



Fort Myers Beach Town Council

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

AMENDED Agenda

Monday, April 1, 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
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS
- VIII. APPROVAL OF MINUTES
 - A. Town Council - March 18, 2024
- IX. CONSENT AGENDA
 - A. Special Event: Extension of Farmers Market at Moss Marina
Extend Farmers Market at Moss Marina until the end of May 2024.
 - B. Sole Source: Monitoring and relocation of marine turtle nests.
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA TO WAIVE COMPETITIVE BID REQUIREMENTS IN THE TOWN CODE OF ORDINANCES AND APPROVE A PROPOSAL FROM TURTLE TIME INC. AS A SOLE SOURCE PROVIDER FOR TURTLE MONITORING SERVICES IN THE AMOUNT OF \$40,000.00; AUTHORIZING THE TOWN MANAGER TO SIGN ANY NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.
 - C. Resolutions 24-60 through 24-64; 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.

- D. Resolutions 24-65 through 24-69; 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.

- E. Resolution 24-59; Utility Billing Software

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH AUTHORIZING THE TOWN MANAGER TO PURCHASE SOFTWARE NEEDED FOR THE TOWN'S WATER UTILITY SYSTEM IN THE AMOUNT OF 436,850.00 FROM CONTINENTAL UTILITY SOLUTIONS, INC. REPRESENTING AN INITIAL STARTUP FEE OF \$15,250.00 AND MONTHLY CHARGES OF \$1,800.00 FOR THE FIRST YEAR; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Resolution 24-15; ILA w/Lee County for Construction of the Renourishment Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN AND LEE COUNTY FOR THE CONSTRUCTION OF THE ESTERO ISLAND BEACH SHORELINE PROTECTION PROJECT.

- G. Resolution 24-71, CEC STA #9 Sand Renourishment and Dune Plantings North Estero Cat. G Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #9 OF CONTRACT RFQ-21-09-EN BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR CONSTRUCTION PHASE SERVICES FOR SAND RENOURISHMENT AND DUNE PLANTINGS FOR ESTERO ISLAND NORTH FEMA CATEGORY G PROJECT, FOR A COST OF \$56,930; AND PROVIDING AN EFFECTIVE DATE.

- H. Resolution 24-70; CEC STA #10-Construction Phase Services for Sand Renourishment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #10 OF CONTRACT RFQ-21-09-EN BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR CONSTRUCTION PHASE SERVICES FOR SAND RENOURISHMENT FOR

ESTERO ISLAND SHORE PROTECTION PROJECT, FOR A COST OF \$495,600; AND PROVIDING AN EFFECTIVE DATE.

- I. Resolution 27-72; Change Order #1 Earth Tech Enterprises, Inc.
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING CHANGE ORDER #1 OF CONTRACT ITB-24-02-EN BETWEEN THE TOWN AND EARTH TECH ENTERPRISES, INC. TO CONSTRUCT A SAND BERM AND FILL SCOURS ALONG THE NORTH ESTERO ISLAND BEACH SEGMENT, LOCATED BETWEEN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REFERENCE MONUMENTS R-174.5 TO R-182, FOR A COST OF \$1,183,430.

X. PUBLIC HEARINGS

- A. Ordinance 24-03; Flood
Second Reading and Final Public Hearing of an ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE IV OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF FORT MYERS BEACH TO 1) REQUIRE ALL MANUFACTURED HOMES INSTALLED OR REPLACED IN SPECIAL FLOOD HAZARD AREAS TO BE ELEVATED AT OR ABOVE AT LEAST THE BASE FLOOD ELEVATION PLUS 1 FOOT; 2) ADOPT THE NOVEMBER 17, 2022 FLOOD INSURANCE STUDY FOR LEE COUNTY FLORIDA AND INCORPORATED AREAS; 3) CHANGE TO SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS; AND 4) AMEND THE DEFINITIONS OF MARKET VALUE AND SUBSTANTIAL DAMAGE, IN ORDER TO COMPLY WITH RECENT CHANGES TO THE COMMUNITY RATING SYSTEM NECESSARY TO RETAIN A CLASS 8, WHICH ASSIST THE TOWN IN MAINTAINING ITS CLASS 5 COMMUNITY RATING SYSTEM DESIGNATION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.
- B. Ordinance 24-07; TECO Franchise Agreement
Second Reading and Final Public Hearing of an Ordinance Entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA GRANTING TO PEOPLES GAS SYSTEM, INC., ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE TOWN OF FORT MYERS BEACH FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; PROVIDING FOR FINDINGS; SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.
- C. Ordinance 24-05; CPD 20230194, 3051 Estero Blvd
Second Reading and Final Public Hearing of an Ordinance Entitled: 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 3051 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 29-46-24-W1-0120C.0100 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Resolution 24-56; SEZ20230302, 450 Harbor Court - Rude Shrimp
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230302, REQUESTING CONSUMPTION ON PREMISES FOR A RESTAURANT WITH A BAR/ COCKTAIL LOUNGE THAT IS VISIBLE FROM THE EXTERIOR OF THE RESTAURANT PER SEC. 34-1264(B)(2)A.3., FOR THE PROPERTY LOCATED AT 450 HARBOR COURT; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- E. Resolution 24-41; SEZ20230202 1028 Fifth Street
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20230202, REQUESTING CONSUMPTION ON PREMISES TO ALLOW A BAR/COCKTAIL LOUNGE WITHIN 500 FEET OF A PARK, FOR THE PROPERTY LOCATED AT 1028 FIFTH STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- F. Resolution 24-57, VAR20240046, 718 Estero Boulevard
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240046, REQUESTING A VARIANCE FROM LDC TABLE 34-3 OF 15-FEET, PROVIDING A 10-FOOT FRONT SETBACK. THE LDC REQUIRES A SINGLE-FAMILY HOME IN RM ZONING DISTRICT TO PROVIDE A MINIMUM 25-FOOT STREET SETBACK, FOR THE PROPERTY LOCATED AT 718 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- G. Resolution 24-58; VAR20240027, 250 Tropical Shores Way
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240027, REQUESTING A 4-FOOT VARIANCE FROM SEC. 34-638(5)(A)(1) WHICH REQUIRES AN ADDITIONAL 12-FOET OF STREET SETBACKS FOR RESIDENCES

WIDER THAN 65-FEET, INSTEAD PROVIDING AN ADDITIONAL 8-FEET OF STREET SETBACK FOR THE PROPERTY LOCATED AT 250 TROPICAL SHORES WAY; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

XI. ADMINISTRATIVE AGENDA

A. CHNEP Policy Committee

Designation of a Council representative and alternate to the Coastal & Heartland National Estuary Partnership (CHNEP) Policy Committee

B. Contract for Sale, 6231 Estero Blvd.

Accept an offer to sell and approve a FAR/BAR Commercial Contract for the purchase of real property located at 6231 Estero Blvd. currently owned by 6231 Estero LLC for the eventual use as a new Town Hall , AND authorize the Mayor or Town Manager to sign any and all documents needed to close the transaction tentatively scheduled for July 8, 2024 once all contingencies (title, survey, etc.) have been satisfied.

NEW C. Resolution 24-73; Development Agreement with Deviations

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA; MAKING FINDINGS; APPROVING AN ADMINISTRATIVE CODE SETTING FORTH PROCEDURES FOR THE APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS; AND PROVIDING AN EFFECTIVE DATE.

XII. FINAL PUBLIC COMMENT

XIII. TOWN MANAGER'S ITEMS

XIV. TOWN ATTORNEY'S ITEMS

XV. COUNCILMEMBERS ITEMS AND REPORTS

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.