



Fort Myers Beach Town Council

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

Agenda

Monday, June 17, 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**
 - A. Tier 1 Project Update - Andrew Sitework
 - B. Estero Island Lighting Project Update - Florida Power & Light (FPL)
- VIII. APPROVAL OF MINUTES**
 - A. Town Council - June 3, 2024
 - B. Management & Planning Session - June 6, 2024
- IX. CONSENT AGENDA**
 - A. Special Event - Farmer's Markets
Shop Local Productions is requesting to have Farmer's Markets at: Santini Plaza from November 5, 2024 - April 4, 2025, and Times Square from September 9, 2024 - May 31, 2025
 - B. Resolution 24-130, Town Hall Trailer Contract Amendment
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ITS PRIOR APPROVAL OF A CONTRACT WITH KIRKWOOD ELECTRIC IN THE AMOUNT OF \$73,620.00 FOR WORK NEEDED FOR THE NEW TOWN HALL TRAILERS TO INCREASE THE CONTRACT AMOUNT BY \$15,374.00 FOR ADDITIONAL NEEDED WORK, FOR A TOTAL CONTRACT PRICE OF \$88,994.00; AND PROVIDING FOR AN EFFECTIVE DATE.
- X. ITEMS REMOVED FROM CONSENT AGENDA**

XI. PUBLIC HEARINGS

- A. Ordinance 24-17; Amending Advisory Committee Requirements
1st Reading and Public Hearing of an Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-94 "QUALIFICATIONS AND APPOINTMENTS OF MEMBERS" AND SECTION 2-96 "REMOVAL OF AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS" OF DIVISION 2 "PROCEDURES FOR THE ESTABLISHMENT OF BOARDS, COMMITTEES AND COMMISSIONS" OF ARTICLE IV "BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES" OF CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REMOVING RESIDENCY AS A QUALIFICATION REQUIREMENT FOR THE TOWN'S AGENCY, BOARD, COMMITTEE OR COMMISSION MEMBERS; ELIMINATING DUPLICATIVE LANGUAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER'S ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE. Open the public hearing and schedule for second reading and final adoption on August 5, 2024 at 9:00 AM.
- B. Ordinance 24-16; Amending Schedule of Uses (Sandy Bottoms)
Second 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.
- C. Ordinance 24-15; DCI20230246; 125, 131-151 School St and 2661-2681 Estero Blvd (Myerside)
Second 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.

- D. Resolution 24-131; VAR20240071 - 1250 Estero Blvd (Cottage/Shuckers)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS VAR20240071 CONSISTING OF FIVE (5) VARIANCES FROM THE FOLLOWING LDC SECTIONS: 1) SECTION 34-674(a)(1)(b) [BUILD-TO-LINE MAXIMUM SETBACKS], 2) SECTION 34-675(b)(3) [BUILDING HEIGHT], 3) SECTION 34-676(a)(4) [PARKING SPACES], 4) SECTION 34-676(b) [REAR PARKING], AND 5) SECTION 34-676(d) [LOCATION OF ENTRANCE WAYS, FOR PROPERTY LOCATED AT 1250 ESTERO BLVD. ALSO IDENTIFIED BY STRAP# 19-46-24-W4-0070F.0010, TO ALLOW FOR REDEVELOPMENT OF A RESTAURANT/BAR; AND PROVIDING FOR AN EFFECTIVE DATE.
- E. Resolution 24-133; VAC20240030- Pink Shell Resort Beach Access Easement Relocation
A RESOLUTION VACATING BEACH ACCESS POINT #42 LOCATED OVER REAL PROPERTY OWNED BY CAPTIVA VILLAS DEVELOPMENT LLC, GENERALLY LOCATED AT 200 ESTERO BOULEVARD, FORT MYERS BEACH; ACCEPTING AND APPROVING A COMPARABLE REPLACEMENT EASEMENT TO BE LOCATED ON REAL PROPERTY OWNED BY JABO, LLC, SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN A SECOND AMENDED AND RESTATED PEDESTRIAN RELOCATION AND VIEW EASEMENT AGREEMENT; DIRECTING THE TOWN CLERK TO RECORD THIS RESOLUTION; AUTHORIZING THE MAYOR TO SIGN ALL NEEDED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.
- F. Resolution 24-13; SEZ20230226, 275/322, 200 Estero Blvd and 192 Estero Blvd Common Element (Pink Shell)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
- G. Resolution 24-134; SEZ20240126, 7400 Estero Blvd
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENY SPECIAL EXCEPTION SEZ20240126 TO ALLOW RECONSTRUCTION OF STORM DAMAGED INFRASTRUCTURE IN THE EC ZONING DISTRICT, INCLUDING: A PARTIAL PARKING LOT, A NEW

ALUMINUM RAIL FENCE ALONG THE SEAWALL, AND NEW FENCE WITH GATE AROUND THE SOUTH GARDEN, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

XII. ADMINISTRATIVE AGENDA

- A. Resolution 24-126; Authorizing Use of ARPA Funds to Reimburse Emergency Fund

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING 1) THE USE OF \$411,481 OF AMERICAN RESCUE PLAN ACT ("ARPA") FUNDS TO REIMBURSE THE EMERGENCY FUND FOR EMERGENCY EXPEDITURES INELIGIBLE FOR REIMBURSEMENT BY FEMA, AND 2) AMENDMENTS TO THE FISCAL YEAR 2024 BUDGET RELATED TO THIS REIMBURSEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Resolution 24-127, Adoption of Financial Policies

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE ADOPTION OF FINANCIAL POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Resolution 24-128; Short Term Rentals

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, WAIVING THE REQUIREMENT FOR PROOF OF USE OF A DWELLING UNIT AS A SHORT-TERM VACATION RENTAL DURING THE PRIOR YEAR DUE TO THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA; DIRECTING TOWN STAFF TO ADMINISTER ANNUAL RENEWAL APPLICATIONS OF PREVIOUSLY REGISTERED MONTHLY AND WEEKLY SHORT-TERM VACATION RENTALS AND COLLECT SHORT TERM VACATION RENTAL FEES AS IF THE ANNUAL REGISTRATION WAS TIMELY RECEIVED AND THE HOUSES HAD BEEN RENTED DURING THE PRIOR YEAR UNTIL JUNE 1, 2025; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Resolution 24-120; Tentative FY24/25 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.

- E. Resolution 24-129; Condo Opt-Out Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUSPENDING DURING THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA THE REQUIREMENT FOR CONDOMINIUM ASSOCIATIONS TO

NOTIFY THE TOWN MANAGER IF THEY SELF-PERFORM AN ENFORCEMENT PROGRAM FOR VIOLATIONS OF THE CODE OF CONDUCT FOR SHORT TERM RENTALS AS PROVIDED IN SECTION 10-198(7) OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES; WAIVING PAYMENT OF THE REQUIRED FEE FOR EACH BUILDING FOR WHICH AN OPT OUT EXEMPTION WOULD OTHERWISE BE REQUESTED; AND PROVIDING AN EFFECTIVE DATE.

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

XVI. COUNCILMEMBERS ITEMS AND REPORTS

XVII. 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.