



Fort Myers Beach Town Council

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

Minutes

Tuesday, February 20, 2024

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King and Council Member Woodson.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member King moved to approve the final agenda with items C. and D. pulled for discussion; seconded by Council Member Woodson.
The motion carried unanimously.

V. PUBLIC COMMENT

John McLean, resident, announced his candidacy for the open seat on the LPA (Local Planning Agency). He reviewed his experience and qualifications.

Eddie Rood, resident, commented that the three information signs in the CWA (Critical Wildlife Area) were destroyed during the hurricane and the FWC (Fish & Wildlife Conservation Commission) did not pay for replacements, but they supplied the artwork. Mr. Rood presented the new signs the non-profit Friends of Little Estero Island paid for.

Vice Mayor Atterholt read the information on one of the CWA signs.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Atterholt thanked residents and visitors for taking the time to walk over the pedestrian overpass at Margaritaville. He suggested law enforcement officers and volunteers encourage people waiting for traffic at that location to use the overpass.

Town Manager Hyatt announced that Nicole Berzin was the new public information officer. Ms. Berzin reviewed her background and was very excited about the opportunity.

No items from other members.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Joy Sullivan, BORCAB (Bay Oaks Recreation Campus Advisory Board) member, provided an update on activities open at Bay Oaks. The newsletter was full of information for residents. She noted that the pickleball tournament was on March 16, 2024. She displayed a small towel made for the tournament and indicated that they were looking for additional people to sign up. Details can be found on [FMBcommunityfoundation.com](https://fmbcommunityfoundation.com), Facebook and Beach Talk Radio's website. She added that there was a morning session for beginners and an afternoon session for more advanced players. Ms. Sullivan reported that the residents would like to see some progress on the pool. She indicated that the open dirt area could be pickleball courts or a multi-use field, and the beach access areas were reimagined to embrace active lifestyles by adding calisthenic equipment, bike racks, and play structures for children. BORCAB requested another strategic planning session to help move forward after Hurricane Ian.

VIII. APPROVAL OF MINUTES**A. Town Council - February 5, 2024**

The vote results for Ordinance 24-01 should read: The motion carried 3-0 by roll call vote, with Mayor Allers abstaining.

Council Member King moved to approve the amended minutes; seconded by Mayor Allers.

The motion carried unanimously.

IX. ADMINISTRATION OF THE OATH OF OFFICE**A. Oath of Office****Seat #5 (Safford)**

Jackie Liszak read the oath of office to swear in Scott Safford for the Town Council seat.

X. CONSENT AGENDA

Vice Mayor Atterholt moved to approve the remainder of the consent agenda; seconded by Council Member Woodson.

The motion carried unanimously.

A. Resolution 24-36: CDBG-DR Program Applications

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE MAYOR, TOWN MANAGER, OR A DESIGNEE THEREOF TO APPLY FOR AND ADMINISTER A GRANT FROM THE LEE COUNTY CDBG-DR RECOVERY AND RESILIENCY PLANNING PROGRAM FOR COMPREHENSIVE PLANNING EFFORTS; AUTHORIZING THE MAYOR, TOWN MANAGER, OR DESIGNEE TO EXECUTE RELATED DOCUMENTS AND FOR RELATED PURPOSES; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Atterholt moved to approve the resolution; seconded by Council Member Woodson.

The motion carried unanimously.

B. Resolution 24-37: FDEM LAP Grant for Sea Turtle Lighting

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A \$7,766,387 AMENDED LAP GRANT AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE AND INSTALLATION OF SEA TURTLE LIGHTS ON ESTERO BOULEVARD; AUTHORIZING A RELATED BUDGET ADJUSTMENT; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Atterholt moved to approve the resolution; seconded by Council Member Woodson.

The motion carried unanimously.

C. 24-38 Resolution: Ratifying FP&L Sea Turtle Lighting Contract

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO RATIFY AND APPROVE A CONTRACT AGREEMENT WITH FPL ENERGY SERVICES, INC. TO INSTALL ISLAND-WIDE SEA TURTLE FRIENDLY STREET LIGHTING IN THE AMOUNT OF \$7,766,387; AND PROVIDING FOR AN EFFECTIVE DATE

See XI.

D. Resolution 24-39, Budget Amendment for Beach Renourishment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING BUDGET AMENDMENT FOR BEACH RENOURISHMENT; EFFECTIVE DATE.

See XI.

E. FY 2024 TDC Request

Authorize the Town Manager to apply for Tourist Development Council Grants in Fiscal Year 2024 for beach and shoreline maintenance and related projects; and providing an effective date.

Vice Mayor Atterholt moved to authorize; seconded by Council Member Woodson.

The motion carried unanimously.

F. Surplus Items

Declare listed items as surplus and authorize staff to dispose of these items utilizing a municipal government auction service.

Vice Mayor Atterholt moved to authorize; seconded by Council Member Woodson.

The motion carried unanimously.

G. Special Event - Pickleball Tournament

Use of Bay Oaks for Pickleball Tournament

Vice Mayor Atterholt moved to authorize the use of Bay Oaks; seconded by Council Member Woodson.

The motion carried unanimously.

- H. FMB Non-Exclusive Right of Way Agreements
Authorize the Mayor to execute two Non-Exclusive Right of Way Agreements with the Fort Myers Beach Chamber of Commerce and Bandes Construction Company, Inc.

Vice Mayor Atterholt moved to authorize; seconded by Council Member Woodson.

The motion carried unanimously.

XI. ITEMS REMOVED FROM CONSENT AGENDA

Item C. - Vice Mayor Atterholt asked Town Manager Hyatt to review the scope of work for Florida Power & Light (FP&L) to help residents understand the agreement. Town Manager Hyatt described the details of the project as stated on the blue sheet.

Vice Mayor Atterholt moved to approve the resolution; seconded by Mayor Allers. The motion carried unanimously.

Item D. - Environmental Projects Manager Chadd Chustz explained the project and the infusion of cash as stated on the blue sheet.

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

The motion carried unanimously.

XII. ADMINISTRATIVE AGENDA

- A. CDBG-DR Planning & Infrastructure Evaluation Committee Appointment
Provide staff with direction on appointing a citizen to the CDBG-DR Planning & Infrastructure Evaluation Committee to represent the Town of Fort Myers Beach.

Operations and Compliance Director Frankie Kropocek explained that the town was looking for a resident with specific experience. He noted that the person could not be an employee of the county or the municipalities or serve on any committee. Applications were due on March 1, 2024, and Town Manager Hyatt was contacting the county for information regarding the reason for the urgency. Mayor Allers questioned whether the town manager could appoint someone or whether the town council had to schedule a special meeting. Town Attorney Vose suggested they plan a special meeting; however, she will explore specifics for authorizing the town manager to appoint a citizen. Town Attorney Vose analyzed the documents during a short recess. Town Attorney Vose stated that the town manager could appoint a citizen and a meeting could be scheduled for February 27, 2024.

She revealed that the appointed citizen could be a member of an advisory board or the LPA as long as they were not an employee of the town or an elected official. She noted an evaluation process was provided.

Town Manager Hyatt commented that he did not know many people who could qualify since he was so new to the community. Vice Mayor Atterholt was comfortable giving Town Manager Hyatt the authority to make the final decision based on suggestions from council members.

Mayor Allers moved to approve the town manager making the appointment at an 8:45 meeting on February 27, 2024, to fill the position; seconded by Vice Mayor Atterholt.

The motion carried unanimously.

B. MPO Citizen Advisory Committee

Provide staff with direction to seek a community member to represent the Town of Fort Myers Beach

Council Member King moved to approve giving direction to staff; seconded by Vice Mayor Atterholt.

The motion carried unanimously.

XIII. FINAL PUBLIC COMMENT

No public comment.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt responded to BORCAB Member Sullivan and stated the town had a \$1 million grant towards the ballpark and changes would make that grant null and void. The plan was to move into the new trailers on March 2, 2024, and he will keep the council updated. He described the layout of the offices.

XV. TOWN ATTORNEY'S ITEMS

No items.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford thanked members and stated he was committed to doing his best job for the community.

Council Member Woodson noted that Resilient Lee was meeting this Friday to approve the overall town plan. She planned on voting for approval unless she heard objections. There were no objections. She attended the TDC (Tourist Development Committee) and presented the proposal for the new pier, which was well received. She sent a letter to Commissioner Pendergrass and requested that she be added to the county commissioner's next agenda to discuss the pier. If the topic is on the agenda, she asked that the community submit public comments of support. Mayor Allers felt that focusing on the TDC first made more sense since the funds came from the TDC and the county had recently hired a design firm.

Council Member Woodson commented that two county commissions advised her to get on the agenda. She described some details of the proposed pier and an alternative plan to extend the length.

Vice Mayor Atterholt suggested implementing a fast-tracking procedure for approving items that were not very controversial. He requested that the town attorney create a process to add items with unanimous votes from the LPA to the consent agenda unless a council member or resident objected. He described how the process could help make the town council more efficient. Council Member Safford supported the idea. Town Attorney Vose noted that many municipalities

allowed the LPA to grant variances with unanimous votes. Vice Mayor Atterholt felt that council members should have an opportunity to slow down the process by a week or two just in case unforeseen negative feedback was discovered. Mayor Allers was concerned about not giving the community due process, especially if they could not attend the LPA meeting. Town Attorney Vose described a procedure to include an opportunity for appeals during a specific timeframe. She will draft an ordinance to discuss at the next M&P Session. Council Member King questioned whether the staff could be authorized to approve specific actions and whether the appeal process could go to the LPA and town council. Vice Mayor Atterholt felt it was a great idea but a separate issue. Council members agreed. Council Member King questioned revisiting liaison duties with advisory committees. Mayor Allers suggested adding the item to an agenda. Mayor Allers requested permission to direct staff to research whether the Times Square road was vacated. He noted that it was part of why they were not getting TDC funds for the area. Town Attorney Vose will research the issue.

XVII. ADJOURNMENT

Council Member King moved to adjourn; seconded by Vice Mayor Atterholt. The motion carried unanimously.

The meeting was adjourned at 10:47 a.m.

Minutes adopted as presented, March 18, 2024. Motion by Council Member King and seconded by Council Member Allers. Passed 5-0.



Amy Baker, Town Clerk