



Fort Myers Beach Town Council

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

Agenda

Monday, November 18, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. CERTIFICATION OF ELECTION RESULTS

A. Resolution 24-250; Certification of 2024 Municipal Election

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CERTIFYING THE RESULTS OF THE 2024 TOWN ELECTION FOR SEATS THREE, FOUR AND FIVE; DETERMINING COUNCIL MEMBER SEAT ASSIGNMENTS; AND PROVIDING AN EFFECTIVE DATE.

V. INAUGURATION

A. Oath of Office

Based on the approval of Resolution 24-250, the motion is to request administration of the Oath of Office to:

Daniel L. Allers, Seat #3

Jim Atterholt, Seat #4

Scott Safford, Seat #5

and completion of the Oath of Office attached to this agenda item.

VI. REORGANIZATION OF COUNCIL OF NEWLY ELECTED OFFICIALS

A. Selection of Mayor and Vice Mayor

Selection of Mayor and Vice Mayor in accordance with the Town Charter.

VII. APPROVAL OF FINAL AGENDA

VIII. PUBLIC COMMENT

IX. LOCAL ACHIEVEMENTS AND RECOGNITIONS

X. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

XI. APPROVAL OF MINUTES

- A. Town Council - November 4, 2024
- B. Management & Planning Session - November 7, 2024

XII. CONSENT AGENDA

- A. Resolution 24-254; FMB Endorsement of Bonita Estero Rail Trail
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA IN SUPPORT OF EFFORTS BY THE FRIENDS OF BONITA ESTERO RAIL TRAIL TO DEVELOP THE EXISTING TRAIL WITH THE POSSIBILITY OF CONNECTIVITY TO FORT MYERS BEACH IN ORDER TO PROVIDE TRANSPORTATION ALTERNATIVES AND RECREATIONAL OPPORTUNITIES FOR RESIDENTS OF THE TOWN AS WELL AS ITS VISITORS; AND PROVIDING AN EFFECTIVE DATE.
- B. Resolution 24-246; Advisory Committee Votes
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 5 OF RESOLUTION 23-182 AS AMENDED BY RESOLUTION 24-178, TO INCLUDE CERTIFICATION OF THE VOTE BY THE TOWN COUNCIL BEFORE A VOTE TO APPOINT MEMBERS TO THE TOWN'S ADVISORY BOARDS, COMMITTEES, AGENCY AND COMMISSIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

XIII. ITEMS REMOVED FROM CONSENT AGENDA

XIV. PUBLIC HEARINGS

- A. Motion for Reconsideration - Estero Island Beach Club (Ordinance 24-28)
Rehearing of AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA 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.
- B. Ordinance 24-34; DA20240170, Seagate/Home Rule Development Agreement
Second Reading of proposed Ordinance 24-34 entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 3001 ESTERO BOULEVARD, 2943 ESTERO BOULEVARD, 2932 ESTERO BOULEVARD, 211 DONORA BOULEVARD, FORT MYERS BEACH, FL, STRAP NOS. 29-46-24-W1-00145.1000, 29-46-24-W1-00145.5000, 30-46-24-W2-00001.0000, 29-46-24-W1-0120A.0010 AND OWNED BY SEAGATE FORT MYERS BEACH LLC, AS AUTHORIZED BY

SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN RESOLUTION NUMBER 24-73 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTY PREVIOUSLY KNOWN AS THE RED COCONUT RV PARK; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. Ordinance 24-30; Unsafe Building Code Appeals

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.

XV. ADMINISTRATIVE AGENDA

A. Resolution 24-246, Certification of Votes for Appointments

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 5 OF RESOLUTION 23-182 AS AMENDED BY RESOLUTION 24-178, TO INCLUDE CERTIFICATION OF THE VOTE BY THE TOWN COUNCIL BEFORE A VOTE TO APPOINT MEMBERS TO THE TOWN'S ADVISORY BOARDS, COMMITTEES, AGENCY AND COMMISSIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1. Anchorage Advisory Committee (AAC)

Appoint members to the FY2024-2025 Anchorage Advisory Committee (AAC) and if necessary, waive any prohibition for service on more than

one committee

2. Audit Committee

Appoint Members to the FY2024-2025 Audit Committee and if necessary, waive any prohibition for service on more than one committee

3. Bay Oaks Recreational Campus Advisory Board

Appoint Members to the FY2024-2025 Bay Oaks Recreational Campus Advisory Board (BORCAB) and if necessary, waive any prohibition for service on more than one committee

4. Cultural and Environmental Learning Center Advisory Board

Appoint Members to the FY2024-2025 Cultural and Environmental Learning Center Advisory Board (CELCAB) and if necessary, waive any prohibition for service on more than one committee

5. Marine and Environmental Resources Task Force

Appoint Members to the FY2024-2025 Marine and Environmental Resources Task Force (MERTF) and if necessary, waive any prohibition for service on more than one committee

6. Public Safety Committee

Appoint Members to the FY2024-2025 Public Safety Committee (PSC) and if necessary, waive any prohibition for service on more than one committee

B. Public Safety Committee

Appoint a new member to the FY2024-2025 Public Safety Committee (PSC)

C. Proposed 2025 Town Council Schedule

Discuss and approve the monthly schedule for Town Council meetings for calendar year 2025

D. Resolution 24-251; Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES FOR DEMOLITION OF UNSAFE STRUCTURES DETERMINED BY THE BUILDING OFFICIAL AND REMOVAL OF RESULTING DEBRIS, ANY TITLE SEARCH FEES, ANY AND ALL COSTS ASSOCIATED WITH APPELLATE REVIEW OF A PROPERTY OWNER'S APPEAL OF THE TOWN'S BUILDING OFFICIAL'S DETERMINATION DEEMING A STRUCTURE UNSAFE UNDER CHAPTER 34 OF THE TOWN'S LAND DEVELOPMENT CODE, AS AMENDED FROM TIME TO TIME, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2024 AND SUBSEQUENT FISCAL YEARS, WITHIN THE TERRITORIAL BOUNDARIES OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. Resolution 24-247; Development Agreements with Deviations
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING RESOLUTION 24-73, CONTAINING THE PROCEDURES FOR DEVELOPMENT AGREEMENTS WITH DEVIATIONS TO CLARIFY THAT THESE DEVELOPMENT AGREEMENTS ARE HOME RULE DEVELOPMENT AGREEMENTS AND TO AMEND RELATED NOTICE REQUIREMENTS FOR CONSISTENCY WITH NOTICE REQUIREMENTS IN SECTION 2-98 AND CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE AND REQUIRE A RECOMMENDATION FROM THE TOWN MANAGER REGARDING THE PROPOSED DEVELOPMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
- F. Resolution 24-221, Authorizing Contract with Tyler Technologies
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH TYLER TECHNOLOGIES TO PROVIDE SOFTWARE AS A SERVICE (SAAS) AND ANNUAL SUPPORT AND IMPLEMENTATION SERVICES TO REPLACE THE TOWN'S FINANCIAL AND ACCOUNTING SOFTWARE WITH TYLER ERP PRO, REPRESENTING AN INITIAL STARTUP FEE OF \$66,620 AND ANNUAL RECURRING FEES OF \$60,921; AUTHORIZING THE TOWN MANAGER TO SIGN THE CONTRACT AND ANY DOCUMENTS PERTAINING TO THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.
- G. Resolution 24-253, Budget Amendment #8 - FY24 Year-End Adjustments
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, APPROVING YEAR-END BUDGET ADJUSTMENT #8 FOR FISCAL YEAR 2024; AND PROVIDING AN EFFECTIVE DATE.
- H. Resolution 24-252, Budget Amendment #7 - Allocation of FY24 Savings to Emergency Reserves
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, APPROVING BUDGET AMENDMENT #7 TO THE TOWN GENERAL FUND AND EMERGENCY FUND; PROVIDING AUTHORITY; EFFECTIVE DATE.

XVI. FINAL PUBLIC COMMENT

XVII. TOWN MANAGER'S ITEMS

XVIII. TOWN ATTORNEY'S ITEMS

XIX. COUNCILMEMBERS ITEMS AND REPORTS

XX. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON 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.