to be a part of.

Community Involvement:

I am currently on the board of FORT MYERS BEACH COMMUNITY FOUNDATION and a member of the Fort Myers Beach Women's Club. Try to participate in beach cleanups, even before Ian. Before Ian, worked the book store at the library.

Interests / Activities:

As above, Pickle ball, Spin classes. I also sell FMBCF cookbooks, walk the beach, and am working to restore our condo lobbies.

Resume available on LinkedIn.

You may attach a resume in addition to the above information.

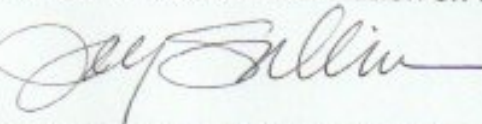
Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date 9/1/2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes ☐ No ☐

DATE:

1. **Requested Motion:**

Meeting Date: October 2, 2023

Appoint Members to the FY2023-2024 Cultural and Environmental Learning Center Advisory Board (CELCAB)

Why the action is necessary:

Three seats on the Cultural and Environmental Learning Center Advisory Board (CELCAB) expired September 30, 2023, leaving three vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADVISORY COMMITTEES ITEMS
/ REPORTS / APPOINTMENTS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statutes, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

The broad objectives of Cultural and Environmental Learning Center Advisory Board (CELCAB) are to ensure and promote the mission of the Mound House and Newton Beach Park to be accomplished through stewardship, advocacy and oversight according to best practices of museums and the requirement as stated in the Florida Communities Trust Agreements for each property. The CELCAB shall advise the Town Council on these matters or any other topics as assigned by the Town Council.

There are currently seven members on the Cultural and Environmental Learning Center Advisory Board, three of whom have terms which expired September 30, 2023 (Vaughan, Werner and Wolf), leaving three vacancies. **Two members: Ellen Vaughan and Becky Werner have submitted applications for reappointment.**

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 8, 2023. **The Town has received three new applications for CELCAB from Alison Bartlett-O'Donald, Lainey Holt, Patrick McKeown and Chris Riedel King.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine

certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Bartlett-ODonald, Alison
2. Holt, Lainey
3. McKeown, Patrick
4. Riedel King, Chris
5. Vaughan, Ellen
6. Werner, Becky

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

Appoint /reappoint members to the committee

8. Recommended Approval:

Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/21/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023

**RECEIVED**

By Amy Baker at 8:39 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/01/23

Name: Bartlett- O'Donald Alison M
Last First Middle initial

Telephone Number: 413-563-3948

Email Address: odonaldgulfview@yahoo.com

Home Address: 117 Gulfview Avenue, Fort Myers Beach, FL 33931

Mailing Address: 95 Mulcahy Drive, West Springfield, MA 01089

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☒ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☐ No ☒

Are you a resident within the Town's jurisdiction?

Yes ☐ No ☒

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

As a long-time property owner who resides near Newton Park, I am very interested in continued preservation and renovation of town resources/ historical places. My family has enjoyed participating in park programs in the past, and I am deeply committed to the rebuild and rebirth of our community post- Hurricane Ian. I have experience in fundraising

Community Involvement:

I have served on the Executive Board of my local Childrens Museum, Zoological Society, and the Junior League of Greater Springfield, as well as being a newer member of the FMB Women's Club, Community Foundation and Keep Lee County Beautiful. I am most proud of my involvement with the Museum and the Zoo, as both were virtually bankrupt and in jeopardy of closure when I first joined their respective Board of Directors. They

Interests / Activities:

I am an avid skier, runner, and cyclist and enjoy the outdoors, as well as volunteering in my community. I also love travel, cooking and gardening.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☐

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

09/01/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes ☐ No ☐

DATE: _____

September 1, 2023

Amy@fmbgov.com

Amy Baker, Town Clerk
Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL 33931

RE: Cultural and Environmental Learning Center Advisory Board (CELCAB)

Dear Ms. Baker:

Please accept this letter with the enclosed application and resume for consideration for appointment to the Cultural and Environmental Learning Center Advisory Board.

As a homeowner on the island for almost two decades, my family has made countless memories at the beach. Though I am not a full-time island resident, we frequently are on island and are committed to being more involved and a part of the rebuild of our paradise community. Our home is very close to Newton Beach Park, and we have the benefit of enjoying the facilities there over the years, as well as appreciating the historical significance of it and the Mound House. My interest in being a member of CELCAB is to participate more directly in its rebuild and to ensure that spaces similar to Newton Beach Park, and others that have such historical significance to the beach, are preserved for generations to come. I have been a Board Member for non-profit organizations and in community groups which has given me experience with fundraising and grant efforts, as well as working with local, state and federal legislators and agencies. I believe this experience would be invaluable to ensuring that the Mound House and Newton Beach Park are sustainable and continue into the future.

I am happy to provide more information and details of my experience or answer any questions. Please do not hesitate to contact me. Thank you for your attention and consideration for appointment to the Cultural and Environmental Learning Center Advisory Board.

Very truly yours,



Alison M. Bartlett-O'Donald
413-563-3948

Enclosures

ALISON M. BARTLETT-O'DONALD, Esq.

1859 Northampton Street
Holyoke, MA 01040
(413) 533-7400

Legal Experience

O'DONALD LAW OFFICES

Holyoke, MA

Attorney

October 2000- present

- Establish estate plans for individuals and families to preserve and protect assets;
- Assist in Medicaid planning and asset protection, long-term care strategies;
- Serve as fiduciary in the capacity of legal guardian and conservator for elders and incompetent individuals;
- Representation of individuals in all aspects of civil litigation with a focus on probate and elder law, mental health litigation, health benefits law, employment discrimination, and workers' compensation;
- Assist in the case management and trial preparation of criminal and civil matters.
- Advocate for individuals and municipalities before state and federal courts and administrative agencies; and
- Manage legal office.

WESTMASS ELDER CARE

Holyoke, MA

Ombudsman

July 2001- July 2002

- Received and investigated concerns and complaints of residents of nursing facilities;
- Advocated on behalf of nursing home residents to ensure quality of life and care;
- Mediated issues between residents, management and staff in nursing homes; and
- Provided information and referrals of long-term care and community resources for residents and families.

SULLIVAN & HAYES

Springfield, MA

Attorney

September 1998- October 2000

- Represented employers and management on employment and labor matters before federal and state courts and administrative agencies.
- Conducted seminars on employment laws and regulations, including Wage & Hour, EEOC, Sexual Harassment, ADA, ERISA.
- Formulated employment policies and workplace procedures.
- Assisted employers with union organizing and representation proceedings, negotiation and administration of contracts.

U.S. REPRESENTATIVE RICHARD E. NEAL

Washington, D.C.

Legislative Assistant

March 1996- September 1998

- Advised and formulated policies and proposed legislation in the areas of Labor, Education, Immigration and Communication.
- Communicated with federal and state agencies regarding congressional policy
- Acted as liaison to local and state agencies, communities and public interest groups.
- Drafted position statements, speeches and testimony.

TRIAL COURT, COMM. OF MASSACHUSETTS

Worcester, MA

Law Clerk to the Honorable Dennis J. Brennan

May 1995- August 1995

- Conduct legal research and draft memoranda and decisions
- Communicate with adversarial parties regarding the disposition of cases
- Assist in the scheduling and updating of criminal and civil cases
- Act as liaison with Legal Assistance Corporation on domestic abuse issues

ALISON M. BARTLETT-O'DONALD

1859 Northampton Street
Holyoke, MA 01040
(413)533-7400

SIMONELLI & ASSOCIATES

Legal Assistant/ Bookkeeper

Southbridge, MA

May 1994- January 1995

- Performed legal research and drafting of legal documents
- Corresponded with legal and judicial agencies
- Completed client intakes and assessments
- Allocated and maintained office accounts receivable and payable
- Provided legal and administrative office support

Education

WESTERN NEW ENGLAND COLLEGE SCHOOL OF LAW

L.L.M., Spring 2011- Estate Planning and Elder Law

Juris Doctor, 1997

Springfield, MA

Activities: Executive Secretary, Student Bar Association
Phi Alpha Delta Law Fraternity; International Law Association;
ABA - Central and Eastern European Law Initiative.

UNIVERSITÉ DE NICE, ÉCOLE DE DROITS ET LETTRES

Summer 1995

Nice, France

Courses: Comparative Constitutional Law, instructed by Supreme
Court Justice Scalia; International Environmental Law;

STONEHILL COLLEGE

Bachelor of Arts, May 1994

North Easton, MA

Major: Political Science Minor: French

Honors: Dean's List; Stonehill College Scholarship;
U.S.J.B. Educational Foundation Award

Activities: Student Government Association; Varsity Tennis;
French Teacher/ Lecturer; R.F.K. Society.

FOREIGN STUDY

France

Collège International de Cannes

1993

Sorbonne, Université de Paris

1993

American University of Paris

1993

Activities: Yearbook Editor; Volunteer Worker with Sans-Abri (Homeless)

Community

CHILDREN'S MUSEUM AT HOLYOKE

Holyoke, MA

Board of Directors, Executive Board

2006- 2023

President

2022-2023

FOREST PARK ZOOLOGICAL SOCIETY

Springfield, MA

Board of Directors, Member

2015- present

JUNIOR LEAGUE OF GREATER SPRINGFIELD

Greater Springfield, MA

Executive Secretary

2014- 2015

Member, Membership and Community Service Committees

2012- present

Chair, Scholarship Committee

2018- 2019

TEAM HOLE IN THE WALL	Ashford, CT
CAMPbassador	2014- present
Volunteer and Fundraiser for Hole in the Wall Gang Camps	2010- present
ST. PATRICK'S COMMITTEE OF HOLYOKE	Holyoke, MA
Member	1999- present
ALLIE'S FIVE O'CLOCK FUND	Holyoke, MA
Executive Board Member	2012- present
HAMPDEN COUNTY DEPUTY SHERIFF'S ASSOCIATION	Ludlow, MA
Member	2019- present
FORT MYERS BEACH WOMENS CLUB	Fort Myers Beach, FL
Member	2022-present
FORT MYERS BEACH COMMUNITY FOUNDATION	Fort Myers Beach, FL
Member	2023- present
KEEP LEE COUNTY BEAUTIFUL	Fort Myers, FL
Member/ Sponsor	2020- present
GULF COAST RUNNERS	Naples, FL
Member	2011- present
BUY HOLYOKE NOW	Holyoke, MA
Steering Committee Member	2012- 2015
TOWN OF SOUTH HADLEY, PERSONNEL BOARD	South Hadley, MA
Vice Chairperson	2003-2015
HOSPICE OF FISHER HOME, ETHICS COMMITTEE	Amherst, MA
Member	2010- 2014
SOUTH HADLEY LIONS CLUB	South Hadley, MA
Advisor to Leo Club	2003- 2005
Bar Admissions	
Massachusetts	1997
New York	1999
Connecticut	2000
U.S. District Court, MA & CT	1998

SEP 08 2023

Received by: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/08/20

Name: Last: Lainey First: Holt Middle initial:

Telephone Number: (505) 818-8663

Email Address: dancgurl08@gmail.com

Home Address: 7330 Estero Blvd. #904B

Mailing Address: 3729 SE 12th pl. Cape Coral, FL 33904

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☒ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☐ No ☒

Are you a resident within the Town's jurisdiction? Yes ☒ No ☐
Are you an owner of real property within the Town's jurisdiction? Yes ☐ No ☒
Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

To help positively contribute and effectively educate the community about the cultural and environmental aspects of Fort Myers Beach. I would love to have a more active role within the community to help preserve the necessary historical aspects of the islands history.

Community Involvement:

Former Fort Myers Beach Elementary educator (2022-2023)
For Fort Myers Beach Employee @ Ray's Pizza
FMB Chamber of Commerce Beach Clean ups, Beach Talk Radio volunteer activities

Interests / Activities:

I was a teacher for the school district of Lee county the past eight years, the last year being on the beach where I live. I love being apart of the Fort Myers Beach community and would love to continue to contribute effectively to the community. I love to boat, beach, fish, cook, and learn.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S. Yes ☐ No ☒
If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Rainey Hall

Date

09/08/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/05/23

Name: McKeown

Patrick

G

Last

First

Middle initial

Telephone Number: (706) 296-4011

Email Address: mckpat@gmail.com

Home Address: 2532 Estero Blvd, Apt 605, Fort Myers Beach, FL 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☒ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I have a strong interest in the Mound House and Newton property having written a book about the Mound House. I have been a docent at the Mound House for over 4 years and have been on the Board of Directors of the Friends of the Mound House for over 2 years. I would like to be a part of the group that makes decisions about the future of these two historical properties.

Community Involvement:

As a member of the Board of the Friends of the Mound House, I was recently the chair of a committee that developed a plan to spend \$30,000 of funds from a TDA grant. I was also on the Board of the Friends of Matanzas Pass Preserve for several years and developed it's Website that is still in use. I was also on the Town Historical Committee for a year and was FMB Citizen of the Year 2022.

Interests / Activities:

Reading, traveling, and biking (once I replace the one that was lost in Hurricane Ian!) I am also interested in SW Florida history and have given a number of talks at the Mound House on this topic.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Patricia McKeon

Date

09/05/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



SEP 8 2023

Received by: _____

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: SEPTEMBER 7, 2023

Name: RIEDEL KING CHRIS M.
Last First Middle initial

Telephone Number: 515-229-4304

Email Address: chrismking@gmail.com

Home Address: 8402 ESTERO BLVD. #202, FORT MYERS BEACH, FL 33931

Mailing Address SAME AS ABOVE

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)? _____

If yes, when is your term expiration? _____

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☒ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

- I am very interested in culture & educational activities as a way of promoting & celebrating our unique coastal community
- I want to help support our community efforts to rebuild and thrive

Community Involvement:

- Social member FMB Chamber
- MEMBER FMB Women's Club
- member mound house

Interests / Activities:

- Cleaning up the Beach - I do this every day on my 3-mile walk
- Water activities
- Docking & Eating out
- Attending musical events & performing (singing)
- Enjoy acting as a docent & volunteering / greeting people

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Chris Russell

Date

9/7/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



RECEIVED

By Amy Baker at 9:01 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 08/31/23

Name: Vaughan

Last

Ellen

First

P

Middle initial

Telephone Number: (734) 846-6903

Email Address: ellenpvaughan@gmail.com

Home Address: 7500 Estero Blvd #1107

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? CELCEB

If yes, when is your term expiration? October 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☒ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I seek re-appointment because I care deeply about our island community and seek to continue to do my utmost to be a good steward of the town's resources which are within the purview of CELCAB

Community Involvement:

I am a board member of the Friends of the Mound House and currently serve as the president. I am also a board member of the Woman's Club. I am a member of the Community Foundation, and a sustaining (non artist) member of the FMB Art Association.

Interests / Activities:

In addition to local civic interests, I spend significant time staying informed about local, state, national, & international events. Family, friends, and travel round out my world.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Ellen Vaughan

Digitally signed by Ellen Vaughan
Date: 2023.08.31 11:29:49 -04'00'

Date

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

SEP 5 2023

Received by: _____

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: Aug. 31, 2023

Name: Werner Becky
Last First Middle initial

Telephone Number: 239-898-8311

Email Address: rwerner239@gmail.com

Home Address: 7150 Estero Blvd #506, FMB, FL 33931

Mailing Address 23731 Eddystone Rd #209, Estero, FL 34135

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? CELCAB

If yes, when is your term expiration? Oct. 1, 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☒ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

In this past some time, I think my history with the Mound House & CELCAB could be of benefit

Community Involvement:

Mound House decent
Friends of the Mound House

Interests / Activities:

History
Reading

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Becky Werner

Date

Aug. 31, 2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

7150 Estero Blvd. # 506
Fort Myers Beach, Florida 33931
239-765-7659
Rwerner239@gmail.com

Amy Baker, Town Clerk
Town Council
Fort Myers Beach, Florida

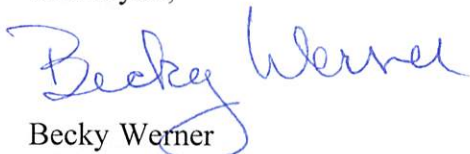
August 31, 2023

To the Town Council.

Please consider reappointing me for the next term on CELCAB. I think that being an "old hat" on the committee will be a benefit during this post-Ian stage of the Mound House and of the Town. I have a long history as a docent at the Mound House and continue to be active in the Friends of the Mound House which is the fund-raising group.

I would like very much to continue on CELCAB and I hope that the Town Council will see fit to reappoint me. If you have any questions, please don't hesitate to ask.

Thank you,


Becky Werner

1. **Requested Motion:**

Meeting Date: October 2, 2023

Appoint Members to the FY2023-2024 Marine and Environmental Resources Task Force (MERTF)

Why the action is necessary:

Three seats on the Marine and Environmental Resources Advisory Board expired September 30, 2023, leaving three vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADVISORY COMMITTEES ITEMS
/ REPORTS / APPOINTMENTS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualifications, which may be specified for membership by state statutes, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due to the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

The broad objectives of Marine and Environmental Resources Task Force (MERTF) are to further the welfare of the citizens of the Town by helping to promote a better, more healthful, safe and attractive community environment and to ensure that the unique and natural characteristics of our marine resources are preserved; or any other topics as assigned by the Town Council.

There are currently seven members on MERTF, three of whom have terms which expired September 30, 2023 (DeGaetano, Fossum and Spalletta), leaving three vacancies.

Three members: Wendy DeGaetano, Gregory Fossum and Mary Rose Spalletta have submitted an application for reappointment.

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 8, 2023. **There are five new applicants for MERTF: William Althoff, David Nusbaum, David Patton, Ed Rood and Edward Schoonover.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Althoff, William
2. DeGaetano, Wendy
3. Fossum, Gregory
4. Nusbaum, David
5. Patton, David
6. Rood, Ed
7. Schoonover, Edward
8. Spalletta, Mary Rose

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

Appoint /reappoint members to the committee

8. Recommended Approval:

Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/21/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 08/23/20

Name: althoff william c

Last First Middle initial

Telephone Number: (443) 848-6754

Email Address: walthoff1@icloud.com

Home Address: 17621 hickok belt loop Bradenton FL 34211

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Community Resource Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory Board
- ☐ Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☒ Marine and Environmental Resources Task Force
- ☐ Nuisance Abatement Board
- ☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☐ No ☒

Are you a resident within the Town's jurisdiction?

Yes ☐ No ☒

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I am interested in how we can coexist with nature; striking the optimum balance with wildlife breeding and human enjoyment.

Community Involvement:

Current condo association president for past 2 years. Member of the board for 2 years prior. I was also on board (VP) for a 600 house HOA in Selbyville Delaware for multiple years

Interests / Activities:

photos of wildlife; relaxing on beach, with toes in the sand

You may attach a resume in addition to the above information.

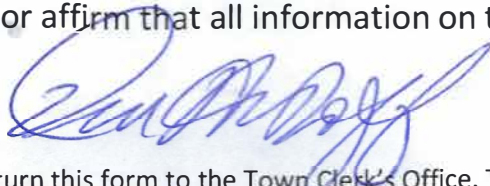
Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☐

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

08/23/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

**RECEIVED**

By Amy Baker at 11:21 am, Sep 07, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: August 1, 2023

Name: DeGaetano Wendy T
Last First Middle initial

Telephone Number: 301.996.9390

Email Address: beachbom5636@yahoo.com

Home Address: 291-1 Lenell Rd.

Mailing Address Same

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? MBRTF

If yes, when is your term expiration? 9/2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☒ Marine and Environmental Resources Task Force ~~Nuisance~~ ?
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

MERTF is the most effective platform where research, analysis, and factual information is presented to the Town Council to use in the formulation of environmental directives to ensure the preservation of the fragile natural resources and beauty of FMB.

Community Involvement:

MERTF
Author of Shoreline Spotlight articles in FMB Weekly Observer
Florida Master Naturalist Program
Keep Lee County Beautiful
Fort Myers beach clean-ups (Sponsored & on my own)

Interests / Activities: OBII, HOA Community, Landscaping

Artist / Music (The Blues!) Concerts Blues Cruises
All things beach: Kayaking, swimming, shelling
removing trash/debris from beaches, canals
Reading, pleasure and research
Gardening
Ecosystem of Fort Myers Beach / SWFL

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed Wendy T. DeGaetano

Date

8-1-2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

**RECEIVED**

By Amy Baker at 11:50 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/06/23

Name: Gregory

Fossum

T

Last

First

Middle initial

Telephone Number: (215) 429-8358

Email Address: Gregory.fossum@comcast.net

Home Address: 400 Randy lane

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☐

If yes, which committee(s)? MERFT

If yes, when is your term expiration? October 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Community Resource Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory Board
- ☐ Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☒ Marine and Environmental Resources Task Force
- ☐ Nuisance Abatement Board
- ☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I would like to continue in the committee

Community Involvement:

MERTF Church

Interests / Activities:

Fishing, boating

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Date

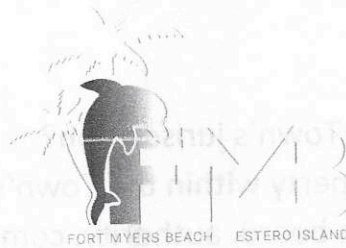
09/06/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 08/23/2023

Name: David Nusbaum M
Last First Middle initial

Telephone Number: (262) 442-8907

Email Address: acheesehd@gmail.com

Home Address: N6677 Lake Drive, Shawano, WI 54166

Mailing Address: 6610 Estero Blvd, Unit 523, Fort Myers Beach, FL 54166

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☒ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☐ No ☒

Are you a resident within the Town's jurisdiction? Yes ☐ No ☒
Are you an owner of real property within the Town's jurisdiction? Yes ☒ No ☐
Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

As President of Island Winds Condominium, I wish to offer a fresh perspective to the committee representing the interests of the condominium properties. We are all here to be stewards of our beach and beachfront condominiums represent a large portion of beach front properties on the Gulf.

Community Involvement:

I have served as President of Island Winds Conominium for the last 5+ years. I provided oversight to major environmental remodeling projects and as recognition of our efforts, accepted a MRTF Award on behalf of Island Winds. I have commented numerous times at Town Council meetings, recommending changes to Town Ordiances and several were adopted. I am an active member of the Condominium Association of Fort Myers Beach.

Interests / Activities:

I am retired. When not providing oversight to Island Winds, I enjoy golfing and walking on our beaches.

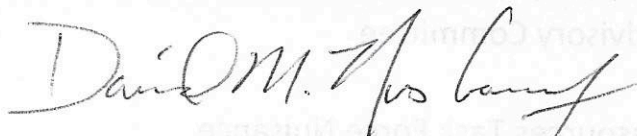
You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S. Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date 08/23/2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes ☐ No ☐

DATE:

Dave Nusbaum

I am asking to be considered for the MERTF Advisory Committee of Fort Myers Beach. I have a BBA from the University of Wisconsin School of Business and am a retired senior executive from the food industry.

My wife and I came to Island Winds in 1984 to visit my parents and we have returned every year since. In 2008, we purchased their condominium and Fort Myers Beach truly became our second home.

Since 2015, I have had the honor and privilege to be the President of Island Winds Condominium. During that time, we have undertaken some massive projects to improve our ecological footprint on our island:

The drainage system from the pool area and walkways were redesigned to eliminate runoff onto the beach.

Underground reservoirs now collect the first few inches of rainwater from the parking lot and filter it through membranes before it seeps back to the Gulf. When they reach capacity, check-off valves on the reservoirs allow cleaner water to go to the back bay. All impervious surfaces were replaced with pavers.

Turtle compliant lighting was installed throughout the complex earning Island Winds a MERTF Award.

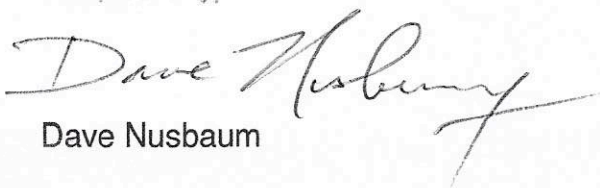
A 10 year project was recently completed installing .3 tinted glass on every door, window and slider in the complex.

I mention these projects only to point out that Island Winds, like many other condominiums on the beach, continues to be a steward of our island. This beach is our back yard, a destination for many and we are always working to protect it and those that share it with us. Which that in mind, we strive to achieve a balance between our residents and nature which is also stated in the MERTF committee purpose.

"The Task Force's purpose also involves bringing Estero Bay and its surrounding waters and the Estero Island shoreline to the point that they will continue to be the driving force of the Town's economy. The goal is to sustain the quality of life in cooperation with all whose livelihoods or lifestyles depend upon the health of Estero Bay."

My desire to be on the MERTF Committee is to provide a committee member voice which will represent the perspective of the thousands of beachfront owners on Fort Myers Beach. As MERTF works to advise the council and rebuild Fort Myers beach, I believe I can help us all achieve that balance.

Respectfully,



Dave Nusbaum



RECEIVED

By Amy Baker at 9:06 am, Aug 25, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☒ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☐ No ☒

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

The environment is very important to me especially the marine environment. I am a captain in the summer for the Maine Maritime Museum. I enjoy talking to people about the ocean and environment and the sea.

Community Involvement:

Volunteers for AARP to complete taxes during tax season in Bonita. Volunteers for various committees on our HOA. Use to do water samples for the Florida DEP.

Interests / Activities:

Boating, walking, biking. Enjoying the life around us

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

David Patton

Date

08/25/2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☒ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

As a resident and beach front property owner, I have great interest in and concern for the environment and the protection of the wildlife. Having a residence and living where the CWA is located gives me a unique perspective and understanding of the needs of the local environment and the wildlife on FMB.

I believe my experience and organizational skills would be an asset to the MERFT board.

Community Involvement:

I am the administrator for the group and non profit "Friends of Little Estero Island"

Interests / Activities:

My interests mainly include fishing, golfing, and enjoying nature.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

08/28/2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

**RECEIVED**

By Amy Baker at 9:30 am, Sep 07, 2023

Town of Fort Myers Beach Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: SEP 07, 2023

Name: Schoonover Edward J
Last First Middle initial

Telephone Number: 218 820 3389

Email Address: Ed.schoonover@JandJholmes.com

Home Address: 8180 Lagoon Rd, FMB, FL 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☒ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☐ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

To Provide community input from residents to the Task Force, To provide education to the community regarding board actions and responsibilities. Create Balance regarding residents rights and environmental stewardship.

Community Involvement:

Laguna Shores HOA Board; President (Past) Lakeshore Village; Vice President JMK&Fnc; Advisory Committee Outreach Africa

Interests / Activities:

Past Director Brainerd (CMB) Braves Amateur Baseball, Organizer community activities and events, Property management, mission work, Travel.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

9-7-23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

**RECEIVED**

By Amy Baker at 9:00 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☒ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☐ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I will continue to work with the other members of the MERTF, the FMB Town Council, and the citizens of FMB to preserve and enhance our beach environment.

Community Involvement:

Turtle Time Volunteer
FMB Women's Club Member
Friend of Mound House
Friend of Lovers Key

Interests / Activities:

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date

9/1/2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

1. **Requested Motion:**

Meeting Date: October 2, 2023

Appoint Members to the FY2023-2024 Public Safety Committee (PSC)

Why the action is necessary:

Three seats on the Public Safety Committee expired September 30, 2023, leaving three vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADVISORY COMMITTEES ITEMS
/ REPORTS / APPOINTMENTS

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

*Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statutes, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude while in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

The Public Safety Committee (PSC) shall address any safety and transportation issues specifically assigned to the committee by the Town Council for the purpose of the health, safety and welfare of the citizens and visitors to the Town of Fort Myers Beach. The committee shall review, discuss and evaluate the most significant safety and transportation issues within the Town. The PSC shall advise the Town Council on these matters or any other topics as assigned by the Town Council.

There are currently seven members on the Public Safety Committee, three of whom have terms which expired September 30, 2023 (Bougoulas, Childs and Knickle), leaving three vacancies.

Two members: James BouGoulas and James Knickle have submitted applications for reappointment.

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 8, 2023. **The Town has received two new applications for PSC: Ron Benak and Kathy Nash.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine

certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Benak, Ron
2. Bougoulas, James
3. Knickle, James
4. Nash, Kathy

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

Appoint /reappoint members to the committee

8. Recommended Approval:

Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/21/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023

**RECEIVED**

By Amy Baker at 1:40 pm, Sep 11, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 8 SEPT 2023

Name: BENAK RON J
Last First Middle initial

Telephone Number: 402 679 5640

Email Address: RONBENAKE@gmail.com

Home Address: 210 STERLING AVE FMB FL 33931

Mailing Address SAME

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)? NIA

If yes, when is your term expiration? NIA

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Community Resource Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory Board
- ☐ Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force
- ☐ Nuisance Abatement Board
- ☒ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☒ No ☐ (A FAILED INSPECTION)

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when? N/A

Why are you seeking appointment to this board or committee?

FIRST & FOREMOST TO HELP MAKE FMB A SAFER COMMUNITY FOR BOTH RESIDENTS & VISITORS. SECONDLY PUBLIC SAFETY HAS ALWAYS BEEN AN IMPORTANT PART OF MY PROFESSIONAL & HOME LIFE.

Community Involvement:

NONE UP TO THIS POINT.

Interests / Activities:

BEST CONCH SHELL BAND ON THE ISLAND (ACCESS IS)
BOATING, GOLF, CARPENTRY - TOP OF THE LIST
THOUGH IS FAMILY.

You may attach a resume in addition to the above information.

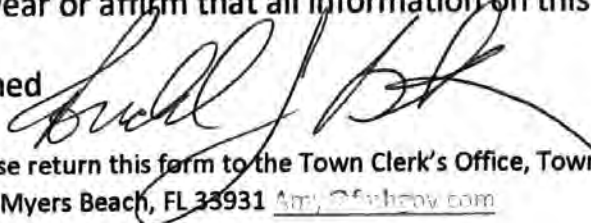
Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☐

If yes, fill out Public Records Exemption Request form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

11 Sept 2023

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard,
Fort Myers Beach, FL 33931 Amy.Dishen@fmb.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

RONALD J BENAK

402-679-5640
Ronbenak@gmail.com

210 Sterling Avenue
Ft Myers Beach, FL 33931

OBJECTIVE

To obtain an appointment to the Public Safety Committee for the Town of Ft Myers Beach.

SKILLS

- Demonstrated and established leadership ability.
- Coordinate Fire Department training
- Effective communication.
- Customer oriented
- Focused on results

EXPERIENCE

Director of Business Development 2013 - 2016

- Accent DKI Restoration Company
- Develop and implement marketing plan
- Responsible for customer service

Director of Emergency Services 2010 - 2016

- 1-800 BoardUp – Accent DKI
- Introduce and implement structure securement plan.
- Coordinated employee training
- Organize and operate fundraisers for local charities

Acting Assistant Fire Chief 2008 - 2009

- Administer the Emergency Medical Services, Training, Public Education,
- Fire Prevention and Information Technology Bureaus
- Assigned and organized 29 sworn and 7 civilian personnel

Battalion Fire Chief 2008-2010

- Manage the Fire Prevention and Public Education Bureaus
- Organize and lead 20 Fire Inspectors and 1 Plans Inspector
- Manage the Fire Training Bureau
- Plan the implementation of new fire codes
- Public speaking with numerous organizations and groups
- Maintained Bureau budgets

Drillmaster 2007 – 2008

- Develop, organize and deliver training to new recruits and career firefighters

Executive Board	2007 - 2009
• Elected to IAFF Local 385 executive board	
Captain/Paramedic	1998 – 2007
• Supervise firefighters during emergency calls, training, public education events	
Firefighter/Paramedic	1987 – 1998
• Served on some of Omaha's busiest medic units	
President – Mama Malara's Foods	1996 – present
• Started salad dressing company • Successful in obtaining shelf space in stores across the Omaha metro area • Developed and implemented effective marketing plan	
President – MRC Enterprises, Inc.	1989 – 2010
• Refined customer relations skills • Maintained payroll • Developed sound business planning	

EDUCATION

University of Nebraska at Omaha	1988 - 1992
• 39 Credit hours	
Creighton University	1987 – 1988
• EMT-Paramedic • 16 Credit hours	
Metropolitan Community College	1980 – 1983
• 43 Credit hours	
National Incident Command System	
• ICS 100 • ICS 200 • ICS700 • ICS800 • ICS 300 • ICS 400	



Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/04/23

Name: Bougoulas James (Jim)
Last First Middle initial

Telephone Number: (312) 404-6650

Email Address: jibougoulas@gmail.com

Home Address: 16170 Bayside Pointe E Apt 1707 Fort Myers, FL 33908

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? Public Safety Committee

If yes, when is your term expiration? October 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☒ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes ☐ No ☒

Do you have unpaid fines or liens due the Town? Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction? Yes ☐ No ☒

Are you a resident within the Town's jurisdiction? Yes ☐ No ☒
Are you an owner of real property within the Town's jurisdiction? Yes ☒ No ☐
Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes ☐ No ☐

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I am seeking reappointment to the Public Safety Committee to help ensure everyone arrives home safe each and everyday. I am involved in my company's safety team ensuring we have best practices in place to protect our employees. I feel this experience can be helpful for the Town of Fort Myers Beach to protect our residence and guests from complications that could have been prevented.

Community Involvement:

My wife and I permanently moved to the area and I would like to be more involved in our community. Hurricane Ian has been devastating and I am committed to ensure we rebuild a stronger and safer community for our residence and guests.

Interests / Activities:

I work full time from home for Mars-Wrigley based out of Chicago. On weekends, I enjoy the beach, boating, and paddle boarding. You can also find my wife and I supporting small business on FMB as they rebuild and restart.

We are under construction of our home located at 16 Pepita Street, Fort Myers Beach

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S. Yes ☐ No ☒
If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

09/04/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



RECEIVED

By Amy Baker at 2:40 pm, Sep 07, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/07/23

Name: Knickle James G.
Last First Middle initial

Telephone Number: (937) 545-4751

Email Address: jknickle99@gmail.com

Home Address: 6895 Estero Blvd., Apt. #533, Fort Myers Beach FL 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☒ No ☐

If yes, which committee(s)? Public Safety

If yes, when is your term expiration? September 2023

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory
- ☐ Board Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine and Environmental Resources Task Force Nuisance
- ☐ Abatement Board
- ☒ Public Safety Committee
- ☐

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☒ No ☐

If yes, what board, etc., and since when? FMB Fire Control District - since 07/08/20

Why are you seeking appointment to this board or committee?

I am seeking re-appointment to the Public Safety Committee in order to continue my service to the Town of Fort Myers Beach. I have worked in public service for most of my life and I believe that I possess a unique combination of skills and experience that is a benefit to the Public Safety Committee.

Community Involvement:

See attached

Interests / Activities:

See attached

You may attach a resume in addition to the above information.

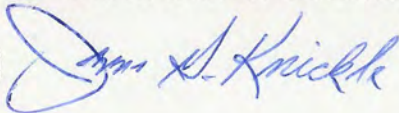
Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed



Date

09/07/23

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

JAMES G. KNICKLE

6895 Estero Blvd. Apt. 533, Fort Myers Beach FL 33931
937-545-4751 jknickle99@gmail.com

PERSONAL

Fort Myers Beach resident since 2015
Originally from Kettering, Ohio
Married - Wife, Ellen; 5 children; 14 grand-children

WORK EXPERIENCE

Fort Myers Beach Fire Control District Fire Commissioner - Seat #1: 2020-present
Kettering, Ohio Police Department: 1970 - 2011
Retired with rank of Police Lieutenant
Served as Commander of numerous Sections in the Department including:
Uniform Patrol; Detectives; Support Operations

United States Army Reserve: 1971 - 1977
Trained as a Combat Medic

EDUCATION

Bachelor of Science in Criminal Justice, University of Dayton (Dayton, Ohio)
Associate in Applied Science - Law Enforcement, Sinclair College (Dayton, Ohio)

COMMUNITY SERVICE

Member of Fort Myers Beach Public Safety Committee: 2019 - present

Board of Directors - Estero Cove Condominium Association (Fort Myers Beach):
2018 - present; serving as President from 2018 - present

Finance Committee member - Estero Cove: 2017 - 2018

Board of Trustees - Governor's Hill Condominium Association (Kettering, Ohio):
2011 - 2018; served as President from 2014 - 2018

Member of Church of the Ascension, Fort Myers Beach

Member of Knights of Columbus, Ascension Council 10318, Fort Myers Beach



RECEIVED

By Amy Baker at 11:49 am, Sep 06, 2023

Town of Fort Myers Beach
Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly. Do not leave blanks.

Today's Date: 09/06/20

Name: Nash Kathy M
Last First Middle initial

Telephone Number: (410) 703-9559

Email Address: kmnash1@verizon.net

Home Address: 4137 Bay Beach Lane, Unit 595, Ft Myers Beach, FL 33931

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
☐ Audit Committee
☐ Bay Oaks Recreational Campus Advisory Board
☐ Cultural and Environmental Learning Center Advisory
☐ Board Historic Preservation Advisory Committee
☐ Local Planning Agency
☐ Marine and Environmental Resources Task Force Nuisance
☐ Abatement Board
☒ Public Safety Committee
☐

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Trying to get more involved

Community Involvement:

Member of Community Foundation, just joined Womens Club, volunteer at Lovers Key State Park and Former volunteer at 820 Buttonwood, FMB Strong

Interests / Activities:

Helping others, improving our community. Volunteering and leadership strong background traits.

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes, fill out [Public Records Exemption Request](#) form and submit with the application.

I swear or affirm that all information on this form is true and accurate.

Signed

Kathy M Nash

Date

09/06/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 Amy@fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

1. **Requested Motion:**

Meeting Date: October 2, 2023

Requesting permission to hold a recurring special event

Why the action is necessary:

Ordinance 20-17

What the action accomplishes:

Allows Town to issue a permit.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Requesting permission to have a recurring special event: Santini Farmers Market - November 2, 2023 through April 25, 2024, from 9am -1pm. The set up begins at 6am, break down is from 1 pm- 2 pm. No changes from all other Farmer's Markets. Waiting for the Fire Department's approval.

Attachments:

1. 234745 Santini Farmers Market App

Financial Impact:

6. **Alternative Action**

Do not approve permit

7. **Management Recommendations:**

8. **Recommended Approval:**

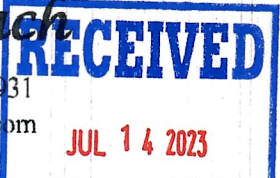
Patty Prevost, Code Supervisor/STR Coordinator
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 8/31/2023
Approved - 8/31/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com



Name of event Santini Farmers Market FMB
Attach separate sheet of paper with detailed description of event
9AM-1PM NOV. 2, 9, 16, 30 DEC. 7, 14, 21, 28 JAN. 4, 11, 18, 25 FEB. 1, 8, 15, 22, 29
Date(s) and times of event MAR. 7, 14, 21, 28, APR. 4, 11, 18, 25 25 days
THURSDAYS WEEKLY
Address of event Santini Marina Plaza
7205 ESTERO BLVD, FMB
Expected # of participants/attendees 49 Vendors
Sponsoring Organization Shop Local Productions
Organization address 19552 The Place Blvd Estero FL
Contact Person/Phone# Linda Miller 239-289-3786
E-mail shopLocalPro@gmail.com
Amplified Music Y ☐ N ☒ 500 Ft Notifications _____ Copy of Letter _____
Renting Town Property Y ☐ N ☒ Renting Parking Spaces Y ☒ N ☐
How many Spaces? 49 How many hours 4
Extension of Premises? Y ☐ N ☒ ABT Form _____ How many days? 25 (Over 3 days needs to go to Council)
Letters of Permission to use Property YES
Letters of Permission to use Parking YES Parking Plan YES
Site Plan Y Insurance Y (Naming Town of FMB as Certificate Holder)
Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒
Requires Council Approval:
Waiver of open container Y ☐ N ☒ Waiver of Town parking fees Y ☐ N ☒
Waiver of Noise Ordinance Y ☐ N ☒ Recurring Event Y ☒ N ☐
Applicant Signature Linda Miller
Printed Name Linda Miller

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

Patty Prevost

From: Linda Miller <expo1@comcast.net>
Sent: Thursday, August 31, 2023 11:17 AM
To: Patty Prevost
Subject: Re: Need set up and breakdown times

Hi Patty,
Pending construction delays, we plan to re-open in November and go through April end.
Operating hours are 9 am-1pm.
Set up is between 6 am and 9 am.
Breakdown is between 1pm and 2 pm.
LMK if you need anything else
Thanks for all you do!
Linda Miller

On 08/31/2023 10:27 AM EDT Patty Prevost <patty@fmbgov.com> wrote:

Hi Linda,

Can you do a quick timeline for the Santini Plaza Farmers Market? I need set up and breakdown times.

Thank you,



Patty Prevost

Assistant to the Comm Dev Director

Town of Fort Myers Beach

2525 Estero Boulevard

Fort Myers Beach, FL. 33931

Phone: (239) 765-0202, Ext 1201

Cell: 239 308-5062

FMBgov.com



Applicant to Complete:

Company managing trash removal: Manager ensures vendors remove all trash

No. of dumpsters: NA Type of dumpsters: NA

Who is responsible for clean-up and payment: Above

City right-of-way Parking Use: NA Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: See attached

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: _____

See attached

Approval: _____ Date: _____



Date: 08/17/2023

Permit #: 234745

Permit Date: 07/14/2023

Review Date: 08/16/2023

Permit Type:

Review Type: SEP-Public Works Review

Target Date: 08/18/2023

Scheduled Time: 00:00

Completed Date:

Description:

Review Status: APPROVED

Assigned To: Martin Pitts

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Property Information

Parcel#: 034724W1000110000

SHAKED PROPERTIES LLC

7205 ESTERO BLVD

Zoning: SANTINI**Lot:** 0000**Block:** 00011

SHAKED PROPERTIES LLC
225 GOLDEN BEACH DRIVE
GOLDEN BEACH, FL 33160
3056107280
santinimarina plaza@gmail.com



Date: 08/17/2023

Permit #: 234745

Permit Date: 07/14/2023

Review Date: 08/16/2023

Permit Type:

Review Type: SEP-Environmental

Target Date: 08/18/2023

Scheduled Time: 00:00

Completed Date: 08/16/2023

Description:

Review Status: REVIEWED W/CONDITIONS

Assigned To: Chadd Chustz

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Notes

SEA TURTLE NESTING SEASON MAY 1 through OCTOBER 31

EVENT LIGHTING VISIBLE FROM THE BEACH IS NOT AUTHORIZED

Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach IS NOT AUTHORIZED before sunrise nor after sunset.

08/16/2023

Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder (Sec. 22-12).

No person shall make, continue or cause to be made or continued any noise disturbance in accordance with Land Development Code Sec. 14-23. Noises resulting from a special event authorized pursuant to chapter 22 of the Land Development Code are excepted; provided, such noises are in compliance with any specific limitations as set forth within the special event permit. If no specific limitations are set forth in the special event permit, the provisions of Land Development Code Sec. 14-23 shall fully apply.

Property Information

Parcel#: 034724W1000110000

SHAKED PROPERTIES LLC

SHAKED PROPERTIES LLC

225 GOLDEN BEACH DRIVE

7205 ESTERO BLVD

Zoning: SANTINI Lot: 0000 Block: 00011

GOLDEN BEACH, FL 33160

3056107280

santinimarina plaza@gmail.com

FORT MYERS BEACH FIRE DEPT

17891 San Carlos Blvd – 3rd Floor, Fort Myers Beach, FL 33931

Tel (239) 590-4210

Fax (239) 463-6761

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239) 477-1830

Fax (239) 432-0268

Parking: All parking must be in authorized areas on site and must not impede the normal flow of traffic.

Deputies (how many?) None required for this event.

Traffic Control: Should it be found that the vehicle traffic is starting to back up as a result of this event, an extra duty detail deputy may need to be hired at the expense of the vendor.

Fees: Unless an extra duty detail ends up being needed, no fees will be incurred.

Special Arrangements: Vendor will be responsible for setting boundaries in the parking lot to designate all pedestrian areas to be free of vehicle traffic. Access for emergency responders must remain unblocked.

Paul Cummins
Print Name

[Signature]
Approval Signature

8 01 23
Date



Fort Myers Beach Fire Control District

Life Safety Branch

100 Voorhis Street • Fort Myers Beach, Florida 33931

Phone (239) 590-4210 • Email: prevention@FMBFirefl.gov

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 6/28/2023		Date of Event: Weekly Wednesdays starting 11/1/2023 → 4/24/2024
Location: Serrini Plaza 7205 ESTERO BLVD. FMB 33931		
Event Start Date/Time: 11/1/23 9AM		Event End Date/Time: 4/24/2024 1PM
Setup Date: 11/1/23	Setup Time: 7-830 AM	Inspection Time:
Event Sponsor: SHOP LOCAL PRODUCTIONS		
Sponsor Contact: Linda Miller	Sponsor Phone #: 239-289-3786	Sponsor Email: ShopLocalPro@gmail.com
Anticipated Number of Attendees: 300 coming gang	Anticipated Number of Event Workers: 1-2	
Will there be carnival or mechanical rides: NO	Number of Stages: 0	
Total Number of Vendors: 39	Total Number of Hot Food Vendors: UNKNOWN until start date	
Number of Tents larger than 20 x 20: NONE	Number of 10 x 10 Tents: 39	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

UNKNOWN TIL START DATE

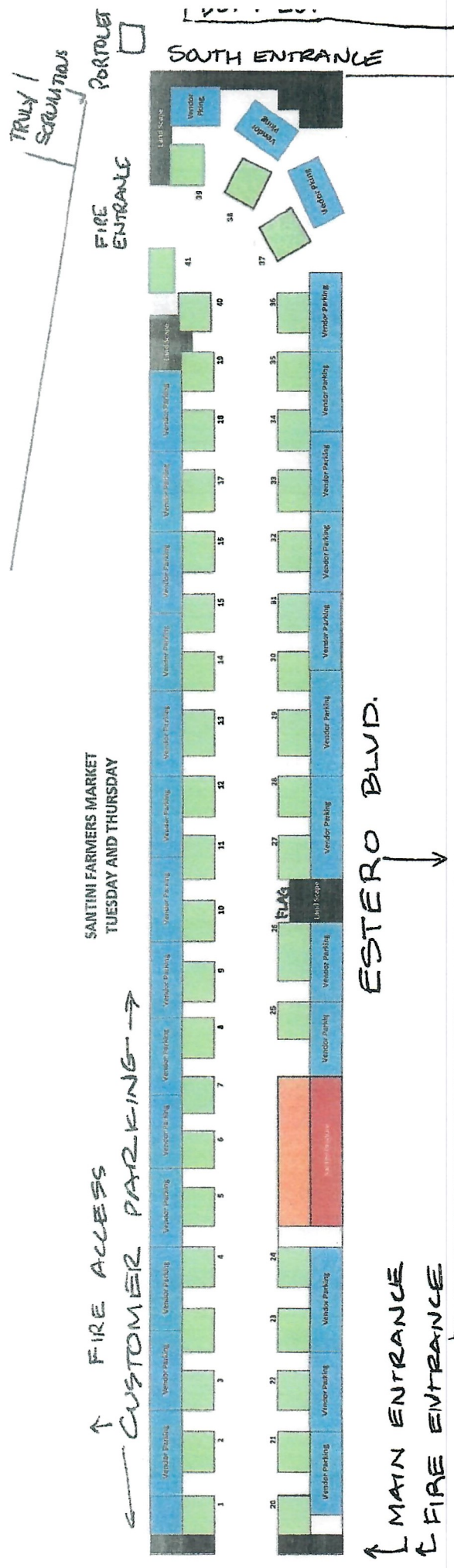
Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors, with full contact information, must be provided to the Fort Myers Beach Fire District. This information shall include contact name, number, and e-mail. All inspection fees will be due at time of service, and must be paid prior to release of any approvals.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

1. A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
2. A life safety evaluation may be required based on the size of the event in accordance with the fire code.
3. All vendors should review FMBFD guidelines, on our website at www.FMBFirefl.gov
4. Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

LINDA MILLER	
Submitting Party Name (Print)	Submitting Party Name (Sign)
Date: 6/28/2023	





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/07/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be **endorsed**. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hiscox Inc. 5 Concourse Parkway Suite 2150 Atlanta GA, 30328	CONTACT NAME: PHONE (A/C, No, Ext): (888) 202-3007 E-MAIL ADDRESS: contact@hiscox.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Hiscox Insurance Company Inc INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: NAIC # 10200
INSURED Watergemz, LLC DBA Shop Local Productions 19552 The Place Blvd Estero, FL 33928	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ GEN'L AGGREGATE LIMIT APPLIES PER ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	Y	P100.409.208.4	07/15/2023	07/15/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ S/T Gen. Agg. \$
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y ☒ N/A If yes, describe under DESCRIPTION OF OPERATIONS below					PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDERTown of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

SHAKED PROPERTIES LLC

7205 Estero Blvd Box 718, Fort Myers Beach, FL 33931. 239-777-7251

Email: santinimarina plaza@gmail.com

Yariv Shaked

Santini Marina Plaza

7205 Estero Blvd

Fort Myers Beach, FL 33931

July 12, 2023

Permitting

City Fort Myers Beach

Please consider this my consent letter for the Santini Farmers Market,

Sponsored by Linda Miller of Shop Local Productions.

To sue the parking lot from November 2023 through April 2024.

Best Regards,



Yariv Shaked

Santini Farmers Market Description

7205 Estero Blvd. FMB

Sponsored by Shop Local Productions

Open Wednesdays 9am-1pm November 2023 through April 2024

Mission:

To provide a family-friendly, free-to-attend event for all ages to convene and have access to healthy produce, meat and seafood, boutique foods, artisan crafts and other items.

Description:

More than ever since Hurricane Ian, FMB locals and visitors request the need for fresh varietal foods, produce and commodities brought to the island. With roots going back to 1934 Farmers Markets on FMB have been part of the fabric of beach life in a huge way for the past 30 years and reaching a peak of 4 days a week on different parts of the island pre-Hurricane Ian. This niche (cottage foods, coffee, bakeries, smoothies, skincare, art and wearable art, produce, seafood and meats) fills a void in Island shopping. Since advertising is weekly with 15K Google views, FMB Markets have a history of boosting local neighboring restaurants and businesses. Markets create a beach vibe unique to FMB.

Superb Record:

Voted annually by locals as "Neighborhood Favorites," FMB Markets have had zero emergency calls and zero accidents in the tenure of leadership from Shop Local Productions (since 2015), creating zero burden on emergency services and thus taxpayers.

Vendor Inquiries can be directed to 41markets.com

1. **Requested Motion:**

Meeting Date: October 2, 2023

Requesting permission to hold a Farmers Market at Moss Marine from November 1, 2023 through April 24, 2024 from 7 am - 2pm with set up and break down of event.

Why the action is necessary:

ORD 20-17

What the action accomplishes:

Allows for a Farmers Market at Moss Marine

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Duplicate of the Farmers Market being held at Time Square.

Attachments:

1. 235250_Moss Marina Market

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Patty Prevost, Code Supervisor/STR Coordinator
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/13/2023
Approved - 9/13/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

RECEIVED

AUG 21 2023

235250

Name of event

Moss Marina Market

Attach separate sheet of paper with detailed description of event

9AM-1PM Wed

NOV. 1, 8, 15, 22, 29 DEC. 6, 13, 20, 27 JAN. 3, 10, 17, 24, 31

Date(s) and times of event FEB. 7, 14, 21, 28 MAR. 6, 13, 20, 27 APR. 3, 10, 17, 24 26

Address of event

450 HARBOR CT. Ft. Myers Beach

Expected # of participants/attendees

200

Sponsoring Organization

Shop Local Productions

Organization address

19552 The Place Blvd Estero 33928

Contact Person/Phone#

Linda Miller 239-289-3786

E-mail

ShopLocalPro@gmail.com

Amplified Music Y ☐ N ☒ 500 Ft Notifications ☐ Copy of Letter ☐

Renting Town Property Y ☐ N ☒ Renting Parking Spaces Y ☐ N ☒

How many Spaces? 40 How many hours 4

Extension of Premises? Y ☐ N ☒ ABT Form ☐ How many days? 26 (Over 3 days needs to go to Council)

Letters of Permission to use Property ☒

Letters of Permission to use Parking ☒ Parking Plan ☒

Site Plan ☒ Insurance ☐ (Naming Town of FMB as Certificate Holder)

Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒

Requires Council Approval:

Waiver of open container Y ☐ N ☐ Waiver of Town parking fees Y ☐ N ☒

Waiver of Noise Ordinance Y ☐ N ☒ Recurring Event Y ☒ N ☐

Applicant Signature

Linda Miller

Printed Name

Linda Miller 8/18/23

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

November 2023-April 2024 Vendor Inquiries can be directed to the vendor tab at 41markets.com

Objectives:

operation hours 9am-1pm
 setup 7am-9am
 close 1pm-2pm

- To offer fresh produce, arts, crafts, boutique foods and fresh fish off the boats, not currently available on the island of FMB.
- To attract residents and visitors to FMB through weekly advertising, while boosting the Bayside businesses and traffic.
- To support 30-40 small businessowners whose passion is to be self-sufficient and creative in their work
- To help vendors recover income lost in the last 4 years due to Red Tide, Covid Shut Down and Hurricane Ian.

History:

- Since 2015, Shop Local Productions has operated the farmers markets on Fort Myers Beach which all have been voted voluntarily "Neighborhood Favorites" by locals on Nextdoor.com
- Many businesses have noticed marked improvements in sales on the days that the markets are open.
- Several businesses participated in the markets as vendors for many years to boost their sales and advertising.
- Several residents participate in the market every year, one of which became a retail tenant at Santini Plaza.
- Several tenants from Santini Plaza intend to participate in all the FMB markets scheduled this year.
- FMB markets attract 30K Google Views per month per location pulling more tourist dollars to FMB as a whole.

Other Factoids from: <https://www.uschamber.com/small-business/shopping-small-benefits-more-than-just-local-businesses>

For every dollar spent at a small business, American Express estimates an average of \$0.67 stays in that business's local community. This has the potential to boost sales during the 2021 holiday season, with many small businesses still working to make up the revenue they've lost throughout the pandemic.

"The success of local businesses encourages more entrepreneurs to open shops, offer great jobs, and contribute in real, meaningful ways to the local area," Kidd at Hideaway Café said. "It may be hard to see sometimes, but your local dollar comes back to you in a variety of ways every day from sidewalk improvements and more regular trash pickups, to adding jobs for more firefighters and hiring more EMTs."

Data from the MetLife and U.S. Chamber of Commerce Q4 Small Business Index, to be released in December, indicates that a large majority of small business owners (70%) say the holiday season is important to their overall yearly profit, with nearly four in ten (37%) saying it's very important.

"Each dollar spent with intention at a small business makes a huge difference to the community, and for us personally," said Kidd. "We're able to take care of our family, stay current on our financial obligations to the small businesses we do business with, support our employee's careers, and work to improve our local community in meaningful ways through profit sharing and in-kind donations."

Last Word: Small Businesses reduce unemployment and therefore reduce the burden on taxpayers. Small businesses produce hardworking role models for future generations. It increases the sense of community: shopping from person-to-person, face-to-face, rather than the cold, impersonal internet or Big Box self-checkout shopping where there is not a single human interaction. If you haven't been to an FMB Market, we encourage you to do so to feel the impact of human interaction, compassion, community and commerce all brought together in the great outdoors. It's something special that shouldn't be missed.

Applicant to Complete:

Company managing trash removal: Vendors remove trash

No. of dumpsters: 0 Type of dumpsters: NA

Who is responsible for clean-up and payment: NA

City right-of-way Parking Use: NA Number of spaces: NA

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: See attached

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: see attached

Approval: _____ Date: _____



Date: 09/07/2023

Permit #: 235250

Permit Date: 08/21/2023

Review Date: 08/21/2023

Permit Type:

Review Type: SEP-Public Works Review

Target Date: 08/22/2023

Scheduled Time: 00:00

Completed Date:

Description:

Review Status: APPROVED

Assigned To: Martin Pitts

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Property Information

Parcel#: 244623W3000260020

FREELAND FL HOLDINGS LLC

450 HARBOR CT

Zoning: CMLot: 0020Block: 00026

FREELAND FL HOLDINGS LLC
5333 HICKORY HOLLOW PKWY
ANTIOCH, TN 37013



Date: 08/25/2023

Permit #: 235250

Permit Date: 08/21/2023

Review Date: 08/21/2023

Permit Type:

Review Type: SEP-Environmental

Target Date: 08/22/2023

Scheduled Time: 00:00

Completed Date: 08/25/2023

Description:

Review Status: REVIEWED W/CONDITIONS

Assigned To: Chadd Chustz

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Notes

SEA TURTLE NESTING SEASON MAY 1 through OCTOBER 31

EVENT LIGHTING VISIBLE FROM THE BEACH IS NOT AUTHORIZED

Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach IS NOT AUTHORIZED before sunrise nor after sunset.

No sky lanterns, floating lanterns, confetti bombs permitted. Any and all flower petals, rice, and any other litter shall be collected from the beach and disposed of properly in a garbage bin.

08/25/2023

Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder (Sec. 22-12).

No person shall make, continue or cause to be made or continued any noise disturbance in accordance with Land Development Code Sec. 14-23. Noises resulting from a special event authorized pursuant to chapter 22 of the Land Development Code are excepted; provided, such noises are in compliance with any specific limitations as set forth within the special event permit. If no specific limitations are set forth in the special event permit, the provisions of Land Development Code Sec. 14-23 shall fully apply.

Property Information

Parcel#: 244623W3000260020

FREELAND FL HOLDINGS LLC

450 HARBOR CT

Zoning: CMLot: 0020Block: 00026

FREELAND FL HOLDINGS LLC

5333 HICKORY HOLLOW PKWY

ANTIOCH, TN 37013

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: _____

Check list: Application _____ **Site Plan** _____ **Description** _____

Florida DEP approval: _____ **Date:** _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31 *Norton beach*

Turtle Time remarks: _____

Turtle Time approval: _____ **Date:** _____

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street • Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) See attached

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

Tel (239)477-1830 Fax (239)432-0268
15650 Pine Ridge Road, Fort Myers, FL 33908

Parking: Participants will use paid & public parking to attend. The right-of-way must not be impeded at any time.

Deputies (how many?) None required for this event.

Traffic Control: Should it be found that the vehicle traffic is starting to back up as a result of this event, an extra duty detail deputy may need to be hired at vendors expense.

Fees: Unless an extra duty detail ends up being needed, no fees will be incurred.

Special Arrangements: Vendor will be responsible for setting boundaries in the parking lot to designate all pedestrian areas to be free of vehicle traffic. Access for emergency responders must remain unblocked.

Paul Cummins

Print Name



Approval Signature

8 31 23

Date

January 30, 2023

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street · Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) N/AFee: InvoicedFlammable Vegetation: Not PermittedFirst Aid Equipment: N/AFire Extinguishing Equipment: Fire Extinguishers are required on site.Special Arrangements: None. Maintain fire lanes, and access as needed.Jennifer Campbell
Print NameJennifer Campbell
Approval Signature9/6/23
Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT Tel (239)477-1830 Fax (239)432-0268
15650 Pine Ridge Road, Fort Myers, FL 33908

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name_____
Approval Signature_____
Date



Fort Myers Beach Fire Control District

Life Safety Branch

100 Voorhis Street · Fort Myers Beach, Florida 33931

Phone (239) 590-4210 • Email: prevention@FMBFirefl.gov

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 8/14/23		Date of Event: Wednesdays Nov. 4, 2023 → APR. 27, 2024
Location: MOSS MARINA 450 Harbor Court Ft Myers Beach		
Event Start Date/Time: 11/4/23 / 9AM		Event End Date/Time: APR 27, 2024 / 1PM
Setup Date: see above	Setup Time: see above	Inspection Time: 9AM
Event Sponsor: Shop Local Productions		
Sponsor Contact: Linda Miller	Sponsor Phone #: (239) 289-3786	Sponsor Email: ShopLocalPro@gmail.com
Anticipated Number of Attendees: 200	Anticipated Number of Event Workers: 1-2	
Will there be carnival or mechanical rides: NO	Number of Stages: NONE	
Total Number of Vendors: 30-40	Total Number of Hot Food Vendors: ESTIMATED 1-2 (unknown til applicants apply)	
Number of Tents larger than 20 x 20: NONE	Number of 10 x 10 Tents: 30-40	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

Please see F.S. 633.202.17

Vendors unknown til they apply and are vetted.

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors, with full contact information, must be provided to the Fort Myers Beach Fire District. This information shall include contact name, number, and e-mail. All inspection fees will be due at time of service, and must be paid prior to release of any approvals. Event sponsor will pay the \$123 inspection fee therefore vendors need not be listed.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

1. A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
2. A life safety evaluation may be required based on the size of the event in accordance with the fire code.
3. All vendors should review FMBFD guidelines, on our website at www.FMBFirefl.gov
4. Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

Linda Miller	Linda Miller
Submitting Party Name (Print)	Submitting Party Name (Sign)
Date: 8/14/23	

Moss Marina
450 Harbor Ct.
Fort Myers Beach FL 33931

To: Patty Prevost, Permitting City of Fort Myers Beach

Dear Patty,

Please consider this consent letter for the Moss Marina Market, sponsored and managed by Shop Local Productions, to use the parking lot and bathrooms from November 2023-April 2024 Wednesday with operating hours of 9am-1pm.

Best regards,

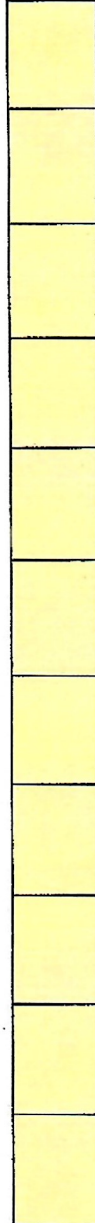
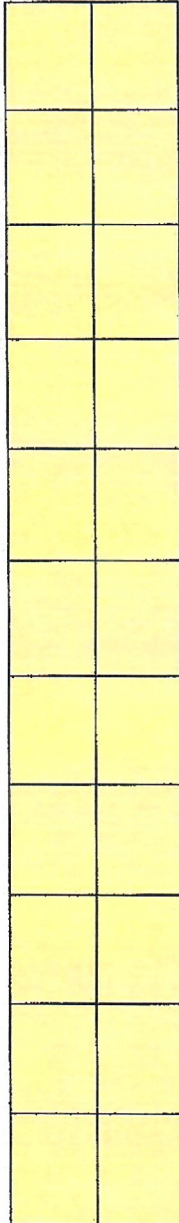
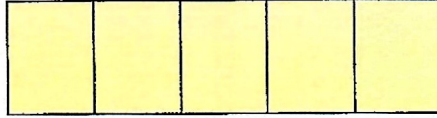
GBMiller, Controller
Gloria Miller

BAY

yellow = tents

RUDE SHRIMP Co.

1	2	3	4	5	6	7	8	9	10	11



MOSS MARINA OFFICES



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/07/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hiscox Inc. 5 Concourse Parkway Suite 2150 Atlanta GA, 30328	CONTACT NAME: PHONE (A/C, No, Ext): (888) 202-3007 E-MAIL ADDRESS: contact@hiscox.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Hiscox Insurance Company Inc INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: NAIC # 10200
INSURED Watergemz, LLC DBA Shop Local Productions 19552 The Place Blvd Estero, FL 33928	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	Y	P100.409.208.4	07/15/2023	07/15/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ S/T Gen. Agg. \$
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y ☒ N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below					PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDERTown of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/16/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hiscox Inc. 5 Concourse Parkway Suite 2150 Atlanta GA, 30328	CONTACT NAME:	
	PHONE (A/C, No, Ext): (888) 202-3007	FAX (A/C, No):
	E-MAIL ADDRESS: contact@hiscox.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Hiscox Insurance Company Inc	10200
INSURED Watergemz, LLC DBA Shop Local Productions 19552 The Place Blvd Estero, FL 33928	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY	Y		P100.409.208.4	07/15/2023	07/15/2024	EACH OCCURRENCE	\$ 2,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 2,000,000
	☒ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	\$ S/T Gen. Agg.
	OTHER:							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	☐ ANY AUTO						BODILY INJURY (Per person)	\$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB	☐ OCCUR					AGGREGATE	\$
	☐ DED ☐ RETENTION \$	☐ CLAIMS-MADE						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☐ Y / ☐ N					E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below	☐ N / A					E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDERFreeland FL Holdings, LLC
5333 Hickory Hollow Pkwy
P.O. Box 656
Anitoch, TN 37013**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

1. **Requested Motion:**

Meeting Date: October 2, 2023

Adopt Annual Communication Plan for 2023-24

Why the action is necessary:

Hurricane Ian amplified the need for, changed the content of, and created different expectations for communications from the Town to the public. The Town's not had a communications plan in the past and Ian has provided the opportunity to create one.

What the action accomplishes:

This plan will help guide and direct the content and delivery of information to the public that Town Council has deemed necessary and that the public wants. It accomplishes this by setting goals and objectives and defining resources.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Adoption

4. **Submitter of Information:**

5. **Background:**

In June 2023, Town Council gave input to create an annual plan to guide public communications in the coming year. A draft of the plan based on Town Council's direction and public input from a digital survey was presented for Town Council's review and edits at a meeting in August. The edited plan is ready for adoption!

Attachments:

1. COMM PLAN October 2 2023 TO BE ADOPTED

Financial Impact:

- 1) \$600 a month for a social media intern to produce videos and other content for social media
- 2) \$2500 annual for a small event tent with logo banners and promotional items for community events

6. **Alternative Action**

7. **Management Recommendations:**

Please adopt the communication plan.

8. **Recommended Approval:**

Jennifer Dexter, Social Media & Communications Coordinator
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/19/2023
Approved - 9/19/2023
Approved - 9/25/2023
Final Approval - 9/25/2023



Communication Plan

October 2, 2023

Summary of Council input from June 2023 meeting:

The Town needs to tell its story of rebuilding by proactively focusing on all details of projects small to large, celebrating milestones, using video and pictures, planning activities such as sidewalk clean up days island wide and internally that help promote, permitting walk in days, etc. Permitting and code needs to be communicated in more visual and customer focused ways with frequent videos. Town Council meeting dates and times need to be shared on all social media outlets. The process for coordinating media interviews with Town Councilors needs to be agreed upon. A strategic planning process that develops a new mission and vision with goals needs to be undertaken. The capabilities of the website for targeting subscribers with the messages they want to receive need to be expanded, including developing an app. The way that communications are delivered after a storm need to be set now and shared with the public. A way to get information out when all technology fails needs to be ready for the next emergency so what happened with the challenges in communication after Ian doesn't happen again.

Summary of community input from online survey conducted June-July 2023

We received 272 responses to the digital survey that was active for about three weeks.

The preferred way to receive information was text or email at 84% (not media, social media, word of mouth.) The second preferred way was Text, website, and social media at 76%. Facebook was the most preferred social media outlet. Traditional media didn't rank high.

Summary of discussions with key stakeholders June-July 2023

We had one on one discussions with a handful of key stakeholders and a zoom meeting with members of the FMB Condo Association. The feedback we received from the Condo Association was that most members are happy with the amount and frequency of information that they receive from the Town, and that they feel well informed. Many are signed up to receive text and email alerts, and we re-distributed the link to get others signed up.

The key stakeholders said that social media is important and videos and pictures are important, the website needs to be better navigable for permitting, building, code, zoning. After-emergency communication by elected officials, first responders, and the Town needs improvement. Our plans for improvements seem solid and should be shared widely now.

Summary of discussion at 2nd Town Council meeting in August

Refresh of website unnecessary, and there is no budget for adding a permitting module, app, or hard copy one page newsletter insert in utility bills. Emergency Communications from Ian's experience needs improvement (see last page for plan which was tested when Hurricane Idalia came through on August 29-30.)

GOALS

1. Daily distribute a variety of timely, relevant, and accurate public information using a variety of communication tools and tactics that:
 - Show the robust picture of the Town's ongoing recovery from Hurricane Ian.
 - Promote the Town's services.
 - Promote the work, actions, and decisions of Town Council.
 - Inform the public when the Town is in an active emergency
2. Prioritize and coordinate public information and set reasonable expectations for preparation, delivery, timing and methods.

AUDIENCES

- Full-time and seasonal residents, property owners
- Business owners and island workers
- Media
- County and community organizations
- Legislators
- Developers
- Visitors

OBJECTIVES

1. Highlight the work of Town Council
 - a. Press release of council meeting actions
 - b. Social media posts of highlights from council meetings as they occur
 - c. Regular Facebook live with individual town council members – "Five things to know", "Truth Tuesday"
2. Strengthen and build relationships with media, coordinate clear process for media access to elected officials and staff
 - a. Visits to newsrooms – Jenny
 - b. Policy to request media interviews
 - i. Short list of staff subject matter experts – Andy, Chadd, Jason, Jeff, Jenny
 - ii. All come through Jenny (staff and council)
 - iii. If set own, please inform Jenny (council)
 - c. Timely and accurate response to inquiries
 - i. Interviews, questions – Jenny
 - ii. Public records – Amy
 - d. Media training for elected officials and staff subject matter experts (FLC?)
 - e. Produce press releases regularly
3. Promote rebuilding activities and efforts by the Town, small and large
4. Educate about permitting, code, zoning
 - a. Promote appointment times and contacts once fully staffed with techs and planned by Community Development when those become available
 - b. Environmental topics such as turtles, birds, vegetation
 - c. Walk in days to get questions answered once Community Development is ready
 - d. Mobile education proactively – go to the residents, develop methods
 - e. How to videos (intern)

5. Build relationships with community members and organizations
 - a. Participate in community activities and events with vetted organizations (Chamber, Women's Club, Community Fund, BTR, LCSO, Fire Department, Turtle Time) to interact face to face with audiences and be present to address questions
 - b. Regular speaking engagements
6. Refresh website and improve ease of access to the information that is most used by the public – permitting, code, zoning, parking, news; request tracker; develop app
7. Improve communications delivery in emergency situations
 - a. See last page

BUDGET*

- Intern for social media support 10 hours a week @ \$15/hour = \$600/month
- How to videos and expanded videos = intern
- Promotional items including logo tent = \$2,500

*Funding is not available for these items that were originally requested: refreshing website look and structure, a website permitting module created by CivicPlus (our website vendor) that would replace the current IWORq system, an app, and a hard copy newsletter that would be mailed with utility bills

TOOLS & TACTICS

- Website request tracker
- Website texts and emails – 2,500 subscribers
- Website news module – 3,007 subscribers
- Things to know today as needed sent to digital newsletter subscribers – 72% open rate
- Social media posts
 - LinkedIn, Facebook, Twitter, Instagram – 26,000 fans and followers
 - averaging 15 posts/week
 - regular Facebook Lives with Town Councilors, action on rebuilding
- Traditional media interviews and info requests – 5-10 a week
- Press Releases – average 6/month
- Code Red – 17,000 subscribers
- Publications and handouts as needed
- Community Events
- Videos and pictures (intern and Eva)
- Facebook Live (council and Jenny)
- Speaking Engagements (Jenny and SME's)
- Emergency plan, info boards, handouts

ADDITIONAL ITEMS TBD

- Develop public social media/media policy for council
- Update social media policy for public comments on the outlets and communicate on outlets
- Update social media policy with HR for staff
- Develop staff policy for involvement in publicity
- Media training for staff subject matter experts and elected officials (Florida League of Cities)
- Internal staff policy for website content management and social media management

Emergency Communications Improvements

1. Emergency Management planning with LCSO and FMBFD

- a. Revising personnel job descriptions and reporting structures for emergencies
- b. Revising Town's emergency plan and working closely with FMBFD and LCSO
- c. Completed table top exercises to capture lessons learned
- d. Revised process for hurricane re-entry passes; planning mock drill
- e. Creating Town's first communication plan with Council and community input

2. Public communications improvements to emergency response

- a) Plan to set media availability time and place in days before storm for Town Council, Town Manager, Town subject matter experts to share information within a few hours after storm end and regularly after that – town hotel or other spot
- b) WGPU at FGCU is a good place due to its sustainability with electricity, internet, cell plus proximity to public distribution of messages. Town has plans in place now with WGPU.
- c) Push WGPU and Beach Talk Radio as most reliable proven media sources but also encourage everyone to have several ways to receive information including all local media and their social media, as well as Lee County, LCSO, FMBFD
- d) Connected with all PIOs and media in Lee County thanks to Cape Coral PD coordination
- e) Relationships with specific PIOs from other parts of Florida to provide specific assistance when called upon related to press releases, media coordination, website, and social media through the Florida Public Information Officers Association – most of this work can be remote
- f) Responsibility for CODE RED has been switched to the communications department and tested three times (two real-time, one test) – we have 17,000 subscribers and cleared up list with tests
- g) Wal-Mart as off-island location for public info to be posted/staff person to be present there immediately after storm ends who will have the most up to date information (HR, Parks and Rec, Community Development)
- h) Plan for handouts with key messages to be printed at EOC and given at PODS, public info boards, island-wide by staff whose usual jobs are on hold due to the storm – possibly Parks and Rec, Community Development – as well as assistance from Fire Departments or Search and Rescue
- i) Video of Town Manager, Town Council, PW, Utilities when they first enter the island after a storm to assess damage – PIO needs to be there
- j) Priority audience will be those left on island because they will have the most chance for health and safety to be compromised and immediate need for messages. The FMBFD and LCSO are the primary responders for this as the Town will be tending to water, street, debris and other concerns in support of the first responders. Second level of audience will be those who evacuated to the Greater Fort Myers area. The third level of audience will be those who evacuated outside of Florida. The second and third level of audiences should expect to not receive technology communications from the Town for at least 48 hours after the storm and possibly longer with the exception of WGPU and Beach Talk Radio, depending on storm severity.

1. **Requested Motion:**

Meeting Date: October 2, 2023

First Reading and Public Hearing: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 6-325, "OWNER-BUILDER EXEMPTION", OF DIVISION 5, "CONTRACTOR LICENSING", OF ARTICLE II, "BUILDING CODES", OF CHAPTER 6, "MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS", OF THE CODE OF THE TOWN OF FORT MYERS BEACH, TO CLARIFY WHO IS ELIGIBLE FOR AN OWNER-BUILDER PERMIT, PROVIDING FOR CONFLICTS OF LAW; SCRIVENER'S ERRORS; SEVERABILITY; AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on October 16, 2023 at 9:00 a.m.

Why the action is necessary:

Allow Owner-Builder permits to be issued as to some types of trusts.

What the action accomplishes:

Owners who own their homes in a trust can get an Owner-Builder permit as long as they have the appropriate type of trust and they otherwise follow all Owner-Builder requirements.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

Gretchen R.H. Vose, Town
Attorney

5. **Background:**

Some residents who own their home in a trust have requested Owner-Builder permits and have been turned down. The current Town Code prohibits issuance of Owner-Builder permits if the property is owned in a trust. This ordinance would allow certain trusts to obtain owner-builder permits.

Attachments:

1. 23-15, Owner Builder Permit

Financial Impact:

None

6. **Alternative Action**

Do not pass ordinance.

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/27/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023

ORDINANCE 23-15

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 6-325, "OWNER-BUILDER EXEMPTION", OF DIVISION 5, "CONTRACTOR LICENSING", OF ARTICLE II, "BUILDING CODES", OF CHAPTER 6, "MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS", OF THE CODE OF THE TOWN OF FORT MYERS BEACH, TO CLARIFY WHO IS ELIGIBLE FOR AN OWNER-BUILDER PERMIT, PROVIDING FOR CONFLICTS OF LAW; SCRIVENER'S ERRORS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town recognizes that clarification is necessary as to the identity of persons who are permitted to qualify for an owner-builder building permit; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of the Town to make revisions to Section 6-325, "Owner-Builder Exemption". Additions to existing text are shown by underlining, and deletions are shown as ~~strikethroughs~~.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Section 6-325, "Owner-Builder Exemption", of Division 5, "Contractor Licensing", of Article II, "Building Codes", of Chapter 6, "Maintenance Codes, Building Codes and Coastal Regulations", of the Code of the Town of Fort Myers Beach is hereby revised to read as follows:

Sec. 6-235. - Owner-builder exemption.

- (a) Owners of property may act as their own contractor and provide direct on-site supervision themselves of all work not performed by licensed contractors when building or improving:
 - (1) One-family or two-family residences on the owner's property for the occupancy or use of the owners and not offered for sale or lease; and
 - (2) Commercial buildings on the owner's property at a cost not to exceed \$25,000.00 for the occupancy or use of the owners and not offered for sale or lease.

- (b) If, within one year of completion, an owner-builder sells, leases, or offers for sale or lease any building constructed or improved under an owner-builder exemption, the town can presume the construction or improvement was undertaken for the purposes of sale or lease.
- (c) This section does not exempt any person the owner-builder employs, or has a contract with, to act in the capacity of a contractor. The owner cannot delegate the owner's responsibility to directly supervise all work to any other person unless that person is duly licensed in accordance with this code and the work performed is within the scope of that contractor's license.
- (d) To qualify for exemption under this section, an owner cannot be a corporation, **company or partnership or trust** and must personally appear and sign the building permit application. **Similarly to a person who is allowed to qualify for homestead tax exemptions under Sec. 196.041 (2) Fla. Stat., a person who has a possessory right in the person's residence, which interest is an "equitable title to real estate," as that term is employed in s. 6, Art. VII of the Florida Constitution, may also qualify for an owner-builder permit as to that person's residence.** The owner must also execute a disclosure statement prepared by the building official acknowledging compliance with all applicable regulations.

Section 3. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted Town Code provision, ordinance, or statute, this Ordinance shall apply.

Section 4. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the Town Manager without further process.

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. This Ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor
Jim Atterholt, Vice Mayor
John R. King, Council Member
Bill Veach, Council Member
Karen Woodson, Council Member

ADOPTED this ____ day of _____, 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH
ONLY:**

Gretchen R. H. “Becky” Vose, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ___ day of _____,
2023.

1. Requested Motion:

Meeting Date: October 2, 2023

First Reading and Public Hearing: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, SECTION 34-652 ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AND CHAPTER 6, ARTICLE III., DIVISION 2, SECTION 6-366 LOCATION OF CONSTRUCTION NEAR BEACHES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on October 16, 2023 at 9:00 a.m.

Why the action is necessary:

The LDC does not allow reconstruction or repair of accessory structures in the EC zoning district. This amendment would allow repair or reconstruction through a special exception.

What the action accomplishes:

This is the first hearing where the item can be discussed and scheduled for a second hearing.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

4. Submitter of Information:

Sarah Propst, Planning &
Zoning

5. Background:

The 1978 Coastal Construction Control Line (CCCL) marks the beginning of the Environmentally Critical (EC) Zoning District and the Recreation Land Use District. The language pertaining to the EC zoning district was amended in 2020 by ordinance 20-02. The Land Development Code (LDC) limits allowable uses to those that are movable and temporary. The code also lists several items that are allowed by special exception, and they include Sec. 34-652(e)(3) "Redevelopment of existing single family residences, which encroach into the EC district and their customary accessory uses." Sec. 6-366(b).

Staff has been directed to provide recommended language that allows an option for accessory structures to be repaired seaward of the CCCL. The proposed language also expands redevelopment beyond single family residences to include any primary structures, such as condominium buildings that are currently located within the EC district.

Attachments:

1. Ordinance 23-13
2. Exhibit A
3. Exhibit B
4. EC Zoning District Memo
5. Exhibit C Ord 20-02
6. Ordinance 23-13 EC District 9.27.23

Financial Impact:

unknown

6. Alternative Action

Do not amend the LDC language.

7. **Management Recommendations:**

Schedule for a second hearing.

8. **Recommended Approval:**

Sarah Propst, Planning & Zoning

Steve Poposki, Community Development Director

Gretchen R.H. Vose, Town Attorney

Amy Baker, Town Clerk

Andy Hyatt, Town Manager

Created/Initiated - 9/18/2023

Approved - 9/19/2023

Approved - 9/19/2023

Approved - 9/21/2023

Final Approval - 9/21/2023

ORDINANCE NO. 23-13

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA
AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, SECTION 34-652
ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AND
CHAPTER 6, ARTICLE III., DIVISION 2, SECTION 6-366 LOCATION OF
CONSTRUCTION NEAR BEACHES; PROVIDING FOR SEVERABILITY;
CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND
AN EFFECTIVE DATE.**

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town recognizes that redevelopment of the Town, following hurricane Ian requires evaluation and updates to the Land Development Code; and

WHEREAS, the Town Council desires updates to the Fort Myers Beach Land Development Code to clarify, improve and create consistency among sections; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on September 12, 2023, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 7-0, to recommend approval of the requested amendment to Chapter 34., Section 34-652, and Chapter 6, Section 6-366; and

WHEREAS, on October 2, 2023, the Town Council held a first reading of this proposed Ordinance; and

WHEREAS, on October 16, 2023, the Town Council held a second reading of this proposed Ordinance.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Chapter 34, Article III., Division 4, Section 34-652 Environmentally Critical (EC) Zoning District and Chapter 6, Article III., Division 2, Section 6-366 Location of

Construction Near Beaches is hereby amended to read as found in **attached Exhibit A** – Sec. 34-652. Environmentally Critical (EC) Zoning District and **attached Exhibit B** – Sec. 6-366. Location of Construction Near Beaches:

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 4. Whenever the requirements or provisions of this ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember Veach and seconded by Vice Mayor Atterholt and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Bill Veach, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 16th day of October 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. ("Becky") Vose, Esq., Town Attorney

EXHIBITS

Exhibit A – Amended Sec. 34-652.

Exhibit B – Amended Sec. 6-366.

Sec. 34-652. - Environmentally Critical (EC) zoning district.

(a) *Purpose.* The purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach through its comprehensive plan, including:

(1) Beaches that have been designated in the "Recreation" category on the future land use map; and

(2) Wetlands that have been correctly designated in the "Wetlands" category on the future land use map.

(b) *Intent.* The application of the EC district is intended to prevent a public harm by precluding the use of land for purposes for which it is unsuited in its natural state and which injures the rights of others or otherwise adversely affects a defined public interest.

(c) *Accretion.* Accretions of beaches or wetlands, whether by natural causes or through beach renourishment or approved filling, may be permitted in the EC zoning district, with appropriate easements as may be required by regulatory agencies.

(d) *Permitted uses and structures.* In the EC district, no land or water use shall be permitted by right except for those uses and developments described below and consistent with the Fort Myers Beach Comprehensive Plan for uses in wetlands and beaches, as applicable, including:

(1) Boating, with no motors permitted except electric trolling motors.

(2) Fishing.

(3) Removal of intrusive, exotic species or diseased or dead trees, and pest control.

(4) Outdoor education, in keeping with the intent of the district.

(5) Passive recreation activities on public property. These activities and uses include passive recreation that may require temporary structures but no alteration of the natural landscape. Any temporary

structure used in conjunction with such uses must comply with all provisions of this land development code (for instance, see chapters 14 and 27).

(6) Outdoor accessory uses, including the rental of beach furniture, when accessory to a multifamily residential or resort building located adjacent to the Gulf of Mexico containing more than 50 dwelling units.

(7) Wildlife management, as wildlife preserves.

(8) Expansion of area designated for the consumption and service of alcoholic beverages, subject to the regulations in § 34-1264(g)(l).

(9) Temporary, movable structures on private property that do not alter the natural environment. landscape or obstruct pedestrian traffic. Artificial lighting and signs are prohibited unless the lighting or signage complies with §§ 14-5 or 27-51 of this LDC.

(10) Temporary. movable structures that are part of a permitted special event in accordance with § 14-1 I of this LDC.

(11) Licensed beach vendor rental equipment or a temporary movable structure permitted in accordance with § 14-5, ch. 27, and § 34-3151 of this LDC.

a. During the sea turtle nesting season (May 1 through October 31) temporary, movable structures may not be moved across the beach unless:

1. The movement is after 9:00 a.m., or after completion of daily monitoring for turtle nesting activity by a FWCC-authorized marine turtle permit holder, whichever occurs first; and

2. The movement does not disturb any sea turtle or sea turtle nest.

(12) On-grade, pathways through a dune, not to exceed 40 inches in width. subject in compliance with all applicable state and local environmental regulations. No more than one (l) pathway per property.

(e) *Special exception uses and structures.* Upon a finding that the proposed use or structure is consistent with the standards set forth in § 34-88 of this LDC, as well as all other applicable town regulations, the town council may approve with or without conditions as a special exception, the following structures or uses:

(1) Accessory structures, which are accessory to a use permitted by special exception in the EC district.

(2) Nature study center, noncommercial, and its customary accessory uses.

(3) Repair or reconstruction ~~Redevelopment~~ of existing primary structures ~~single-family residences~~, which encroach into the EC district and their customary accessory uses. In accordance with § 6-366 (b) of this code of ordinances.

(4) Minor structures, which shall be located as close to the landward edge of the EC zoning district line as possible and must minimize adverse effects on the beach and dune system.

(5) Artificial lighting, in compliance with sea turtle lighting regulations.

(6) Perpendicular dune walkovers on property. when required to protect indigenous plant communities and when elevation change exists, in accordance with § 10-415(b) and subsection (f), below.

(7) Signs, as approved by a planned development.

(f) *Additional regulations:*

(1) Article I in Ch. 14 pertaining to beach and dune management; and

(2) Any dune walkover must be state approved and constructed consistent with the following requirements:

a. Walkovers must be placed perpendicular to the dune or no more than 30 degrees from perpendicular. New walkovers cannot be placed closer than 150 feet to the nearest

walkover.

b. Walkovers must be supported on posts embedded to a sufficient depth to provide structural stability. These posts may not be encased in concrete.

c. Walkovers cannot exceed four feet in width when serving single-family homes or six feet in width otherwise. Alternate widths require a variance.

d. Walkovers must be elevated at least two feet, and no more than 3 feet, above the highest point of the dune and dune vegetation and must extend to the seaward toe of any existing dun and dune vegetation.

e. Walkovers must be constructed in a manner that minimizes short-term disturbance of the dune system. Any dune vegetation destroyed during

construction must be replaced with similar native vegetation that is suitable for beach and dune stabilization and increases either plant density or area of plantings.

f. Walkovers may not be constructed during the sea turtle nesting season (May 1 through October 31).

g. Walkovers may not be attached to any other structures.

(3) Article IV of Ch. 14 pertaining to wetlands protection; and

(4) Coastal zone regulations in§ 34-1575 of this LDC.

Sec. 6-366. - Location of construction near beaches.

(a) All construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. In addition to complying with all other provisions of this code, major structures must be built landward of the 1978 coastal construction control line except where a major structure may be specifically allowed by this code to extend across this line. The 1978 coastal construction control line is depicted on the Future Land Use Map as the seaward edge of land-use categories allowing urban development and as the landward edge of the recreation land-use category. This line is also the landward edge of the EC (Environmentally Critical) zoning district. A copy of the 1978 Coastal Construction Control Line is recorded at Plat Book 48, Page 15, and available at the Ft. Myers Beach Town Hall.

(b) When existing major structures that were built partially or fully seaward of the 1978 coastal construction control line are reconstructed, they shall be rebuilt landward of this line. Exceptions to this rule may be permitted through the planned development zoning process only where it can be scientifically demonstrated that the 1978 coastal construction control line is irrelevant because of more recent changes to the natural shoreline. The town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. Exceptions must also comply all state laws and regulations regarding coastal construction.

(1) Repairs to existing primary structures, in the EC zoning district, are permitted without a Special Exception only if the repairs do not exceed 25% of the value of the structure. Expansion of existing primary structures, in the EC zoning district, are not permitted without a Special Exception.

(2) Repairs to accessory structures in the EC zoning district are not permitted without a Special exception.

(3) Additional regulations and considerations for Special Exception approval of repairs in the EC zoning district:

a. Any repairs must comply with all relevant local and state floodplain regulations.

b. Repairs may not damage existing dunes or dune vegetation.

c. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.

d. A new special exception must be applied for each time the structure is repaired.

(c) For newly created lots and parcels, a 50-foot separation between structures and dunes is required by § 10-415(b) of this LDC.



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Town Council
From: Sarah Propst, Community Development
Date: October 2, 2023
Re: Accessory Structures in the EC Zoning District

BACKGROUND

The 1978 Coastal Construction Control Line (CCCL) marks the beginning of the Environmentally Critical (EC) Zoning District and the Recreation Land Use District. The language pertaining to the EC zoning district was amended in 2020 by ordinance 20-02. This ordinance added needed definitions, clarification and more specific language regarding what can be built, rebuilt and repaired within the EC district.

The current Comprehensive Plan states that seaward of the CCCL residential construction is not allowed and only park structures are allowed seaward of the 1978 CCCL. The Land Development Code (LDC) limits allowable uses to those that are movable and temporary. The code also lists several items that are allowed by special exception, and they include Sec. 34-652(e)(3) "Redevelopment of existing single family residences, which encroach into the EC district and their customary accessory uses." Sec. 6-366(b).

The Town has been approached by a residential condominium that has a pool constructed over the CCCL. Staff has been directed by Council to provide recommended language that allows an option for accessory structures to be repaired seaward of the CCCL. The proposed language also expands redevelopment beyond single family residences to include any primary structures, such as condominium buildings that are currently located within the EC district.

OPTIONS

The Town can continue to disallow the repair of major accessory structures in the EC zoning district. This will result in no changes.

The Town can amend the code to allow repairs of major accessory structures with the approval of a special exception with the criteria provided in the proposed ordinance or additional criteria.



The Town can amend the code in some other fashion that allows repairs of major accessory structures.

SUMMARY

At the September 12th LPA hearing the LPA unanimously recommended the language attached as Exhibit A and Exhibit B to the proposed Ordinance 23-13.

The Town may leave the language for construction in the EC zoning district the same or to change it to provide a special exception option for primary or accessory major structures in the EC zoning district, with approval of a special exception. The proposed language includes additional special exception requirements for all major structures seeking a special exception in the EC zoning district.

EXHIBITS

Exhibit A – Proposed Amended 34-652

Exhibit B – Proposed Amended 6-366

Exhibit C – Ordinance 20-02

ORDINANCE NO. 20-02

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-652 – EC (ENVIRONMENTALLY CRITICAL) ZONING DISTRICT, SECTION 34-1575 – COASTAL ZONES, AND SECTION 6-366 – LOCATION OF CONSTRUCTION NEAR BEACHES – OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town of Fort Myers Beach, Florida recognizes that development within the Environmentally Critical (EC) zoning district established in the Town of Fort Myers Beach Land Development Code ("LDC") is subject to reasonable regulations as proposed herein to maintain the health, safety and welfare of residents of the Town; and

WHEREAS, the Town Council desires to update the Land Development Code language to clarify, improve, and create consistency among sections; and

WHEREAS, the Town of Fort Myers Beach recognizes that limiting uses and development within the EC zoning district protects people, existing development and the environment; and

WHEREAS, on January 14, 2020 the Town of Fort Myers Beach Local Planning Agency (LPA) reviewed and provided a recommendation of approval to the proposed language by a vote of 6-0; and

WHEREAS, on January 21, 2020 the Town Council held a first reading of the proposed Ordinance; and

WHEREAS, on February 18, 2020 the Town Council held a second reading of the proposed Ordinance.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:¹

¹/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-652. – ~~(EC)~~ Environmentally Critical (EC) zoning district.

(a) *Purpose.* The purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach through its comprehensive plan, including:

(1) Beaches that have been designated in the "Recreation" category on the future land use map; and

(2) Wetlands that have been correctly designated in the "Wetlands" category on the future land use map.

(b) *Intent.* The application of the EC district is intended to prevent a public harm by precluding the use of land for purposes for which it is unsuited in its natural state and which injures the rights of others or otherwise adversely affects a defined public interest.

(c) *Accretion.* Accretions of beaches or wetlands, whether by natural causes or through beach renourishment or ~~artificial~~ approved filling, will may be permitted in automatically be assigned to the EC zoning district, with appropriate easements as may be required by regulatory agencies.

(d) *Permitted uses and structures.* In the EC district, no land or water use shall be permitted by right except for those uses and developments described below and consistent with ~~permitted by~~ the Fort Myers Beach Comprehensive Plan for uses in wetlands and beaches, ~~or critical wildlife habitats~~, as applicable, including:

(1) Boating, with no motors permitted except electric trolling motors.

(2) Fishing.

(3) Removal of intrusive, exotic species or diseased or dead trees, and pest control.

~~(4) Hiking or nature study, including pedestrian boardwalks and dune crossovers.~~

(54) Outdoor education, in keeping with the intent of the district.

~~(65) Passive Recreation activities on public property. residential accessory uses, including the rental of beach furniture when accessory to a multifamily residential building located adjacent to the Gulf of Mexico containing more than 50 dwelling units, and resort accessory uses that are performed outdoors. These activities and uses include passive recreation and active recreation that may requires no permanent temporary structures or but no alteration of the natural landscape (except as may be permitted by special exception (see § 6-366 and subsection (e) below). Any temporary structure used in conjunction with such uses must comply with all provisions of this land development code (for instance, see chapters 14 and 27). Artificial lighting may not be installed in the EC zoning district unless approved by special exception or as a deviation in the planned development rezoning process (see §§ 6-366 and 14-76).~~

(6) Outdoor Residential accessory uses, including the rental of beach furniture, when accessory to a multifamily residential or resort building located adjacent to the Gulf of Mexico containing more than 50 dwelling units, ~~and resort accessory uses that are performed outdoors.~~

(7) Wildlife management, as wildlife preserves.

(8) Expansion of area designated for the consumption and service of alcoholic beverages, subject to the regulations in § 34-1264(g)(1).

(9) Temporary, movable and Occasional minor structures on private property that do not alter the natural environment, landscape or obstruct pedestrian traffic. Artificial lighting and signs are prohibited unless the lighting or signage complies with §§ 14-5 or 27-51 of this LDC.

(10) Temporary, movable structures that are part of a permitted special event in accordance with § 14-11 of this LDC.

(11) Licensed beach vendor rental equipment or a temporary movable structure permitted in accordance with § 14-5, ch. 27, and § 34-3151 of this LDC.

a. During the sea turtle nesting season (May 1 through October 31) temporary, movable structures may not be moved across the beach unless:

1. The movement is after 9:00 a.m., or after completion of daily monitoring for turtle nesting activity by a FWCC-authorized marine turtle permit holder, whichever occurs first; and

2. The movement does not disturb any sea turtle or sea turtle nest.

(12) On-grade, pathways through a dune, not to exceed 40 inches in width, subject to compliance with all applicable state and local environmental regulations. No more than one (1) pathway per property.

(e) Special exception uses and structures. Upon a finding that the proposed use or structure is consistent with the standards set forth in § 34-88 of this LDC, as well as all other applicable town regulations, the town council ~~may permit any specific use or structure from the following list, may approve with or without conditions as a special exception, subject to conditions set forth in this chapter and in the resolution of approval~~ the following structures or uses:

(1) Accessory structures, ~~to include structures, or impervious surface areas~~ which are accessory to a use permitted by right or by special exception in the EC district.

(2) Nature study center, noncommercial, and its customary accessory uses.

(3) ~~Redevelopment of existing~~ Single-family residences, which encroach into the EC district and ~~its~~ their customary accessory uses at a maximum density of one dwelling unit per 20 acres.

(4) Minor structures, ~~that are not permitted by right may be approved in the EC zoning district through the special exception process or as deviations in the planned development rezoning process.~~ Such minor structures which

may include stairways, walkways, ramps, fences, walls, decks, bathhouses, viewing platforms, gazebos, chickees, patios, and other paved areas. These structures which shall be located as close to the landward edge of the EC zoning district line as possible and must minimize adverse effects on the beach and dune system. See §§ 34-88, and 34-932(b), and 34-652 of this LDC for details.

(5) Artificial lighting, in compliance with sea turtle lighting regulations.

(6) Perpendicular dune walkovers on property, when required to protect indigenous plant communities and when elevation change exists, in accordance with § 10-415(b) and subsection (f), below.

(7) Signs, as approved by a planned development.

(f) Additional regulations. See additional requirements in:

(1) Article I in Ch. 14 pertaining to beach and dune management; and

(2) Any dune walkover must be state approved and constructed consistent with the following requirements:

a. Walkovers must be placed perpendicular to the dune or no more than 30 degrees from perpendicular. New walkovers cannot be placed closer than 150 feet to the nearest walkover.

b Walkovers must be supported on posts embedded to a sufficient depth to provide structural stability. These posts may not be encased in concrete.

c. Walkovers cannot exceed four feet in width when serving single-family homes or six feet in width otherwise. Alternate widths require a variance.

d. Walkovers must be elevated at least two feet, and no more than 3 feet, above the highest point of the dune and dune vegetation and must extend to the seaward toe of any existing dune and dune vegetation.

e. Walkovers must be constructed in a manner that minimizes short-term disturbance of the dune system. Any dune vegetation destroyed during

construction must be replaced with similar native vegetation that is suitable for beach and dune stabilization and increases either plant density or area of plantings.

f. Walkovers may not be constructed during the sea turtle nesting season (May 1 through October 31).

g. Walkovers may not be attached to any other structures.

(23) Article IV of Ch. 14 pertaining to wetlands protection; and

(34) Coastal zone regulations in § 34-1575 of this LDC.

Sec. 34-1575. - Coastal zones.

(a) Development, other than minor structures as defined in § ~~34-26-333~~ of this LDC, is prohibited seaward of the 1978 coastal construction control line. This line has been incorporated into the future land use map of the Fort Myers Beach Comprehensive Plan as the landward boundary of the beachfront recreation category (see also Policy 5-D-1.v), and as the landward boundary of the EC zoning district (see § 34-652 of this chapter). Regulations for ~~minor structures~~ development and activities in the EC zoning district (seaward of the 1978 coastal construction control line) are found in § 6-366 and § 34-652 of this LDC.

~~(b) Minor structures do not include structures supported by or extensions of the principal structure. The minor structures identified as acceptable in this section are considered expendable under design wind, wave, and storm forces.~~

~~(eb) No vehicular or foot traffic from developments or access strips to crossovers will be allowed to cross over directly on dune ridges or beach escarpments. Access to the beach must be via elevated dune walkovers (see §§ ~~34-652-366~~ and ~~10-415(b)~~ of this LDC).~~

~~(ec) No development will be permitted which alters the dune system, except for narrow pathways as permitted by § 34-652(d)(10) of this LDC and excavations for the installation of pilings necessary for the construction of elevated structures as permitted by the state department of environmental protection.~~

(d) Only dune vegetation may be planted in the EC zoning district. Dune vegetation means plant species typically growing on the dune as defined by the Florida Natural Areas Inventory. Characteristic species include sea oats, railroad vines, bitter panicum and beach elder.

Sec. 6-366. - Location of construction near beaches.

~~(a) Except for beach renourishment and for minor structures such as lifeguard support stands and beach access ramps, a~~ All construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. In addition to complying with all other provisions of this code, major structures must be built landward of the 1978 coastal construction control line except where a major structure may be specifically allowed by this code to extend across this line. The 1978 coastal construction control line is depicted on the Future Land Use Map as the seaward edge of land-use categories allowing urban development and as the landward edge of the recreation land-use category. This line is also the landward edge of the EC (Environmentally Critical) zoning district. A copy of the 1978 Coastal Construction Control Line is recorded at Plat Book 48, Page 15, and available at the Ft. Myers Beach Town Hall.

~~(b) Occasional minor structures are permitted by right in the EC zoning district if they are placed on private property and do not alter the natural landscape or obstruct pedestrian traffic (examples are mono-post shade structures, movable picnic tables, beach volleyball courts, and similar recreational equipment, see § 34-652 of this LDC). Artificial lighting and signs may not be installed in the EC zoning district unless approved by special exception or as a deviation in the planned development rezoning process or unless explicitly permitted by §§ 14-5 or 27-51 of this LDC.~~

~~(1) Other provisions of this code provide for certain other minor structures in the EC zoning district:~~

~~a. Perpendicular dune walkovers are permitted by right in accordance with § 10-415(b) and subsection (d), below.~~

~~b. Some temporary structures such as tents may be permitted through a temporary use permit for special events held on the beach, in accordance with § 14-11 of this LDC.~~

~~e. Licensed beach vendors may place rental equipment and/or a temporary movable structure in accordance with § 14-5, Ch. 27, and § 34-3151 of this code.~~

~~(2) Minor structures that are not permitted by right may be approved in the EC zoning district through the special exception process or as deviations in the planned development rezoning process. Such minor structures may include stairways, walkways, ramps, fences, walls, decks, bathhouses, viewing platforms, gazebos, chickees, patios, and other paved areas. These structures should be located as close to the landward edge of the EC zoning district as possible and must minimize adverse effects on the beach and dune system. See §§ 34-88, 34-932(b), and 34-652 of this LDC for details.~~

~~(3) Minor structures not qualifying by right, by special exception, or through another provision of this code are not permitted in the EC zoning district. See § 34-652 of this LDC for details.~~

(eb) When existing major structures that were built partially or fully seaward of the 1978 coastal construction control line are reconstructed, they shall be rebuilt landward of this line. Exceptions to this rule may be permitted through the planned development zoning process only where it can be scientifically demonstrated that the 1978 coastal construction control line is irrelevant because of more recent changes to the natural shoreline. The town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. Exceptions must also comply all state laws and regulations regarding coastal construction.

(1) Repairs to existing primary structures, in the EC zoning district, are permitted without a Special Exception only if the repairs do not exceed 25% of the value of the structure. Expansion of existing primary structures, in the EC zoning district, are not permitted without a Special Exception.

(2) Repairs to accessory structures in the EC zoning district are not permitted.

~~(d) New and expanded beachfront development must construct state approved dune walkover structures at appropriate crossing points (see § 10-415(b) of this LDC). All walkovers must meet these criteria in addition to state approval:~~

~~(1) Walkovers must be placed perpendicular to the dune or no more than 30 degrees from perpendicular. New walkovers cannot be placed closer than 150 feet to the nearest walkover.~~

~~(2) Walkovers must be supported on posts embedded to a sufficient depth to provide structural stability. These posts may not be encased in concrete.~~

~~(3) Walkovers cannot exceed four feet in width when serving single family homes or six feet in width otherwise.~~

~~(4) Walkovers must be elevated at least two feet above the highest point of the dune and dune vegetation and must extend to the seaward toe of any existing dune and dune vegetation.~~

~~(5) Walkovers must be constructed in a manner that minimizes short term disturbance of the dune system. Any dune vegetation destroyed during construction must be replaced with similar native vegetation that is suitable for beach and dune stabilization.~~

~~(6) Walkovers may not be constructed during the sea turtle nesting season (May 1 through October 31).~~

(ec) For newly created lots and parcels, a 50-foot separation between structures and dunes is required by § 10-415(b) of this LDC.

Sec. 34-2 Definitions

Accretion means the increase of land by the action of natural forces or by human addition of sand or soils.

Minor structure is a small, accessory structure that is considered expendable under design wind, wave, and storm forces and are of a size and design to have a minor impact on the beach and dune system. Minor structures do not include structures supported by or extensions of the principal structure.

Recreation, passive means, recreation that involves existing natural resources and has a minimal impact. Passive activities include but are not limited to, walking/jogging, picnicking and birdwatching.

Dune Walkover: Walkovers are designed to be minor, expendable structures that pose a minimal interference with coastal processes and generate minimal amounts of debris. Walkovers constructed across native beach and dune vegetation should be post-supported and elevated a sufficient distance above the existing or proposed vegetation to allow for sand build-up and clearance above the vegetation. Whenever possible, stairways and ramps leading from the dune bluff or crest down to the beach should be designed with posts that completely span the seaward slope of the dune. The structure should be designed to minimize the quantity of material used in construction, such as avoiding the use of vertical wood pickets, and reducing the length and width of construction on the beach.

Major Structures which, as a result of design, location, or size could cause an adverse impact to the beach and dune system. Major structures include, nonhabitable major structures such as roads, bridges, storm water outfalls, bathhouses, cabanas, swimming pools, and garages, as well as any habitable structures.

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 4. Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

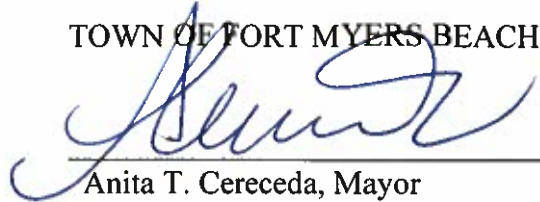
Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Vice Mayor Murphy and seconded by Councilmember Shamp and upon being put to a roll call vote, the result was as follows:

Anita Cereceda, Mayor	Aye
Ray Murphy, Vice Mayor	Aye
Joanne Shamp, Councilmember	Aye
Rexann Hosafros, Councilmember	Aye
Bruce Butcher, Councilmember	Aye

ADOPTED this 18th day of February, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

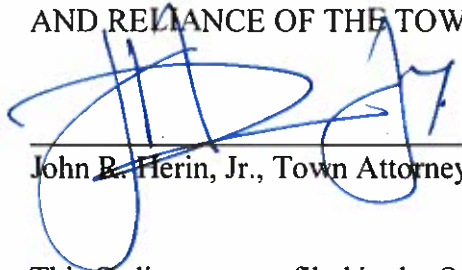
TOWN OF FORT MYERS BEACH


Anita T. Cereceda, Mayor

ATTEST:


Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:


John B. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 3rd day of March 2020.

NOTICE OF ZONING DISTRICT USE CHANGE AND PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold two public hearings at two separate meetings both beginning at 9:00 AM on Monday, October 2, 2023 and Monday, October 16, 2023 regarding the ordinance listed below. This meeting and public hearing will take place at Diamondhead Beach Resort, 2000 Estero Boulevard, Fort Myers Beach, FL 33931.

ORDINANCE 23-13

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, SECTION 34-652 ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AND CHAPTER 6, ARTICLE III., DIVISION 2, SECTION 6-366 LOCATION OF CONSTRUCTION NEAR BEACHES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

If any person should choose to appeal a decision made at this public hearing, such person would need a record of the proceedings, and for that purpose may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Copies of the full ordinance text are available at Fort Myers Beach temporary Town Hall, 2545 Estero Blvd. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you are in need of reasonable accommodation, contact Town Hall at 239-765-0202. Amy Baker, Town Clerk.

1. **Requested Motion:**

Meeting Date: October 2, 2023

First Reading and Public Hearing: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE II., DIVISION 6, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on October 16, 2023 at 9:00 a.m.

Why the action is necessary:

The proposed language will correct an error that requires all administrative variances to meet criteria only intended for the cottage lots and allow homes to be raised or a second story to be built in the same footprint when setbacks are nonconforming.

What the action accomplishes:

Adoption of the new language will fix an error and allow nonconforming buildings to add height.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Ordinance

4. **Submitter of Information:**

5. **Background:**

Following the destruction of all of the cottage structures on the Town's "Cottage Lots", the Town adopted new language for Sec. 34-268 Administrative Setback Variances with the adoption of Ordinance 23-03. This added language allowed the construction of homes that did not meet the setbacks, on nonconforming lots, within specific parameters. Staff recognized an error in the language that requires all administrative variances to meet criteria that should only apply to the "cottage lot" administrative variances. The proposed change to the language in (b)(3) addresses this error.

Since the LPA hearing, staff has become aware of an issue regarding raising homes or building second floors on houses that have nonconforming setbacks. Code section 34-268((a)(1) would allow a home with nonconforming setbacks to be raised or a second story to be built on a home with nonconforming setbacks, however, 34-268(a)(1)a disallows remodeling or additions to existing structures with nonconforming setbacks to receive an administrative variance if it increases the height of the structure. Staff asks that the Town Council provide input regarding the proposed change to the language to remove the limitation on additional height.

Attachments:

1. Ordinance 23-14
2. Exhibit A
3. Admin Variance Memo
4. Exhibit B Ord 23-03

Financial Impact:

unknown

6. **Alternative Action**

Propose changes to the language

7. **Management Recommendations:**

Schedule ordinance 23-14 for a second hearing.

8. **Recommended Approval:**

Sarah Propst, Planning & Zoning

Steve Poposki, Community Development Director

Gretchen R.H. Vose, Town Attorney

Amy Baker, Town Clerk

Andy Hyatt, Town Manager

Created/Initiated - 9/18/2023

Approved - 9/19/2023

Approved - 9/19/2023

Approved - 9/21/2023

Final Approval - 9/21/2023

ORDINANCE NO. 23-14

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE II., DIVISION 6, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town recognizes that redevelopment of the Town, following hurricane Ian requires evaluation and updates to the Land Development Code; and

WHEREAS, the Town Council desires updates to the Fort Myers Beach Land Development Code to clarify, improve and create consistency among sections; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on September 12, 2023, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 7-0, to recommend approval of the requested amendment to Chapter 34., Section 34-268; and

WHEREAS, on October 2, 2023, the Town Council held a first reading of this proposed Ordinance; and

WHEREAS, on October 16, 2023, the Town Council held a second reading of this proposed Ordinance.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Chapter 34, Article II., Division 6, Section 34-268 Administrative Setback Variances is hereby amended to read as found in **attached Exhibit A** – Amended Sec. 34-268.

Section 3. The Town Council intends that the provisions of this ordinance be made a

part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 4. Whenever the requirements or provisions of this ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember Veach and seconded by Vice Mayor Atterholt and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Bill Veach, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 16th day of October 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. ("Becky") Vose, Esq., Town Attorney

EXHIBITS

Exhibit A – Amended Sec. 34-268

Sec. 34-268. - Administrative setback variances.

- (a) Upon written request using a form prepared by the director, the director is authorized to modify the setbacks in §§ 34-638, 34-1174—34-1176, and 34-1744 of this chapter under the following circumstances:
- (1) Street, rear, side, or waterbody setbacks may be modified to permit the remodeling of or additions to existing structures that are nonconforming with regard to a specific setback so long as the remodeling or addition will not result in:
 - a. ~~An increase in the height of the structure; or~~
 - b. A further diminution of the setback. The director may approve bay windows, chimneys, and similar architectural features that may encroach further into the setback provided the encroachment does not protrude beyond the existing overhang of the building.
 - (2) Street, rear, side, or waterbody setbacks may be modified to permit the construction of a handicapped access appurtenant to any existing structure.
 - (3) Street, rear, side, or waterbody setbacks may be modified to allow the replacement of stairs or decking that provides access into an existing dwelling unit.
 - (4) Street, rear, side, or waterbody setbacks may be modified to legitimize minor errors, not exceeding 1 foot, in setbacks at the time of construction.
 - (5) Street, rear, or side setbacks may be modified for a residential lot with an unusual shape or orientation where, for instance, side and rear setbacks should be reversed.
 - (6) Buildings or structures that are not in compliance with current setback regulations and which can be proven to have been permitted may also be reviewed by the director for consideration under this section.
 - (7) Requirements for large satellite dishes may be modified as provided in § 34-1175(a)(6) of this chapter.
 - (8) Nonconforming lots that receive an affirmative Minimum Use Determination (see § 34-3274) may qualify for an administrative setback variance.
- (b) The director, prior to approving the modifications, must make the following findings of fact:
- (1) There are no apparent deleterious effects upon the adjoining property owners;
 - (2) The modifications will not have an adverse impact on the public health, safety and welfare including safe access to the subject property or properties which utilize a common access easement; and
 - (3) For administrative setbacks on nonconforming lots, found in Sec. 34-268(a)(8), ~~The~~ modifications will be the minimum required to allow a home with a footprint of the same square footage as was previously legally constructed on that property and one story in height, above flood elevation, with no enclosure below base flood elevation.
 - (4) Modified setbacks may not be less than 5 feet except in instances where homes share a common wall, such as a duplex or townhome.
 - (5) Modified setbacks may not be encroached by mechanical equipment or structures.
- (c) Decisions by the director pursuant to this section are discretionary and may not be appealed in accordance with § 34-86 of this chapter.

(Ord. No. [21-04](#), § 2, 6-7-2021)



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Town Council
From: Sarah Propst, Community Development
Date: October 2, 2023
Re: Minor Amendment to Administrative Variance Language

BACKGROUND

Following the destruction of all of the cottage structures on the Town's "Cottage Lots", the Town adopted new language for Sec. 34-268 Administrative Setback Variances with the adoption of Ordinance 23-03. This added language allowed the construction of homes that did not meet the setbacks, on nonconforming lots, within specific parameters.

Staff recognized an error in the language that requires all administrative variances to meet criteria that should only apply to the "cottage lot" administrative variances. The proposed language change to 34-268(b)(3) addresses this error.

After the LPA hearing was held, staff was made aware of an issue that the Town Council may want to modify in this code section. 34-268(a)(1) allows street, rear, side, or waterbody setbacks to be modified to permit the remodeling of or additions to existing structures that are nonconforming with regard to a specific setback so long as the remodeling or addition does not increase the height of the structure or further decrease the setbacks. Many home owners are hoping to raise their home on the current foundation or pilings or to build a second floor on top of the existing home to bring the home into compliance with flood regulations. These homes may not meet current setbacks and the addition will not further decrease the setbacks but will increase the height.

Staff asks that the Town Council consider whether it wishes to allow homes with nonconforming setbacks to be raised on the existing footprint, with approval of an administrative variance. This would not require that the raised portion or the new second story would meet current setbacks.

SUMMARY

At the September 12th LPA hearing the LPA unanimously recommended approval of the proposed ordinance to correct this error.



The LPA did not discuss the language in (a)(1)a. that does not allow administrative variances if there is a proposed height increase.

The language before you in (b)(3) is intended to correct an error that requires all types of administrative variances to meet criteria intended only for the “cottage lot” administrative variances. Staff asks that the LPA consider the proposed language and determine if this is an appropriate correction or if other language would accomplish this goal more clearly.

The potential deletion in (a)(1)a. is intended to allow a common request to be approved through an administrative variance, rather than a full variance.

EXHIBITS

Exhibit A – Proposed Amended Language

Exhibit B – Ordinance 23-03

ORDINANCE NO. 23-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE V., DIVISION 4, SECTIONS 34-3273 GENERAL REQUIREMENTS FOR RESIDENTIAL USES ON NONCONFORMING LOTS, SECTION 34-3274 MINIMUM USE DETERMINATIONS, AND CHAPTER 34, ARTICLE II., DIVISION 6, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town recognizes that redevelopment of the Town, following hurricane Ian requires evaluation and updates to the Land Development Code; and

WHEREAS, the Town Council desires updates to the Fort Myers Beach Land Development Code to clarify, improve and create consistency among sections; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on January 18, 2023, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 7-0, to recommend approval of the requested amendment to Chapter 34., Section 34-3273, Section 34-3274 and Section 34-268; and

WHEREAS, on February 6, 2023, the Town Council held a first reading of this proposed Ordinance; and

WHEREAS, on February 21, 2023, the Town Council held a second reading of this proposed Ordinance.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Chapter 34, Article V., Division 4, Sections 34-3273 General Requirements

for Residential Uses on Nonconforming Lots, Section 34-3274 Minimum Use Determinations, and Chapter 34, Article II., Division 6, Section 34-268 Administrative Setback Variances is hereby amended to read as found in **attached Exhibit A** – Amended Residential Uses and Minimum Use and **attached Exhibit B** – Amended Administrative Setback Variances:

Section 3. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 4. Whenever the requirements or provisions of this ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance, or any part thereof, other than the part so declared.

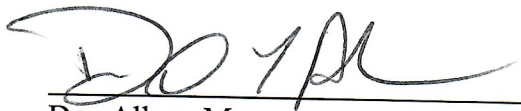
Section 6. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member Veach and seconded by Vice Mayor Atterholt, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	aye
Jim Atterholt, Vice Mayor	aye
John R. King, Council Member	aye
Bill Veach, Council Member	aye
Karen Woodson, Council Member	nay

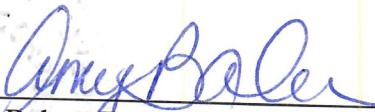
ADOPTED this 21st day of February, 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



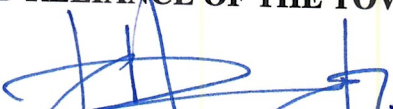
Dan Allers, Mayor

ATTEST:



Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**



John R. Herin, Jr., Town Attorney

EXHIBITS

Exhibit A – Amended Sec. 34-3273 and Sec. 34-3274

Exhibit B – Amended Sec. 34-268

Sec. 34-3273. - General requirements for residential uses on nonconforming lots.

Nonconforming lots may be developed subject to the following provisions:

- (1) All other regulations of this chapter shall be met, except as modified by this division.
- (2) A residential building may be placed on a single nonconforming lot provided the lot receives an affirmative minimum use determination per Sec. 34-3274 or has at least 40 feet in width, 75 feet in depth.
- (3) Any development on nonconforming lots must comply with all density restrictions of the Fort Myers Beach Comprehensive Plan.
 - a. Density computations shall be in accordance with § 34-632 of this chapter.
 - b. If density computations do not allow even one dwelling unit on a nonconforming lot, one single-family residence may still be permitted if a minimum-use determination is obtained in accordance with § 34-3274, below.
- (4) No division of any nonconforming lot may be permitted which creates a lot with width, depth, or area below the minimum requirements stated in this chapter, except for combinations and redivisions in accordance with § 34-3275 of this chapter.
- (5) The burden of proof for demonstrating that a lot is a nonconforming lot in accordance with this division, and lawfully existed at the specified date, shall be with the owner.
- (6) The remaining lot after condemnation shall be treated in accordance with § 34-3206 of this chapter.
- (7) A nonconforming lot, which previously had or currently has a residence constructed on it, and receives an affirmative minimum use determination per Sec. 34-3274 may request an administrative setback variance in accordance with sec. 34-268.

(Ord. No. [21-04](#), § 2, 6-7-2021)

Sec. 34-3274. - Minimum use determinations.

- (a) A single-family residence may be constructed on a nonconforming lot which does not comply with the density requirements of the Fort Myers Beach Comprehensive Plan, provided the owner receives a favorable administrative interpretation of the single-family residence provision (also known as a minimum use determination) in accordance with ch. 15 of the Fort Myers Beach Comprehensive Plan, and the criteria included in subsection 34-3274(b). Density created through this process may not be transferred to any other property.
- (b) To qualify for a minimum use determination, the following additional requirements must be met:
 - (1) *Minimum lot requirements:*
 - a. The property is a legally platted, recorded lot; and
 - b. The property has ~~direct access~~ to a developed, public right-of-way by an approved access easement; and
 - c. The property has access to and will be connected to utilities; and
 - d. The lot is located within a future land use and zoning district that permits construction of a single-family residence.
 - (2) *Unplatted lot (a lot that is described in metes and bounds only and does not exist as part of a recorded subdivision) requirements:*

- a. The owner of any unplatted lot must provide evidence of the lot's existence prior to town incorporation, (January 1, 1996), and the lot's current legal description must match the lot's legal description prior to incorporation;
- b. The property has ~~direct~~ access to a developed, public right-of-way by an approved access easement ; and
- c. The property has access to and will be connected to utilities.
- (c) Lots qualifying for a minimum use determination may not place the home, accessory structures, or driveways on any land in the "wetlands" or "recreation" category on the future land use map of the comprehensive plan.
- (d) The rights granted by a minimum use determination run with the lot and are available to any subsequent owner if the lot is transferred in its entirety.
- (e) Applications for a minimum use determination shall be filed with the town clerk in accordance with ch. 15 of the comprehensive plan. Complete applications will be reviewed by the legal counsel for the local planning agency (see § 34-124(3) of this chapter) and may be referred to the local planning agency for a decision (see § 34-120(6) of this chapter).

([Ord. No. 20-01](#) , § 2, 2-18-2020)

Sec. 34-268. - Administrative setback variances.

- (a) Upon written request using a form prepared by the director, the director is authorized to modify the setbacks in §§ 34-638, 34-1174—34-1176, and 34-1744 of this chapter under the following circumstances:
- (1) Street, rear, side, or waterbody setbacks may be modified to permit the remodeling of or additions to existing structures that are nonconforming with regard to a specific setback so long as the remodeling or addition will not result in:
 - a. An increase in the height of the structure; or
 - b. A further diminution of the setback. The director may approve bay windows, chimneys, and similar architectural features that may encroach further into the setback provided the encroachment does not protrude beyond the existing overhang of the building.
 - (2) Street, rear, side, or waterbody setbacks may be modified to permit the construction of a handicapped access appurtenant to any existing structure.
 - (3) Street, rear, side, or waterbody setbacks may be modified to allow the replacement of stairs or decking that provides access into an existing dwelling unit.
 - (4) Street, rear, side, or waterbody setbacks may be modified to legitimize minor errors, not exceeding 1 foot, in setbacks at the time of construction.
 - (5) Street, rear, or side setbacks may be modified for a residential lot with an unusual shape or orientation where, for instance, side and rear setbacks should be reversed.
 - (6) Buildings or structures that are not in compliance with current setback regulations and which can be proven to have been permitted may also be reviewed by the director for consideration under this section.
 - (7) Requirements for large satellite dishes may be modified as provided in § 34-1175(a)(6) of this chapter.
 - (8) ~~Certain nonconforming~~ Nonconforming lots that receive an affirmative Minimum Use Determination (see § 34-32743) may qualify for an administrative setback variance.
- (b) The director, prior to approving the modifications, must make the following findings of fact:
- (1) There are no apparent deleterious effects upon the adjoining property owners;
 - (2) The modifications will not have an adverse impact on the public health, safety and welfare including safe access to the subject property or properties which utilize a common access easement; and
 - (3) The modifications will be the minimum required to allow a home with a footprint of the same square footage as was previously legally constructed on that property and one story in height, above flood elevation, with no enclosure below base flood elevation.
 - (4) Modified setbacks may not be less than 5 feet except in instances where homes share a common wall, such as a duplex or townhome.
 - (5) Modified setbacks may not be encroached by mechanical equipment or structures.
- (c) Decisions by the director pursuant to this section are discretionary and may not be appealed in accordance with § 34-86 of this chapter.

(Ord. No. 21-04, § 2, 6-7-2021)

1. **Requested Motion:**

Meeting Date: October 2, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230071 AN INCREASE OF 2 FEET TO ALLOWABLE FENCE HEIGHT WITHIN THE FRONT SETBACK; TO ALLOW CHAIN LINK FENCE TO EXTEND 19 FEET INTO THE FRONT SETBACK; TO ALLOW A FENCE WITHIN THE VISIBILITY TRIANGLE BETWEEN 2 AND 6 FEET ABOVE GRADE; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Applicant must get variances to replace her previously existing fence within the same footprint due to height limitations in the front yard of the property, fence material limitations in the front yard of the property and obstructions within the visibility triangle.

What the action accomplishes:

If all variances are approved the fence will go back into the same footprint and at the same height as what existed prior to Hurricane Ian

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Jason Smalley, Senior Planner

5. **Background:**

Anita Cereceda, the owner/ applicant for 185 Jefferson St., is requesting variances from LDC 34-1744(b)(1) which limits fence heights in the first 25-feet setback of the lot's front-yard to a maximum of 4-feet in height; LDC 34-1742(c) which disallows chain-link fence in the first 25-feet of the lot's front-yard setback; and LDC 34-3131(b) limiting obstructions within the visibility triangle between 2-feet and 6-feet above grade.

Prior to Hurricane Ian, Ms. Cereceda had a fence in the same location as what she's requesting today. According to the applicant there has been a fence on this property within the front yard for over 20 years which serves to both screen the pool in the front of the house from the wider public, as well as meeting the requirement of a pool barrier for safety.

Based on Town records staff can confirm that the fence which existed prior to Hurricane Ian was approved for repair in 2014 (FNC14-0039), the application noted this related to a fence that had existed since 1974, no height dimensions or site-plan showing setbacks were provided since the Town staff at that time didn't believe that the scope of work required a permit.

Attachments:

1. 23-122_Resolution
2. Council Staff Report
3. Justifications and Narrative
4. Survey
5. Fence Detail
6. Fence Pictures
7. Application

Financial Impact:

N/A

6. **Alternative Action**

Do not approve Variance

7. **Management Recommendations:**

N/A

8. **Recommended Approval:**

Jason Smalley, Senior Planner
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/22/2023
Approved - 9/22/2023
Approved - 9/22/2023
Approved - 9/26/2023
Final Approval - 9/26/2023

RESOLUTION NUMBER 23-123

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230071 AN INCREASE OF 2 FEET TO ALLOWABLE FENCE HEIGHT WITHIN THE FRONT SETBACK; TO ALLOW CHAIN LINK FENCE TO EXTEND 19 FEET INTO THE FRONT SETBACK; TO ALLOW A FENCE WITHIN THE VISIBILITY TRIANGLE BETWEEN 2 AND 6 FEET ABOVE GRADE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant Anita Cereceda is requesting a variance from section 34-1744(b)(1) limiting fences in the front yard setback; and

WHEREAS, the applicant is requesting a variance from section 34-1742(c) limiting the use of chain link within the front yard setback; and

WHEREAS, the applicant is requesting a variance from section 34-3131(b) limiting the height of landscaping and structures between 2 and 6-feet within the designated visibility triangle; and

WHEREAS, the STRAP number for the subject property is 29-46-24-W1-0030C.003B; and

WHEREAS, the Property is located in the “Mixed Residential with Platted Overlay” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on September 12, 2023, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 6-0 to recommend approval of the variance with conditions; and

WHEREAS, on October 02, 2023 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the

LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance do/ do not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES the variances from sections 34-1744(b)(1), 34-1742(c), and 34-3131(b).

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

- A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variances, the following conditions of approval are imposed on the Applicant and the Property:

A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

B. The homeowner shall plant a buffer to obscure at least the 19 linear feet of the chain-link fence on the east side, within the front 25-foot front-yard setback area.

C. If the current principle structure is demolished and a new principle structure built on the property, the variances for this fence become null.

D. All other LDC requirements shall be met.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 2nd day of October 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Gretchen R. H. "Becky" Vose, Esq., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of October 2023.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20230071

CASE NAME: 185 Jefferson St.; requesting a variance from LDC Section 34-1744(b)(1) limiting fences in front yards to a maximum of 4-feet in height; a variance of Section 34-1742(c) limiting chain-link within the front-yard setback; and a variance of Section 34-3131(b) limiting the height of obstructions within the designated visibility triangle.

TOWN COUNCIL HEARING DATE: October 2, 2023, at 9 AM

STAFF RECOMMENDATION: DENIAL

**PREPARED/
SUBMITTED BY:** Jason Smalley- Senior Planner

I. APPLICATION SUMMARY

Applicant/Owner: Anita Cereceda

Request: The applicant is requesting a variance of 2 feet of height to provide a 6-foot tall fence within the front 25-foot setback of the property, while the LDC limits fences to 4-feet in those areas; requesting a variance of 19-feet to allow a chain-link fence within the 25-foot front-yard setback; and a variance of regulations disallowing obstructions between 2-feet and 6-feet above grade within a visibility triangle.

Subject property: See attached site plan

Physical Address: 185 Jefferson Street

STRAP #: 29-46-24-W1-0030C.003B

FLU: Mixed Residential
Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: RESIDENTIAL CONSERVATION (RC)
Single-Family Residence/Two-Family

South: RESIDENTIAL CONSERVATION (RC)
Canal/Waterbody

East: RESIDENTIAL CONSERVATION (RC)
Single-Family Residence/Two-Family

West: RESIDENTIAL CONSERVATION (RC)
Single-Family Residence/Two-Family

II. LPA OUTCOME

Discussion at the September 12th, 2023 LPA meeting focused on whether the fence had existed for a number of years and whether the intent of the visibility triangle codes were served by the fence being setback 5-feet from the roadway, allowing oncoming vehicle or pedestrian traffic an opportunity to observe a vehicle existing – or entering—the site. LPA members generally agreed that the design, separation from the roadway and the existence of the fence prior to the storm for many years provided enough assurance that the replacement fence wouldn't exacerbate any visibility issues which may have existed.

The final vote was 6-0 for approval with conditions with Ms. Cereceda recusing herself from the discussion and vote. The LPA recommended the revision of condition of approval #2 to express explicitly that repair and maintenance of the fence would be allowed and that other alterations to the primary structure would not nullify the approved variances.

III. BACKGROUND AND ANALYSIS

Background:

Anita Cereceda, the owner/ applicant for 185 Jefferson St., is requesting variances from LDC 34-1744(b)(1) which limits fence heights within the required 25-foot front setback to a maximum of 4-feet in height; LDC 34-1742(c) which disallows chain-link fence within the required 25-foot front-yard setback; and LDC 34-3131(b) which limits obstructions within the visibility triangle between 2-feet and 6-feet above grade.

Prior to Hurricane Ian, 185 Jefferson St had a fence in the same location as what is being requesting today. According to the applicant there has been a fence on this property within the front yard for over 20 years which serves to both screen the pool in the front of the house from the wider public, as well as meeting the requirement of a pool barrier for safety.

Based on Town records staff can confirm that the fence which existed prior to Hurricane Ian was approved for repair in 2014 (FNC14-0039), the application noted this related to a fence that had existed since 1974, no height dimensions or site-plan showing setbacks were provided since the Town staff at that time didn't believe that the scope of work required a permit.

Analysis:

The purpose of the RC zoning district is to provide stable neighborhoods where single-family/two-family homes are the predominant land use. The subject property is a dry lot that is generally rectangular. The lot depth is approximately 96 feet and the width is 75 feet. The property currently has a single-family home, which was originally built in 1926.

The applicant has stated that over the course of the 13 years that the homeowner has been living at her property, there have been no vehicular incidents which would indicate that the previous 6-foot-high fence has not posed a danger to motorists or pedestrians. There is no sidewalk on Jefferson St. which might facilitate regular pedestrian traffic.

Based on street-view photographs (Google, Jan 2015) staff can confirm that there was an approximately 6-foot portion of the vinyl fence which served as a return which connected to a chain-link fence which ran down the east lot line, abutting the adjacent property at 195 Jefferson St.

Based on the street-view photographs staff can confirm that the previous vinyl fence sat approximately 5-feet from the edge of Jefferson St., which appears to have been within the visibility triangle. Staff cannot confirm whether the applicant's assertion that there have been no vehicular or pedestrian incidents in the time she has owned the property, although vehicles/ pedestrians on Jefferson can expect to see a vehicle exiting the property before it enters the roadway due to the right of way width beyond the pavement edge.

Neighborhood Compatibility:

While staff did not observe other fences within the front-yard on Jefferson St., fences within the front yard are relatively common to provide privacy and separation from the right-of-way.

It should be noted that based on the placement of the home on the lot, the applicant constructed a pool in the side yard in-line with the front of the home. Based on the

applicant's narrative the fence was used to protect privacy for the homeowner while she enjoyed her pool, as well as satisfying the required enclosure of the pool to meet the Building Code pool protection regulations.

Prior to the storm there was mature landscape buffering between the applicant and the neighbor to the east (195 Jefferson St.) which seems to have obscured the chain-link fence in the front-yard setback area. It is unclear whether the applicant intends to replant that buffer area between the two properties which will help to obscure any aesthetic concerns which might exist.

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/**is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The subject property had received approval to place a pool forward of the primary structure, within the front yard of the property, this would necessitate having a minimum 4-foot tall fence –or other protection strategy-- to meet Florida Building Code pool protection requirements. The request to construct the 6-foot fence within the area reserved for a visibility triangle has the potential to obscure vehicles exiting the property, there will be an open area approximately 5-feet in depth between the roadway edge and the edge of the applicant's proposed fence.

- b. *That the conditions justifying the variance **are**/are not the result of actions of the applicant taken after the adoption of the regulation in question.*

While the previous fence appears to have served to meet the requirements of pool protection codes, the choice to use chain-link within the front-yard setback area was a decision made by the applicant. Additionally, the minimum required fence height for pool protection is 4-feet.

- c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

The applicant intends to rebuild the fence that existed prior to Hurricane Ian, any non-compliant aspects of the fence's height or location had existed for years prior to this request. The new request doesn't seem to be more intense than the prior fence which was allowed to be repaired by the Town in 2014.

- d. *That the granting of the variance **will**/will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The site visibility triangle is intended to ensure a clear line of sight for cars entering and exiting the right of way. The right of way width beyond the pavement may provide the necessary visibility to protect the public, however staff is unable to determine this.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

IV. RECOMMENDATION

Staff has reviewed the requests for variances from LDC 34-1744(b)(1) which limits fence heights in the required 25-foot front-yard to a maximum of 4-feet in height; LDC 34-1742(c) which disallows chain-link fence in the required 25-foot front-yard setback; and LDC 34-3131(b) limiting obstructions within the visibility triangle between 2-feet and 6-feet above grade, and found that the variance request does not meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230071, a request for variances of 2 feet additional fence height in the front-yard setback, requesting to allow 19-feet of chain-link fence within the lot's front-yard setback and to allow for obstructions between 2-feet and 6-feet in height within the visibility triangle.

V. CONDITIONS FOR APPROVAL

If the Town Council recommends approval for the variance, town staff recommends the following conditions of approval.

- 1) The homeowner shall plant a buffer to obscure at least the 19 linear feet of the chain-link fence on the east side, within the front 25-foot front-yard setback area.
- 2) If the current principle structure is demolished and a new principle structure built on the property, the variances for this fence will become null and void.
- 3) All other LDC requirements shall be met.

V. EXHIBITS

- A. Complete application
- B. Site plan
- C. Applicant's variance justifications and narrative
- D. Postcards

GUIDELINES FOR DECISION MAKING

1. **Exceptional or extraordinary conditions:** The property was originally developed in 1926 and prior to the current owner, has numerous additions precluding the full usage of the rear yard. One of the improvements was the installation of a 6' fence along the front and side property line. Hurricane Ian removed that fence. As a result of the then existing fence, and the lack of a rear yard usage of the front of the property has become the primary outdoor space for relaxation and entertainment. In 2018, the current property owner installed a pool on the side/front property which is visible from the street. The decision to install the pool was greatly dependent on the viability of and continued usage of the then existing 6' fence. The home is one of the few remaining cottages on Fort Myers Beach, the ginger box charm and character has been accentuated and maintained with the style of fence being proposed (replaced).
2. **Conditions justifying the variance(s) are not the result of the applicant:** The removal of the existing fence was a result of Hurricane Ian. The configuration and location of the structures on the property require the replacement of the 6' fence for privacy and usage of the front yard.
3. **The variance(s) granted is the minimum variance:** This is the minimum variance necessary to return the use of the property back to the long standing configuration of structures for the privacy and usage of the property. The front of the property has been enjoyed for many years with the location of the fence in the proposed location. To not allow it's return would be a diminution of the usage of the property that has been enjoyed for so many years.
4. **Granting of the variance is not injurious to the neighborhood:** The granting of these variances (s) will not be injurious to the neighborhood, in fact they will help preserve the character and charm that has existed for many years. As a result of Hurricane Ian many structures have been removed, this is one that remains and is choosing to maintain the local character and charm the neighborhood is familiar with.
5. **Granting of the variance(s) are not so common:** Over the past years this property has been developed in a unique manner with the ultimate elimination of the rear yard for any useable space and consequently the pool is installed within view of the front street, this is not a common configuration.

ADDENDUM REQUEST FROM 34-1614- Visibility

Explain the specific regulation contained in this section from which relief is sought

34-1614 No portion of any building or structure regulated by this division which exceeds two feet in height shall be permitted within the visibility triangle set forth in [§ 34-3131](#) of this chapter, pertaining to vehicle visibility.

The proposed 6' high fence will be installed along the front property line starting approx 27' from the south side property line running along front property line for 48' to the north and returns 6' down the north property line. Thus encroaching into the visibility triangle which runs 100' along the front property line.

Reason for request

Explain why the variance is needed:

The proposed fence will be greater than 2'feet high within the visibility triangle.

Hurricane Ian has removed the fence. The owner is looking to maintain the charm and character of the cottage (of which only a few remain on the Island).

The variance is needed to put the property back to the pre-Ian condition which has included the fence for over 23 years.

The property configuration is unique in that it doesn't have a rear yard sufficient for a pool, nor does the existing house have access (except through a garage service door) to the rear of the property.

The home was constructed in 1926 and as such the owner is looking to maintain the original charm and character of the property. The fence has been a part of the properties charm and character for many years and as such we are proposing to reinstall in same location that which has been there for many many years. The fence adds to the historical character and charm of the property.

Additionally it is a reasonable request for a homeowner to expect to have some privacy while using their property. The proposed fence allows for privacy while using the pool and what is essentially the only useable outdoor area on this property.

The proposed fence will satisfy the requirement for a pool barrier; Tremendous consideration for privacy was given when making the decision to install a pool in the front of the home back in 2018. The fact that the then existing 6' fence was acknowledged and accepted by the Town was influential in making that decision. No conditions were attached to the permit in the event of the unwanted removal of the then existing 6' fence.

Explain the possible effect the variance, if granted, would have on the surrounding properties:

As this fence has been in existence for over 23 years there will be no negative effect on the surrounding properties, adjacent property owners are familiar with the appearance and location. The property owner has been navigating the entrance and exit into her property for the past 13 years without incidence. There has never been any mishap or negative affect from the fence which has been in existence in the same location since at least 2000.

Additionally there is a separation between the property line and the edge of pavement, this separation creates a further enhancement to the visibility when entering and exiting the property. This separation in essence gives us the 5' required visibility triangle to the north side of the property.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

The property is unique in the manner with which it has been constructed; basically no useable rear yard exists. The home was first constructed in 1926, it is one of the original cottages on Fort Myers Beach. Over many years the home has had multiple additions. As a result of these additions and modifications the property owner could only install the pool in the front/side yard. When the pool was constructed there was tremendous consideration given to the decision as to whether or not the owner would be afforded some level of privacy with which to utilize the pool. For over 13 years, the current property owner has had the ability to maintain privacy while utilizing her front yard. As the fence has been in existence for over 23 years and without the assistance of hurricane Ian would still remain, the owner is now left without any privacy with which to utilize the pool. Over the years with the previously installed 6' fence, the front yard has essentially been utilized as what others would do in their rear yard, therefore, the 6' fence is a necessity for privacy and continued code compliance for the pool.

The installation of a lesser height fence would afford no privacy whatsoever to the owner.

ADDENDUM REQUEST FROM 34-1742(c) Material

Explain the specific regulation contained in this section from which relief is sought

34-1742(c) Chain link and other wire fences are not permitted in front yards (the area between a street right-of-way or easement and the minimum required street setback or build-to line).

The north side yard property will have a 6' black chainlink fence installed starting 6' from front property line down the remainder of the side yard and returning to the rear of the property. The 6' chainlink vinyl fence will encroach the front setback by 19' along the north side property line.

Reason for request

Explain why the variance is needed:

Hurricane Ian has removed the fence.

The variance is needed to put the property back to pre-Ian conditions which have been in existence for over 23 years.

The use of the chainlink fence will provide for a consistent appearance along the side property line. There is currently no barrier along the side property line, installing a fence will provide the required pool barrier along with providing privacy.

The side property line previously contained a fence and lush landscaping, while many of the trees and previous fence has been removed via the storm we are proposing to reinstall the fence for privacy. It is important to the owner to maintain the pre-Ian conditions of the property, as this is one of the few remaining properties with such a historical charm and characteristic of Fort Myers Beach.

Explain the possible effect the variance, if granted, would have on the surrounding properties:

As this fence has been in existence for over 23 years there will be no effect on the surrounding properties, they are familiar with its appearance and location.

In fact along the street there are other visible chainlink fences

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

The property is unique in the manner with which it has been constructed; basically no useable rear yard exists. The home was first constructed in 1926, it is one of the few remaining cottages on Fort Myers Beach. Maintaining the character of the property has been a priority of the owner. Prior to the current owner, over many years the home has had multiple additions. As a result of these additions and modifications the property owner could only install the pool in the front/side of the existing home. When the pool was constructed there was tremendous consideration given to the decision as to whether or not the owner would be afforded some level of privacy with which to utilize the pool. As the fence has been in existence for over 23 years and without the assistance of hurricane Ian would still remain, the owner is now left without any privacy with which to utilize the pool. The continuation of the 6' black chainlink fence from the white vinyl fence assists in maintaining the character of the cottage appearance, and adds an aesthetic appeal while providing the required pool barrier (POL18-0022)

ADDENDUM REQUEST FROM 34-1744(B)(1) Location

Explain the specific regulation contained in this section from which relief is sought

Fence height within 25' of the right of way shall not exceed 48".

This request is twofold;

First to replace a previously installed 6' high white vinyl fence along the front property line....The design of the white vinyl consists of the first 5' height of fence is solid vinyl the remaining top is 1' lattice.

Secondly: The proposed 6' high white vinyl fence return down the north side yard property line for 6'. From that point we will continue with a 6' high chainlink vinyl fence for the remainder of the side property line. The 6' chainlink vinyl fence will encroach the front setback by 19'

Reason for request

Explain why the variance is needed:

Hurricane Ian has removed the fence. The property configuration is unique in that it doesn't have a rear yard sufficient for a pool, nor does the existing house have access (except through a garage service door) to the rear of the property.

The variance is needed to put the property back to pre-Ian condition which has included the fence for at least 23 years.

A pool permit was issued and finalized POL18-0022 . The requirement for a pool barrier was met with the previously installed 6' fence.

Privacy is a typical expectation for an individual when utilizing their property. The 6' fence provides this privacy to the owner. When making the decision to install a pool in the front yard, the element of privacy was a concern. When it was confirmed the existing fence would remain to offer that privacy a decision could be made on the installation of the pool. We now have a pool which needs to obtain a pool barrier. Installing anything other than a 6' fence would not offer any privacy while utilizing the pool. Therefore we are looking to replace what was previously installed thus assisting in maintaining the charm and character of one of the few remaining cottage properties on the Island.

Explain the possible effect the variance, if granted, would have on the surrounding properties:

As this fence has been in existence for over 23 years there will be no negative effect on the surrounding properties, adjacent property owners are familiar with the appearance and location. The property owner has been navigating the entrance and exit into her property for the past 13 years without incidence. There has never been any mishap or negative affect from the fence which has been in existence in the same location since at least 2000.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

The property is unique in the manner with which it has been constructed; there is basically no useable rear yard. The home was first constructed in 1926, it is an example of one of the original cottages on Fort Myers Beach. Unlike, many other properties on FMB, this property is the homesteaded property of the owner and as such is utilized by the property owner. Over many years the home has had multiple additions as needed and placed wherever possible. As a result of these additions and modifications the property owner could only install the pool in the front/side of the home. When the pool was constructed there was tremendous consideration given to the decision as to whether or not the owner would be afforded some level of privacy with which to utilize the pool. Anything other than a 6' fence would not offer any privacy while utilizing the pool.

As the fence has been in existence for over 23 years and without the assistance of hurricane Ian would still remain, the owner is now left without any privacy with which to utilize her pool and yard. The proposed 6' white vinyl fence also assists in maintaining the character of the cottage appearance, and would enhance the recognition of the historical nature of the existing structure. This property would maintain it's charm and character as it has always had. As a result of the removal of the fence and the existence of a pool we are proposing the reinstallation of the fence for privacy and code compliance while maintaining the historical character of the property.

BOUNDARY SURVEY
SCALE: 1" = 20'

LEGEND:

- M = MONUMENT LINE
NGVD = NATIONAL GEODETIC VERTICAL DATUM
N/D = NAIL & DISC
N.T.S. = NOT TO SCALE
= NUMBER
O/S = OFFSET
OH = OVERHEAD
O.R.B. = OFFICIAL RECORD BOOK
PL = PLANTER
P.L. = PROPERTY LINE
P.C.C. = POINT OF COMPOUND CURVATURE
P.C. = POINT OF CURVE
P.T. = POINT OF TANGENCY
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.R.C. = POINT OF REVERSE CURVATURE
P.P. = POWER POLE
P.C.P. = PERMANENT CONTROL POINT
P.B. = PLAT BOOK
PC = PAGE
PW = PARKWAY
P.R.M. = PERMANENT REFERENCE MONUMENT
P.L.S. = PROFESSIONAL LAND SURVEYOR
(R) = RECORDED DISTANCE
R.R. = RAILROAD
R/W = RIGHT-OF-WAY
R = RADIUS
RGE = RANGE
SEC. = SECTION
STY. = STORY
SWK. = SIDEWALK
S.I.P. = SET IRON PIPE
S.I.R. = SET IRON ROD
T = TANGENT
TWP. = TOWNSHIP
U.E. = UTILITY EASEMENT
U.P. = UTILITY POLE
W.M. = WATER METER
D = INTERIOR ANGLE
C = CENTERLINE
U.H. = UTILITY HOUSE
P.P. = POWER POLE
A/C. = AIR CONDITIONER PAD
ASPH. = ASPHALT
BLDG. = BUILDING
B.M. = BENCH MARK
C.B. = CATCH BASIN
C.B.S. = CONCRETE BLOCK STRUCTURE
C.L.F. = CHAIN LINK FENCE
CONC. = CONCRETE
DN = DRIVEWAY
DST. = DISTANCE
EL. = ELEVATION
F.H. = FIRE HYDRANT
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
F.B. = FIELD BOOK
F.F. = FINISH FLOOR ELEVATION
FD. = FOUND
U.C. = UNDER CONSTRUCTION
FT. = FEET
F.B.C. = FOUND BLOCK CORNER
F.N.D. = FOUND NAIL & DISC
F.D.H. = FOUND DRILL HOLE
F.N. = FOUND NAIL
GAR. EL. = GARAGE ELEVATION
WP. = WOOD POLE
L.P. = LIGHT POLE
L = LENGTH
(M) = MEASURED
MON. = MONUMENT
O.H.W. = OVERHEAD WIRE
(BB) = BASIS OF BEARINGS
(MP) = SANITARY SEWER MAN-HOLE
WV = WATER VALVE
U.P.A. = UTILITY POLE ANCHOR
U.P. = UTILITY POLE
U.F. = UTILITY FENCE
F.H. = FIRE HYDRANT
ELEV. = ELEVATION
C.B.S. WALL = C.B.S. WALL
TILE = TILE
ASPHALT = ASPHALT
GRASS = GRASS

LEGAL DESCRIPTION:

BEGINNING OF THE NORTHEASTERLY CORNER OF LOT 22 BLOCK C, OF "LYNN'S HIGHLAND PARK" ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 8, OF PAGE 50, THENCE ALONG A PROLONGATION OF THE REAR LOT LINE OF SAID LOT 22, 100 FEET TO THE POINT OF BEGINNING, OF THE LANDS HEREIN DESCRIBED,
THENCE CONTINUE ALONG SOUTH PROLONGATION A DISTANCE OF 75 FEET;
THENCE SOUTHEASTERLY AT AN INCLUSIVE ANGLE OF 90 DEGREES, 96.95 FEET, MORE OR LESS TO THE NORTHWESTERLY SIDE OF JEFFERSON STREET;
THENCE SOUTHWESTERLY ALONG JEFFERSON STREET A DISTANCE OF 75 FEET;
THENCE NORTHWESTERLY A DISTANCE OF 96.95 FEET MORE OR LESS TO THE POINT OF BEGINNING

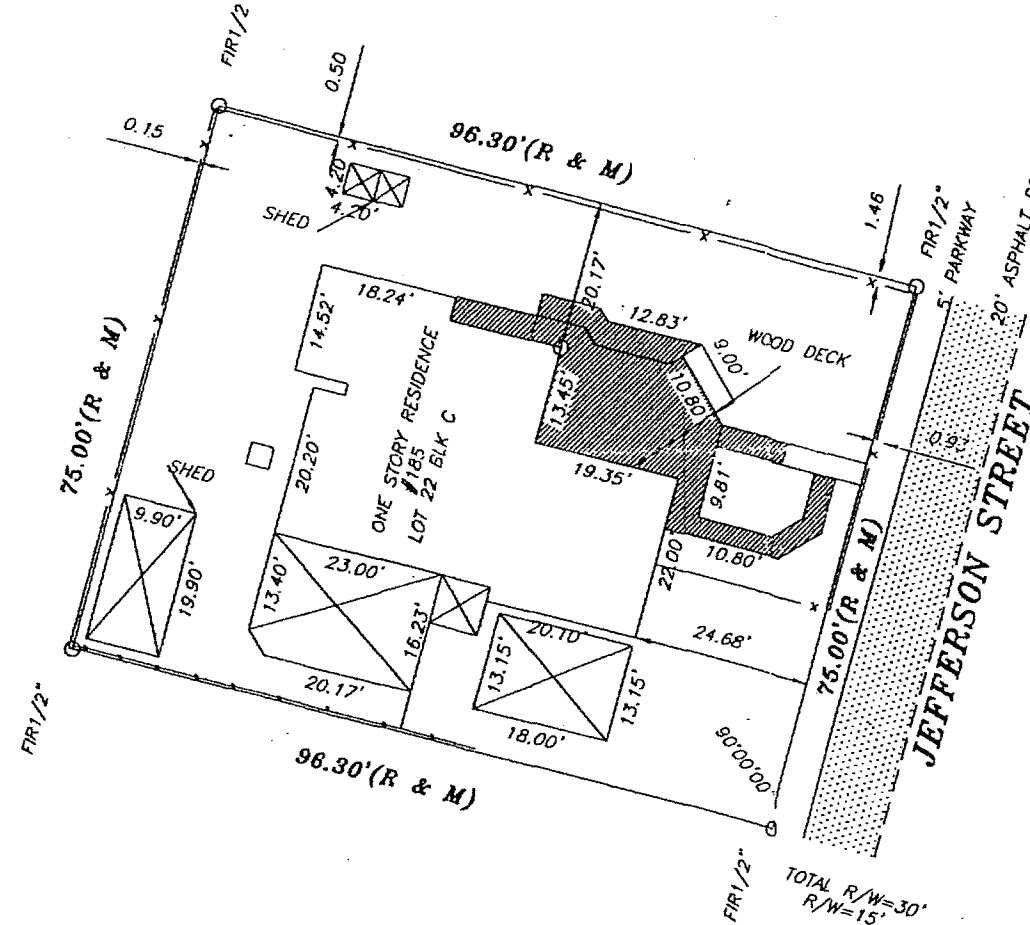


Exhibit 6-2

PROPERTY ADDRESS:

185 JEFFERSON STREET FORT MYERS BEACH, FL 33931

CERTIFIED TO:

DENISE A. TREINEN
ELITE TITLE SERVICES.

SURVEYORS NOTES:

- 1-OWNERSHIP IS SUBJECT TO OPINION OF TITLE
- 2-EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THIS PROPERTY
- 3-NO UNDERGROUND IMPROVEMENTS WERE LOCATED
- 4-ELEVATIONS ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (UNLESS ASSUMED).
- 5-THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN IN THIS SURVEY THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS
- 6-LEGAL DESCRIPTION PROVIDED BY CLIENT
- 7-UNLESS OTHERWISE NOTED RECORDED AND MEASURED DATA ARE IN SUBSTANTIAL AGREEMENTS.
- 8-BEFORE ANY CONSTRUCTION THE SET BACKS MUST BE CHECKED
- 9-FLOOD ZONE A-13 BASE 12.0' PANEL 0433
- 10- DATE OF FIELD WORK 09-15-03

CARIBBEAN INSPECTIONS & SURVEYS

CARIBBEAN N A CONSULTING INC LB7234

7911 NW 72nd AVE., SUITE 105 MEDLEY, FL 33166

JOB # J-185-J DRAWN: C.L. REV: N.A.

DATE: 09-15-03

(305) 889-1100 (954) 435-0220

FAX (305) 889-2900 FAX (954) 438-7272

PALM BEACH MARTIN/ST. LUCIE/INDIAN RIVER

(561) 741-4260 (772) 398-6533

FAX (561) 741-4259 FAX (772) 398-6592

WESTCOAST OPERATIONS

COLLIER/LEE (239) 549-5911/FAX: (239) 549-5811

TOLL FREE STATE WIDE 1-866-261-CBIC

WWW.CBICORF.COM

I HEREBY CERTIFY: THAT THE BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS RECENTLY SURVEYED UNDER MY DIRECTION. IT IS ALSO MY PROFESSIONAL OPINION THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61 G-17-6 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027 OF THE FLORIDA STATUTES.

NOE AGUILAR
PROFESSIONAL LAND SURVEYOR & MAPPER
CERTIFICATE No 5571
STATE OF FLORIDA

THE SURVEY SHOWN HEREON IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

6 H Ashington vinyl with Lattice - Option 1 - 193 LF

■ 6'H White Ashington ■ 6'H Residential Black Vinyl Coated Chain-Link

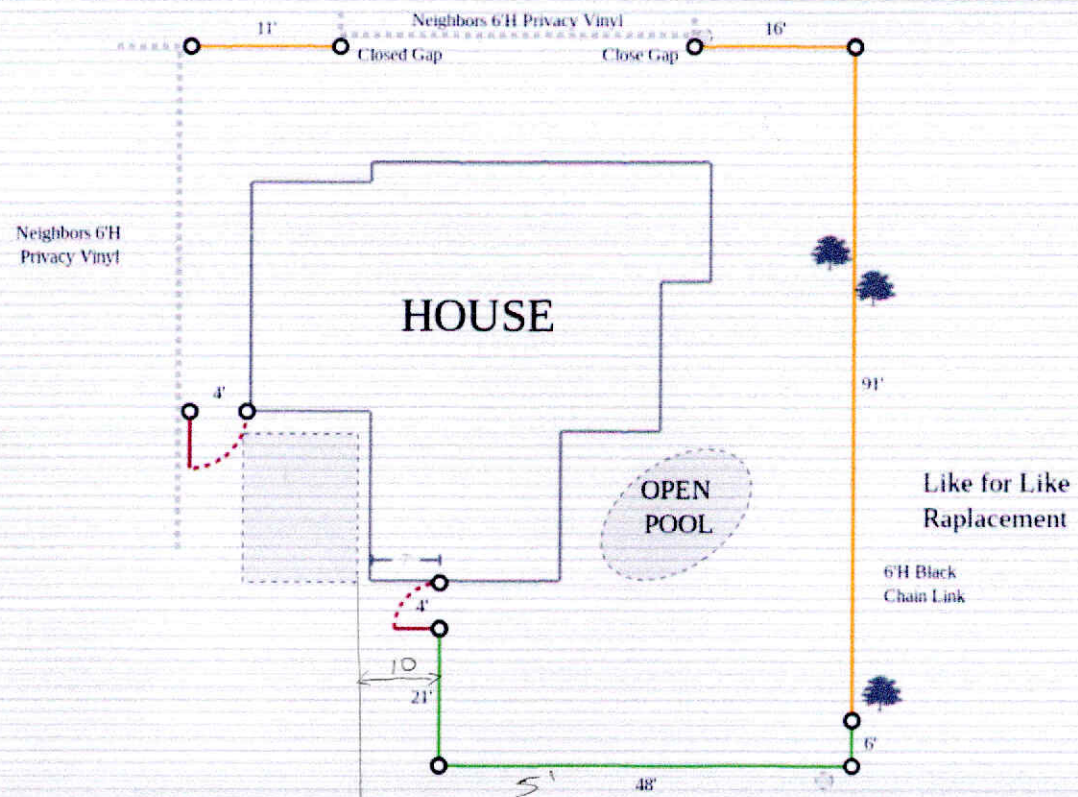




Photo 2003







Most Current Photo



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 185 Jefferson St
STRAP Number: 29-46-24-W1-0030C.003B
Applicant: Anita Cereceda Phone: 239-218-1450
Contact Name: Anita Cereceda Phone: _____
Email: fmbanita22@gmail.com Fax: _____
Current Zoning District: RC
Future Land Use Map (FLUM) Category: Mixed Residential
FLUM Density Range: 6du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

- ☐ Special Exception
☒ Variance
☐ Conventional Rezoning
☐ Planned Development ☐ Commercial ☐ Residential
☐ Master Concept Plan Extension
☐ Appeal of Administrative Action
☐ Vacation of Platted Right-of-way and Easement
☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G
attach on separate sheet

PART I – General Information

A. Applicant*: Anita Cereceda Phone: 239-218-1450
**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*
Applicant Mailing Address: 185 Jefferson St
Email: fmbanita22@gmail.com Fax: _____
Contact Name: Anita Cereceda/Kara Stewart Phone: 239-218-1450



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.
Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Kara Stewart Phone: 239-770-4198

Address: _____

Email: stewart.karalyn@gmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☐ Variance from LDC Section 34 - 1744(b)(1);1734(c);1614
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: n/a

PART III - Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: n/a Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV - Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: Anita Cereceda Phone: 239-218-1450

Mailing Address: 185 Jefferson St

Email: fmbanita22@gmail.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Anita Cereceda swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 78 feet
Depth (please provide an average width if irregular in shape) 96 feet
Frontage on street: 78 feet. Frontage on waterbody: n/a feet
Total land area: 7749 ☐ acres ☒ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Over skybridge go left to Jefferson, turn left middle of street

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☒ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☒ Attach a map showing the surrounding property owners as Exhibit 6-7.
☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|---|--|
| ☐ Low Density | ☐ Marina |
| ☒ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Anita Cereceda

Printed Name

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of _____ physical

presence OR _____ online notarization, this _____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Percentage Ownership



Case # _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: 185 Jefferson St Fence
Authorized Applicant: Anita Cereceda
LeePA STRAP Number: 29-46-24-W1-0030C.003B

Current Property Status: Dwelling unit	
Current Zoning: RC	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density: 6 du/acre	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1744 (b)(1)	Location and height of fences
34-1742 (c) materials	Design and Construction of Fences
34-1614	Height of Structure in Visibility Triangle

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
See attached addendums

Reasons for request

Explain why the variance is needed:
see attached addendums

Explain the possible effect the variance, if granted, would have on surrounding properties:
see attached addendums

Explain the hardship (what is unique about the property) that justifies relief from the regulation:
see attached addendums



see addendum guidelines for decision-making

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

1. **Requested Motion:**

Meeting Date: October 2, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND AMERICAN UNDERWATER CONTRACTORS, INC. FOR THE SOLE SOURCE PURCHASE OF 70 MOORING SYSTEMS FOR A COST OF \$ 194,410.00.

Why the action is necessary:

The Mooring Field is an environmental and economic asset to the Town. The pumpout operation associated with the mooring field facilitates sewage pumpout from traveling and resident boaters keeping fecal matter out of our precious marine water resource. In addition, the mooring field is a safe harbor destination for cruisers and sailors visiting the shops and restaurants of Fort Myers Beach.

What the action accomplishes:

The purchase and installation of the mooring systems will bring the remaining 70 mooring balls back in service.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Hurricane Ian devastated the Town's Mooring Field, damaging the mooring systems such that the integrity and safety of the systems are compromised.

Attachments:

1. 23-122, Mooring Systems Purchase
2. Coastal Sole Source 9-23
3. AUC Matanzas Mooring System Quote 9-23

Financial Impact:

The replacement of the mooring systems is FEMA reimbursable for 90% of the costs. FDEM is expected to cover an additional 5%, and the Town would be responsible for the remain 5%, which is \$9,720.50

6. **Alternative Action**

Do not replace damaged mooring field systems.

7. **Management Recommendations:**

Approve the sole source purchase of 70 mooring systems from American Underwater Contractors, Inc.

8. **Recommended Approval:**

Chadd Chustz, Environmental Services
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 9/22/2023
Approved - 9/22/2023
Approved - 9/23/2023
Approved - 9/25/2023

RESOLUTION NUMBER 23-122

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND AMERICAN UNDERWATER CONTRACTORS, INC. FOR THE SOLE SOURCE PURCHASE OF 70 MOORING SYSTEMS FOR A COST OF \$ 194,410.00.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town Mooring Field was devastated by Hurricane Ian, damaging the mooring systems;

WHEREAS, the Town Council has determined it is in the best interest of the Town to approve the requested sole source purchase agreement between the Town and American Underwater Contractors, Inc.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves the (Agreement/change order/etc.) between the Town and American Underwater Contractors, Inc, for the purchase of 70 Mooring Systems. A copy of the sole source agreement is attached hereto as Attachment "A".

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 2nd day of October 2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of October 2023.

AMERICAN UNDERWATER CONTRACTORS, INC

17536 SE Conch Bar Avenue Tequesta, FL 33469 • Phone 561.575.5538 Fax 561.575.4651 AUCfooster@aol.com

Mr. Mark Kincaid
Coastal Engineering Consultants, Inc
2841 Bonita Crossing Blvd
Bonita Springs, FL 34135

September 12, 2023

To Whom it May Concern:

American Underwater Contractors, Inc. (AUC) is the sole source provider for the custom rigged and fully assembled StormSoft elastic down line that meets the Fort Myers Mooring Field engineering specifications.

Sincerely,

David

David Foster
American Underwater Contractors, Inc.

AMERICAN UNDERWATER CONTRACTORS, INC.

Marine & Underwater Construction, Mooring Fields, Waterway Markers,
Search & Salvage, StormSoft Elastic Down Lines

QUOTE

DATE: SEPTEMBER 15, 2023

17536 SE Conch Bar Avenue
Tequesta, FL 33469
Phone 561.371.6510
AUCfoster@aol.com

TO Mr. Mark Kincaid
Coastal Engineering Consultants, Inc.
Ph: 239-643-2324

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
70	Complete StormSoft mooring systems to meet all Fort Myers mooring field specifications	\$ 2,528.00	\$ 176,960.00
70	Freight to Fort Myers-per complete system	\$ 35.00	\$ 2,450.00
3	Day rate for Commercial dive team with vessel and all equipment to install 70 mooring systems, 3 days	\$ 3,800.00	\$ 11,400.00
1	Mobilization of equipment, vessel and crew to Fort Myers	\$ 1,800.00	\$ 1,800.00
1	Demobilization of equipment, vessel and crew	\$ 1,800.00	\$ 1,800.00
SUBTOTAL			\$ 194,410.00
SALES TAX			TBD
TOTAL			\$ 194,410.00

QUOTE GOOD FOR 30 DAYS

1. **Requested Motion:**

Meeting Date: October 2, 2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND STEWART MATERIALS FOR THE SOLE SOURCE PURCHASE OF 26,460 TONS OF BEACH COMPATIBLE SAND FOR A COST OF \$313,551.00.

Why the action is necessary:

Beach compatible sand is needed to restore 1:20::Rise:Run slopes to ease access to the beach.

A protective sand berm along the 7000 block is needed to protect upland properties along beach segments that did not qualify for the FEMA berm, and are not in the Estero Island Shoreline Protection Project (aka renourishment project).

Beach compatible sand is also needed to restore Carlos Point Beach, which is also not in the Estero Island Shoreline Protection Project, to pre-Hurricane Ian conditions.

What the action accomplishes:

Restores gentler slopes to highly frequented beach accesses.

Protects upland properties along the 7000 Estero Block.

Restores Carlos Point Beach to pre-hurricane conditions above mean high water.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Hurricane Ian devastated Fort Myers Beach causing substantial erosion of the beach. In addition, beach accesses were compromised, and the loss of elevation along the beach has left upland properties vulnerable to king tides and future storms.

Attachments:

1. Resolution 23-124 - Stewart Materials
2. Stewart Mine - Town of Ft Myers Beach - Beach sand 2023
3. 23LE4_A1 Town of Ft. Myers Beach 2022 Hurricane Ian and Nicole Recovery Project

Financial Impact:

The cost of the sand purchase from Stewart Mine will be 100% paid for by the FDEP Hurricane Ian and Hurricane Nicole Recovery Grant.

6. **Alternative Action**

Do not restore beach accesses, construct a berm, and restore Carlos Point Beach to pre-hurricane Ian conditions.

7. **Management Recommendations:**

8. **Recommended Approval:**

Chadd Chustz, Environmental Services
Steve Poposki, Community Development Director
Gretchen R.H. Vose, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 9/22/2023
Approved - 9/22/2023
Approved - 9/27/2023
Approved - 9/27/2023
Final Approval - 9/27/2023

RESOLUTION NUMBER 23-124

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SOLE SOURCE PURCHASE AGREEMENT BETWEEN THE TOWN AND STEWART MATERIALS FOR THE SOLE SOURCE PURCHASE OF 26,460 TONS OF BEACH COMPATIBLE SAND FOR A COST OF \$313,551.00.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, requires beach compatible sand to recover Town beaches from Hurricane Ian impacts including repair or beach accesses, construction of a berm to protect upland properties along segments of beach that did not qualify for the FEMA emergency berm and are not included in the Estero Island Shoreline Protection Project, and renourishment of the segment of beach known as Carlos Point Beach (aka Bird Beach) that is also not included in the Estero Island Shoreline Protection Project;

WHEREAS, the Town Council has determined it is in the best interest of the Town to approve the requested sole source purchase agreement with Stewart Mine Materials.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby approves the sole source purchase agreement between the Town and Stewart Materials, for the purchase of 26,460 tons of beach compatible sand for a cost of \$313,551. A copy of the Sole Source Purchase Agreement is attached hereto as Attachment "A".

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King	_____
Bill Veach	_____
Karen Woodson	_____

ADOPTED this 2nd day of October_2023 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of October 2023.



Approved FDOT Aggregate Source Base and Stabilization Materials

Sand Shell Screenings Topsoil Fill

Date Proposed: September 21, 2023

Proposed to: Town of Ft Myers Beach

Company Address: 2525 Estero Blvd, Fort Myers Beach, FL 33931

Contact Name: Chadd Chustz

Phone: _____

Cell: 239-462-8127

Email: chadd@fmbgov.com

Mine Site: Immokalee

Town of Ft Myers Beach

Project Name

Ft Myers Beach, FL

Project Location/County/Zip

11/1/2023

Approximate Start/End Date of Project

NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE
1	Beach Sand	26,460	+/- Ton	\$ 11.85	\$ 313,551.00
2			+/- Ton	\$ -	\$ -
3			+/- Ton	\$ -	\$ -
TOTAL					\$ 313,551.00

Daily Volumes Subject to Availability

All prices, unless otherwise noted, are F.O.B. at seller's mine source. Applicable taxes are NOT included in the price of material. This proposal is valid for 60 days from the Date Proposed. This proposal will become null and void if purchaser does not submit a purchase order to seller matching the terms of this quote (including price, quantities, and period of time over which purchases are to be made) within 30 days of purchaser entering into a contract after bid award for the project referenced in this quote. This quote does not apply to any contract extensions for such referenced project – purchaser must request additional quotes for any such contract extensions. This proposal may be withdrawn at any time by seller prior to unconditional written acceptance by purchaser. Seller is not responsible for any delays not caused solely by Seller. In addition to these terms, all bids, proposals, orders, contracts, and agreements relating to the purchase and sale of sand, rock, general fill and/or other aggregate materials from Stewart Materials, LLC are subject to the "General Terms and Conditions" attached hereto (page 2) and incorporated herein by reference.

The undersigned accepts the above quotation:

STEWART MATERIALS, LLC

Signature _____

Printed Name _____

Title _____

Date _____

Signature _____

By Amanda Stewart

Title VP of Sales

Date 9/21/2023



GENERAL TERMS AND CONDITIONS

In addition to the terms and conditions contained in the bid, proposal, order, contract, or agreement you have obtained from us regarding the sale/purchase of rock, sand, fill, and/or any other aggregate material (collectively, "Aggregate"), the following terms and conditions (collectively, "Terms") shall apply:

1. As used herein: (i) "we", "our", or "us" shall mean Stewart Materials, LLC and its directors, officers, employees, owners, affiliates, and subsidiaries; and (ii) "you" or "your" refers to all individuals and/or entities that have obtained a bid, proposal, order, contract, or agreement from us or who are purchasing or have purchased Aggregate from us.
2. You shall be deemed to have read and irrevocably and unconditionally agreed to these Terms as posted on our website before accepting a bid or proposal for the sale of Aggregate, placing an order for Aggregate, or purchasing Aggregate from us. Additionally, you acknowledge and agree that: (i) all bids, proposals, orders, contracts, or agreements relating to the sale/purchase of Aggregate from us are subject to these Terms; (ii) these Terms may be amended from time to time and all such bids, proposals, orders, contracts, or agreements are subject to the Terms in effect and published by us as of the date such bids, proposals, orders, contracts, or agreements are entered into; (iii) any amendments or changes to these Terms shall be effective immediately upon publication by us; and (iv) it is your responsibility to request the then current Terms published by us.
3. Under Florida's Construction Lien Laws (Florida Statutes Sections 713.001-713.37) we are classified as a materialman. Our standard practice is to provide a proposal setting out pricing for the specific job request and general information, such as our payment terms, which are net thirty (30) days from the date of the applicable statement. Unless otherwise stated in writing, a proposal from us is valid for sixty (60) days from date issued. Upon agreement to the terms set forth in our proposal and the required completed job information sheet and notice to owner information, we will set up your order and hauling can commence. In the absence of a returned signed proposal, ordering or taking delivery of Aggregate from us after receipt of a proposal shall be deemed your unconditional acceptance to the terms of the proposal and these Terms as if the proposal had been signed by you.
4. Our terms are FOB our mine sites. Once your hauler generates a ticket at our weight scale at our mine site(s) (whether or not your hauler takes physical possession of the ticket generated) and your hauler leaves our mine site(s), you are responsible for payment.
5. We are not responsible for overweight trucks.
6. Without a written manifest/dispatch on file in our scale house at the mine site(s), we will not be held responsible for incorrect materials or destinations and tickets will not be changed.
7. Requests for copies of tickets should be emailed to amanda@stewartmaterials.com and will be supplied as time permits. Before requesting a copy of a ticket from us, we suggest you first attempt to retrieve the tickets from your hauler.
8. Payment terms are net thirty (30) days from the date of the applicable statement or invoice and interest accrues at one and a half percent (1.5%) per month (eighteen percent (18%) per annum) from the due date. In the event of non-payment per the Terms, you agree to be obligated and liable to us, and to reimburse us immediately upon demand, for all costs of collection including reasonable attorney's fees, whether or not suit is filed, and through all efforts regarding collection including any appeal and collection efforts.
9. Accounts not paid within net thirty (30) days will be placed on hold until said account is brought current. No advance notice will be given to you if your account is placed on hold.
10. Any discrepancies on tickets must be brought to our attention within ten (10) calendar days from the date of invoice.
11. No terms not included herein have been or will be accepted by us unless in writing and signed by us.
12. If no valid sales tax exemption certificate is provided to us, you will be charged applicable sales tax.
13. We will be excused from entire or part performance under any bids, proposals, orders, contracts, or agreements to the extent such performance is prevented by an event of Force Majeure. As used herein, the term "Force Majeure" will include, but shall not be limited to, any of the following: allocations, expropriations, requisitions, priorities, restraints, or other acts of governmental, civil, military, or naval authorities (whether acting legally or otherwise); pandemic; acts of God or the elements; perils or accidents of the sea or other waters; cave-in, flood, windstorm, hurricane, or other damage from the elements; labor strike; riot; inability to obtain, or delay in obtaining necessary equipment or materials; inability or failure to obtain, delay in obtaining, or loss of any governmental authorizations, approvals, or permits; any federal, state, or local law or any order, rule, or regulation of any governmental authority; litigation; catastrophic failure or breakage in hull, machinery, plant, or equipment; acts of war, hostilities, interferences of public enemies or belligerents; fire or explosion; or any cause whatsoever beyond our reasonable control whether of the kind enumerated or otherwise. Such excuse from performance will continue until such Force Majeure event is eliminated or ceases to exist.
14. You agree to provide us with certificate(s) of insurance evidencing your general liability and workers compensation coverage upon request.
15. We do not make any representations or warranties of any kind whatsoever with respect to any sand, rock, general fill and/or other aggregate materials purchased or acquired from us, whether express or implied, and specifically disclaims any implied warranties, whether of merchantability, suitability, fitness for a particular use or purpose, or otherwise for said aggregate materials.

Page 2

**AMENDMENT NO. 1
TO AGREEMENT NO. 23LE4
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
TOWN OF FT. MYERS BEACH**

This Amendment to Agreement No. 23LE4 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Town of Ft. Myers Beach, 2525 Estero Boulevard, Ft. Myers Beach, FL 33931 (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Town of Ft. Myers Beach 2022 Hurricane Ian and Nicole Recovery Project, effective March 16, 2023; and

WHEREAS, the parties wish to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

- 1) The total amount of funding of the Agreement is increased by \$973,909.87 to \$1,891,335.00.
- 2) Attachment 1, Standard Terms and Conditions, is hereby deleted in its entirety and replaced with Attachment 1-A, Revised Standard Terms and Conditions, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 1 shall hereinafter refer to Attachment 1-A, Revised Standard Terms and Conditions.
- 3) Attachment 3, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-A, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-A, Revised Grant Work Plan.
- 4) Attachment 5, Special Audit Requirements, Exhibit 1 is hereby deleted in its entirety and replaced with Attachment 5, Revised Special Audit Requirements, Exhibit 1-A, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 5, Exhibit 1, shall hereinafter refer to Attachment 5, Revised Special Audit Requirements, Exhibit 1-A.
- 5) All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistencies may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

Town of Ft. Myers Beach

By: 
Title: Environmental Project Manager

Date: 21 SEPT 2023

**Florida Department of
Environmental Protection**

By: _____
Secretary or Designee

Date: _____

LIST OF ATTACHMENTS/EXHIBITS INCLUDED AS PART OF THIS AMENDMENT:

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	1-A	Revised Standard Terms and Conditions (13 pages)

Attachment 3-A
Attachment 5, Exhibit 1-A

Revised Grant Work Plan (3 pages)
Revised Special Audit Requirements (3 pages)

- REMAINDER OF PAGE INTENTIONALLY LEFT BLANK -

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD TERMS AND CONDITIONS
APPLICABLE TO GRANT AGREEMENTS**

ATTACHMENT 1-A

1. Entire Agreement.

This Grant Agreement, including any Attachments and Exhibits referred to herein and/or attached hereto (Agreement), constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements, whether written or oral, with respect to such subject matter. Any terms and conditions included on Grantee's forms or invoices shall be null and void.

2. Grant Administration.

- a. Order of Precedence. If there are conflicting provisions among the documents that make up the Agreement, the order of precedence for interpretation of the Agreement is as follows:
 - i. Standard Grant Agreement
 - ii. Attachments other than Attachment 1, in numerical order as designated in the Standard Grant Agreement
 - iii. Attachment 1, Standard Terms and Conditions
 - iv. The Exhibits in the order designated in the Standard Grant Agreement
- b. All approvals, written or verbal, and other written communication among the parties, including all notices, shall be obtained by or sent to the parties' Grant Managers. All written communication shall be by electronic mail, U.S. Mail, a courier delivery service, or delivered in person. Notices shall be considered delivered when reflected by an electronic mail read receipt, a courier service delivery receipt, other mail service delivery receipt, or when receipt is acknowledged by recipient. If the notice is delivered in multiple ways, the notice will be considered delivered at the earliest delivery time.
- c. If a different Grant Manager is designated by either party after execution of this Agreement, notice of the name and contact information of the new Grant Manager will be submitted in writing to the other party and maintained in the respective parties' records. A change of Grant Manager does not require a formal amendment or change order to the Agreement.
- d. This Agreement may be amended, through a formal amendment or a change order, only by a written agreement between both parties. A formal amendment to this Agreement is required for changes which cause any of the following:
 - (1) an increase or decrease in the Agreement funding amount;
 - (2) a change in Grantee's match requirements;
 - (3) a change in the expiration date of the Agreement; and/or
 - (4) changes to the cumulative amount of funding transfers between approved budget categories, as defined in Attachment 3, Grant Work Plan, that exceeds or is expected to exceed twenty percent (20%) of the total budget as last approved by Department.A change order to this Agreement may be used when:
 - (1) task timelines within the current authorized Agreement period change;
 - (2) the cumulative transfer of funds between approved budget categories, as defined in Attachment 3, Grant Work Plan, are less than twenty percent (20%) of the total budget as last approved by Department;
 - (3) changing the current funding source as stated in the Standard Grant Agreement; and/or
 - (4) fund transfers between budget categories for the purposes of meeting match requirements.This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature.
- e. All days in this Agreement are calendar days unless otherwise specified.

3. Agreement Duration.

The term of the Agreement shall begin and end on the dates indicated in the Standard Grant Agreement, unless extended or terminated earlier in accordance with the applicable terms and conditions. The Grantee shall be eligible for reimbursement for work performed on or after the date of execution through the expiration date of this Agreement, unless otherwise specified in Attachment 2, Special Terms and Conditions. However, work performed prior to the execution of this Agreement may be reimbursable or used for match purposes if permitted by the Special Terms and Conditions.

4. Deliverables.

The Grantee agrees to render the services or other units of deliverables as set forth in Attachment 3, Grant Work Plan. The services or other units of deliverables shall be delivered in accordance with the schedule and at the pricing outlined in the Grant Work Plan. Deliverables may be comprised of activities that must be completed prior to Department making payment on that deliverable. The Grantee agrees to perform in accordance with the terms and conditions set forth in this Agreement and all attachments and exhibits incorporated by the Standard Grant Agreement.

5. Performance Measures.

The Grantee warrants that: (1) the services will be performed by qualified personnel; (2) the services will be of the kind and quality described in the Grant Work Plan; (3) the services will be performed in a professional and workmanlike manner in accordance with industry standards and practices; (4) the services shall not and do not knowingly infringe upon the intellectual property rights, or any other proprietary rights, of any third party; and (5) its employees, subcontractors, and/or subgrantees shall comply with any security and safety requirements and processes, if provided by Department, for work done at the Project Location(s). The Department reserves the right to investigate or inspect at any time to determine whether the services or qualifications offered by Grantee meet the Agreement requirements. Notwithstanding any provisions herein to the contrary, written acceptance of a particular deliverable does not foreclose Department's remedies in the event deficiencies in the deliverable cannot be readily measured at the time of delivery.

6. Acceptance of Deliverables.

- a. Acceptance Process. All deliverables must be received and accepted in writing by Department's Grant Manager before payment. The Grantee shall work diligently to correct all deficiencies in the deliverable that remain outstanding, within a reasonable time at Grantee's expense. If Department's Grant Manager does not accept the deliverables within 30 days of receipt, they will be deemed rejected.
- b. Rejection of Deliverables. The Department reserves the right to reject deliverables, as outlined in the Grant Work Plan, as incomplete, inadequate, or unacceptable due, in whole or in part, to Grantee's lack of satisfactory performance under the terms of this Agreement. The Grantee's efforts to correct the rejected deliverables will be at Grantee's sole expense. Failure to fulfill the applicable technical requirements or complete all tasks or activities in accordance with the Grant Work Plan will result in rejection of the deliverable and the associated invoice. Payment for the rejected deliverable will not be issued unless the rejected deliverable is made acceptable to Department in accordance with the Agreement requirements. The Department, at its option, may allow additional time within which Grantee may remedy the objections noted by Department. The Grantee's failure to make adequate or acceptable deliverables after a reasonable opportunity to do so shall constitute an event of default.

7. Financial Consequences for Nonperformance.

- a. Withholding Payment. In addition to the specific consequences explained in the Grant Work Plan and/or Special Terms and Conditions, the State of Florida (State) reserves the right to withhold payment when the Grantee has failed to perform/comply with provisions of this Agreement. None of the financial consequences for nonperformance in this Agreement as more fully described in the Grant Work Plan shall be considered penalties.
- b. Invoice reduction
If Grantee does not meet a deadline for any deliverable, the Department will reduce the invoice by 1% for each day the deadline is missed, unless an extension is approved in writing by the Department.
- c. Corrective Action Plan. If Grantee fails to correct all the deficiencies in a rejected deliverable within the specified timeframe, Department may, in its sole discretion, request that a proposed Corrective Action Plan (CAP) be submitted by Grantee to Department. The Department requests that Grantee specify the outstanding deficiencies in the CAP. All CAPs must be able to be implemented and performed in no more than sixty (60) calendar days.
 - i. The Grantee shall submit a CAP within ten (10) days of the date of the written request from Department. The CAP shall be sent to the Department's Grant Manager for review and approval. Within ten (10) days of receipt of a CAP, Department shall notify Grantee in writing whether the CAP proposed has been accepted. If the CAP is not accepted, Grantee shall have ten (10) days from receipt of Department letter rejecting the proposal to submit a revised proposed CAP. Failure to obtain Department approval of a CAP as specified above may result in Department's termination of this Agreement for cause as authorized in this Agreement.
 - ii. Upon Department's notice of acceptance of a proposed CAP, Grantee shall have ten (10) days to commence implementation of the accepted plan. Acceptance of the proposed CAP by Department does not relieve Grantee of any of its obligations under the Agreement. In the event the CAP fails to correct or eliminate performance deficiencies by Grantee, Department shall retain the right to

require additional or further remedial steps, or to terminate this Agreement for failure to perform. No actions approved by Department or steps taken by Grantee shall preclude Department from subsequently asserting any deficiencies in performance. The Grantee shall continue to implement the CAP until all deficiencies are corrected. Reports on the progress of the CAP will be made to Department as requested by Department's Grant Manager.

- iii. Failure to respond to a Department request for a CAP or failure to correct a deficiency in the performance of the Agreement as specified by Department may result in termination of the Agreement.

8. Payment.

- a. Payment Process. Subject to the terms and conditions established by the Agreement, the pricing per deliverable established by the Grant Work Plan, and the billing procedures established by Department, Department agrees to pay Grantee for services rendered in accordance with section 215.422, Florida Statutes (F.S.).
- b. Taxes. The Department is exempted from payment of State sales, use taxes and Federal excise taxes. The Grantee, however, shall not be exempted from paying any taxes that it is subject to, including State sales and use taxes, or for payment by Grantee to suppliers for taxes on materials used to fulfill its contractual obligations with Department. The Grantee shall not use Department's exemption number in securing such materials. The Grantee shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement.
- c. Maximum Amount of Agreement. The maximum amount of compensation under this Agreement, without an amendment, is described in the Standard Grant Agreement. Any additional funds necessary for the completion of this Project are the responsibility of Grantee.
- d. Reimbursement for Costs. The Grantee shall be paid on a cost reimbursement basis for all eligible Project costs upon the completion, submittal, and approval of each deliverable identified in the Grant Work Plan. Reimbursement shall be requested on Exhibit C, Payment Request Summary Form. To be eligible for reimbursement, costs must be in compliance with laws, rules, and regulations applicable to expenditures of State funds, including, but not limited to, the Reference Guide for State Expenditures, which can be accessed at the following web address: <https://www.myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf>.
- e. Rural Communities and Rural Areas of Opportunity. If Grantee is a county or municipality that qualifies as a "rural community" or "rural area of opportunity" (RAO) as defined in subsection 288.0656(2), F.S., such Grantee may request from the Department that all invoice payments (i.e., cost reimbursement) under this Agreement be directed to the relevant county or municipality or to the RAO itself. The Department will agree to Grantee's request if:
 - i. Grantee demonstrates that it is a county or municipality that qualifies as a "rural community" or "rural area of opportunity" under subsection 288.0656(2), F.S.;
 - ii. Grantee demonstrates current financial hardship using one (1) or more of the "economic distress" factors defined in subsection 288.0656(2)(c), F.S.;
 - iii. Grantee's performance has been verified by the Department, which has determined that Grantee is eligible for cost reimbursement and that Grantee's performance has been completed in accordance with this Agreement's terms and conditions; and
 - iv. Applicable federal and state law(s), rule(s) and regulation(s) allow for such payments.This subsection may not be construed to alter or limit any other applicable provisions of federal or state law, rule, or regulation. A current list of Florida's designated RAOs can be accessed at the following web address: <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity>.
- f. Invoice Detail. All charges for services rendered or for reimbursement of expenses authorized by Department pursuant to the Grant Work Plan shall be submitted to Department in sufficient detail for a proper pre-audit and post-audit to be performed. The Grantee shall only invoice Department for deliverables that are completed in accordance with the Grant Work Plan.
- g. State Funds Documentation. Pursuant to section 216.1366, F.S., if Contractor meets the definition of a non-profit organization under section 215.97(2)(m), F.S., Contractor must provide the Department with documentation that indicates the amount of state funds:
 - i. Allocated to be used during the full term of the contract or agreement for remuneration to any member of the board of directors or an officer of Contractor.
 - ii. Allocated under each payment by the public agency to be used for remuneration of any member of the board of directors or an officer of the Contractor.

Attachment 1-A

3 of 13

The documentation must indicate the amounts and recipients of the remuneration. Such information must be posted on the State's the contract tracking system and maintained pursuant to section 215.985, F.S., and must be posted on the Contractor's website, if Contractor maintains a website.

- h. Interim Payments. Interim payments may be made by Department, at its discretion, if the completion of deliverables to date have first been accepted in writing by Department's Grant Manager.
- i. Final Payment Request. A final payment request should be submitted to Department no later than sixty (60) days following the expiration date of the Agreement to ensure the availability of funds for payment. However, all work performed pursuant to the Grant Work Plan must be performed on or before the expiration date of the Agreement.
- j. Annual Appropriation Contingency. The State's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. This Agreement is not a commitment of future appropriations. Authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of Department if the Legislature reduces or eliminates appropriations.
- k. Interest Rates. All interest rates charged under the Agreement shall be calculated on the prevailing rate used by the State Board of Administration. To obtain the applicable interest rate, please refer to: <https://www.myfloridacfo.com/division/aa/local-governments/judgement-interest-rates>.
- l. Refund of Payments to the Department. Any balance of unobligated funds that have been advanced or paid must be refunded to Department. Any funds paid in excess of the amount to which Grantee or subgrantee is entitled under the terms of the Agreement must be refunded to Department. If this Agreement is funded with federal funds and the Department is required to refund the federal government, the Grantee shall refund the Department its share of those funds.

9. Documentation Required for Cost Reimbursement Grant Agreements and Match.

If Cost Reimbursement or Match is authorized in Attachment 2, Special Terms and Conditions, the following conditions apply. Supporting documentation must be provided to substantiate cost reimbursement or match requirements for the following budget categories:

- a. Salary/Wages. Grantee shall list personnel involved, position classification, direct salary rates, and hours spent on the Project in accordance with Attachment 3, Grant Work Plan in their documentation for reimbursement or match requirements.
- b. Overhead/Indirect/General and Administrative Costs. If Grantee is being reimbursed for or claiming match for multipliers, all multipliers used (i.e., fringe benefits, overhead, indirect, and/or general and administrative rates) shall be supported by audit. If Department determines that multipliers charged by Grantee exceeded the rates supported by audit, Grantee shall be required to reimburse such funds to Department within thirty (30) days of written notification. Interest shall be charged on the excessive rate.
- c. Contractual Costs (Subcontractors). Match or reimbursement requests for payments to subcontractors must be substantiated by copies of invoices with backup documentation identical to that required from Grantee. Subcontracts which involve payments for direct salaries shall clearly identify the personnel involved, salary rate per hour, and hours spent on the Project. All eligible multipliers used (i.e., fringe benefits, overhead, indirect, and/or general and administrative rates) shall be supported by audit. If Department determines that multipliers charged by any subcontractor exceeded the rates supported by audit, Grantee shall be required to reimburse such funds to Department within thirty (30) days of written notification. Interest shall be charged on the excessive rate. Nonconsumable and/or nonexpendable personal property or equipment costing \$5,000 or more purchased for the Project under a subcontract is subject to the requirements set forth in chapters 273 and/or 274, F.S., and Chapter 69I-72, Florida Administrative Code (F.A.C.) and/or Chapter 69I-73, F.A.C., as applicable. The Grantee shall be responsible for maintaining appropriate property records for any subcontracts that include the purchase of equipment as part of the delivery of services. The Grantee shall comply with this requirement and ensure its subcontracts issued under this Agreement, if any, impose this requirement, in writing, on its subcontractors.
 - i. For fixed-price (vendor) subcontracts, the following provisions shall apply: The Grantee may award, on a competitive basis, fixed-price subcontracts to consultants/contractors in performing the work described in Attachment 3, Grant Work Plan. Invoices submitted to Department for fixed-price subcontracted activities shall be supported with a copy of the subcontractor's invoice and a copy of the tabulation form for the competitive procurement process (e.g., Invitation to Bid, Request for Proposals, or other similar competitive procurement document) resulting in the fixed-price subcontract. The Grantee may request approval from Department to award a fixed-price subcontract resulting from procurement methods other than those identified above. In this instance, Grantee shall request the advance written approval from Department's Grant Manager of the fixed price

Attachment 1-A

- negotiated by Grantee. The letter of request shall be supported by a detailed budget and Scope of Services to be performed by the subcontractor. Upon receipt of Department Grant Manager's approval of the fixed-price amount, Grantee may proceed in finalizing the fixed-price subcontract.
- ii. If the procurement is subject to the Consultant's Competitive Negotiation Act under section 287.055, F.S. or the Brooks Act, Grantee must provide documentation clearly evidencing it has complied with the statutory or federal requirements.
 - d. Travel. All requests for match or reimbursement of travel expenses shall be in accordance with section 112.061, F.S.
 - e. Direct Purchase Equipment. For the purposes of this Agreement, Equipment is defined as capital outlay costing \$5,000 or more. Match or reimbursement for Grantee's direct purchase of equipment is subject to specific approval of Department, and does not include any equipment purchased under the delivery of services to be completed by a subcontractor. Include copies of invoices or receipts to document purchases, and a properly completed Exhibit B, Property Reporting Form.
 - f. Rental/Lease of Equipment. Match or reimbursement requests for rental/lease of equipment must include copies of invoices or receipts to document charges.
 - g. Miscellaneous/Other Expenses. If miscellaneous or other expenses, such as materials, supplies, non-excluded phone expenses, reproduction, or mailing, are reimbursable or available for match or reimbursement under the terms of this Agreement, the documentation supporting these expenses must be itemized and include copies of receipts or invoices. Additionally, independent of Grantee's contract obligations to its subcontractor, Department shall not reimburse any of the following types of charges: cell phone usage; attorney's fees or court costs; civil or administrative penalties; or handling fees, such as set percent overages associated with purchasing supplies or equipment.
 - h. Land Acquisition. Reimbursement for the costs associated with acquiring interest and/or rights to real property (including access rights through ingress/egress easements, leases, license agreements, or other site access agreements; and/or obtaining record title ownership of real property through purchase) must be supported by the following, as applicable: Copies of Property Appraisals, Environmental Site Assessments, Surveys and Legal Descriptions, Boundary Maps, Acreage Certification, Title Search Reports, Title Insurance, Closing Statements/Documents, Deeds, Leases, Easements, License Agreements, or other legal instrument documenting acquired property interest and/or rights. If land acquisition costs are used to meet match requirements, Grantee agrees that those funds shall not be used as match for any other Agreement supported by State or Federal funds.

10. Status Reports.

The Grantee shall submit status reports quarterly, unless otherwise specified in the Attachments, on Exhibit A, Progress Report Form, to Department's Grant Manager describing the work performed during the reporting period, problems encountered, problem resolutions, scheduled updates, and proposed work for the next reporting period. Quarterly status reports are due no later than twenty (20) days following the completion of the quarterly reporting period. For the purposes of this reporting requirement, the quarterly reporting periods end on March 31, June 30, September 30 and December 31. The Department will review the required reports submitted by Grantee within thirty (30) days.

11. Retainage.

The following provisions apply if Department withholds retainage under this Agreement:

- a. The Department reserves the right to establish the amount and application of retainage on the work performed under this Agreement up to the maximum percentage described in Attachment 2, Special Terms and Conditions. Retainage may be withheld from each payment to Grantee pending satisfactory completion of work and approval of all deliverables.
- b. If Grantee fails to perform the requested work or fails to perform the work in a satisfactory manner, Grantee shall forfeit its right to payment of the retainage associated with the work. Failure to perform includes, but is not limited to, failure to submit the required deliverables or failure to provide adequate documentation that the work was actually performed. The Department shall provide written notification to Grantee of the failure to perform that shall result in retainage forfeiture. If the Grantee does not correct the failure to perform within the timeframe stated in Department's notice, the retainage will be forfeited to Department.
- c. No retainage shall be released or paid for incomplete work while this Agreement is suspended.
- d. Except as otherwise provided above, Grantee shall be paid the retainage associated with the work, provided Grantee has completed the work and submits an invoice for retainage held in accordance with the invoicing procedures under this Agreement.

12. Insurance.

- a. Insurance Requirements for Sub-Grantees and/or Subcontractors. The Grantee shall require its sub-grantees and/or subcontractors, if any, to maintain insurance coverage of such types and with such terms and limits as described in this Agreement. The Grantee shall require all its sub-grantees and/or subcontractors, if any, to make compliance with the insurance requirements of this Agreement a condition of all contracts that are related to this Agreement. Sub-grantees and/or subcontractors must provide proof of insurance upon request.
- b. Deductibles. The Department shall be exempt from, and in no way liable for, any sums of money representing a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the Grantee providing such insurance.
- c. Proof of Insurance. Upon execution of this Agreement, Grantee shall provide Department documentation demonstrating the existence and amount for each type of applicable insurance coverage *prior to* performance of any work under this Agreement. Upon receipt of written request from Department, Grantee shall furnish Department with proof of applicable insurance coverage by standard form certificates of insurance, a self-insured authorization, or other certification of self-insurance.
- d. Duty to Maintain Coverage. In the event that any applicable coverage is cancelled by the insurer for any reason, or if Grantee cannot get adequate coverage, Grantee shall immediately notify Department of such cancellation and shall obtain adequate replacement coverage conforming to the requirements herein and provide proof of such replacement coverage within ten (10) days after the cancellation of coverage.
- e. Insurance Trust. If the Grantee's insurance is provided through an insurance trust, the Grantee shall instead add the Department of Environmental Protection, its employees, and officers as an additional covered party everywhere the Agreement requires them to be added as an additional insured.

13. Termination.

- a. Termination for Convenience. When it is in the State's best interest, Department may, at its sole discretion, terminate the Agreement in whole or in part by giving 30 days' written notice to Grantee. The Department shall notify Grantee of the termination for convenience with instructions as to the effective date of termination or the specific stage of work at which the Agreement is to be terminated. The Grantee must submit all invoices for work to be paid under this Agreement within thirty (30) days of the effective date of termination. The Department shall not pay any invoices received after thirty (30) days of the effective date of termination.
- b. Termination for Cause. The Department may terminate this Agreement if any of the events of default described in the Events of Default provisions below occur or in the event that Grantee fails to fulfill any of its other obligations under this Agreement. If, after termination, it is determined that Grantee was not in default, or that the default was excusable, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of Department. The rights and remedies of Department in this clause are in addition to any other rights and remedies provided by law or under this Agreement.
- c. Grantee Obligations upon Notice of Termination. After receipt of a notice of termination or partial termination unless as otherwise directed by Department, Grantee shall not furnish any service or deliverable on the date, and to the extent specified, in the notice. However, Grantee shall continue work on any portion of the Agreement not terminated. If the Agreement is terminated before performance is completed, Grantee shall be paid only for that work satisfactorily performed for which costs can be substantiated. The Grantee shall not be entitled to recover any cancellation charges or lost profits.
- d. Continuation of Prepaid Services. If Department has paid for any services prior to the expiration, cancellation, or termination of the Agreement, Grantee shall continue to provide Department with those services for which it has already been paid or, at Department's discretion, Grantee shall provide a refund for services that have been paid for but not rendered.
- e. Transition of Services Upon Termination, Expiration, or Cancellation of the Agreement. If services provided under the Agreement are being transitioned to another provider(s), Grantee shall assist in the smooth transition of Agreement services to the subsequent provider(s). This requirement is at a minimum an affirmative obligation to cooperate with the new provider(s), however additional requirements may be outlined in the Grant Work Plan. The Grantee shall not perform any services after Agreement expiration or termination, except as necessary to complete the transition or continued portion of the Agreement, if any.

14. Notice of Default.

If Grantee defaults in the performance of any covenant or obligation contained in the Agreement, including, any of the events of default, Department shall provide notice to Grantee and an opportunity to cure that is reasonable under the circumstances. This notice shall state the nature of the failure to perform and provide a time certain for correcting the failure. The notice will also provide that, should the Grantee fail to perform within the time provided, Grantee will be found in default, and Department may terminate the Agreement effective as of the date of receipt of the default notice.

15. Events of Default.

Provided such failure is not the fault of Department or outside the reasonable control of Grantee, the following non-exclusive list of events, acts, or omissions, shall constitute events of default:

- a. The commitment of any material breach of this Agreement by Grantee, including failure to timely deliver a material deliverable, failure to perform the minimal level of services required for a deliverable, discontinuance of the performance of the work, failure to resume work that has been discontinued within a reasonable time after notice to do so, or abandonment of the Agreement;
- b. The commitment of any material misrepresentation or omission in any materials, or discovery by the Department of such, made by the Grantee in this Agreement or in its application for funding;
- c. Failure to submit any of the reports required by this Agreement or having submitted any report with incorrect, incomplete, or insufficient information;
- d. Failure to honor any term of the Agreement;
- e. Failure to abide by any statutory, regulatory, or licensing requirement, including an entry of an order revoking the certificate of authority granted to the Grantee by a state or other licensing authority;
- f. Failure to pay any and all entities, individuals, and furnishing labor or materials, or failure to make payment to any other entities as required by this Agreement;
- g. Employment of an unauthorized alien in the performance of the work, in violation of Section 274 (A) of the Immigration and Nationality Act;
- h. Failure to maintain the insurance required by this Agreement;
- i. One or more of the following circumstances, uncorrected for more than thirty (30) days unless, within the specified 30-day period, Grantee (including its receiver or trustee in bankruptcy) provides to Department adequate assurances, reasonably acceptable to Department, of its continuing ability and willingness to fulfill its obligations under the Agreement:
 - i. Entry of an order for relief under Title 11 of the United States Code;
 - ii. The making by Grantee of a general assignment for the benefit of creditors;
 - iii. The appointment of a general receiver or trustee in bankruptcy of Grantee's business or property; and/or
 - iv. An action by Grantee under any state insolvency or similar law for the purpose of its bankruptcy, reorganization, or liquidation.

16. Suspension of Work.

The Department may, in its sole discretion, suspend any or all activities under the Agreement, at any time, when it is in the best interest of the State to do so. The Department shall provide Grantee written notice outlining the particulars of suspension. Examples of reasons for suspension include, but are not limited to, budgetary constraints, declaration of emergency, or other such circumstances. After receiving a suspension notice, Grantee shall comply with the notice. Within 90 days, or any longer period agreed to by the parties, Department shall either: (1) issue a notice authorizing resumption of work, at which time activity shall resume; or (2) terminate the Agreement. If the Agreement is terminated after 30 days of suspension, the notice of suspension shall be deemed to satisfy the thirty (30) days' notice required for a notice of termination for convenience. Suspension of work shall not entitle Grantee to any additional compensation.

17. Force Majeure.

The Grantee shall not be responsible for delay resulting from its failure to perform if neither the fault nor the negligence of Grantee or its employees or agents contributed to the delay and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond Grantee's control, or for any of the foregoing that affect subcontractors or suppliers if no alternate source of supply is available to Grantee. In case of any delay Grantee believes is excusable, Grantee shall notify Department in writing of the delay or potential delay and describe the cause of the delay either (1) within ten days after the cause that creates or will create the delay first arose, if Grantee could reasonably foresee that a delay could occur as a result; or (2) if delay is not reasonably foreseeable, within five days after the date Grantee first had reason to believe that a delay could result. **THE FOREGOING SHALL CONSTITUTE THE GRANTEE'S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY.** Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. No claim for damages, other than for an extension of time, shall be asserted against Department. The Grantee shall not be entitled to an increase in the Agreement price or payment of any kind from Department for direct, indirect, consequential, impact or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist Grantee shall perform at no increased cost, unless Department determines, in its sole

discretion, that the delay will significantly impair the value of the Agreement to Department, in which case Department may: (1) accept allocated performance or deliveries from Grantee, provided that Grantee grants preferential treatment to Department with respect to products subjected to allocation; (2) contract with other sources (without recourse to and by Grantee for the related costs and expenses) to replace all or part of the products or services that are the subject of the delay, which purchases may be deducted from the Agreement quantity; or (3) terminate Agreement in whole or in part.

18. Indemnification.

- a. The Grantee shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless Department and its officers, agents, and employees, from suits, actions, damages, and costs of every name and description arising from or relating to:
 - i. personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by Grantee, its agents, employees, partners, or subcontractors; provided, however, that Grantee shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of Department;
 - ii. the Grantee's breach of this Agreement or the negligent acts or omissions of Grantee.
- b. The Grantee's obligations under the preceding paragraph with respect to any legal action are contingent upon Department giving Grantee: (1) written notice of any action or threatened action; (2) the opportunity to take over and settle or defend any such action at Grantee's sole expense; and (3) assistance in defending the action at Grantee's sole expense. The Grantee shall not be liable for any cost, expense, or compromise incurred or made by Department in any legal action without Grantee's prior written consent, which shall not be unreasonably withheld.
- c. Notwithstanding sections a. and b. above, the following is the sole indemnification provision that applies to Grantees that are governmental entities: Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of section 768.28, F.S. Further, nothing herein shall be construed as consent by a state agency or subdivision of the State to be sued by third parties in any matter arising out of any contract or this Agreement.
- d. No provision in this Agreement shall require Department to hold harmless or indemnify Grantee, insure or assume liability for Grantee's negligence, waive Department's sovereign immunity under the laws of Florida, or otherwise impose liability on Department for which it would not otherwise be responsible. Any provision, implication or suggestion to the contrary is null and void.

19. Limitation of Liability.

The Department's liability for any claim arising from this Agreement is limited to compensatory damages in an amount no greater than the sum of the unpaid balance of compensation due for goods or services rendered pursuant to and in compliance with the terms of the Agreement. Such liability is further limited to a cap of \$100,000.

20. Remedies.

Nothing in this Agreement shall be construed to make Grantee liable for force majeure events. Nothing in this Agreement, including financial consequences for nonperformance, shall limit Department's right to pursue its remedies for other types of damages under the Agreement, at law or in equity. The Department may, in addition to other remedies available to it, at law or in equity and upon notice to Grantee, retain such monies from amounts due Grantee as may be necessary to satisfy any claim for damages, penalties, costs and the like asserted by or against it.

21. Waiver.

The delay or failure by Department to exercise or enforce any of its rights under this Agreement shall not constitute or be deemed a waiver of Department's right thereafter to enforce those rights, nor shall any single or partial exercise of any such right preclude any other or further exercise thereof or the exercise of any other right.

22. Statutory Notices Relating to Unauthorized Employment and Subcontracts.

- a. The Department shall consider the employment by any Grantee of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If Grantee/subcontractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. The Grantee shall be responsible for including this provision in all subcontracts with private organizations issued as a result of this Agreement.
- b. Pursuant to sections 287.133, 287.134, and 287.137 F.S., the following restrictions apply to persons placed on the convicted vendor list, discriminatory vendor list, or the antitrust violator vendor list:
 - i. Public Entity Crime. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may

not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a Grantee, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, F.S., for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

- ii. **Discriminatory Vendors.** An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.
- iii. **Antitrust Violator Vendors.** A person or an affiliate who has been placed on the antitrust violator vendor list following a conviction or being held civilly liable for an antitrust violation may not submit a bid, proposal, or reply on any contract to provide any good or services to a public entity; may not submit a bid, proposal, or reply on any contract with a public entity for the construction or repair of a public building or public work; may not submit a bid, proposal, or reply on leases of real property to a public entity; may not be awarded or perform work as a Grantee, supplier, subcontractor, or consultant under a contract with a public entity; and may not transact new business with a public entity.
- iv. **Notification.** The Grantee shall notify Department if it or any of its suppliers, subcontractors, or consultants have been placed on the convicted vendor list, the discriminatory vendor list, or antitrust violator vendor list during the life of the Agreement. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and the antitrust violator vendor list and posts the list on its website. Questions regarding the discriminatory vendor list or antitrust violator vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at (850) 487-0915.

23. Compliance with Federal, State and Local Laws.

- a. The Grantee and all its agents shall comply with all federal, state and local regulations, including, but not limited to, nondiscrimination, wages, social security, workers' compensation, licenses, and registration requirements. The Grantee shall include this provision in all subcontracts issued as a result of this Agreement.
- b. No person, on the grounds of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
- c. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
- d. Any dispute concerning performance of the Agreement shall be processed as described herein. Jurisdiction for any damages arising under the terms of the Agreement will be in the courts of the State, and venue will be in the Second Judicial Circuit, in and for Leon County. Except as otherwise provided by law, the parties agree to be responsible for their own attorney fees incurred in connection with disputes arising under the terms of this Agreement.

24. Build America, Buy America Act (BABA) - Infrastructure Projects with Federal Funding.

This provision does not apply to Agreements that are wholly funded by Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act. Also, this provision does not apply where there is a valid waiver in place. However, the provision may apply to funds expended before the waiver or after expiration of the waiver.

If applicable, Recipients or Subrecipients of an award of Federal financial assistance from a program for infrastructure are required to comply with the Build America, Buy America Act (BABA), including the following provisions:

- a. All iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- b. All manufactured products used in the project are produced in the United States--this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

- c. All construction materials are manufactured in the United States-this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

25. Investing in America

Grantees of an award for construction projects in whole or in part by the Bipartisan Infrastructure Law or the Inflation Reduction Act, including the following provision:

- a. Signage Requirements
 - a. Investing in America Emblem: The recipient will ensure that a sign is placed at construction sites supported in whole or in part by this award displaying the official Investing in America emblem and must identify the project as a “project funded by President Biden’s Bipartisan Infrastructure Law” or “project funded by President Biden’s Inflation Reduction Act” as applicable. The sign must be placed at construction sites in an easily visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period.
The recipient will ensure compliance with the guidelines and design specifications provided by EPA for using the official Investing in America emblem available at:
<https://www.epa.gov/invest/investing-america-signage>.
 - b. Procuring Signs: Consistent with section 6002 of RCRA, 42 U.S.C. 6962, and 2 CFR 200.323, recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the official Investing in America emblem or EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

26. Scrutinized Companies.

- a. Grantee certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to section 287.135, F.S., the Department may immediately terminate this Agreement at its sole option if the Grantee is found to have submitted a false certification; or if the Grantee is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement.
- b. If this Agreement is for more than one million dollars, the Grantee certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in section 287.135, F.S. Pursuant to section 287.135, F.S., the Department may immediately terminate this Agreement at its sole option if the Grantee is found to have submitted a false certification; or if the Grantee is placed on the Scrutinized Companies with Activities in Sudan List, or Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.
- c. As provided in subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions, then they shall become inoperative.

27. Lobbying and Integrity.

The Grantee agrees that no funds received by it under this Agreement will be expended for the purpose of lobbying the Legislature or a State agency pursuant to section 216.347, F.S., except that pursuant to the requirements of section 287.058(6), F.S., during the term of any executed agreement between Grantee and the State, Grantee may lobby the executive or legislative branch concerning the scope of services, performance, term, or compensation regarding that agreement. The Grantee shall comply with sections 11.062 and 216.347, F.S.

28. Record Keeping.

The Grantee shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with United States generally accepted accounting principles (US GAAP) consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during

the term of this Agreement and for five (5) years following the completion date or termination of the Agreement. In the event that any work is subcontracted, Grantee shall similarly require each subcontractor to maintain and allow access to such records for audit purposes. Upon request of Department's Inspector General, or other authorized State official, Grantee shall provide any type of information the Inspector General deems relevant to Grantee's integrity or responsibility. Such information may include, but shall not be limited to, Grantee's business or financial records, documents, or files of any type or form that refer to or relate to Agreement. The Grantee shall retain such records for the longer of: (1) three years after the expiration of the Agreement; or (2) the period required by the General Records Schedules maintained by the Florida Department of State (available at: <http://dos.myflorida.com/library-archives/records-management/general-records-schedules/>).

29. Audits.

- a. **Inspector General.** The Grantee understands its duty, pursuant to section 20.055(5), F.S., to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing. The Grantee will comply with this duty and ensure that its sub-grantees and/or subcontractors issued under this Agreement, if any, impose this requirement, in writing, on its sub-grantees and/or subcontractors, respectively.
- b. **Physical Access and Inspection.** Department personnel shall be given access to and may observe and inspect work being performed under this Agreement, with reasonable notice and during normal business hours, including by any of the following methods:
 - i. Grantee shall provide access to any location or facility on which Grantee is performing work, or storing or staging equipment, materials or documents;
 - ii. Grantee shall permit inspection of any facility, equipment, practices, or operations required in performance of any work pursuant to this Agreement; and,
 - iii. Grantee shall allow and facilitate sampling and monitoring of any substances, soils, materials or parameters at any location reasonable or necessary to assure compliance with any work or legal requirements pursuant to this Agreement.
- c. **Special Audit Requirements.** The Grantee shall comply with the applicable provisions contained in Attachment 5, Special Audit Requirements. Each amendment that authorizes a funding increase or decrease shall include an updated copy of Exhibit 1, to Attachment 5. If Department fails to provide an updated copy of Exhibit 1 to include in each amendment that authorizes a funding increase or decrease, Grantee shall request one from the Department's Grants Manager. The Grantee shall consider the type of financial assistance (federal and/or state) identified in Attachment 5, Exhibit 1 and determine whether the terms of Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. For federal financial assistance, Grantee shall utilize the guidance provided under 2 CFR §200.331 for determining whether the relationship represents that of a subrecipient or vendor. For State financial assistance, Grantee shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website: <https://apps.fldfs.com/fsaa>.
- d. **Proof of Transactions.** In addition to documentation provided to support cost reimbursement as described herein, Department may periodically request additional proof of a transaction to evaluate the appropriateness of costs to the Agreement pursuant to State guidelines (including cost allocation guidelines) and federal, if applicable. Allowable costs and uniform administrative requirements for federal programs can be found under 2 CFR 200. The Department may also request a cost allocation plan in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits). The Grantee must provide the additional proof within thirty (30) days of such request.
- e. **No Commingling of Funds.** The accounting systems for all Grantees must ensure that these funds are not commingled with funds from other agencies. Funds from each agency must be accounted for separately. Grantees are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Where a Grantee's, or subrecipient's, accounting system cannot comply with this requirement, Grantee, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.
 - i. If Department finds that these funds have been commingled, Department shall have the right to demand a refund, either in whole or in part, of the funds provided to Grantee under this Agreement for non-compliance with the material terms of this Agreement. The Grantee, upon such written notification from Department shall refund, and shall forthwith pay to Department, the amount of money demanded by Department. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the

original payment(s) are received from Department by Grantee to the date repayment is made by Grantee to Department.

- ii. In the event that the Grantee recovers costs, incurred under this Agreement and reimbursed by Department, from another source(s), Grantee shall reimburse Department for all recovered funds originally provided under this Agreement and interest shall be charged for those recovered costs as calculated on from the date(s) the payment(s) are recovered by Grantee to the date repayment is made to Department.
- iii. Notwithstanding the requirements of this section, the above restrictions on commingling funds do not apply to agreements where payments are made purely on a cost reimbursement basis.

30. Conflict of Interest.

The Grantee covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.

31. Independent Contractor.

The Grantee is an independent contractor and is not an employee or agent of Department.

32. Subcontracting.

- a. Unless otherwise specified in the Special Terms and Conditions, all services contracted for are to be performed solely by Grantee.
- b. The Department may, for cause, require the replacement of any Grantee employee, subcontractor, or agent. For cause, includes, but is not limited to, technical or training qualifications, quality of work, change in security status, or non-compliance with an applicable Department policy or other requirement.
- c. The Department may, for cause, deny access to Department's secure information or any facility by any Grantee employee, subcontractor, or agent.
- d. The Department's actions under paragraphs b. or c. shall not relieve Grantee of its obligation to perform all work in compliance with the Agreement. The Grantee shall be responsible for the payment of all monies due under any subcontract. The Department shall not be liable to any subcontractor for any expenses or liabilities incurred under any subcontract and Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under any subcontract.
- e. The Department will not deny Grantee's employees, subcontractors, or agents access to meetings within the Department's facilities, unless the basis of Department's denial is safety or security considerations.
- f. The Department supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State. A list of minority-owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.
- g. The Grantee shall not be liable for any excess costs for a failure to perform, if the failure to perform is caused by the default of a subcontractor at any tier, and if the cause of the default is completely beyond the control of both Grantee and the subcontractor(s), and without the fault or negligence of either, unless the subcontracted products or services were obtainable from other sources in sufficient time for Grantee to meet the required delivery schedule.

33. Guarantee of Parent Company.

If Grantee is a subsidiary of another corporation or other business entity, Grantee asserts that its parent company will guarantee all of the obligations of Grantee for purposes of fulfilling the obligations of Agreement. In the event Grantee is sold during the period the Agreement is in effect, Grantee agrees that it will be a requirement of sale that the new parent company guarantee all of the obligations of Grantee.

34. Survival.

The respective obligations of the parties, which by their nature would continue beyond the termination or expiration of this Agreement, including without limitation, the obligations regarding confidentiality, proprietary interests, and public records, shall survive termination, cancellation, or expiration of this Agreement.

35. Third Parties.

The Department shall not be deemed to assume any liability for the acts, failures to act or negligence of Grantee, its agents, servants, and employees, nor shall Grantee disclaim its own negligence to Department or any third party. This Agreement does not and is not intended to confer any rights or remedies upon any person other than the parties. If Department consents to a subcontract, Grantee will specifically disclose that this Agreement does not create any third-party rights. Further, no third parties shall rely upon any of the rights and obligations created under this Agreement.

36. Severability.

If a court of competent jurisdiction deems any term or condition herein void or unenforceable, the other provisions are severable to that void provision, and shall remain in full force and effect.

37. Grantee's Employees, Subcontractors and Agents.

All Grantee employees, subcontractors, or agents performing work under the Agreement shall be properly trained technicians who meet or exceed any specified training qualifications. Upon request, Grantee shall furnish a copy of technical certification or other proof of qualification. All employees, subcontractors, or agents performing work under Agreement must comply with all security and administrative requirements of Department and shall comply with all controlling laws and regulations relevant to the services they are providing under the Agreement.

38. Assignment.

The Grantee shall not sell, assign, or transfer any of its rights, duties, or obligations under the Agreement, or under any purchase order issued pursuant to the Agreement, without the prior written consent of Department. In the event of any assignment, Grantee remains secondarily liable for performance of the Agreement, unless Department expressly waives such secondary liability. The Department may assign the Agreement with prior written notice to Grantee of its intent to do so.

39. Compensation Report.

If this Agreement is a sole-source, public-private agreement or if the Grantee, through this agreement with the State, annually receive 50% or more of their budget from the State or from a combination of State and Federal funds, the Grantee shall provide an annual report, including the most recent IRS Form 990, detailing the total compensation for the entities' executive leadership teams. Total compensation shall include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout. The Grantee must also inform the Department of any changes in total executive compensation between the annual reports. All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the Grantee.

40. Execution in Counterparts and Authority to Sign.

This Agreement, any amendments, and/or change orders related to the Agreement, may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to the Agreement.

**ATTACHMENT 3-A
REVISED GRANT WORK PLAN**

PROJECT TITLE: Town of Ft. Myers Beach 2022 Hurricane Ian and Nicole Recovery Project

PROJECT LOCATION: The Project is located along the Gulf of Mexico shoreline in Lee County, Florida. The specific project location is Estero Island Beach (R-174 to R-198 and R-203 to R-207).

PROJECT BACKGROUND: The Project shoreline sustained beach and dune erosion from Hurricane Ian (category 4 storm in late September 2022) and Hurricane Nicole (category 1 storm in November 2022). Laws of Florida Chapter 2022-272 SB4-A authorized the Department of Environmental Protection to waive or reduce match requirements for certain local governments and provided non-recurring funds for damages related to Hurricane Ian and Hurricane Nicole for beach erosion projects as identified in Section 161.101(22), Florida Statute (F.S.).

PROJECT DESCRIPTION: The Project consists of beach and dune restoration consistent with the recovery plan to address impacts of Hurricanes Ian and Nicole.

PROJECT ELIGIBILITY: The Department has determined that 100 percent of the non-federal Project cost is eligible for state cost sharing. Therefore, the Department's financial obligation shall not exceed the sum of \$1,891,335.00 for this Project or up to 100 percent of the non-federal Project cost, if applicable, for the specific eligible Project items listed, whichever is less. Any indicated federal cost sharing percentage is an estimate and shall not affect the cost sharing percentages of the non-federal share. The parties agree that eligibility for cost sharing purposes will be maintained pursuant to 62B-36, Florida Administrative Code (F.A.C.)

Duplication of federal funds are not permitted under this agreement.

The Local Sponsor will be responsible for auditing all travel reimbursement expenses based on the travel limits established in Section 112.061 (F.S.)

Pursuant to Sections 161.091 - 161.161, F.S., the Department provides financial assistance to eligible governmental entities for beach erosion control and inlet management activities under the Florida Beach Management Funding Assistance Program.

The Project shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable Department permits and the eligible Project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards and technical specifications contained in the Department's Monitoring Standards for Beach Erosion Control Projects (2014) and all associated state and federal permits, unless otherwise specified in the approved scope of work for an eligible Project item. The monitoring standards may be found at:

<https://floridadep.gov/sites/default/files/PhysicalMonitoringStandards.pdf>

One (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the Department, unless otherwise specified.

Acronyms:

DEP – Florida Department of Environmental Protection

F.A.C. – Florida Administrative Code
F.S. – Florida Statutes
FEMA – Federal Emergency Management Agency
FWC – Florida Fish and Wildlife Conservation Commission

TASKS and DELIVERABLES:

The Local Sponsor will provide detailed scopes of work or a letter requesting advance payment if authorized by Attachment 2, for all tasks identified below, which shall include a narrative description of work to be completed, a corresponding cost estimate and a proposed schedule of completion for the proposed work and associated deliverables. Each scope of work shall be approved in writing by the DEP Project Manager to be included into this work plan for reimbursement.

Task 1: Construction – Estero Island Beach Restoration and Nourishment Projects

Task Description: This task includes work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the Project area. Project costs associated with eligible beach and inlet construction activities include work approved through construction bids and/or construction-phase engineering and monitoring services contracts. Eligible costs may include mobilization, demobilization, construction observation or inspection services, physical and environmental surveys, beach fill, tilling and scarp removal, erosion control structures, mitigation reefs, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all State or Federal permits. The Local Sponsor will submit work products to the appropriate State or Federal regulatory agencies as requested by the DEP Project Manager in order to be eligible for reimbursement under this task.

Deliverable: Certification of Completion by a Florida-registered Professional Engineer with documentation of submittal to the Department affirming the construction task was completed in accordance with construction contract documents. For interim payment requests, a Task Summary Report signed by Local Sponsor must be submitted detailing activities completed during the payment request period. The Task Summary Report must include the dates and descriptions of all activities, surveys and reports completed or in progress during the time period of the interim payment request.

Performance Standard: The DEP Project Manager will review the task deliverable and any associated work products as necessary to verify they meet the specifications in the Grant Work Plan and this task description.

Payment Request Schedule: Payment requests may be submitted after the deliverable is received and accepted and may be submitted no more frequently than quarterly.

Estimated Eligible Project Cost

Task #	Eligible Project Tasks	State Cost Share (%)	Federal Estimated Project Costs	DEP	Local	Total
1	Construction - Estero Island Beach Restoration and Nourishment Projects	100.00%	\$0.00	\$1,891,335.00	\$0.00	\$1,891,335.00
	TOTAL PROJECT COSTS		\$0.00	\$1,891,335.00	\$0.00	\$1,891,335.00

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all deliverables received by, the corresponding deliverable due date.

Task No.	Task Title	Budget Category	Budget Amount	Task Start Date	Deliverable Due Date
1	Construction	Contractual Services	\$1,891,335.00	9/28/2022	9/30/2025
Total:			\$1,891,335.00		

EXHIBIT – 1-A

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Note: If the resources awarded to the recipient represent more than one federal program, provide the same information shown below for each federal program and show total federal resources awarded

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program A	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
Federal Program B	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
				\$	

Note: Of the resources awarded to the recipient represent more than one federal program, list applicable compliance requirements for each federal program in the same manner as shown below:

Federal Program A	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	
Federal Program B	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	

Note: If the resources awarded to the recipient for matching represent more than one federal program, provide the same information shown below for each federal program and show total state resources awarded for matching.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program A	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category
Federal Program B	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

Note: If the resources awarded to the recipient represent more than one state project, provide the same information shown below for each state project and show total state financial assistance awarded that is subject to section 215.97, F.S.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program A	State Awarding Agency	State Fiscal Year ¹	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original	Florida Department of Environmental Protection.	2022-2023	37.113	Laws of Florida Chapter 2022-272 SB4-A	\$917,425.13	087752
Amendment 1	Florida Department of Environmental Protection.	2022-2023	37.113	FY 2023-2024 General Appropriations Act Section 142	\$973,909.87	087752
State Program B	State Awarding Agency	State Fiscal Year ²	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category

Total Award	\$1,891,335.00	
-------------	----------------	--

Note: List applicable compliance requirement in the same manner as illustrated above for federal resources. For matching resources provided by the Department for DEP for federal programs, the requirements might be similar to the requirements for the applicable federal programs. Also, to the extent that different requirements pertain to different amount for the non-federal resources, there may be more than one grouping (i.e. 1, 2, 3, etc.) listed under this category.

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<https://sam.gov/content/assistance-listings>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>], and State Projects Compliance Supplement (Part Four: State Projects Compliance Supplement [https://apps.fldfs.com/fsaa/state_project_compliance.aspx]). The

¹ Subject to change by Change Order.

² Subject to change by Change Order.

services/purposes for which the funds are to be used are included in the Agreement's Grant Work Plan. Any match required by the Recipient is clearly indicated in the Agreement.