



Fort Myers Beach Town Council

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

Minutes

Monday, November 4, 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

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

The motion carried unanimously.

V. PUBLIC COMMENT

Not recorded.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King thanked Commissioner Ray Sandelli for his service. He thanked the spouses of the Council members.

Vice Mayor Atterholt agreed with everything Council Member King said.

Council Member Safford noted that all the shifts were full for sand sculpting, except for Sunday afternoon. He thanks Commissioner Sandelli.

Mayor Allers thanked Commissioner Sandelli and commented that the Town now has good communication with the county.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Sam Lurie, Chair of the Anchorage Advisory Committee, indicated that the 2025 Cruiser's Appreciation Day party would be after Easter, with the time and place to be determined.

A. Andrew Site Work - Tier 1 Project Update

Chad Baker, Project Manager with Andrew Site Work noted the progress on the project was 57.7%. He provided a brief summary of the work and noted the project was broken into Phases A, B, C, and D. Phase A is 62% complete and is anticipated to be 100% complete by April 2025. Phase B is 63% complete and is anticipated to be 100% by March 2025. Phase C is 45% complete and is anticipated to be 100% complete by July 2025. Phase D is 58% complete and is anticipated to be 100% by April 2025.

Phase A includes Anchor, St. Peters, Hibiscus, Coconut, Sable, Randy, Williams, Avenida, Indian Bayou, Widgeon, Flamingo, Curlew, Egret, Ibis, Bayview, Estrellita and Bahia Via. Phase B includes Fairview Isles, Albatross, Fairview, Clearview, Sunview and Palmview. Phase C includes Shell Mound, Madison, Andre Mar, Mandalay and Gulfview. Phase D includes Mid Island, Bayland, Sterling, Seminole and Pepita.

All the water mains have been installed and the storm drains have been started. Completion is anticipated to be July 2025, which cuts the contract timeline in half.

Mr. Baker confirmed they worked with the residents to address problems and explained how the new storm drains increased capacity. Swales were graded to encourage drainage. He described how Bahia Via was repaired and indicated that residents should notice a difference during the next rain event. Operations & Compliance Director Frankie Kropacek described how Crescent was being improved to prevent flooding. Streets that have received new outfalls or upsized outfalls are Bayview, Williams, Bahia Via, Fairview, Shell Mound, Madison, Sterling and Pepita.

Director Kropacek reviewed the history of the infrastructure. Mayor Allers voiced his concerns that the work was inadequate for the future. He suggested that they find a way to connect to Bonita Springs water source. Director Kropacek stated that Bonita Springs tapped into Lee County. He noted that a second opinion regarding the system should be available by the December M&P. Mr. Baker commented that the capacity was there, but the design was flat instead of a 1% fall and there was no pressure to push the water out. He noted that it was too late to fix what was already done, but now they adjusted the design to ensure the water flowed. He indicated they could add a pump, but it would be costly.

VIII. APPROVAL OF MINUTES**A. Town Council - October 21, 2024**

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

The motion carried unanimously.

IX. CONSENT AGENDA

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

The motion carried unanimously.

- A. Resolutions 24-223 through 24-226; 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.

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

The motion carried unanimously.

- B. Resolutions 24-227 through 24-230; 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.

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

The motion carried unanimously.

- C. Resolutions 24-231 through 24-234; 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.

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

The motion carried unanimously.

- D. Resolutions 24-235 through 24-238; Extension of Local Emergency - Hurricane Helene

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.

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

The motion carried unanimously.

- E. Resolutions 24-239 through 24-245: Extending Local State of Emergency, Hurricane Milton

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 MILTON, 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.

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

The motion carried unanimously.

X. ITEMS REMOVED FROM CONSENT AGENDA

None.

XI. PUBLIC HEARINGS

- A. Ordinance 24-34; DA20240170, Seagate/Home Rule Development Agreement

Continued to November 18, 2024 due to state required advertising requirements: 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.

Mayor Allers read the title of the ordinance.

Council Member King moved to continue the hearing to November 18, 2024, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

- A. Resolution 24-219, Ratification of \$170,000 Sweeper Purchase and Budget Adjustment #2

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING TOWN MANAGER'S PURCHASE OF A SWEEPER FOR \$170,000.00; AUTHORIZING BUDGET ADJUSTMENT #2; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick stated this action ratified the emergency purchase and it included a budget adjustment. Town Manager Hyatt commented that they were scheduling contractors to clean the side streets.

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

The motion carried unanimously by roll call vote.

B. Resolution 24-222, Turtle Time Agreement Addendum

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN ADDENDUM TO THE CONTRACT BETWEEN THE TOWN OF FORT MYERS BEACH AND TURTLE TIME, INC., TO ADD ADDITIONAL TERMS AND CONDITIONS TO ALLOW THE USE OF FEDERAL EMERGENCY MANAGEMENT FUNDS FOR REIMBURSEMENT OF EXPENSES INCURRED BY THE TOWN AND TERMS AND CONDITIONS REQUIRED BY FLORIDA LAW; AUTHORIZING THE TOWN MANGER OR MAYOR TO SIGN THE ADDENDUM; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Onzick stated that FEMA (Federal Emergency Management Agency) required this resolution to qualify for reimbursement.

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

The motion carried unanimously by roll call vote.

XIII. FINAL PUBLIC COMMENT

Frederick Alt, resident, was concerned about the height request by Seagate. He felt it was too tall for the island.

XIV. TOWN MANAGER'S ITEMS

Environmental Project Manager Chadd Chustz stated that the sand renourishment project would not affect the Sand Sculpture event at DiamondHead. He noted that the net sand loss from the hurricanes was 11,000 cubic yards and would be addressed in the future. He indicated that the berm at Creciente would be built if the town received approval, but it would occur after the renourishment project.

Town Manager Hyatt stated that work was ongoing at Bayside Veterans Park and that \$150.00 per hour rental fees would be reinstated in January 2025. Debris removal continued and FEMA added right-of-way debris removal for commercial entities. He noted that everything was set for the election and the town's swearing-in would now occur in the trailers.

Director Kropacek addressed drywall permit rejections and indicated the material requested was not compliant at or below flood. The rejections were reversed after the correct product was utilized. He encouraged people to email him with questions. Mayor Allers noted that residents said the permit rejections were inconsistent. Some were rejected because they did not have a picture of the water line and some because they did not have receipts. Director Kropacek stated that he would look into it. Town Attorney Stuparich will work with the building official and Director Kropacek regarding owner/builder permits and irrevocable trust documents.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich stated that the Management & Planning agenda had gone

out, but she would like to amend the agenda with two items. The first item was possible changes to existing procedures, notably the MERTF (Marine and Environmental Resources Task Force) vote. The second was related to Seagate and procedural rules for development agreements. The changes focused on transparency, fairness and consistency. She reviewed procedural rule changes.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford thanked members for giving him an opportunity to serve. Mayor Allers noted that two previously discussed signs were not installed in the 5th and Crescent area. Town Manager Hyatt will look into it. He will follow up with FDOT (Florida Department of Transportation) regarding getting a lane open before season to alleviate traffic.

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 10:08 a.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