



Fort Myers Beach Town Council

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

Minutes

Monday, September 23, 2024

6:00 PM

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.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Mayor Allers listed changes in Public Hearings. Items C, E, H and I will be continued to October 7, 2024, at 9:00 a.m. and Item L. will be continued to October 21, 2024, at 9:00 a.m. Under the Administrative Agenda, remove Item E. Town Attorney Nancy Stuparich stated that they were discussing the settlement and that the appeal would be resolved if a resolution was reached. Item G. under Public Hearings will be opened for discussion and the town council will decide whether it should be continued to October 7, 2024.

Town Manager Hyatt stated that the governor declared a state of emergency, including Lee County, and he requested a resolution under the consent agenda declaring a state of emergency.

Council Member King moved to approve the amended final agenda, seconded by Council Member Safford.

Vice Mayor Atterholt asked Town Manager Hyatt to review the evacuation and reentry process for severe weather events. Fire Chief Scott Wirth encouraged people to make sure they have a hurricane plan and supplies. He described the process for people returning to the island.

The motion carried unanimously.

V. PUBLIC COMMENT

Tyler Spradling, resident, introduced himself and stated he was applying for a seat on the LPA (Local Planning Agency).

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King stated that Doug Hattaway from the Trust for Public Land gave him a poetry book by Eleanor Newton and a pamphlet regarding Mr. Newton. He donated them to the town.

Council Member Safford expressed condolences for the loss of Mike Yost last week. He commented that he was a legend and the outpouring was incredible. Mayor Allers indicated that Mr. Yost's mother wanted to donate some of his items to the Historical Society.

No items from other members.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. APPROVAL OF MINUTES**A. Town Council - September 9, 2024**

Council Member King moved to approve the minutes, seconded by Council Member Woodson.

The motion carried unanimously.

B. Town Council Budget Hearing - September 9, 2024

Council Member King moved to approve the minutes, seconded by Council Member Woodson.

The motion carried unanimously.

IX. CONSENT AGENDA

Mayor Allers read the title of Resolution 24-192, declaring a state of local emergency due to the potential tropical cyclone 9.

Council Member King moved to approve the consent agenda, seconded by Council Member Woodson.

The motion carried unanimously.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

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

A. Resolution 24-189; SEZ20240200, 6500 & 6502 Estero Privateer

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240200 TO ALLOW REPAIRS TO A RETAINING WALL IN THE EC ZONING DISTRICT AS AUTHORIZED BY SECTION 6-366 OF THE TOWN OF FORT MYERS LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 6500 AND 6502 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Community Development Principal Planner Judith Frankel reviewed the background of the request as stated on the blue sheet. She noted the staff recommended two conditions.

John Siekmann from Stokes Marine represented the applicant. He stated it was a repair to the existing retaining wall and the footprint would not change. No public comment.

Council Member King moved to approve the resolution, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

B. Resolution 24-187; SEZ20240024, 1400 Estero Blvd, Lani Kai

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVE/ APPROVE WITH CONDITIONS/ DENY SPECIAL EXCEPTION FOR 1400 ESTERO BLVD, LANI KAI RESORT TO REBUILD PAVER DECKS, BEACH-BAR STRUCTURES, WALKWAYS, COVERED SCREENED AREAS, GAZEBO, PLANTING AREAS AND WOOD DECKING TO PRE-IAN CONDITION FULLY IN THE EC ZONING.

Mayor Allers read the title of the resolution. No ex parte communications were disclosed, although all are familiar with the property. The applicant confirmed receipt of the agenda and background materials.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. He noted that the structures would break away during a storm and the applicant was asking for what existed prior to the hurricane. He added that one of the conditions in the staff report was updating their permit application from the FDEP (Florida Department of Environmental Protection).

Greg Stuart from Stuart & Associates Planning and Design Services represented the applicant. He stated that they agreed with the conditions and were not requesting more than what they had.

Kara Stewart represented the applicant and explained that FEMA allowed quick disconnect accessory structures and that there were several steps in the approval process. Ken Conidaris, applicant, commented that they were trying to open, and it would be better than ever. Mike Conidaris, applicant, stated that they should open on November 1, 2024. Mayor Allers asked whether they would downsize some of the paver area and they agreed. Ms. Stewart clarified they were approximately 140 feet from the mean high-water line. No public comment.

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

C. Resolution 24-190; 3030 Shell Mound FMB Art Association

Request to continue to a date certain of October 7, 2024 at 9:00 AM

A RESOLUTION VACATING AN UTILITY EASEMENT LOCATED OVER REAL PROPERTY OWNED BY FORT MYERS BEACH ART ASSOCIATION, GENERALLY LOCATED AT 3030 SHELL MOUND BOULEVARD, FORT MYERS BEACH; ACCEPTING AND ACCEPTING AND APPROVING A COMPARABLE REPLACEMENT EASEMENT TO BE LOCATED ON THE SAME REAL PROPERTY, SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN A SECOND AMENDED AND RESTATED UTILITY EASEMENT AGREEMENT; DIRECTING THE TOWN COUNCIL TO ACCEPT THE SECOND AMENDED AND RESTATED UTILITY EASEMENT AND AGREEMENT; DIRECTING CLERK TO RECORD THIS RESOLUTION; AUTHORIZING THE MAYOR TO SIGN ALL NEEDED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Continued.

D. Ordinance 24-27; DCI20240155, 2545 & 2555 Estero Blvd., FMB Fire Control District

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 2545 AND 2555 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-00458.0000; 19-46-24-W3-00458.0010 IN FORT MYERS BEACH, TO ALLOW A FIRE STATION AND A MIXED USE DEVELOPMENT INCLUDING CIVIC, RESIDENTIAL, LODGING, RETAIL, OFFICE AND MARINE USES; 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. Council Member Safford disclosed that his wife is a fire commissioner, but they have not discussed the project. There were no disclosures from other members. The applicant confirmed receipt of the agenda and background materials.

Principal Planner Frankel reviewed the background of the request as stated on the blue sheet.

Greg Stuart from Stuart & Associates Planning and Design Services represented the applicant. His presentation included The New FMB Fire Station Location - Enhancing the Civic Core, The Existing CPD - ORD 08-08, The New Master Concept Plan, The New Fire Station Design, Elevations, Findings and Deviations Findings.

No public comment.

Council Member King moved to approve the ordinance for a second reading on October 7, 2024, at 9:00 a.m., seconded by Council Member Woodson. The motion carried unanimously by roll call vote.

- E. Ordinance 24-28; CPD20240015 1836 & 1840 Estero Blvd - EIBC Request to continue to a date certain of October 7, 2024 at 9:00 AM AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A TOWN OF FORT MYERS BEACH ORDINANCE, AND APPROVING THE CONDITIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT REZONING FOR THE PROPERTIES LOCATED AT 1836 AND 1840 ESTERO BLVD. (LESS THE AREA WITHIN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT), GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W4-03200.00CE AND 19-46-24-W4-03200.1010 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 and Town Attorney Stuparich read a slightly different title. Mayor Allers indicated that the applicant requested a continuance to October 7, 2024.

Council Member Woodson moved to move forward with the first reading and have the second reading on October 7, 2024, at 9:00 a.m. No second.

Vice Mayor Atterholt moved to continue the ordinance to October 7, 2024, at 9:00 a.m., seconded by Council Member King.

The motion carried 4-1 by roll call vote, with Council Member Woodson dissenting.

- F. Ordinance 24-26; CB Zoning District Amendment

First reading and Public Hearing on a proposed ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING 1) TABLE 34-2 TITLED "USE SUB-GROUPS PERMITTED IN EACH ZONING DISTRICT" IN CHAPTER 34, ARTICLE III, DIVISION 2 TO AMEND THE ALLOWED SUB-GROUPS, FOR THE CB ZONING DISTRICT, FROM LIMITED TO OPEN FOR THE LODGING, OFFICE, AND RETAIL USE GROUPS; 2) THE LAND DEVELOPMENT CODE SUBDIVISION V. – CB ZONING DISTRICT FOUND IN CHAPTER 34, ARTICLE III, DIVISION 5. – REDEVELOPMENT ZONING DISTRICT TO PLACE LIMITATIONS ON NEW OUTDOOR DINING AND OUTDOOR ENTERTAINMENT USES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE. Open the public hearing and schedule for second reading and final adoption on October 7, 2024 at 9:00 a.m.

Mayor Allers read the title of the ordinance. No ex parte communications were disclosed.

Community Development Planner Sarah Propst reviewed the background of the ordinance as stated on the blue sheet and explained the special exception process. She displayed maps showing which areas were zoned CB and noted the majority were already commercial. She thought the uses were reasonable and there were safeguards in place to prevent them from going above and beyond. No public comment.

Council Member Safford moved to approve moving the ordinance to a second reading on October 7, 2024, seconded by Vice Mayor Atterholt. The motion carried unanimously.

G. Ordinance 24-20; DCI20240130 Margaritaville Signs

Request to Continue to a date certain of October 7, 2024

First Reading and Public Hearing on a proposed ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING TOWN OF FORT MYERS BEACH ORDINANCE NO. 24-01, AND APPROVING DEVIATIONS FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 1170, 1180/1192, 1204/1206 ESTERO BLVD., 251 CRESCENT ST., 1150 FIFTH ST. AND UNADDRESSED PARCELS, PARCELS GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0070 (MCP PARCEL #3), 24-46-23-W3-00006.0000 (MCP PARCEL #1), 24-46-23-W3-00206.0060 (MCP PARCEL #1), 24-46-23-W3-00009.0000 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0494.2609 (MCP PARCEL #2), 24-46-23-W3-00205.0070, 19-46-24-W4-U0491.2610 (MCP PARCEL #2), 19-46-24-W4-0140B.0070 (MCP PARCELS #2 AND #5), 19-46-24-W4-U0496.2608 (MCP PARCEL #2), AND 19-46-24-W4-U0498.2607 (MCP PARCELS #2 AND #6) FORT MYERS BEACH; 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 23, 2024 at 6:00 PM.

Mayor Allers read the title of the ordinance.

Council Member King moved to continue to October 7, 2024, at 9:00 a.m., seconded by Council Member Safford.

The motion carried 4-0 by roll call vote, with Mayor Allers abstaining due to a business agreement with Margaritaville. He will complete Form 8B.

H. Ordinance 24-17; Advisory Committees

Request to continue to a date certain of October 7, 2024 at 9:00 AM 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.

Continued.

I. Resolution 24-178; Updating Town Council Procedure and Policy Manual

Request to continue to a date certain of October 7, 2024

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTIONS 2 AND 5 OF THE TOWN’S POLICIES AND PROCEDURES MANUAL TO MAKE IT CONSISTENT WITH ELIGIBILITY REQUIREMENTS FOR MEMBERS OF THE TOWN’S AGENCIES, BOARDS, COMMITTEES AND COMMISSIONS AND TO UPDATE REFERENCE TO REQUIRED FINANCIAL DISCLOSURE FORMS; AND PROVIDING FOR AN EFFECTIVE DATE.

Continued.

- J. Ordinance 24-19; Amendment for Immobilization Payment Options **Second and Final Reading of 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.**

Mayor Allers read the title of the ordinance. Director Kropacek stated that this was a rehash of the payment terms.

No public comment.

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

The motion carried unanimously.

- K. Ordinance 24-25; Public Camping or Sleeping **Second Reading and Final Public Hearing on proposed Ordinance 24-25 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING CHAPTER 16, ARTICLE I OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH BY CREATING SECTION 16-1 “PUBLIC CAMPING OR SLEEPING ON ANY PUBLIC PROPERTY, PUBLIC BUILDING, OR PUBLIC RIGHT-OF-WAY PROHIBITED,” AND AMENDING ARTICLE IV OF CHAPTER 32, TO REMOVE SECTIONS 32-70 “APPLICABILITY,” 32-71 “INTENT,” AND 32- 72 “PROHIBITED”; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER’S ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.**

Mayor Allers read the title of the ordinance. Town Attorney Stuparich stated that the Florida statutes have changed, and this ordinance helps to protect the town against lawsuits.

No public comment.

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

The motion carried unanimously.

L. Ordinance 24-30; Unsafe Building Code Appeals

Request to continue to a date certain of October 21, 2024 at 9:00 a.m. Second Reading and Final Public Hearing on proposed Ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING: 1) DIVISION 3 “UNSAFE BUILDING ABATEMENT CODE” OF ARTICLE I “PROPERTY MAINTENANCE CODES”; AND 2) DIVISION 2 “LEE COUNTY’S BOARDS OF ADJUSTMENT AND APPEALS” OF ARTICLE II “BUILDING CODES” OF CHAPTER 6 “MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS” OF THE LAND DEVELOPMENT CODE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO AMEND EXISTING PROVISIONS RELATED TO APPEALS OF THE BUILDING OFFICIAL’S DECISIONS; DIVESTING THE LEE COUNTY CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF THE RESPONSIBILITY FOR REVIEW OF APPEALS OF THE TOWN BUILDING OFFICIAL’S DECISIONS INCLUDING BUT NOT LIMITED TO DETERMINATION OF AN UNSAFE BUILDING; AUTHORIZING THE TOWN OF FORT MYERS BEACH SPECIAL MAGISTRATES TO HEAR APPEALS OF THE TOWN’S BUILDING OFFICIAL’S DECISIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich explained that the ordinance would come back with additional options.

Council Member King moved to approve a continuance to October 21, 2024, at 9:00 a.m., seconded by Council Member Woodson. The motion carried unanimously by roll call vote.

M. Ordinance 24-24; Building Coverage Instead of FAR

Second Reading and Public Hearing of an ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING 1) TABLE 34-3 TITLED “DIMENSIONAL REGULATIONS IN CONVENTIONAL ZONING DISTRICTS” IN CHAPTER 34, ARTICLE III, DIVISION 4 TO CREATE NOTE (10) TO PROVIDE THAT DETACHED SINGLE-FAMILY AND TWO-FAMILY HOMES WITHOUT A COMMERCIAL USE, IN ANY CONVENTIONAL ZONING DISTRICT WHERE THAT USE IS ALLOWED, MAY BE EVALUATED BY BUILDING COVERAGE RATHER THAN FAR; 2) SECTION 34-675(C) IN CHAPTER 34, ARTICLE III, DIVISION 5 TO PROVIDE THAT BUILDING INTENSITY OF COMMERCIAL AND MIXED-USE BUILDINGS SHALL BE EVALUATED USING FLOOR AREA RATIO (FAR) AND DETACHED SINGLE-FAMILY AND TWO-FAMILY RESIDENCE INTENSITY SHALL BE EVALUATED USING BUILDING COVERAGE NOT TO EXCEED 40% IN THE DOWNTOWN ZONING DISTRICT; 3) SECTION 34-683 IN CHAPTER 34, ARTICLE III, DIVISION 5 RELATED TO THE CREATION OF NEIGHBORHOOD CENTERS IN THE SANTINI ZONING DISTRICT TO PROVIDE THAT DETACHED SINGLE-FAMILY AND TWO-FAMILY RESIDENCE BUILDING COVERAGE SHALL NOT EXCEED 40%; 4) SECTION 34-693 IN THE

VILLAGE ZONING DISTRICT REGULATIONS TO PROVIDE THAT COMMERCIAL AND MIXED-USE BUILDING INTENSITY SHALL BE EVALUATED USING FLOOR AREA RATIO (FAR) AND DETACHED SINGLE-FAMILY AND TWO-FAMILY RESIDENCE INTENSITY SHALL BE EVALUATED USING BUILDING COVERAGE AND SHALL NOT EXCEED 40%; 5) SECTION 34-705 IN THE CB ZONING DISTRICT TO PROVIDE THAT FOR COMMERCIAL AND MIXED-USE DEVELOPMENTS FLOOR AREA RATIOS SHALL NOT EXCEED 1.0 AND BUILDING COVERAGE FOR DETACHED SINGLE-FAMILY AND TWO-FAMILY RESIDENCES, BUILDING COVERAGE SHALL NOT EXCEED 40%; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Planner Propst reviewed the background of the request as stated on the blue sheet. Mayor Allers clarified this affected one and two-family residential structures and did not increase intensity or density.

No public comment.

Council Member Safford moved to approve the ordinance, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

A. Ratification of Mayors signatures and changes to resolution

Motion to ratify the Mayor's signature and the changes made to Resolution 24-183 which was approved on September 9, 2024 Finance Director Joe Onzick explained that FEMA requested they delete section nine and renumber the remaining sections.

Vice Mayor Atterholt moved to approve, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

B. CDBG-DR Public Facilities and Critical Infrastructure Awards

Accept CDBG-DR Funding awards in the amounts of up to \$8,336,753.00 and \$4,681,844.90 for the projects submitted to the Public Facilities and Critical Infrastructure CDBG-DR programs.

Director Kropacek stated that this was to accept the awards, and he described the projects.

Vice Mayor Atterholt moved to accept the funding, seconded by Council Member Woodson.

The motion carried unanimously.

C. Lobbyist Ronald L. Book, P.A. Contract Renewal

Authorize the Town Manager to renew and execute an agreement in the amount of \$45,000 with the Town's State Lobbyist, Ronald L. Book, P.A. Town Manager Hyatt noted the amount did not change.

Vice Mayor Atterholt moved to authorize, seconded by Council Member King.

The motion carried unanimously.

D. Contract for Sale, 6221 Estero Boulevard

Authorize the Mayor or Town Manager to sign all needed closing documents and for both to sign the closing statement approving the final expenditure of Town funds for the property at 6221 Estero Boulevard.

Town Manager Hyatt noted they were moving forward with purchasing the property and two demolition companies were lined up.

Vice Mayor Atterholt moved to authorize, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

E. Settlement Agreement (131 Estero, LLC)

Proposed settlement agreement between the Town of Fort Myers Beach, Florida, and Kaminskiy at 131 Estero, LLC, the Owner of 131/133 Estero Blvd.

This item was removed.

F. Bandes Construction 3rd Amendment

Authorize the Mayor to execute Amendment #3 to the previous Non-Exclusive Right of Way Agreement with Bandes Construction Company, Inc. to extend the agreement for one additional month under the same terms and conditions.

Director Kropacek stated that they requested an extension because of an elevator repair.

Council Member King moved to authorize, seconded by Council Member Woodson.

The motion carried unanimously.

XIII. FINAL PUBLIC COMMENT

No public comment.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt indicated that a memorial service would be held at Santini Plaza on Saturday, September 28, 2024, at 8:00 a.m. to celebrate the town's resiliency and recovery. He was working with the architect on the design for the first floor on the new Town Hall and was hopeful they could move in by the first of the year. The landscaping design on Estero was moving forward and a water truck would be purchased.

Director Kropacek stated that notices of violation for trailers were drafted, and he explained that a third party would hear appeals. He noted that the town received the first violation because they could not move the trailers by November 18, 2024. He indicated that the town would go through the same process as others and encouraged people to contact him with questions.

Mayor Allers commented that people asked whether and when they needed to move trailers before the upcoming storm. Town Manager Hyatt replied that he was monitoring the weather and would have more information tomorrow.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich stated that one of the foreclosures was approved and the property would be auctioned on November 7, 2024, at 9:00 a.m. She added that the property might be sold privately before the auction date. The court found that the amount owed to the town was \$713,900.00.

Vice Mayor Atterholt questioned whether there was a way to encourage the owner of Key Estero to open shops in his plaza, as Mayor Allers mentioned. Town Attorney Stuparich explained that the Magistrate imposed a fine, which would be certified as a lien. After three months, the town can authorize foreclosure on the property. She noted that she could talk to the attorney to try to resolve the matter. Council Members Safford and Woodson stated that the owner would not change and had not shown any intent to move forward with anything other than a parking lot. Mayor Allers clarified that he was not offering the owner a lifeline. A consensus was reached to authorize the town attorney to negotiate with the owner's attorney.

Town Attorney Stuparich discussed the foreclosure case with Jesse Schmid and stated she was trying to bring it to completion. Mayor Allers asked for an update on unsafe structures. Director Kropacek responded that out of seven properties, a couple had come into compliance. Two vendors would inspect the other structures and submit prices to demolish. Town Attorney Stuparich added that only three unsafe properties were left to demo and notices would be posted on the property and in Town Hall when they had a demolition date.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King indicated that Doug Hattaway would like to give a presentation about the Bonita Estero rail trail project. The council agreed to invite him to an M&P and formal action could be taken at the following regular council meeting.

No items from other members.

XVII. ADJOURNMENT

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

The meeting was adjourned at 8:37 p.m.

Minutes adopted as presented, October 21, 2024. Motion by Council Member King and seconded by Mayor Allers. Passed 5-0.



Amy Baker, Town Clerk