Fort Myers Beach Town Council

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

Minutes **Monday, November 18, 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. 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.

Mayor Allers read the title of the resolution. Town Clerk Baker displayed the official results of the vote and read the final numbers.
No public comment.

Council Member King moved to accept the certified results, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

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.
Council Member Safford moved to administer the oath of office, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.
Dan Allers, Jim Atterholt and Scott Safford completed the oath of office.

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.
Council Member Atterholt nominated Dan Allers as Mayor.
Council Member Atterholt moved to unanimously accept Dan Allers as Mayor, seconded by Council Member King.
The motion carried unanimously by roll call vote.

Council Member King nominated Jim Atterholt as Vice Mayor.
Council Member King moved to unanimously accept Jim Atterholt as Vice Mayor, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

VII. APPROVAL OF FINAL AGENDA

Council Member King moved to approve the final agenda with consent agenda B. removed, seconded by Council Member Safford.
The motion carried unanimously.

VIII. PUBLIC COMMENT

Jackie Liszak, Fort Myers Beach Chamber of Commerce, noted that tents were being loaded at the Diamond Beach site for the Sand Sculpting Championship. The event starts on Thursday from 10:00 a.m. to 5:00 p.m. Details are online at fmgsandsculpting.com.

IX. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford recognized Leadership Lee for their fundraiser last week. The charity was the Homeless Coalition of Lee County.
Vice Mayor Atterholt described his volunteer efforts at the Sand Sculpting Event. He purchased a sandcastle kit and explained how the tools could be used.

He thanked all the volunteers and encouraged people to visit the event.
Mayor Allers thanked Commissioner Sandelli.
No items from other members.

X. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

XI. APPROVAL OF MINUTES

A. Town Council - November 4, 2024

Council Member King moved to approve the minutes, seconded by Council Member Safford.
The motion carried unanimously.

B. Management & Planning Session - November 7, 2024

Council Member King moved to approve the minutes, seconded by Council Member Safford.
The motion carried unanimously.

XII. CONSENT AGENDA

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

A. <u>Resolution 24-254; FMB Endorsement of Bonita Estero Rail Trail</u>

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.

Mayor Allers read the title of the resolution.
Council Member King moved to approve the resolution, seconded by Council Member Safford.
The motion carried unanimously.

B. <u>Resolution 24-246; Advisory Committee Votes</u>

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.

Removed.

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.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich stated that the property owner requested clarification regarding the prior denial.
Attorney Amy Thibaut from Roetzel & Andress requested that they be allowed to reapply before October 2025. Town Attorney Stuparich stated the denial stood, but they could vote to deny without prejudice, allowing them to reapply within a year.
No public comment.

Council Member Safford moved to deny without prejudice for the EIBC CPD Master Concept Plan, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich noted that the property owner requested to continue the item to December 16, 2024, with an additional public hearing on December 2, 2024.

Public comment:

Ed Zemel, Lover's Lane resident, was concerned about the stormwater runoff since his road backs up to Coconut Park.

Terry Cain resident, commented that the comprehensive plan was the blueprint for future growth. She discussed items they should consider that fit the community.

Public comment closed.

The recording skipped past Tim's comments.

Council Member Woodson moved to approve the continuance to December 16, 2024, at 9:00 a.m., seconded by Council Member King.

The motion carried unanimously.

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.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich reviewed the background of the request as stated in the blue sheet. She explained that the town could not use the Lee County Board of Adjustment and Appeals because there is no interlocal agreement. Town Manager Hyatt explained that the costs associated with Lee County could be prohibitive for some, so he was exploring other options.

Public comment:
Leah Greg, resident, indicated that her property was flooding due to improper drainage on a neighboring lot that was raised three feet. She described an engineer's report stating the plans were incorrect and did not demonstrate code compliance. She played recordings of conversations regarding appealing the building official's decision. She added that Lee County's building official told her that anyone who was adversely affected by a decision made by an official had the right to appeal the decision, not only the homeowner or violator.

Council Member King moved to approve the ordinance, seconded by Mayor Allers.
The motion carried unanimously.

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.

Mayor Allers read the title of the resolution. Town Attorney Stuparich noted that the resolution provided more clarification and transparency of the process. She explained how the process would change. Vice Mayor Atterholt suggested that the town clerk call the roll and all members agreed.

Council Member King moved to approve the resolution with the noted change, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

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

Jim Hockett pulled his application. Five applicants are vying for five vacancies: Theodore Lawwill, Sam Lurie, John Wesley Nash, Jennifer Rusk and Rebecca Weber. Town Clerk Baker announced the votes and displayed the results on the monitors. All applicants received five votes and were eligible for appointment. No further action was recorded.

2. Audit Committee

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

Mayor Allers stated there were four vacancies and four applicants. The four applicants are Debbie Dutton, Jack Leson, David Sandberg and Bryan Thomas. The votes were displayed on the monitors. All applicants received a total of five votes.

Mayor Allers moved to approve the accuracy of the vote for the Audit Committee and appoint those selected, seconded by Council Member Safford. The motion carried unanimously by roll call vote.

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

The recording started with voting in progress. There are three vacancies and five applicants: Michele Cherney, John Dussliere, Dawn Fleming, Ed Schoonover and Betty Simpson. The results were displayed on the monitors and Betty Simpson was the only applicant who received five votes. John Dussliere and Ed Schoonover tied with four and Michele Cherney and Dawn Fleming tied with one. Mayor Allers and Council Member Safford thought a tie without a majority would not be eligible for another vote. The recording skipped to another vote in progress. Town Attorney Stuparich noted that she would make the change to the resolution. Town Clerk Baker announced the results displayed on the monitors, which were the same as the previous vote. Town Manager Hyatt asked whether they could make a motion to appoint the two who tied with the most votes. Town Attorney Stuparich replied that they could delay the appointments until the resolution was amended. She suggested that they could override their rules. The vote was taken a third time and the results were the same.

Mayor Allers moved to waive the rules and accept the two with the most votes. No further action was recorded.

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

The recording started with Mayor Allers stating there were four vacancies. The applicants are Kerrie Henderson, Barbara Hill, Betty Simpson and Cheryl Smith. Barbara Hill and Better Simpson required a waiver for service on more than one committee. All applicants received five votes.
Vice Mayor Atterholt moved to affirm the election and appoint the four candidates for CELCAB, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

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

Mayor Allers noted there were ten applicants and five vacancies. He indicated that Steve Johnson and Tom Torgerson withdrew their applications. Town Attorney Stuparich reviewed the ordinance regarding the qualifications for individuals to serve on advisory committees. Mayor Allers suggested that the ordinance be revisited next year. The applicants are Sharon Hegstrom, Robert Howell, Maureen Kocisco, Rose Larkin, Janes Onoda, David Patton, Diane Richardson, Edward Rood, Jennifer Rusk and Leo Sand. Town Clerk Baker announced the votes displayed on the monitors. Sharon Hegstrom, Edward Rood and Leo Sand received five votes and Jennifer Rusk received four. David Patton and Robert Howell tied with two votes and Maureen Kocisco and James Onoda tied with one vote. Rose Larkin and Diane Richardson received zero votes.

Mayor Allers moved to certify and appoint Sharon Hegstrom, Edward Rood, Jennifer Rusk and Leo Sand, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

The second vote included Robert Howell, David Patton, Maureen Kosicso and James Onoda. Town Clerk Baker read the votes displayed on the monitors. Robert Howell received three votes and David Patton received two.

Council Member King moved to accept and appoint Robert Howell and verified the numbers were correct, seconded by Council Member Safford. The motion carried unanimously by roll call vote.

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

Mayor Allers indicated there were three vacancies and two applicants. He noted Cindy Johnson pulled her application. Todd Capela and Keran Farrell received five votes.

Mayor Allers moved to approve the results and appoint Todd Capela and Keran Farrell, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

Mayor Allers moved to approve waivers for Jennifer Rusk, Betty Simpson, Barbara Hill and Ed Schoonover to serve on more than one committee, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

B. Public Safety Committee

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

Vice Mayor Atterholt moved to approve Dawn Thomas for the vacant seat, seconded by Council Member Safford.
The motion carried unanimously.

C. Proposed 2025 Town Council Schedule

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

Mayor Allers revealed conflicts with the M&P and TDC (Tourist Development Council) meetings. Town Manager Hyatt indicated that the M&P meetings could be changed. Vice Mayor Atterholt noted he had a conflict with the January 6, 2025, meeting and suggested it be moved to January 13th. The January 6 meeting will be moved to January 8 and the M&P will be held right after the regular meeting. The remaining conflicting M&P meetings will be on April 9, May 7 and October 8.

Council Member King moved to approve the amended 2025 Town Council schedule, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the resolution. Town Attorney Stuparich reviewed the background of the resolution as stated in the blue sheet. Council Member King moved to approve the resolution, seconded by Council Member Safford. The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the resolution. Town Attorney Stuparich indicated inconsistencies regarding home rule development agreements were discovered and reviewed the change.

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

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.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick reviewed the reason for the request as stated in the blue sheet. He highlighted features that the current software lacked. He added the Audit Committee unanimously recommended the purchase and the cost was budgeted.

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

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.

Mayor Allers read the title of the resolution. Director Onzick reviewed the budget adjustment.
Council Member Safford moved to approve the resolution, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the resolution. Director Onzick reviewed the budget amendment. He recommended that $2 million of the $2.5 million in savings be moved into the emergency fund.

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

XVI. FINAL PUBLIC COMMENT

Terry Cain, resident, discussed the history of MERTF and noted that they allowed people who lived off the island to serve on the committee, especially if they had expertise. She noted that the Estero Bay Aquatic Preserve Act started on Fort Myers Beach and would celebrate its 50th anniversary in 2025. She reviewed her history with the town.

XVII. TOWN MANAGER'S ITEMS

Town Manager Hyatt reported that there was now a Town app available. The 7-Eleven closing should happen the week after Thanksgiving and the building will be demolished for parking. An architect was evaluating Bay Oaks Recreation Center, an RFP was out for the park and $1 million of the ARPA (American Rescue Plan Act) funds had to be used by the end of the year. He received a consensus to close the Matanzas Bridge at 11:00 p.m. on December 31, 2024, and reopen at 1:00 a.m. on January 1, 2025, for fireworks. Town Manager Hyatt noted a conflict with the M&P meeting on December 5, 2024, and asked if it could be moved to the 9th or 11th. The meeting was moved to December 11, 2024. Operations & Compliance Director Frankie Kropacek stated that today was the deadline to move the temporary trailers. He described the code enforcement process moving forward. A third-party special magistrate from DOHA (Defense Office of Hearings and Appeals) will decide how the businesses move forward.

Town Attorney Stuparich described the special magistrate process and noted they were allowed to give additional time for people to come into compliance. Director Kropacek addressed the National Flood Insurance Program participation issue and noted that the local FEMA contact stated that the information provided was sufficient.

XVIII. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich will bring back the resolution on appointing members to advisory committees for discussion at the M&P meeting. Two code enforcement foreclosures were pending and one on Nature View was set to go to sale on ~~December~~ November amended at December 2, 2024 meeting 21st. The White Sand property was going to mediation on December 9, 2024. She asked a council member to participate and Council Member Woodson agreed.

XIX. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford asked what was going on with the traffic at the base of the bridge. Town Manager Hyatt replied that he would contact Lee County to help direct traffic. Director Kropacek added that rangers were directing traffic at Fifth and Crescent from 2:00 p.m. to 6:00 p.m. The new directional signs should be installed in about a week and the signs directing people to go straight at Crescent and Fifth should have been installed on Friday.

Council Member Woodson asked whether someone could represent the town on the Horizon Council. Mayor Allers volunteered.

Vice Mayor Atterholt distributed a brochure about Fort Myers Beach Elementary School. He noted that the school was interviewing for a new principal. He thought the cost-per-student numbers were incorrect and were compatible with Pine Island and Sanibel. He suggested that a ceremonial swearing-in be scheduled in the new town hall chambers. All members agreed. He indicated that the building official told a condo officer that the milestone studies for condo buildings were based on 25 years of the age of the building. A lot of people thought the statute was 30 years. Council Member King commented that it was 25 years. Town Attorney Stuparich will check. He asked Deputy Clerk Jason Freeman about the status of land trusts and the Strandview property next to Newton Park. Deputy Clerk Freeman stated the asking price of the property was over $11 million. He had been in contact with the Florida Communities Trust and the people who presented the nonprofit version at the last meeting. He added he was also looking at grants.

Council Member King stated the swearing-in for the new school board and new superintendent was tomorrow at 3:00 p.m. and the Board of County Commissioners swearing-in was tomorrow morning. He noted the town manager's contract was coming up and asked that they address it. Human Resources Manager Talissa Oliveira will develop a process.

Mayor Allers noted that FEMA administrator Criswell would appear before the subcommittee on economic development public hearings and emergency management at 10:00 a.m.

XX. ADJOURNMENT

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

The meeting was adjourned at 12:03 p.m.

Minutes adopted as amended, December 2, 2024. Motion by Council Member Woodson and seconded by Mayor Allers. Passed 5-0.

Amy Baker, Town Clerk