Fort Myers Beach Town Council

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

Minutes **Monday, April 1, 2024** **9:00 AM**

ORDER OF BUSINESS

FINAL

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

I. **INVOCATION**
Town Clerk Baker.

II. **PLEDGE OF ALLEGIANCE**

III. **APPROVAL OF FINAL AGENDA**
Council Member King moved to approve the final agenda with items A., B., E., F., G., H., and I. pulled for discussion, seconded by Council Member Safford.
The motion carried unanimously.

IV. **PUBLIC COMMENT**
Kathy Turner, on behalf of the Estero Island Garden Club, reported on activities and noted that plants were installed behind the wavy wall, which took four hours. She thanked Beach Talk Radio for raising $8,000.00 and providing tools for the project. She thanked the 60 volunteers for participating. She offered to lead future projects and noted that the Royal Palms in Times Square needed water immediately. She reviewed the initiatives presented in August.
Joseph Pugliese, resident, commented on the Newton Park construction site. He indicated that lead paint and asbestos were mixed with the sand in the sifter machine and put back on the beach. When the structure was demolished, the excavator operator hit the underground power line and caught his house on fire. Now, a backhoe shakes his house all day, and his foundation is cracked. He asked who was going to pay to repair his house.

Jack Kegelmeyer, staying in the Mooring Field, was told that Harbormaster Gilchrist was no longer with the town, and he expressed his support for him. He encouraged the council to reconsider his termination because he was the best Harbormaster he had ever seen. He listed his attributes and stated he was extremely diligent and knowledgeable and personally greeted every visitor. He felt the town was losing a gem and it was a huge loss to the town. He shared a petition and Town Clerk Baker entered it into the record.

Mark Kincaid from Coastal Engineering Consultants spoke on behalf of Harbormaster Gilchrist and stated he was a stand-up guy, and the town was losing a valuable person for the town.

Mary Alozzio from SunPalace Vacations represented owners who requested that the town approve their weekly short-term rental on June 1, 2025.

Isabelle Wells, resident, would like a dog park on the island.

V. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Town Manager Andy Hyatt noted that the Chamber of Commerce recognized the employees of the Town of Fort Myers Beach. President and CEO of the Fort Myers Beach Chamber of Commerce Jackie Liszak described the Outstanding Service Award and noted that the 2022 and 2023 awards were combined this year. She thanked them for their hard work.

Council Member King thanked Beach Talk Radio for assisting with planting behind the wavy wall and congratulated the Friends of the Mound House for their successful fundraiser.

Vice Mayor Atterholt agreed with Council Member King and recognized Fort Myers Beach Community Foundation and Keep America Beautiful for picking up trash on Saturday. He thanked everyone involved in that effort.

Council Member Woodson thanked the town employees for going above and beyond over the last 18 months. She appreciated the Chamber for their acknowledgment.

Council Member Safford echoed Council Member King.

Mayor Allers recognized and thanked all the non-profits on the island and the donors.

VI. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Sam Lurie, Chair of the Anchorage Advisory Committee, thanked Mr. Kincaid for his support of Harbormaster Gilchrist. He reported that the Mooring Field was almost at capacity and the upland services needed an upgrade. He commented that there were numerous opportunities for an upland provider and asked that they consider proximity to the dinghy dock, the trolley and the entertainment district.

He commented that Harbormaster Gilchrist was a true leader and took on everything that came across his desk. He listed his attributes, especially after Ian. He stated that he would be missed by many.

Vice Mayor Atterholt reported that he spoke to Commissioner Sandelli about utilizing Bowditch Point to house the boats and pump-out station. He was hopeful the town could partner with the county. Mayor Allers suggested that Chair Lurie contact Moss Marina regarding upland services.

VII. APPROVAL OF MINUTES

A. Town Council - March 18, 2024

Council Member King moved to approve the minutes, seconded by Council Member Woodson.
The motion carried unanimously.

VIII. CONSENT AGENDA

Council Member Safford moved to approve C. and D. of the consent agenda, seconded by Council Member Woodson.
The motion carried unanimously.

A. <u>Special Event: Extension of Farmers Market at Moss Marina</u>

Extend Farmers Market at Moss Marina until the end of May 2024.

Mayor Allers moved to approve an extension, seconded by Vice Mayor Atterholt.
The motion carried unanimously.

B. <u>Sole Source: Monitoring and relocation of marine turtle nests.</u>

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.

Environmental Projects Manager Chadd Chustz reviewed the resolution and noted the cost to the town was $6,000.00.
Council Member King moved to approve the resolution, seconded by Council Member Woodson.
The motion carried unanimously.

C. <u>Resolutions 24-60 through 24-64; Extending State of Local Emergency Hurricane Ian</u>

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 Safford moved to approve the resolution, seconded by Council Member Woodson.
The motion carried unanimously.

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.

Council Member Safford moved to approve the resolution, seconded by Council Member Woodson.
The motion carried unanimously.

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.

Mayor Allers pointed out an error and noted the software cost $43,685.00. Public Works & Utilities Director Mark Ashton explained how the current billing program was antiquated and why new software was needed to generate required reports. Finance Director Joe Onzick stated the new software would automatically generate journal entry imports and provide more accurate information to residents.

Council Member King moved to approve the resolution, seconded by Mayor Allers.
The motion carried unanimously.

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.

Projects Manager Chustz reviewed the background of the request as stated on the blue sheet. Mike Poff from Coastal Engineering Consultants addressed the timeline of the truck haul and dredging projects. He indicated he would meet with the contractors tomorrow about reducing issues at Newton Park. Projects Manager Chustz noted that he would continue working with Mr. Pugliese to try to mitigate his issues.

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

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.

Projects Manager Chustz reviewed the background of the request as stated on the blue sheet.
Vice Mayor Atterholt moved to approve the resolution, seconded by Council Member Woodson.
The motion carried unanimously.

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.

Projects Manager Chustz reviewed the background of the request as stated on the blue sheet.
Council Member Safford moved to approve the resolution, seconded by Council Member Woodson.
The motion carried unanimously.

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.

Projects Manager Chustz reviewed the background of the request as stated on the blue sheet.
Council Member Woodson moved to approve the resolution, seconded by Council Member Woodson.
The motion carried unanimously.

IX. PUBLIC HEARINGS

Town Attorney Stuparich explained quasi-judicial procedures. Town Clerk Baker confirmed that the agenda items were properly noticed, and she swore in those providing testimony.

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.

Mayor Allers read the title of the resolution. Flood Plain Manager Kristin Schumacher reviewed the background of the request as stated on the blue sheet.

No public comment.

Council Member King moved to approve the ordinance, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the ordinance. Carlo Fassi, External Affairs Manager for Teco Peoples Gas, indicated that the pipeline ran from the northwest and as far south as Donora Blvd. with between 100–150 meters. He added that the company was comfortable with an aggregate cap on damages of $10 million.

No public comment.

Council Member King moved to approve the ordinance, seconded by Vice Mayor Atterholt.
The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the ordinance. No ex parte communications were disclosed. The applicant confirmed receipt of the agenda and backup materials.

Community Development Planner Sarah Propst reviewed the background of the request as stated on the blue sheet. She noted there were several conditions listed in the staff report. The LPA unanimously recommended approval.

Ken Gallander respectfully requested approval.

No public comment.

Council Member King moved to approve the ordinance with conditions, seconded by Vice Mayor Atterholt.
The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the resolution. Ex parte communications: Council Member King - none. The remaining council members all received emails in opposition and support, spoke to the owner and opposition and they were familiar with the property. The applicant confirmed receipt of the agenda and backup materials.

Planner Propst reviewed the background of the request as stated on the blue sheet. Staff suggested nine conditions of approval if the town council approved the request. Several letters of objections were received with one in support.

The LPA recommended approval. Planner Propst revealed that the applicant would present a new site plan and staff did not necessarily recommend approval due to the location of the coastal AE flood zone and location of the structure.
Kara Stewart represented the applicants and distributed the proposed new site plan layout. She stated that the site plan represented what was currently on site and confirmed that the tent was seaward of the coastal A. The applicant was willing to work with staff to resolve the issue and an evacuation plan to remove the equipment was provided. She noted they could go forward as a temporary use and either acknowledge that the structures would have to be evacuated or install flood vents and tie downs. The speakers were angled towards the water and sound meters were installed. Ms.
Stewart added that the applicants agreed to return in six months for review and agreed with the rest of the conditions. Discussion was held regarding continuing the matter to a date certain of April 4, 2024.
Public comment:
Jay Bonnema, resident, clarified that she did not have a personal vendetta against the Rude Shrimp. She indicated that if they had been good neighbors from the beginning, they would not be here today. She thanked Mr. Freeland for stepping in to help resolve the issue and stated the noise had improved. She hoped that the Rude Shrimp would honor their commitment to be good neighbors.
Public comment closed.

Mayor Allers moved to continue with a special meeting on Thursday, April 4, 2024 at 11:00 a.m., seconded by Council Member King.
The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the resolution. Ex parte communications: Council Member King spoke to the owner. No disclosures from other members. Attorney Keith Long represented the applicant and reviewed his qualifications. The applicant confirmed receipt of the agenda and backup materials.
Council Member Safford moved to accept Mr. Long as an expert witness in his field, seconded by Council Member King.
The motion carried unanimously.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. He indicated that the LPA unanimously recommended a conditional approval that they continue to serve food even when the receipts did not hit 51% of food and the applicant agreed. Staff recommended approval with the conditions proposed by the LPA.
Attorney Long described the 51% food sales requirement. He said it was the same license that Margaritaville was using. The applicant would have to request approval from the town to facilitate package sales. He indicated that a condition could be added to require that they serve full-service meals at all times.
No public comment.

Mayor Allers moved to approve the resolution with conditions as set forth in the staff report, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the resolution. No ex parte communications were disclosed.
Attorney Zachary Liebetreu with Roetzel & Andress reviewed his experience in law.
Council Member King moved to accept Mr. Liebetreu as an expert in his field, seconded by Council Member Woodson.
The motion carried unanimously.
The applicant confirmed receipt of the agenda and backup materials. Planner Propst reviewed the background of the request as stated on the blue sheet. The LPA unanimously recommended approval.
Attorney Liebetreu represented the applicant and distributed his PowerPoint presentation, which included Placement of CCCL, Aerial View and Requested Variance. He requested a waiver of the variance application fee of $1,800.00 since it was paid last year.
No public comment.

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

Vice Mayor Atterholt moved to waive the variance fee, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

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 ADDITIONAL12-FEET 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.

Mayor Allers read the title of the variance. Ex parte communications: Vice Mayor Atterholt spoke to a neighbor who supported the request. There were no disclosures from other members. The applicant confirmed receipt of the agenda and backup materials.

Senior Planner Smalley reviewed the background of the request as stated on the blue sheet. He noted that the applicants submitted their design after the code change despite what was indicated in their application. Staff reviewed the request as a design choice and the LPA voted 6-0 to recommend approval of the request.

Attorney Ken Gallander represented the applicant and distributed his PowerPoint presentation. Slides included the Project Team, Presentation Overview, Background & Request, Property Location, Site Location, Front Elevation, Right & Left Elevation, Findings & Conclusion and Conclusion. Mayor Allers noted that the house was designed after the hurricane and should not be used as an excuse for a variance.

No public comment.

Mayor Allers moved to deny the request because there were no exceptional circumstances, the conditions justifying the variance were the result of actions of the applicant, it was not a minimum variance that would relieve the applicant of an unreasonable burden and the variance would be injurious to the neighborhood. The motion failed for lack of a second.

Council Member Woodson moved to approve the request with the two conditions, seconded by Council Member King.

The motion passed 4-1 by roll call vote, with Mayor Allers dissenting.

X. ADMINISTRATIVE AGENDA

A. CHNEP Policy Committee

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

Town Manager Hyatt indicated that the committee meets quarterly for half a day and the next meeting was May 23, 2024. Projects Manager Chustz was the alternate.

Council Member Woodson moved to designate Council Member King, seconded by Council Member Safford.

The motion carried unanimously.

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.

Town Manager Hyatt reported that the existing structure had minimal damage and would be a good location for Town Hall. The seller accepted the offer of $7 million. Mayor Allers questioned the impact on staff regarding the location on the south end. Town Manager Hyatt replied that he would try to find the best possible solution. He indicated that all the mechanicals were working and there were minimal upgrades to do. Repairing the elevator and funding from the state were added to the conditions of the sale. Town Manager Hyatt noted that he was investigating parking alternatives. He reported that it would cost the town at least $25 million to rebuild Town Hall. He described the future of the trailers if the offer goes through and felt it would take four to six months to move in. Town Attorney Stuparich stated that the required affidavit showing that the legal entity was an LLC was in the packet. Town Manager Hyatt indicated they had discussed using the old Town Hall property as a parking lot, but discussions would continue. Operations and Compliance Director Frankie Kropacek reported that they did have contingency plans to finance the building if the governor vetoed the appropriation request.

Council Member Woodson moved to approve the contract and authorize Town Manager Hyatt to negotiate and execute the closing documents, seconded by Council Member King.

The motion carried unanimously.

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.

Mayor Allers read the title of the resolution. Town Attorney Stuparich explained why the action was necessary and discussed details as stated on the blue sheet. She added that the changes recommended by the LPA were on page 783 of the packet. Planner Propst was not clear how it would work procedurally or the impacts. She asked whether additional language would be created for the LDC (Land Development Code). Town Attorney Stuparich thought only the procedures would change to provide another tool to help specific projects. She suggested adding the fee schedule to the M&P session on Thursday. Senior Planner Smalley brought up increasing the property value and then selling it. Council Member Safford stated that the intent was to help smaller businesses rebuild quickly and reduce costs and time. Mayor Allers commented that a consequence could be that the owner potentially gets more than allowed to increase their property's value and then sells it. Planner Propst expressed concern regarding the role of planning staff and the procedures to ensure that everybody came together at the end of a project that could be built. Town Attorney Stuparich stated that they were voting on procedural rules to allow the use of the existing tool.

Council Member King moved to approve the resolution, seconded by Vice Mayor Atterholt.
The motion carried unanimously.
Council Member Safford moved to discuss the development agreements with deviations at the M&P session on Thursday, April 4, 2024, seconded by Council Member Woodson.
The motion carried unanimously.

XI. FINAL PUBLIC COMMENT

Mr. Pugliese stated that he asked the supervisor last week to move the heavy equipment a little further from his house, but he moved it closer to his house. The supervisor also told him that they would be gone by Tuesday, but he was not. He suggested that the town do something immediately.

XII. TOWN MANAGER'S ITEMS

Town Manager Hyatt will email council members regarding dates for strategic planning. The open house scheduled for Thursday will be postponed.

XIII. TOWN ATTORNEY'S ITEMS

No items.

XIV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford asked whether the town would revive the 1/2 price tree program on Arbor Day. Director Kropacek replied that it was too late for this year, but they will plan for next year.
Council Member Woodson questioned the status of the food truck ordinance. Town Attorney Stuparich said she would try to have something for the LPA this month.
Council Member King stated he moved here with his wife three years ago.
Mayor Allers received support for adding beautifying Estero Blvd. to a future M&P session.
No items from Vice Mayor Atterholt.

XV. ADJOURNMENT

Council Member King moved to adjourn, seconded by Council Member Safford.
The motion carried unanimously.

The meeting was adjourned at 12:39 p.m.

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

Amy Baker, Town Clerk