



Fort Myers Beach Town Council

**Bay Oaks Recreation Center
2731 Oak Street
Fort Myers Beach, FL 33931**

Agenda

Monday, January 22, 2024

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. Matt Caldwell, Lee County Property Appraiser
Matt Caldwell, Lee County Property Appraiser

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

IX. APPROVAL OF MINUTES

- A. Draft Town Council minutes - January 8, 2024
B. Draft Town Council Special Mtg with FMB Condo Boards - January 11, 2024
C. Draft Town Council w/Local Planning Agency minutes - January 11, 2024

X. CONSENT AGENDA

- A. Estero Island Polling Precinct
An agreement with the Lee County Supervisor of Elections office and the Town of Fort Myers Beach to use the new Town Hall building as a polling location for 2024 elections.
- B. Special Magistrate Services
Authorize the Town Attorney to negotiate a contract, to be approved by the Town Council at the February 5, 2024 public meeting, with the Florida Department of Administrative Hearings (DOAH) and Monica Schmucker, Esquire, for special magistrate services.

- C. Special Event: Saturday Services at Bayside Park
Permission to rent Bayside Park on Saturday's from 4:30 pm to 5:30 pm for the month of February 2024
- D. LAP Grant Agreement
Approve the Town entering into the Florida Department of Emergency Management State-Funded LAP Grant Agreement Number D1502, Authorizing the Mayor to legally execute and bind the Town to the terms of this Agreement.
- E. ITB-24-02-EN; Estero Island Beach Sand Truck Haul Project
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS, FLORIDA, ACCEPTING EARTH TECH ENTERPRISES INC. AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER TO ITB-24-02-EN "ESTERO ISLAND BEACH SAND TRUCK HAUL PROJECT", APPROVING AN AGREEMENT BETWEEN THE TOWN AND EARTH TECH ENTERPRISES INC. FOR BEACH SAND WORK IN THE AMOUNT OF \$2,698,000.00; AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT SUBJECT TO FINAL LEGAL SIGN-OFF, AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.
- F. Resolution 24-16; Support for Rebuild of FMB Pier
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ENCOURAGING AND PROVIDING SUPPORT TO THE LEE COUNTY BOARD OF COUNTY COMMISSION TO CONSIDER ENHANCEMENTS WHEN REBUILDING THE PIER LOCATED ON ESTERO ISLAND IN ORDER TO BUILD BACK A BETTER AND BOLDER FACILITY FOR THE ENJOYMENT OF THE PUBLIC AND ECONOMIC BENEFIT TO THE COMMUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

- A. Ordinance 24-02; DCI Rezoning 20230160, 1301 Estero Blvd
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR THE PROPERTY LOCATED AT 1301 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W4-0060B.0160 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- B. Resolution 24-11; VAR20230233, 11 Palmview Boulevard
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230233, REQUESTING A

VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 11 PALMVIEW BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. Resolution 24-14; VAR20230299, 122 Falkirk St

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230299, A VARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED STREET SETBACK BY 11 FEET FROM THE REQUIRED 25 FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 122 FALKIRK STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution 24-12; SEZ20230278, 7400 Estero Blvd - Leonardo Arms

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230278 TO ALLOW RECONSTRUCTION OF A POOL DECK, WALKWAYS, AND FENCE, IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

XIII. ADMINISTRATIVE AGENDA

XIV. FINAL PUBLIC COMMENT

XV. TOWN MANAGER'S ITEMS

XVI. TOWN ATTORNEY'S ITEMS

A. Resolution 23-182; Town Council Policies and Procedures

Approve recommended changes, inclusive of those from the January 8, 2024 Town Council meeting and approve a resolution entitled:
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING AND AMENDING THE TOWN COUNCIL POLICIES AND PROCEDURES MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

XVIII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON FACEBOOK AND YOUTUBE.

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



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

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