



Fort Myers Beach Town Council

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

AMENDED Agenda

Monday, December 16, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

V. PUBLIC COMMENT

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

A. Donation

Accept a donation from Jay and Mary Highley for the purchase of poinsettias for the Town's annual poinsettia tree in Times Square.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

A. Bay Oaks Recreational Campus Advisory Board

Appoint a new member to the FY2024-2025 Bay Oaks Recreational Campus Advisory Board (BORCAB)

B. Town Advisory Boards

Designation of a Council representative to the six Town advisory boards/committees.

C. Outside Committees

Designation of a Council representative and alternate to the seven outside committees.

VIII. APPROVAL OF MINUTES

IX. CONSENT AGENDA

A. Resolution 24-290, Town Disaster Advisory Council Appointment and Authorization

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPOINTING TWO TOWN STAFF MEMBERS TO THE DISASTER ADVISORY COUNCIL; AUTHORIZING THE TOWN MANAGER TO SELECT AND APPOINT TOWN STAFF MEMBERS TO

REPRESENT THE TOWN OF FORT MYERS BEACH AND TOWN OF FORT MYERS BEACH UTILITIES DEPARTMENT ON THE LEE COUNTY DISASTER ADVISORY COUNCIL AND FILL ALLOCATED SEATS ON THE COMMITTEE; PROVIDING AN EFFECTIVE DATE.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

- A. Ordinance 24-34; DA20240170, Seagate/Home Rule Development Agreement (Red Coconut)

Second Reading and Final Public Hearing 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.

- B. Ordinance 24-36, DCI 20230213, Neptune Inn, 2310 & 2316/2320 Estero Blvd.

Second Reading and Final Public Hearing of an Ordinance Entitled: 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 2310 ESTERO BLVD AND 2316/2320 ESTERO BLVD. GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0430N.0001, 19-46-24-W3-04300.00CE AND 19-46-24-W3-0110A.0010 FORT MYERS BEACH COMMONLY KNOWN AS THE NEPTUNE RESORT, TO ALLOW 148 LODGING UNITS AND ACCESSORY RETAIL AND RECREATIONAL USES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- C. **AMENDED ITEM** Resolution 24-288; VAR20240100, 51 Pearl Street
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING VARIANCE 20240100, REQUESTING VARIANCES FROM LDC TABLE 34-3 OF 1) 7.3 FEET FROM THE STREET SETBACK FOR A FRONT SETBACK OF 17.7 FEET, 2) A VARIANCE OF 3 FEET FROM THE WEST SIDE SETBACK FOR A SIDE SETBACK OF 4 FEET 6 INCHES FOR THE MECHANICAL EQUIPMENT AND 3)A VARIANCE OF 12.1% FROM THE BUILDING COVERAGE FOR A BUILDING COVERAGE OF 52.1% TO BUILD A NEW SINGLE FAMILY STRUCTURE IN THE RM ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 51 PEARL STREET, FORT MYERS BEACH, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE. **PROJECT NARRATIVE ATTACHED**

XII. ADMINISTRATIVE AGENDA

- A. Interlocal Agreement Between the Town and Lee County Property Appraiser
APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH, FLORIDA, AND LEE COUNTY PROPERTY APPRAISER FOR THE COLLECTION OF NON-AD VALOREM ASSESSMENTS RELATED TO DEMOLITION COSTS OF UNSAFE BUILDINGS.
- B. **AMENDED ITEM** Resolution 24-296; Revocation of Temporary Use Permits
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING A RESOLUTION TO REVOKE AND RECIND EMERGENCY TEMPORARY PLACEMENT PERMITS AS PROVIDED AND AUTHORIZED IN SECTION 2 OF ORDINANCE 24-4 OF THE TOWN OF FORT MYERS BEACH, WHICH CLARIFIED ORDINANCE 23-05 RELATED TO TEMPORARY PLACEMENT PERMITS, IN FURTHERANCE AND IN SATISFACTION OF DIRECTION CONTAINED IN A LETTER DATED NOVEMBER 21, 2024 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") MANDATING REMOVAL OF NONCOMPLIANT STRUCTURES THAT WERE INCORRECTLY PERMITTED IN THE SPECIAL FLOOD HAZARD AREA, IN ORDER TO COMPLY WITH MINIMUM FLOODPLAIN STANDARDS AND THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE. **RESOLUTION AND TITLE AMENDED**
- C. Resolution 24-284, Authorizing Budget Adjustment #3 and Revenue Replacement Grant
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, APPROVING GRANT AGREEMENT NUMBER D2125 WITH THE STATE OF FLORIDA, DEPARTMENT OF EMERGENCY MANAGEMENT IN THE AMOUNT OF \$7,547,805 FOR REVENUE REPLACEMENT; APPROVING A RELATED

BUDGET ADJUSTMENT (#3); AUTHORIZING THE TOWN MANAGER TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO ACQUIRE THE GRANT; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. **AMENDED ITEM** Resolution 24-289, Authorizing Budget Adjustment #4 - Allocation of Remaining ARPA Funds

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE USE OF \$932,573 OF REMAINING UNALLOCATED AMERICAN RESCUE PLAN ACT (ARPA) FUNDS, AND RELATED BUDGET ADJUSTMENT (#4); AND PROVIDING FOR AN EFFECTIVE DATE. RESOLUTION AMENDED

- E. Resolution 24-294, Federal Lobbyist Agreement

A RESOLUTION TO APPROVE AN ENGAGEMENT LETTER WITH GRAY ROBINSON, P.A. WITH ADDENDUM TO PROVIDE GOVERNMENT RELATIONS REPRESENTATION ON BEHALF OF THE TOWN ON FEDERAL ISSUES, INCLUDING BUT NOT LIMITED TO WORKING ON BEHALF OF THE TOWN TO RESOLVE OUTSTANDING ISSUES WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") FOR \$7,500 PER MONTH FOR A MINIMUM OF 6 MONTHS; AUTHORIZING THE TOWN MANAGER TO SIGN ANY AND ALL NEEDED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

- F. Resolution 24-192, Authorizing \$656,232 Contract with GapVax, Inc for Combination Jet Vac

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE PURCHASE OF A COMBINATION JET/VAC FROM GAPVAX, INC. AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$656,232; AND PROVIDING FOR AN EFFECTIVE DATE

- G. Resolution 24-291; Authorizing \$176,957 Contract with Sam Galloway Ford for 3 Trucks

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE PURCHASE OF THREE VEHICLES FROM SAM GALLOWAY FORD, INC. AND AUTHORIZING THE TOWN MANAGER TO EXECUTE PURCHASE ORDERS FOR THESE THREE VEHICLES FOR A NOT-TO-EXCEED AMOUNT OF \$176,957; AND PROVIDING FOR AN EFFECTIVE DATE.

- H. Resolution 24-295; Hurricane Helene Sand Screening

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING SPA-24-11-EN FOR ACTION OF THE TOWN TAKEN OCTOBER 3, 2024 REGARDING THE WAIVING OF THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND CONTRACTING WITH ICS MATERIALS INC. TO SCREEN DEBRIS FROM SAND OVERWASHED BY HURRICANE HELENE TO PRODUCE BEACH COMPATIBLE SAND, PLACE AND GRADE BEACH COMPATIBLE SAND ONTO THE BEACH, REMOVE DEBRIS FROM THE BEACH, REMOVE

DEBRIS SAND FROM RIGHT OF WAY AND TOWN PROPERTY AND DELIVER TO DEBRIS MANAGEMENT SITE, AND DISPOSE OF DEBRIS AT AUTHORIZED WASTE MANAGEMENT SITE; AND APPROVING PAYMENT OF ICS MATERIALS INC. INVOICE NOS. 110624-29, 111524-29, AND 111824-29 IN THE AMOUNT \$427,870.00; AND PROVIDING FOR AN EFFECTIVE DATE.

I. Resolution 24-287; Hurricane Milton Beach Cleanup

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING SPA-24-12-EN FOR THE ACTION OF THE TOWN TAKEN OCTOBER 7, 2024, UNDER THE EMERGENCY PROCUREMENT POLICY TO CONTRACT WITH ICS MATERIALS INC. TO TAKE EMERGENCY PROTECTIVE MEASURES TO REMOVE HAZARDS TO PUBLIC HEALTH AND SAFETY FROM THE RIGHT OF WAY, TOWN PROPERTY, AND THE BEACH CAUSED BY HURRICANE MILTON; AND APPROVING PAYMENT OF ICS MATERIALS INC. INVOICE No. 101824-31 IN THE AMOUNT \$256,167.25; AND PROVIDING FOR AN EFFECTIVE DATE.

NEW J. Resolution 24-297, Adopting Cybersecurity Standards

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'S CYBERSECURITY FRAMEWORK AS THE CYBERSECURITY STANDARD FOR THE TOWN OF FORT MYERS BEACH, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

A. Proposed Settlement of DiBiasi litigation

XVI. COUNCILMEMBERS ITEMS AND REPORTS

XVII. 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.