



Fort Myers Beach Town Council

**Town Hall
2731 Oak Street
Fort Myers Beach, FL 33931**

Agenda

Monday, March 4, 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. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
 - A. Proclamation: Flood Awareness Week
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
 - A. Public Safety Committee (PSC) - Chair Dawn Thomas
 - B. Local Planning Agency (LPA) - Chair Cereceda
 - C. Local Planning Agency Appointment
 - D. Advisory Boards
Designation of a Council representative to the six Town advisory boards/committees.
 - E. Outside Committees
Designation of a Council representative and alternate to the seven outside committees on which Council members have previously served.
- VIII. APPROVAL OF MINUTES**
 - A. Management & Planning Session - February 15, 2024
 - B. Town Council Special Meeting - February 15, 2024
- IX. CONSENT AGENDA**
 - A. Resolutions 24-43 through 24-46; Extending State of Local Emergency 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.

- B. Resolutions 24-47 through 24-50; Extending State of Local Emergency 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.

- C. Vetor Settlement Agreement

Motion to approve a settlement agreement with Vetor Contracting Services LLC in the amount of \$225,000 related to disputed billing and work performed following Hurricane Ian.

- D. Resolution 24-54; Vetor Budget Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING A BUDGET AMENDMENT IN THE AMOUNT OF \$225,000 FOR PAYMENT OF A SETTLEMENT OF A BILLING DISPUTE UNDER THE PROMPT PAYMENT ACT FOR HURRICANE RELIEF WORK PERFORMED BY VETOR CONTRACTING SERVICES, LLC; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. 24-51, Authorizing \$1,000,000 ARPA Funds to Match FDEP Grant For Bay Oaks Recreational Campus

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF \$1,000,000 OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO MATCH A \$1,000,000 GRANT FROM FDEP FOR THE BAY OAKS CAMPUS REDEVELOPMENT PROJECT, AND RELATED BUDGET ADJUSTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Resolution 24-52; Town Hall Internet Ratification

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION BY THE TOWN MANAGER ON FEBRUARY 27, 2024, TO WAIVE THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND TO APPROVE A PURCHASE ORDER FROM SOFTRIM LLC FOR EQUIPMENT AND INSTALLATION OF INTERNET SERVICE FOR THE TOWN HALL MODULAR UNITS AT THE BAY OAKS RECREATION CAMPUS IN AN AMOUNT NOT TO EXCEED \$36,036.66 AS AN EMERGENCY PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

- G. Resolution 24-55; Professional Services for Marina Booster Pump Station
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SUPPLEMENTAL TASK AUTHORIZATION TETRA TECH, INC. NOT TO EXCEED \$68,830 FOR WATER UTILITIES FOR MARINA BOOSTER PUMP STATION REHABILITATION.

X. PUBLIC HEARINGS

- A. VAR20230162, 21391 Widgeon Terrace
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230162, TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE
- B. Resolution 24-53; VAR20230288, 8069 Estero Boulevard
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230288, 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 8069 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- C. Resolution 24-20; VAR20230284, 65 Flamingo Street
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230284, REQUESTING A VARIANCE FROM TABLE 34-3 PRINCIPAL STRUCTURE SETBACKS, TO DECREASE THE FRONT STREET SETBACK BY 10 FEET AND DECREASE THE REAR SETBACK BY 15 FEET AND DECREASE THE REAR STREET SETBACK BY 15 FEET, TO ALLOW A NEW SINGLE FAMILY HOME FOR THE PROPERTY AT 65 FLAMINGO STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

XI. ADMINISTRATIVE AGENDA

A. Resolution 24-09; Extra-Duty Marine Patrols

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO RATIFY AND APPROVE A CONTRACT AGREEMENT WITH LEE COUNTY SHERIFF'S OFFICE FOR EXTRA-DUTY WATERWAY DETAIL SERVICES AT THE RATES SPECIFIED IN EXHIBIT A TO THE AGREEMENT AND ADDENDUM; AND PROVIDING FOR AN EFFECTIVE DATE.

XII. FINAL PUBLIC COMMENT**XIII. TOWN MANAGER'S ITEMS****XIV. TOWN ATTORNEY'S ITEMS**

A. TDC Times Square Funding

XV. COUNCILMEMBERS ITEMS AND REPORTS

A. Resilient Lee Update

XVI. 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.