



## Fort Myers Beach Town Council

### Bay Oaks Recreation Center

2731 Oak Street  
Fort Myers Beach, FL 33931

**AMENDED** Agenda

Monday, August 19, 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. Tidal Basin Update
- VIII. APPROVAL OF MINUTES
  - A. Town Council - August 7, 2024
  - B. Management & Planning Session - August 7, 2024
- IX. CONSENT AGENDA
- X. ITEMS REMOVED FROM CONSENT AGENDA
- XI. PUBLIC HEARINGS
  - A. Ordinance 24-17; Advisory Committees  
**\*\* ITEM TO BE RESCHEDULED TO SEPTEMBER 9, 2024 9:00 AM MEETING DUE TO ADVERTISING REQUIREMENTS**  
Second Reading and Final 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" AND SECTION 34-113 "COMPOSITION,

**APPOINTMENT AND COMPENSATION OF MEMBERS” OF DIVISION 3 “LOCAL PLANNING AGENCY” OF ARTICLE II “ZONING PROCEDURES” OF CHAPTER 34 “ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES” OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REMOVING PROPERTY OWNERSHIP AS A QUALIFICATION REQUIREMENT FOR THE MEMBERS OF THE TOWN’S AGENCIES, BOARDS, COMMITTEES OR COMMISSIONS, INCLUDING THE TOWN’S LOCAL PLANNING AGENCY; ELIMINATING DUPLICATIVE LANGUAGE; ADDING A GRANDFATHER PROVISION FOR CURRENT NON-QUALIFYING MEMBERS OF THE TOWN’S BOARDS, AGENCIES, COMMISSIONS, AND COMMITTEES; ADDING A PROVISION TO SECTION 34-113, REGARDING THE MANDATORY ANNUAL FINANCIAL DISCLOSURE FORM AS REQUIRED BY THE FLORIDA COMMISSION ON ETHICS; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER’S ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.**

- NEW B.** Ordinance 24-18; DCI20240143, 1668 I St, Beach Bar  
**First reading and Public Hearing on proposed Ordinance 24-19 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REQUEST TO REZONE THE PROPERTY LOCATED AT 1668 I STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0070B.0110 FORT MYERS BEACH, FROM DOWNTOWN TO COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, WITH DEVIATIONS, FOR A BAR AND RESIDENCE; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER’S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the public hearing and schedule for second reading and final adoption on September 9, 2024 at 9:00 AM.**
- C.** Ordinance 24-19; Amendment for Immobilization Payment Options  
**1st Reading and Public Hearing on proposed Ordinance 24-19 entitled AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 28-30 “IMMOBILIZATION AND IMPOUNDING OF ILLEGALLY PARKED VEHICLES” OF DIVISION 1 “GENERALLY” OF ARTICLE II “STOPPING, STANDING AND PARKING” OF CHAPTER 28 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, TO INCLUDE THE ACCEPTED METHODS OF PAYMENT OF ANY FINES AND CHARGES RELATED TO ILLEGAL PARKING AND IMMOBILIZATION OF ILLEGALLY PARKED VEHICLES; 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 September 9, 2024 at 9:00 AM.**

- D. Ordinance 24-10; Comprehensive Plan Adoption Hearing  
**Second Reading, Adoption and Final Public Hearing of an Ordinance Entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN IN ITS ENTIRETY, PURSUANT TO 163.3184 (3), FLORIDA STATUTES; PROVIDING FOR ADOPTION OF THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN 2040, INCLUDING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP, THE COMMUNITY DESIGN ELEMENT, THE TRANSPORTATION ELEMENT, THE HOUSING ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE UTILITIES ELEMENT, THE CONSERVATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE RECREATION, & OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, AND THE CAPITAL IMPROVEMENTS ELEMENT; INCLUSIVE OF ALL ASSOCIATED TABLES, EXHIBITS AND MAPS; AUTHORIZING FINDINGS AND ADMINISTRATIVE ACTIONS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR EFFECTIVE DATE.**

## **XII. ADMINISTRATIVE AGENDA**

- A. Resolution 24-160; Estero Island Shore Protection Project  
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AUTHORIZING TOWN STAFF TO SUBMIT A FUNDING REQUEST TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE ESTERO ISLAND SHORE PROTECTION PROJECT; AND AUTHORIZING LOCAL MATCHING FUNDS FOR FUNDING RECEIVED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND PROVIDING FOR AN EFFECTIVE DATE**
- B. Resolution 24-153; Budget Amendment #6 - Purchase of New Town Hall and Acceptance of Grant  
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, APPROVING ACCEPTANCE OF FLORIDA DEPARTMENT OF COMMERCE GRANT FOR NEW TOWN HALL; APPROVING A GRANT AGREEMENT WITH THE STATE OF FLORIDA; APPROVING A REQUIRED BUDGET ADJUSTMENT (#6); AUTHORIZING THE MAYOR OR TOWN MANAGER TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO ACQUIRE THE GRANT; AND PROVIDING AN EFFECTIVE DATE.**
- C. Resolution 24-159; ICS Materials Inc, TS Debby Beach Cleanup  
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN AUGUST 9, 2024, UNDER THE EMERGENCY PROCUREMENT POLICY**

**TO CONTRACT WITH ICS MATERIALS INC. TO TAKE EMERGENCY PROTECTIVE MEASURES TO REMOVE HAZARDS TO PUBLIC HEALTH AND SAFETY FROM THE BEACH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**D. STA 14; GIS Mapping and Technical Support**

**Approve Supplemental Task Authorizations #14 for GIS Mapping and Technical Support, in the amount of \$36,000, performed by Axis Engineering, and authorize the Town Manager to execute the required documentation.**

**E. STA 15, Continued Planning & Zoning Services**

**Approve Supplemental Task Authorizations #15 for continued Planning/Zoning services performed by Axis Engineering, and authorize the Town Manager to execute the required documentation.**

**F. Town Hall Purchase**

**Approve an amendment to the Commercial Contract entered into on May 29, 2024, as amended on July 17, 2024, by and between the Town of Fort Myers Beach (“the Buyer”) and 6231 Estero LLC, (the “Seller,” “Owner” or “Exchanger”) for the purchase of the property for the new town hall for the purpose of amending the existing terms and conditions of the agreement between the parties as follows: 1) to document the Owner’s intent to do a like-kind tax-deferred exchange in accordance with IRC Regulation Section 1.1031(k)-1; (2) to permit assignment of the contract, as amended, to the qualified intermediary; and (3) to ensure the Buyer will be held harmless with no additional expense as a result of the exchange; and (4) extension of the Closing 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.