Fort Myers Beach Town Council

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

Minutes **Monday, December 4, 2023** **9:00 AM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER
Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veach and Council Member Woodson.

II. INVOCATION
Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA
Remove the proposed settlement agreement under the Town Attorney's items and add it to the next Town Council agenda. Add Santa and Mrs. Clause concert at Bayside Park and a bike ride on December 16, 2023, to the consent agenda. Add four change orders totaling $17,657.00 for a construction contract with C.E. Gleeson at Bay Oaks to the consent agenda. Pull items D. and G. for discussion.

Council Member King moved to approve the final agenda as amended; seconded by Vice Mayor Atterholt.
The motion carried unanimously.

V. PUBLIC COMMENT
Jennifer Rusk, resident and MERTF (Marine and Environmental Resources Task Force) member indicated that she had a meeting with the town manager and an FGCU (Florida Gulf Coast University) student regarding help with the beach kids' activity book. She noted that the dumpster at the end of her street on Miramar

needed to be emptied and Mayor Allers replied that it had been addressed. She felt that businesses with pop-ups in Times Square should be supported and she mentioned hosting a sea school similar to Sanibel. She requested help ordering supplies for the pop-up events.

Jay Birsch stated that a house on Bayview was a mess and asked that it be looked at. Mayor Allers replied that an update would be provided later in the meeting.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King thanked the staff for their hard work with the poinsettia star lighting. He thanked the Chamber for the Christmas boat parade and recognized the Bayside Concert Series.

Vice Mayor Atterholt stated the beach school would open tomorrow with a formal ceremony and ribbon cutting at 9:00 a.m. in front of the school. He encouraged the community to come at 7:30 a.m. to cheer on the students marching from Bay Oaks to the Beach School. He recognized the beach parents for their efforts to save the school. He thanked Jackie Liszak for her excellent job on the boat parade. He indicated that the general contracting crew started on the 7-11 at the south end and the goal was to open in February.

Council Member Woodson commented that her items had been covered and she wished everyone Happy Holidays.

Council Member Veach stated that today was his mother-in-law's 97th birthday.

Mayor Allers reminded everyone that the Christmas Tree Festival and auction was this Friday and Saturday.

A. Poinsettia Tree Donation

Accept a donation from Jay and Mary Highley for the purchase of poinsettias for the Town's annual poinsettia tree in Times Square.

Public Works Director Jason Freeman stated that the poinsettia tree was up and thanked Mr. and Mrs. Highly.

Council Member Woodson moved to accept the donation; seconded by Council Member Veach.

The motion carried unanimously.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

MERTF Chair Steve Johnson commented that MERTF supported replanting royal palms from Bowditch to Times Square and suggested the town replace the lost or damaged coconut palms with sabal palms on Old San Carlos Blvd. He reviewed a list of items MERTF was discussing. He described Sanibel's sea school.

Keith Wilkins, former town manager, stated that he took about 75 pictures of the handmade street signs after Ian on Estero Blvd. He and his wife picked 12 photos to be made into coasters and other items. All proceeds will go to the Estero Island Historical Society and President Ellie Bunting noted they would like to display all the signs in the future. She described the damage and repairs to both cottages and noted an open house would be held on December 16, 2023, from 1:00-3:00 p.m. at the end of Bay Rd. She added that a book titled *The Lost Icons* would come out soon to help raise funds to replenish the Historical Society's savings. Mr. Wilkins indicated that the street sign initiative was called Signs of Hope due to the residents' resiliency. He added that Charlie from Legacy Printing manufactured

the coasters for free.
Mr. Wilkins described canal dredging, a special assessment and a non-binding resolution, which will be discussed later in the meeting.

VIII. APPROVAL OF MINUTES

A. Town Council - November 20, 2023
Council Member King moved to approve the minutes; seconded by Council Member Veach.
The motion carried unanimously.

IX. CONSENT AGENDA

Council Member Veach moved to approve the remainder of the amended consent agenda, including the Mr. & Mrs. Santa Claus special event and the four change orders for C.E. Gleeson construction contract; seconded by Council Member Woodson.
The motion carried unanimously.

A. Resolutions 23-172 through 23-176; Extending Local State of Emergency for Hurricane Ian
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Council Member Veach moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously.

B. Resolutions 23-177 through 23-181; Extending Local State of Emergency for Hurricane Idalia
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE
Council Member Veach moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously.

C. <u>Resolution 23-183; Amendment to Permissive Use License Agreement</u>

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO PERMISSIVE USE LICENSE AGREEMENT BETWEEN THE TOWN AND THE FORT MYERS BEACH FIRE CONTROL DISTRICT FOR THE USE OF PROPERTY OWNED BY THE FORT MYERS BEACH FIRE CONTROL DISTRICT AS A LOCATION FOR A TEMPORARY TOWN HALL; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

Council Member Veach moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously.

D. <u>Resolution 23-170; Approval of FDEM $5 Million, 0% Interest Loan for Certain Hurricane Ian Public Assistance Projects</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, APPROVING A LOAN AGREEMENT BETWEEN THE TOWN AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT IN THE PRINCIPAL AMOUNT OF $5,000,000.00 TO FUND HURRICANE IAN RELATED REPAIRS AND RECOVERY FOR WHICH WE WILL BE RECEIVING PUBLIC ASSISTANCE; MAKING CERTAIN CERTIFICATIONS; AGREEING TO CERTAIN TERMS AND CONDITIONS; DESIGNATING OFFICIALS WITH AUTHORITY TO EXECUTE THE LOAN DOCUMENTS; AUTHORIZING THE EXECUTION AND DELIVERY OF THE LOAN DOCUMENTS ATTACHED AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Council Member Veach stated that this loan allowed the town to borrow money at no interest to do work before being reimbursed by FEMA. He noted that it was more like a line of credit. Finance Director Joe Onzick reviewed the benefits of using this cash upfront for expenditures.

Council Member Veach moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously.

E. <u>Resolution 23-167; Memorial Bench Program fees</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AMENDING THE FISCAL YEAR 2023-2024 FEE SCHEDULE ADOPTED ON SEPTEMBER 25, 2023 TO ADJUST THE FEE FOR THE MEMORIAL BENCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE

Council Member Veach moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously.

F. Resolution 23-171; Jacobs Project Management, Co.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING APPROVAL OF AN AGREEMENT WITH JACOBS PROJECT MANAGEMENT, CO. AUTHORIZING THE TOWN MANAGER TO EXECUTE AN ADDENDUM TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The motion carried unanimously.

G. Municipal Elections

Approve an Agreement with Lee County Supervisor of Elections office to conduct municipal elections for the Town of Fort Myers Beach.

Vice Mayor Atterholt questioned whether Town Clerk Baker had conversations with the Supervisor of Elections regarding ballot drop boxes on the island for the next election. Town Manager Hyatt replied that the supervisor would visit the town trailers in January to make sure that location was feasible, but he did not know whether more than one location would be approved. He stated he would call the supervisor after the meeting.

Vice Mayor Atterholt moved to approve the agreement; seconded by Council Member King.

The motion carried unanimously.

X. PUBLIC HEARINGS

A. Ordinance 23-18; Post Disaster Buildback Amendment

First Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE V., DIVISION 2, SECTION 34-3238 POST-DISASTER BUILDBACK; 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 December 18, 2023 at 9:00 AM

Mayor Allers read the title of the ordinance. Community Development Planner Sarah Propst reviewed the background of the proposed ordinance as stated on the blue sheet. She described suggestions made by the LPA (Local Planning Agency). Mayor Allers questioned whether number 2 on packet page 164 could be more specific. He preferred determining a square footage limit that could be done through an administrative variance and anything above that number would go through the normal variance process. He indicated that it provided residents with an avenue for something they did not have before the storm and there was still an avenue to do more than what could be done by right.

Public comment:
Chris Mostero, resident and small business owner, described his cottage-style home before Ian and stated he wanted to elevate his home above base flood elevation, but he could not move forward under the current post-disaster buildback policy. He encouraged the council to look at the big picture and maintain density to allow them to build back what they could with current regulations.
Albert Dambrose, architect, supported the policy. He asked that restrictions on bedrooms and bathrooms be eliminated to allow homeowners to design their own house. He felt that the definition of a roofline needed to be improved with a graphic added to help people understand.
Public comment closed.
Mayor Allers questioned the definition of the roofline and Planner Propst replied it was the perimeter of the roof, including overhangs. Town AttorneyVose noted that they could add language.
Mayor Allers disagreed that the number of bedrooms and bathrooms should be removed because residents could add density with additional bedrooms, which would create more noise and more vehicles; however, he supported an avenue to allow applicants to ask for more. Council Member Veach agreed. Council Member Woodson questioned whether Mr. Dambrose could provide sketches of rooflines and he agreed.

Council Member Woodson moved to send it to a second reading on December 18, 2023, at 9:00 a.m. with the added comments and exceptions; seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

B. Resolution 23-152, VAR20230187 - 3580 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230187 TO ALLOW A GARAGE CLOSER TO THE ESTERO BOULEVARD STREET RIGHT-OF-WAY LINE THAN THE PRINCIPAL BUILDING AND TO ALLOW A GARAGE CLOSER TO THE SIDE PROPERTY LINE THAN THE MINIMUM SIDE SETBACK ON WATERFRONT LOTS FOR THE PROPERTY LOCATED AT 3580 ESTERO BLVD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Baker confirmed that all agenda items were properly noticed. Council Member Veach stated that he had a conflict of interest with item B and completed Form 8B. Town Clerk Baker swore in those providing testimony. Mayor Allers read the title of the resolution. Ex parte communications: all Town Council members know the applicant and the property; however, none have talked to the applicant regarding his application.
Planner Propst reviewed the variance request as stated on the blue sheet. She noted that the LPA recommended approval.

Kara Stewart represented the applicants. She explained that the structure was proposed to be 35 feet off Estero Blvd. to provide a buffer. She added that it was a minimum setback and the previous house had been behind the garage. There was no opposition to the application.
No public comment.

Vice Mayor Atterholt moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously by roll call vote, with Council Member Veach recused.

C. Resolution 23-149; SEZ20230189 Special Exception for Major Accessory Structures in the EC zoning district

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20230189 TO ALLOW RECONSTRUCTION OF A POOL, DECK AREAS, WALKWAYS, STEPS, FENCE AND TWO FOOT RINSE STATIONS, IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 7002 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Ex parte communications: Council Member King - received correspondence and toured the site; Vice Mayor Atterholt - received correspondence and had been to the property; Mayor Allers - received correspondence and drove by the site; Council Member Woodson - received correspondence and reviewed diagrams of the site and Council Member Veach - nothing.
Brett Moore, President of Humiston & Moore Engineers, reviewed his qualifications to be considered an expert.
Mayor Allers moved to recognize Mr. Moore as an expert witness; seconded by Council Member King.
The motion carried unanimously.
The applicants confirmed receipt of the agenda and materials.

Planner Propst reviewed the special exception as stated on the blue sheet. She noted that the applicants were not proposing additional development in the EC (Environmentally Critical) zone beyond what existed before Ian. The LPA recommended approval and several letters of support were received.
Brenda Ryan is the owner and substitute for HOA (Homeowners Association) President Paul Yearwood. She explained that Island Reef was a small community of 43 owners and requested a special exception to return the area to the pre-Ian state. The pool equipment will be moved outside the EC zone and the new stairs will be made of a composite type material with posts. She confirmed that the seawall had not been damaged.
Public comment:
Mr. Moore stated that changes from the storm necessitated their request, and the construction was appropriate.
Public comment closed.

Vice Mayor Atterholt moved to approve the resolution; seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

D. Resolution 23-154, 1249 Estero Variances for height, stories and parking
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING VARIANCE VAR20230205 TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES BY 37 SPACES, AND TO ALLOW FOR A THREE-STORY BUILDING WITH ENCLOSED SPACE ON THE GROUND FLOOR, AND TO ALLOW FOR A BUILDING HEIGHT OF 36 FEET ABOVE FLOOD ELEVATION, FOR THE PROPERTY AT 1249 ESTERO BLVD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.
Mayor Allers read the title of the resolution. Ex parte communications: Council Member King - familiar with the site, knows the owners and discussed the project; Vice Mayor Atterholt - has been to the site, had conversations with the owners, received correspondence in support of the application and watched the LPA meeting; Mayor Allers - knows the property, spoke to the applicants and received emails in support of the application; Council Member Woodson - knows the property and owners, received emails in support of the application and watched the LPA meeting and Council Member Veach - watched the LPA meeting, familiar with the site and property owners.
Rob Fowler, owner of Fowler Construction, reviewed his experience to be considered an expert.
Mayor Allers moved to approve Mr. Fowler as an expert witness; seconded by Council Member Veach.
The motion carried unanimously.
The property owner confirmed receipt of the agenda and materials.

Planner Propst reviewed the variance request as stated on the blue sheet. The LPA recommended approval and requested that the applicant provide a parking plan for the council to consider.
Vice Mayor Atterholt questioned why the town opposed what they had before the storm concerning parking. Planner Propst replied that the property existed before incorporation and was grandfathered. The increase in square footage and decrease in parking concerned the staff. Vice Mayor Atterholt questioned whether staff considered the idea of 54 cars coming on and off of Estero Blvd. to park in that location. He thought less parking in that location would be better for traffic congestion. Planner Propst replied negatively and indicated that the parking lot did not drive the parking; the use did. Vice Mayor Atterholt mentioned existing parking lots in the area and the number of people who walked to the location.
Mayor Allers questioned whether it would make sense to calculate parking similar to impervious surfaces. He brought up counting motorcycle and golf cart spaces in the total calculation. Planner Propst replied that the LDC (Land Development Code) could be updated to include those vehicles since they allowed bicycles. She explained that she did not think it was a good

idea to base the number of parking spaces on the area of the lot because of the different intensity of uses.

Mr. Fowler thanked the staff for working with them. The owner, Mr. Miller, distributed a rendering of the Whale. Mr. Fowler reviewed the three variances and noted they had to comply with FEMA (Federal Emergency Management Agency) by elevating the structure. He discussed the pedestrian/commercial zoning in the downtown district and the future land use map. He described how he worked with Planner Propst regarding the additional height for a taller peak on the tiki. He stated that parking has been an issue for 30 years and they submitted a plan to maximize conforming parking spaces on the lot. He asserted that the property had approximately 10 conforming parking spaces before. He displayed a picture of the proposed project design, described the height of the ceilings, running the AC in the soffit line, stormwater management and installing pervious pavers to create more parking spaces. Planner Propst addressed pervious pavers and noted it would decrease the capacity of the structure to store water.

Mr. Fowler displayed and described a new rendering of the Whale. The bottom and back areas were flood-proof areas. The parking management plan showed seven places with valet-stacked parking, golf cart parking areas and two bike racks. The additional spaces increased to 32 onsite spaces with 22 offsite parking. Mayor Allers questioned whether the fire department was consulted. Mr. Fowler replied affirmatively and described the conversations.

Applicant Mike Miller indicated that Norm's parking would not give them exclusive parking, but he had approximately 80 available parking spaces. He displayed and explained a chart showing 911 non-exclusive parking spots within 500 feet. He mentioned that the Beach Bar and the Salty Crab had no parking and survived for years. He emphasized that the second floor would be soundproofed to help reduce the noise in the neighborhood. He indicated that he hoped to complete the project in 12–14 months after all approvals.

Public comment:

Jay Birsch supported the project because he missed the burgers and was excited about the design.

Public comment closed.

Council Member King moved to approve the resolution without the LPA conditions; seconded by Vice Mayor Atterholt.

Parking was discussed.

The motion carried unanimously by roll call vote.

E. <u>Resolution 23-155; VAR 20230198 - 49/51 Pompano Street</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230198 49/51 Pompano St; requesting a variance from LDC Section 34-638 Table 34-3 Dimensional Regulations in Conventional Zoning Districts for the street and rear setbacks in the RM zoning district; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Ex parte communications: Council Member King and Vice Mayor Atterholt - none; Mayor Allers and Council Member Woodson - drive-bys and Council Member Veach walked past the property but had no recollection of it.
Community Development Senior Planner Jason Smalley reviewed the request for two variances as stated on the blue sheet. He clarified that the applicants were eligible for a second unit by right and did not have to utilize the post-disaster buildback policy. He described the structure as interconnected structurally but two independent units.
The applicant was not in attendance.
No public comment.

Council Member Veach moved to approve the resolution; seconded by Council Member King.
The motion carried unanimously by roll call vote.

XI. ADMINISTRATIVE AGENDA

No items.

XII. FINAL PUBLIC COMMENT

Terry Persaud stated that the settlement agreement was pushed back due to confusion regarding properties he owned. He indicated that he would install a fence to keep the property secured. He encouraged scheduling a meeting to find a solution and was committed to developing a plan that would benefit all parties.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hyatt stated that the street signs were being installed, three permit techs from the Jacobs group were onboard and two inspectors were hired. RFPs (Request for Proposals) would be sent out for mowing, removal of unsafe structures, the big ball field project at Bay Oaks and lights for the small ball field.
He received an agreement with Lee County regarding the light project and Town Attorney Vose will review it. He revealed that Communications Coordinator Jenny Dexter submitted her resignation, and he thanked her for all she did under challenging circumstances. He wished her the best.
Operations and Compliance Director Frankie Kropacek noted that the trailers should be on site in two weeks and will be located on the old ball field.

XIV. TOWN ATTORNEY'S ITEMS

Town Attorney Vose stated that she would write an opinion stating that people with an owner/building permit could obtain a license for vacation rentals. She explained the differences between a lease and vacation rentals.
Vice Mayor Atterholt questioned a new town requirement that required an actual cash value flood plain management appraisal since FEMA and the state would no longer accept insurance appraisals. Town Engineer Steve Poposki replied that FEMA provided three options and this was one.

The rule was that it had to be the value of the structure and the cost to repair it, not the land or the use of the building. Mayor Allers asked staff to coordinate a meeting with condo associations to discuss requirements and answer questions. Vice Mayor Atterholt questioned the new reserve requirement and Town Manager Hyatt replied that he would talk to the lobbyist. Mayor Allers added that the League of Cities also opposed the requirement. Town Attorney Vose will draft a letter.

A. Proposed Settlement Agreement
Pulled from the agenda.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Veach requested and received support to add parking to an M&P and discussed the possibility of a public/private parking garage at 1st St. on Old San Carlos by the Yucatan. Council Member King revealed that after the recent MPO meeting (Metropolitan Planning Organization), a county commissioner asked his opinion about a two-tiered parking garage at Lynn Hall.
Council Member Woodson questioned whether the LPA and M&P should meet twice a month. Mayor Allers replied that staff had a lot on their plates and that meetings could be called when needed. Town Manager Hyatt noted that advertising also affected the schedule. Council Member Woodson received support to add the topic to an M&P. Council Member Woodson questioned whether they could allow construction seven days a week.
Vice Mayor Atterholt indicated that the fire department sent back a permit for Santini Plaza for additional information. He questioned whether the town could assign a staff member to assist tenants with permits at Santini Plaza. Operations and Compliance Director Kropocek replied affirmatively.
Council Member King requested that the name of Bayside Park be changed to Veteran's Memorial Bayside Park by Memorial Day. Vice Mayor Atterholt supported the request and suggested adding it to an M&P. He received support.
Mayor Allers read the steps for canal dredging and questioned whether they wanted to move forward with the resolution. All council members supported moving forward. Mayor Allers did not support the lighting agreement with the county on Estero Blvd. and will attend the commissioner's meeting tomorrow if the issue is not resolved.

Council Member Veach moved to support the mayor; seconded by Vice Mayor Atterholt.
The motion carried unanimously.

XVI. ADJOURNMENT

Council Member King moved to adjourn; seconded by Council Member Veach. The motion carried unanimously.

The meeting was adjourned at 12:59 p.m.

Minutes adopted as presented, December 18, 2023; Motion by Council Member King and seconded by mayor Allers. Passed 5-0.

Amy Baker

Amy Baker, Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Veach, William	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council Fort Myers Beach
MAILING ADDRESS 3580 Estero	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY FMB COUNTY Lee	NAME OF POLITICAL SUBDIVISION: Town of Fort Myers Beach
DATE ON WHICH VOTE OCCURRED 12/4/23	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William Veach, hereby disclose that on 12/4/23, 20 23:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ___;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

12/4/23

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.