



Fort Myers Beach Town Council

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

Agenda

Monday, June 3, 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. PRESENTATIONS**
 - A. Ron Book, Town Lobbyist Update
 - B. Michael Allen, President - ReVitale Development
- VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
 - A. Public Safety Committee update
 - B. Local Planning Agency Appointment
 - C. Audit Committee Appointment
 - D. Bay Oaks Recreational Campus Advisory Board Appointment
- IX. APPROVAL OF MINUTES**
 - A. Town Council - May 20, 2024
- X. CONSENT AGENDA**
 - A. Resolutions 24-101 through 24-109; 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 24-110 through 24-118; 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. Resolution 24-119; Authorizing Extension of Angie Brewer Contract and STA #5

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND ANGIE BREWER & ASSOCIATES, LC TO EXTEND THE TERM OF THE CONSULTANT AGREEMENT FOR FUNDING MANAGEMENT SERVICES FOR SRF AND OR OTHER GRANTS AND LOANS AVAILABLE TO THE TOWN, TO JUNE 9, 2025, BY THE EXERCISE OF THE SECOND OF TWO ONE-YEAR RENEWAL OPTIONS; APPROVING SUPPLEMENTAL TASK AUTHORIZATION NO. 5 FOR THE UNINTERRUPTED CONTINUATION OF THESE SERVICES; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND SUPPLEMENTAL TASK AUTHORIZATION AND THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Resolution 24-122; CDBG-DR Public Facilities Application Blight Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA DESIGNATING SPECIFIED AREAS IN THE TOWN AS BLIGHTED FOR THE PURPOSES OF APPLYING FOR A GRANT FROM THE LEE COUNTY CDBG-DR PUBLIC FACILITIES PROGRAM FOR FUNDS IN THE AMOUNT OF \$10,673,000.00 FOR THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND/OR INSTALLATION OF PUBLIC FACILITIES AND FOR RELATED PURPOSES.

- E. Resolution 24-121; CDBG-DR Critical Infrastructure Application Blight Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA DESIGNATING SPECIFIED AREAS IN THE TOWN AS BLIGHTED FOR THE PURPOSES OF APPLYING FOR A GRANT FROM THE LEE COUNTY CDBG-DR CRITICAL INFRASTRUCTURE AND PUBLIC FACILITIES PROGRAM FOR FUNDS IN THE AMOUNT OF \$5,000,000.00 FOR THE NORTH ISLAND WATER TOWER AND FACILITY PROJECT AND FOR RELATED PURPOSES.

- F. Resolution 24-124; Accepting FDACS Contract #31125 Awarding the Town \$37,500.00 To Procure and Plant 75 Native Trees and Palms
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ACCEPTING FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES CONTRACT #31125 AWARDED THE TOWN OF FORT MYERS BEACH \$37,500.00 TO PROCURE AND PLANT 75 NATIVE TREES AND PALMS IN THE COASTAL AREA; AUTHORIZING THE TOWN MANAGER TO EXECUTE CONTRACT #31125; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. Resolution 24-199; Ratifying Emergency Crescent Street Outfall Repairs and Budget Adjustment
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION BY THE TOWN REGARDING EMERGENCY CRESCENT STREET OUTFALL REPAIRS BY ANDREW SITEWORK IN THE AMOUNT OF \$104,928.94; AND PROVIDING AN EFFECTIVE DATE.
- H. Resolution 24-125; RFQ-20-22-AD; Axis Infrastructure STA 13 - Impact Fee Study
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AUTHORIZATION #13 OF CONTRACT RFQ-20-22-AD BETWEEN THE TOWN AND AXIS INFRASTRUCTURE FOR AN IMPACT FEE STUDY, FOR A COST OF \$85,065.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- I. Resolution 24-123; Comprehensive Vulnerability Assessment
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AGREEMENT #1 OF CONTRACT RFQ-22-25-AD BETWEEN THE TOWN OF FORT MYERS BEACH AND KIMLEY-HORN AND ASSOCIATES, INC. FOR A COMPREHENSIVE VULNERABILITY ASSESSMENT AND ADAPTATION PLAN FOR A COST OF \$141,000; AUTHORIZING THE TOWN MANAGER TO EXECUTE SUPPLEMENTAL TASK ORDER #1 OF CONTRACT #RFQ-22-25-AD; AND PROVIDING FOR AN EFFECTIVE DATE.

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

- A. Ordinance 24-13; Unsafe Structures
Second reading and public hearing on proposed Ordinance 24-13 entitled: ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING DIVISION 3 "UNSAFE BUILDING ABATEMENT CODE" OF ARTICLE I "PROPERTY MAINTENANCE CODES" OF CHAPTER 6 "MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS" OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA, TO CLARIFY EXISTING PROVISIONS RELATED TO NOTICE AND EXCEPTIONS; TO AUTHORIZE

NOTIFICATION BY CONSTRUCTIVE SERVICE; TO INCLUDE ATTORNEY'S FEES AND COSTS AND NOTICE EXPENSES TO THE DEMOLITION LIEN AGAINST THE PROPERTY ON WHICH THE UNSAFE BUILDING WAS LOCATED, AND TO AUTHORIZE USE OF THE UNIFORM METHOD OF COLLECTION FOR COLLECTION OF LIENS; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

- B. Ordinance 24-14; DCI 20230197; 841 Estero Blvd
2nd Reading and Final Public Hearing on proposed Ordinance 24-14 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 841 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-0050B.0010 FORT MYERS BEACH; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- C. Ordinance 24-15; DCI20230246, 125, 131-151 School Street and 2661-2681 Estero Boulevard
1st Reading and 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 125, 131-151 SCHOOL ST AND 2661-2681 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 FORT MYERS BEACH TO ALLOW A MIXED USE DEVELOPMENT INCLUDING LODGING, LIVE/WORK UNITS, RETAIL, AND RESTAURANT USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on June 17, 2024 at 9:00 AM
- D. Ordinance 24-16; DCI20240049 Amendment: 2301/2307, 2311 Estero Blvd and 111, 121 Mango St.
1st Reading and Public Hearing of an Ordinance Entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING AND RESTATING ORDINANCE NO. 22-06 TO AMEND THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., GENERALLY IDENTIFIED AS STRAP NUMBERS 219-46-24-W3-0110D.0010, 19-46-24-W3-0120E.0010, 19-46-24-W3-0120E.0020, AND 19-46-24-W3-0120E.0030 FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO

CONDITIONS OF APPROVAL AND DEVIATIONS, AND OTHER CLARIFICATION AS NECESSARY; PROVIDING FOR REPEAL, CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on June 17, 2024 at 9:00 AM

XIII. ADMINISTRATIVE AGENDA

A. Resolution 24-120; FY24/25 Tentative Millage Rate

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF .#### MILLS FOR FISCAL YEAR 2024-2025 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2024-2025; AND PROVIDING AN EFFECTIVE DATE.

XIV. FINAL PUBLIC COMMENT

XV. TOWN MANAGER'S ITEMS

XVI. TOWN ATTORNEY'S ITEMS

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.