Fort Myers Beach Town Council

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

Minutes **Monday, October 21, 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.

II. INVOCATION
Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA
Mayor Allers stated that the LPA Chair asked that they postpone appointing members to the LPA. Also, a discussion regarding utilizing the library for after-school programs would be added as item L. under the Administrative Agenda.

Council Member King moved to approve the final agenda as discussed, seconded by Council Member Woodson.
The motion carried unanimously.

V. PUBLIC COMMENT
Rose Larkin, resident and MERTF member explained that MERTF did not exceed their boundary. She described the contributions, knowledge and experience of MERTF members Jennifer Rusk, Robert Howell and Steve Johnson.
Eddie Rood, resident, explained why he wanted to be appointed to MERTF.
Steve Johnson, resident, discussed sand renourishment and those who did not sign easements. He asked that the town put the maximum amount of sand on the beach.
John Koss discussed the ILA (interlocal agreement) with the library and encouraged council members to approve it. He thanked everyone who reached out to him with support. He stated that enrollment increased by over 25% last year.
Thomas Houghton, owner of La Ola, described how he evacuated his trailers before the storm. He felt that his bar and restrooms should be allowed to remain

and asked that council members and others contact FEMA to accept their evacuation plan and remove them from the targeted property list.

Leah Gregg, resident, requested clarification regarding the appeal process in Ordinance 24-30 and described meetings regarding Building Official Joe Specht's decisions.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King recognized residents, town manager and staff, town staff, Ed Ryan from Beach Talk Radio and council members for their hard work after hurricanes Helene and Milton.

Council Member Woodson thanked the town manager and town staff for the planning compared to two years ago.

Council Member Safford thanked those who helped after the storms.

Vice Mayor Atterholt and Mayor Allers agreed with all the comments.

A. Resolution 24-188; Florida City Government Week

Town Clerk Baker read the title of the resolution.

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

The motion carried unanimously by roll call vote.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No reports.

VIII. APPROVAL OF MINUTES

A. Town Council - September 23, 2024

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

The motion carried unanimously.

B. Town Council Budget Hearings - September 23, 2024

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

The motion carried unanimously.

C. Joint Session, Town Council w/CELCAB - September 18, 2024

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

The motion carried unanimously.

IX. CONSENT AGENDA

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

A. Resolutions 24-193 through 24-196; Extension 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.

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

B. Resolutions 24-197 through 24-200; Extension 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.

C. Resolutions 24-201 through 24-204; Extension of Local Emergency - Tropical Storm Debby

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO TROPICAL STORM DEBBY 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.

D. <u>Resolutions 24-205 through 24-208; Extension of Local Emergency - Hurricane Helene</u>

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 HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE) 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.

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. <u>Ordinance 24-28; CPD20240015 1836 & 1840 Estero Blvd - EIBC</u>

First reading and public hearing on proposed ordinance entitled: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REQUEST TO REZONE PROPERTY 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 FROM DOWNTOWN DISTRICT TO COMMERCIAL PLANNED DEVELOPMENT; APPROVAL OF FIVE (5) DEVIATIONS FROM THE FORT MYERS BEACH CODE OF ORDINANCES, A SCHEDULE OF USES AND A MASTER CONCEPT PLAN; 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. Ex parte communications: all council members participated in a meeting(s) and received emails for and against the project. Town Clerk Baker stated that the applicants were not provided copies of the emails and would make them available before the vote.

Anthony Ashford described his 27 years in architecture and his qualifications.

Council Member King moved to accept Mr. Ashford as an expert in his field, seconded by Council Member Safford.

The motion carried unanimously.

The applicant confirmed receipt of the agenda and backup materials. Community Development Senior Planner Jason Smalley reviewed the background of the request, and the deviations as stated on the blue sheet. He noted the applicant removed deviation 5.

Building Official Joe Specht stated that a new building had to comply 100% with ADA (Americans with Disabilities Act) accessibility requirements, although not every unit had to be accessible. Remodels were allowed 20% of the costs to add accessibility features.

Attorney Amy Thibaut from Roetzel & Andress represented the applicant and thanked the town staff for their hard work. Planner Fred Drovdlic utilized slides in his presentation, starting with the Location, Zoning, Future Land Use, History & Existing Conditions, The Past, Architectural Design, View Corridors, LDC Analysis: Post-Disaster Buildback, Post-Disaster Buildback Analysis, Historical Rooms and Post-Disaster Buildback Comparison, Historical Floor Area Comparison, Site Plan - Past to Present, Master Concept Plan, Conceptual Landscape Plan, Deviations, LDC Compliance, Compliance & Consistency, Public Benefits, Things to Consider and Conclusion.

Town Attorney Stuparich noted she was in the process of providing copies of the emails sent to council members.

John Shaw, the property manager, explained the discrepancy regarding unit sizes and noted that the square footage was not on the website and the figures came from a brochure not approved by the board of directors. Mayor Allers noted they previously met regarding a completely different design under the buildback and he questioned what changed to make them redesign the building. Mr. Shaw replied that the original design was not recommended by staff and was a preliminary drawing.

Public comment:

Dave Leigh, resident and neighbor, commented that the project should have been easy to build with three stories over flood. He did not support the project and stated the height request was why the town incorporated.

Margaritaville was the de facto standard for the town, with three stories over flood. He noted that public benefit had to be defined and used Margaritaville as an example. He provided examples of public benefits.

Michael Breith, resident, commented that Diamondhead's height was the reason the town incorporated, and he did not support the request. He encouraged the town council to deny their request.

Mathew Wadd, an owner, opposed the project and distributed documents. He requested that this item be tabled until the owners addressed the situation. He described how the board had not followed the by-laws and why he was a whistleblower.

Anthony Ashford, an owner, did not support the project and pointed out discrepancies.

Barbara Hill, resident, questioned why this was on the agenda since Town Manager Hyatt was going to schedule a meeting regarding the project. She opposed a ten-story building on the beach and was concerned about the discrepancies in the presentation.

Public comment closed.

Attorney Thibault commented that they reviewed the emails.
Mr. Ashford provided a historical analysis of the Estero Island Beach Club (EIBC). He reviewed the exhibits and explained the square footage of the units and what was being presented. He revealed that the ownership had not voted on the current plan. He added that if the units were 200 square feet smaller, it would be less money and the building could be five stories instead of ten. He provided an alternative concept design to the board, but it was rejected.
Attorney Thibault questioned Mr. Ashford's experience. Mr. Ashford confirmed that he submitted his building design to the town in 2022 and to the EIBC last month, but it was rejected. He listed the information he submitted to the owners and noted some of it was provided to him by RAL and the rest was public record. Attorney Thibault objected to Mr. Ashford being considered an expert.
Senior Planner Smalley stated that the town agreed to meet with Mr. Ashford before the hurricanes hit and they would reschedule it if Mr. Ashford was interested.
Attorney Thibault provided a rebuttal. She clarified that this was a zoning hearing and Mr. Ashford and Mr. Wadd's concerns were irrelevant.

Michael Sheely introduced himself and reviewed his experience as a licensed architect.
Vice Mayor Atterholt moved to accept Mr. Sheeley as an expert in his field, seconded by Mayor Allers,
The motion carried unanimously.

Mr. Sheeley answered Attorney Thibault's questions about the project. Mr. Sheeley noted that they proposed that all units be accessible per the Florida Building Code since it was more like a hotel. He discussed maintaining the view corridor and his reasons for designing the building. He stated that Mr. Ashford misquoted the dimensions and square footage. He agreed that without considering the view corridor, he could design a 75-unit building that met all the requirements without any deviations from the Town's LDC (Land Development Code) and Comprehensive Plan.
Council Member Woodson was confused since the EIBC came back with a new design based on what the LPA requested. She questioned why they were discussing the height at this point.
Attorney Thibault indicated that the town's experts found that the request met the criteria for approval and she requested that they vote in their favor.
Vice Mayor Atterholt felt that significant increases in height should be the last resort and the public benefit did not warrant the additional height.
Mayor Allers did not think the LPA had the same information they had when they voted. He disagreed with the staff's decision and felt the project was a design choice.

Community Development Planner Sarah Propst clarified that staff evaluated deviations based on what the code said.

Mayor Allers moved to deny moving the ordinance to a second reading for the reasons stated, seconded by Vice Mayor Atterholt.
The motion carried 4-1 by roll call, with Council Member Woodson dissenting.

B. EMERGENCY ORDINANCE 24-33; Advisory Committees

AN EMERGENCY 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 AGENCY, BOARDS, COMMITTEES OR COMMISSIONS, AND ADDING A VOTING REGISTRATION REQUIREMENT FOR MEMBERS OF THE LOCAL PLANNING AGENCY AND AUDIT COMMITTEE; ELIMINATING DUPLICATIVE AND UNENFORCEABLE LANGUAGE; 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.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich explained that the law allowed them to adopt the emergency ordinance by a single reading of the title and apply the new proposed criteria to their advisory committee appointment decisions later in the meeting. She indicated that Item C. was the first reading of a similar ordinance that would get them back into the process of two readings.
She reviewed the changes in the ordinance and noted they could add a clause to allow anyone on committees with a Fort Myers Beach zip code except for the Audit Committee and LPA.
No public comment.

Council Member King moved to approve the emergency ordinance with the amendment, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

C. Ordinance 24-17; Advisory Committees

First Reading and introduction of a proposed Ordinance 24-17 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 AGENCY, BOARDS, COMMITTEES OR COMMISSIONS AND ADDING A VOTING REGISTRATION REQUIREMENT FOR MEMBERS OF THE LOCAL PLANNING AGENCY AND AUDIT COMMITTEE; ELIMINATING DUPLICATIVE AND UNENFORCEABLE LANGUAGE; 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. Open the public hearing and schedule for second reading and final adoption on October 28, 2024 at 9:00 AM

Mayor Allers read the title of the proposed ordinance. Town Attorney Stuparich recommended adding the additional language from the emergency ordinance. She confirmed that the requirement to fill out financial disclosures on form six was overturned.

No public comment.

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

The motion carried unanimously by roll call vote.

D. Resolution 24-178; Updating Town Council Policies and Procedures Manual

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.

Mayor Allers read the title of the resolution. Town Attorney Stuparich recommended no action on this item because it would come back to them on the second reading of the prior ordinance.

Council Member Safford moved to table the resolution, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

E. Ordinance 24-31; Codification of 2020 Charter Amendments

First reading and Public Hearing on proposed Ordinance 24-31 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTIONS 4.02 “MAYOR,” 4.03 “VICE MAYOR,” 5.01 “ELECTIONS,” AND 5.03 “TERMS OF OFFICE” OF FORT MYERS BEACH TOWN CHARTER, TO CODIFY CHANGES TO THE DATE OF TOWN ELECTIONS FROM MARCH TO NOVEMBER AND TO ESTABLISH FOUR (4) YEAR TERMS OF OFFICE FOR TOWN COUNCIL MEMBERS, AS APPROVED BY THE VOTERS AT THE MARCH 2020 MUNICIPAL ELECTION; 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 Monday, October 28, 2024 at 9:00 AM

Mayor Allers read the title of the proposed ordinance. Town Attorney Stuparich commented that the ordinance included an update to the Code of Ordinances to reflect the change.
No public comment.

Mayor Allers moved to approve the ordinance, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

F. Ordinance 24-32; Amendment to Ordinance 05-04

First Reading and Public Hearing on proposed Ordinance 24-32 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2 OF ORDINANCE 2005-04 TO REFLECT THE CHANGES TO THE TOWN CHARTER APPROVED BY THE TOWN VOTERS AT THE MUNICIPAL ELECTION ON MARCH 17, 2020; 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 October 28, 2024 at 9:00 AM.

Mayor Allers read the title of the proposed ordinance. Town Attorney Stuparich explained that this was a housekeeping follow up.
No public comment.

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

XII. ADMINISTRATIVE AGENDA

A. Resolution 24-191; Marine Debris & Vegetation Removal

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AGREEMENT FOR DISASTER RECOVERY SERVICES FOR DEBRIS & VEGETATION REMOVAL FROM WATERWAYS, CANALS AND NATURAL CREEKS WITH AFTERMATCH DISASTER RECOVERY, INC., BASED ON COMPETITIVE PRICING PROCURED BY LEE COUNTY; AUTHORIZING THE MAYOR OR TOWN MANAGER TO SIGN THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Operations & Compliance Director Frankie Kropacek noted this was to clean up the canals.

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

The motion carried unanimously by roll call vote.

B. DOAH Amended and Restate Contract for Special Magistrate Services

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND RESTATING ITS CONTRACT WITH THE FLORIDA DEPARTMENT OF ADMINISTRATIVE HEARINGS FOR DELIVERY OF SPECIAL MAGISTRATE SERVICES; AUTHORIZING THE TOWN MANAGER OR MAYOR TO SIGN THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Attorney Stuparich reviewed the reason for the resolution as stated on the blue sheet. She addressed the public comment regarding the expired interlocal agreement with Fort Myers Beach regarding appeals.

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

The motion carried unanimously by roll call vote.

C. Resolution 24-209, Budget Amendment #1 - Purchase of 6221 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, APPROVING BUDGET ADJUSTMENT (#1) TO FUND PURCHASE OF 6221 ESTERO BLVD; PROVIDING AUTHORITY; EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick stated this was a budget adjustment.

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

The motion carried unanimously by roll call vote.

D. Fee waiver - Salty Sam's

Waive fees associated with pumping out the Salty Sam's pirate ship.

Council Member Safford moved to waive the fees, seconded by Council Member Woodson

The motion carried unanimously by roll call vote.

Council Member Safford moved to approve the hold harmless agreement between the town and Salty Sam's pirate ship, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

E. Local Planning Agency (LPA)

Appoint Members to the FY2024-2025 Local Planning Agency (LPA)
Mayor Aller moved to reschedule appointments to the LPA to Monday, October 28, 2024, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.
John Dunlap expressed his desire to remain on the LPA.

F. Anchorage Advisory Committee

Appoint Members to the FY2024-2025 Anchorage Advisory Committee (AAC)
Vice Mayor Atterholt moved to approve the AAC appointees, seconded by Mayor Allers.
The motion carried unanimously.
Theodore Lawwill, Sam Lurie, John Wesley Nash, Jennifer Rusk and Rebecca Weber were appointed.

G. Audit Committee

Appoint Members to the FY2024-2025 Audit Committee
Council Member Safford moved to approve the Audi Committee appointees, seconded by Council Member Woodson.
The motion carried unanimously.
Debbie Dutton, Jack Leson, David Sanberg, and Bryan Thomas were appointed.

H. Bay Oaks Recreational Campus Advisory Board

Appoint Members to the FY2024-2025 Bay Oaks Recreational Campus Advisory Board (BORCAB)
Michelle Cherney stated why she was interested in joining BORCAB.
Mayor Allers moved to approve BORCAB appointees, seconded by Council Member Safford.
The motion carried unanimously.
John Dussliere, Betty Simpson and Ed Schoonover were appointed.

I. Cultural & Environmental Learning Center Advisory Board

Appoint Members to the FY2024-2025 Cultural and Environmental Learning Center Advisory Board (CELCAB)
Vice Mayor Atterholt moved to approve the CELCAB appointees, seconded by Council Member Safford.
The motion carried unanimously.
Barbara Hill, Betty Simpson, Cherie Smith and Kerrie Henderson were appointed.

J. Marine & Environmental Resources Task Force

Appoint Members to the FY2024-2025 Marine and Environmental Resources Task Force (MERTF)

Sharon Hegstrom expressed her interest in joining MERTF. Steve Johnson withdrew his application because he felt that the town council had started politicizing the advisory boards. He discussed his negative feelings regarding Council Member King's actions.

Mayor Allers moved to approve MERTF appointees, seconded by Council Member Safford.

The motion carried unanimously.

Sharon Hegstrom, Ed Rood, Jennifer Rusk, Leo Sand and Robert Howell were appointed.

K. Public Safety Committee

Appoint Members to the FY2024-2025 Public Safety Committee (PSC)

Cynthia Johnson pulled her application.

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

The motion carried unanimously.

Todd Capela and Keran Farrell were appointed.

L. Interlocal Agreement with the Library for the Beach School

Mayor Allers read the title of the resolution. Vice Mayor Atterholt thanked several people who were involved.

Mayor Allers moved to approve the interlocal agreement with the library, seconded by Council Member King.

The motion carried unanimously.

XIII. FINAL PUBLIC COMMENT

Leah Gregg, resident, commented on the interlocal agreement and the appeal process regarding decisions made by the building official. She noted that Lee County stated that anyone could appeal the building official's decision regardless of whether they were the property owner. She asked why the town changed its process because now there was no oversight.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt commented that debris removal continued. The annual report was complete and available for distribution. Environmental Projects Manager Chadd Chustz stated that anyone who wants to put sand back on the beach should email him first. Town Manager Hyatt noted that the Town Hall took on some water from the storms, but it was remediated. He expected to start installing carpet and painting within the next couple of weeks. He thanked the Lee County Sheriff's Office and the Fort Myers Beach Fire District for their help with Milton. Town Manager Hyatt indicated that he was working on organizing charrettes regarding the comp plan.

The town received an extension for the recreation grant for the park. Town Manager Hyatt explained the appeal process and noted it was an economic decision to save residents $1,000.00.

Culture, Parks & Recreation Director Jeff Hauge stated that the insurance company assessed Bay Oaks and started the remediation process. He expected a report soon. Kirkwood Electric was building a new switchgear to prevent interruptions.

Projects Manager Chustz indicated that the beach renourishment had started back up and he was waiting for a new schedule.

Director Hauge confirmed that residents with pools can fill out a form and get a water credit for 9,000 gallons. Vice Mayor Atterholt asked whether people using pressure washers were eligible for a credit. Director Hauge replied that he would discuss it with the town manager.

XV. TOWN ATTORNEY'S ITEMS

A. Collection of Demolition Costs

Town Attorney Stuparich noted that demolishing three structures would cost about $100,000.00. She described an upcoming resolution to recover the funds on the tax roll and the advertisement in the paper. Director Kropacek reviewed the demolition process.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Atterholt noted that Linda Miller asked if she could temporarily move the Farmer's Market to Santini Plaza until Times Square was cleaned up. Director Kropacek replied positively.

Council Member King addressed the situation with Tom's trailers and FEMA. Town Manager Hyatt indicated that FEMA was well aware of La Ola. Director Kropacek sent a copy of Tom's video to FEMA in Atlanta a couple of months ago showing how quickly he could evacuate, but FEMA has not responded. Director Kropacek explained the Special Magistrate process. Town Manager Hyatt revealed that he received an email from FEMA on Friday stating that issuing notices of violation was insufficient. The trailers and containers had to be moved by November 18, 2024. Director Kropacek described how FEMA disregarded the town's process, but the town will continue the Special Magistrate process. Mayor Allers stated that FEMA continued to move the goalposts and refused to provide answers. He noted they had to keep trying to get answers. A consensus was reached to send FEMA a letter.

Council Member King responded to Steve Johnson's earlier comments.

XVII. ADJOURNMENT

Council Member King moved to adjourn the meeting, seconded by Council Member Safford.

The motion carried unanimously.

The meeting was adjourned at 2:28 p.m.

Minutes adopted as presented, November 4, 2024. Motion by Council Member King and seconded by Council Member Woodson. Passed 5-0.

Amy Baker, Town Clerk