Fort Myers Beach Town Council

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

Minutes | **Wednesday, January 8, 2025** | **9:00 AM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King (virtually), Council Member Safford and Council Member Woodson.

Council Member Woodson moved to allow Council Member King to participate virtually, seconded by Council Member Safford.
The motion carried unanimously.

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member King moved to approve the amended agenda with item B. under Public Hearings continued to January 21, 2025, seconded by Council Member Woodson.
The motion carried unanimously.

V. PUBLIC COMMENT

Robin Capella, resident, asked what the town council's vision was for the town and why they gave the wealthy developers what they asked but not timeshare owners. She wondered why the town council cared about the developer's return on investment and what would happen if they developed slowly and thoughtfully.
The recording skipped and started with resident Sam Lurie speaking. He discussed that no one had followed up regarding Seagate's view corridor and height. Property owners of Myerside, Seagate, Neptune and Outrigger knew what they could build when they purchased the properties, and it was not up to the council to social engineer the island. Their job was to enforce the LDC (Land Development Code) and the comp plan (Comprehensive Plan). There was no consistency in the council's decisions. He suggested they vote to revoke the non-conforming plans for the four developments mentioned and stick to the comp plan.

Have them resubmit plans that comply with the comp plan. If the council did not like the comp plan, they could change it. No one could sue the town for enforcing the existing LDC and comp plan.

The recording started with resident Ray Murphy asking the council to reconsider their vote on Seagate and make the developer come back with a better plan. He referred to the original comp plan document and stated the community put it together through charettes at Bay Oaks. He noted the comp plan was the law of Fort Myers Beach and asked them to follow it.

Jessie Titus, resident, asked the council to reconsider their vote. The town deserved more than a toilet and a walkover. She mentioned that Mr. Price did not say no twice when asked if he would resubmit his plan and the council should have voted against the project and asked him to resubmit. She stated that the community would not forget what they did and asked them to change their vote.

Laurie Webster, resident, noted the council made a monumental decision that would negatively impact the island and its residents. She said it could be revisited if one of the three yes votes would listen to the people. She indicated the council was supposed to be for the people. She asked them not to repeat their mistake and litter the skies with more high rises. They need to protect the island before they lose it.

Bill Veach, a resident, stated that the town charter said that the town council are elected officials who are accountable to the citizens. They were not accountable to the bottom line of developers. He mentioned behind-the-scenes negotiations between the council, developers and staff that were not in the public eye. He asked how they would feel living next to a huge wall. He discussed their profits and density while the residents received a bathroom and a walkover. He urged them to start again from the comp plan and get the public involved.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

The recording started with Council Member Woodson thanking her constituents, who gave her positive feedback. She thanked everyone who was kind and helpful with her husband. She noted that she had a council phone and a personal phone. If her personal phone rings, she will leave the meeting to talk to her husband or anyone affiliated with his care.

No items from other members.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Barbara Hill, Chair of the Cultural and Environmental Learning Center Advisory Board (CELCAB), indicated that Museum Manager Adam Knight reported his findings regarding the underground exhibit, which was still closed due to new damage from Hurricane Milton. Mound House staff recommended that the exhibit close permanently and not undergo repairs due to sustainability and budget constraints. CELCAB voted unanimously to recommend that the council and staff explore options to ensure it can be repaired and safely open to the public. She reported that Patrick McKeown, author and Mound House member, passed away recently in December. She asked that they keep the underground exhibit open.

Vice Mayor Atterholt polled his colleagues regarding giving the Town Manager direction to explore all options. All council members agreed. Culture, Parks & Recreation Director Jeff Hauge stated that water came in from every area of the exhibit. He added that an engineer would be hired to determine whether it was safe to be down there. He noted the sump pump shorts out with three feet of water and they were looking at options. Chair Hill believed that FEMA (Federal Emergency Management Agency) funding was available. She invited everyone to the Mound House silver anniversary event on January 25, 2025, hosted by the Friends of the Mound House.

Dave Nusbaum, Chair of the Marine and Environmental Resources Task Force (MERTF), reported that he was appointed Chair and Jennifer Rusk Vice Chair at the December meeting. He noted that MERTF was working with a biologist at FWC (Fish & Wildlife Conservation Commission) to continue the working agreement with the property owners regarding nesting birds. He indicated that Fort Myers Beach was the only habitat where four rare species of birds spent their time. He said that Dr. Daley and Dr. Saverese offered free computer simulations regarding the benefit of berms and sea walls; however, Chair Nusbaum has not heard back yet. Will and Bill Perry and Chris and Ginger Weber received the Murphie Award for their dedication and stewardship.

VIII. APPROVAL OF MINUTES

A. Town Council - December 2, 2024

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

B. Management & Planning Session - December 11, 2024

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

C. Town Council - December 16, 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. <u>Resolutions 25-01 through 25-04; Extension of Local Emergency - Hurricane Ian</u>

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. <u>Resolutions 25-05 through 25-08; Extension of Local Emergency - Hurricane Idalia</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 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. <u>Resolutions 25-09 through 25-12; Extension of Local Emergency - Tropical Storm Debby</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 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. <u>Resolutions 25-13 through 25-16; 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.

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

The motion carried unanimously.

E. Resolutions 25-17 through 25-20: 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

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. Ordinance 24-35; DCI20230090, Pink Shell Resort CPD

First Reading and Public Hearing on a proposed ordinance entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING FOR 6.02 ACRES OF THE PROPERTY LOCATED AT 275/322 ESTERO BLVD, 200 ESTERO BLVD, 192 ESTERO BLVD COMMON ELEMENT ONLY, 142 ESTERO BLVD, 171-191 ESTERO BLVD, 251-281 ESTERO BLVD, AND 309 ESTERO BLVD., GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-WI-0070D.028A, 24-46-23-WI- 00700.0340, 24-46-23-WI-00700.0290, 24-46-23-W1-00700.0330, 24-46-23-WI-00700.0320, 24-46-23-WI-03700.00CE, & 24-46-23-WI-04100.00CE IN FORT MYERS BEACH, TO ALLOW EXPANSION OF THE EXISTING PINK SHELL BEACH RESORT TO INCLUDE A NEW 40 UNIT RESORT HOTEL 2 ADDITIONAL HOTEL UNITS IN THE WHITE SANDS BUILDING, AND TWO STAND-ALONE GUEST STRUCTURES; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Open the first public hearing and schedule for final reading and possible adoption, Monday, February 3, 2025 at 9:00 a.m.

Mayor Allers disclosed a conflict of interest with A. and will file the appropriate form. He read the title of the resolution. Ex parte communications: Council Member Safford met via Zoom with the representative a couple of months ago; Council Member Woodson received pro and con emails; Vice Mayor Atterholt and Council Member King received emails pro and con and met via Zoom with the representative a couple of months ago. Carlos Rios, with MK Architecture, introduced himself and reviewed his experience in architecture.

Vice Mayor Atterholt moved to approve Mr. Rios as an expert in his field, seconded by Council Member Safford.

The motion carried unanimously.

Additional experts include Fred Drovdlic, Bill Waichulis and Bob Boykin.

Attorney Amy Thibaut from Roetzel & Andress confirmed receipt of the agenda and background materials.

Community Development Planner Sarah Propst reviewed the background of the request as stated on the blue sheet and read the deviations. Planner Propst described some confusion surrounding the transfer of density and the 2000-07A amendment. Due to the lack of agendas and scant minutes in 2000, it was unclear what the council knew about what they were adopting. The amendment removed two properties from the original document. Town Attorney Stuparich reviewed the resolution amending the legal description.

Planner Propst stated that they were not asking for more density but to maintain the number of density units that exist with an additional multiplier. By right, outside of the CPD process, they could build twelve units. She noted that the staff recommended approval if the proposed public benefits were determined to be adequate for the deviation in height.

Attorney Thibaut started the presentation with The Team, Request and Highlights Since LPA. Planner Drovdlic described the changes made since the LPA meeting and Attorney Thibaut reviewed the restricted covenant and amendment. Mr. Boykin continued with the Owner Profile and Pink Shell Development Through the Years. Planner Drovdlic picked up with Zoning - Existing and Proposed, Future Land Use, Changes Since the LPA, Development Locations, Historical Transfer Exhibit, Historical MCP Exhibit, Historical MCP/Survey Comparison, Intensity and Density Summary, Intensity and Density Analysis, Equivalency Factor Comparisons, Floor Area Ration (FAR), Current Hotel Rooms Open on Island, Stories and Height, Neighborhood Compatibility and Architecture Rendering.

Mr. Waichulis continued with Public Benefits as Conditions of Approval, Conceptual Landscape Plan for Estero Blvd. and Boardwalk and Special Benefits as Conditions of Approval. Planner Drovdlic reviewed Deviations 1-7, LDC Compliance, Compliance & Consistency, Path For Approval and Conclusion. Mr. Boykin did not have a timeline for completion due to the dilapidated building next door. Town Attorney Stuparich indicated that the attorney stated they intended to fix it, which will go before DOAH (Division of Administrative Hearings) in February. She added that the attorney said there was a pending application. Code enforcement was proceeding to address the derelict vessel in the backyard.

Planner Propst stated that the property owner requested an extension. Council Member King asked why they brought the project forward with all the unknowns. Mr. Boykin replied that they expected 2024 to be a better year than it was and that the planning process would be lengthy. He wanted to be ready to go when the market said it was time.
Public comment:
Phyllis Scroggie, resident, indicated that Pink Shell stopped renting at Vacation Villas because there were no pools, and most people left the rental program because they could do better themselves. She stated that Pink Shell was a good neighbor, but the amenities were far away, and she was concerned about safety. She displayed a picture of the traffic backed up last week at 10:30 a.m.
Holly Baggot, resident, stated that the board was comprised of five members and the vote to agree not to oppose Pink Shell's plans was 4-1. She noted there were 30 owners and they did not get to vote. Vacation Villas will have three more parking spots. The parking across the street was a deeded easement and not leased. She indicated that Vacation Villas was the only residential in the area and she did not want to be surrounded by hotel guests. She used boxes to illustrate what her view would be.
Katherine Scholtz displayed a color map illustrating the covenant deed over the years. She read part of the staff report from the LPA meeting and cautioned about the meaning of perpetuity.
Jack Holsem, resident, referred to the Master Plan regarding 309 and asked whether it would be a single-family residence. If so, he supported it with two stories above living like the neighbors. He did not support larger buildings next to him. He felt there was a lot of ambiguity with the intent and thought the density should remain on the gulf side.
Ray Murphy, resident, was the mayor when the CPD came before them. The intent was to transfer all the developable units on the bayside to the White Sands on the other side, and in perpetuity, the bayside was to remain undeveloped. He stated that everyone was trying to get more than what they were entitled to and encouraged them to vote no.
Public comment closed.
Mr. Waichulis noted that lot 309 and Gulf Shore Court would be residential houses. He clarified that although the Vacation Villas vote was 4-1, the owners were surveyed, and the majority supported the project.
Attorney Thibaut stated there was no ambiguity with the legal description in the restricted covenant. She discussed competent, substantial evidence.
She noted that the development of the hotel had nothing to do with the public enjoying Bowditch Park because it was private property. She added that the hotel owner was not responsible for guests traveling on private property regarding Vacation Villas. She discussed not putting expiration dates on zoning approvals according to Florida case law. She stated that parcels 38 and 39 were not intended to be encumbered by the density transfer.
Public comment reopened.

Planner Propst clarified that the 12 remaining units on the bayside parcel were already allocated. Five remained on the dilapidated multi-family property and seven of the units were transferred to Casa Playa. Mr. Boykin said that 47 were transferred across the street, but on the White Sands site, 43 or 45 cottages were added together.
Public comment closed.

Council Member Safford noted that the evidence made it clear that this parcel was not included in the transfer, and he believed there was public benefit.

Council Member Safford moved to approve moving the ordinance to a second hearing on February 3, 2025, with the deviations and conditions, seconded by Council Member King.

Council Member King suggested adding prices to the Mooring Field pump-out and stormwater issues. Council Member Woodson was concerned about the lack of timing and hoped it would be added before the second hearing.
Council Member Safford replied that a hotel was different than condos and it was not fair to require a time limit. Vice Mayor Atterholt noted that the two new documents appeared to address some of the LPA concerns, and some raised by Mr. Murphy. He was concerned that the town attorney had insufficient time to review the documents and reserved his right to change his vote. He felt a new build should have a higher threshold in terms of public benefit.

The motion carried 3-1 by roll call vote, with Council Member Woodson dissenting and Mayor Allers recused.

B. Resolution 25-28; SEZ20240186, 1479 Estero Blvd., Lani Kai Shared Parking
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION SEZ20240186 FOR USE OF AN EXISTING LOT TO PROVIDE COMMERCIAL PARKING SPACES IN THE DOWNTOWN ZONING DISTRICT OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1479 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
Continued to January 21, 2025.

C. Resolution 25-24; SEZ20240158, 1240 Estero Parking Lot Special Exception
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240158 TO ALLOW SHARED USE PARKING LOT PER LDC SECTION 34-2011(2)a., FOR THE PROPERTY LOCATED AT 1240 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Ex parte communications: Council Member Woodson disclosed a conversation, Council Member Safford received an email and Vice Mayor Atterholt received an email, but he thought it was a generic email. No disclosures from other members. The applicant confirmed receipt of the agenda and background materials.
Planner Propst reviewed the background of the request as stated on the blue sheet. She noted that the LPA recommended approval with one member absent. She indicated the applicant met all the requirements, but the use requires a special exception.
Reginald Beach, applicant, noted the motel washed away and he wanted to park some cars there. The lot would be automated, but he would be flexible regarding an attendant depending on how it goes. Planner Propst indicated that the lot existed and had adequate room for stormwater.
No public comment.
A discussion was held regarding another parking lot on Estero Blvd., but Mayor Allers noted that people park there now and it would look much better if it were cleaned up and monitored.

Mayor Allers moved to approve the resolution based on the recommendations by staff, seconded by Council Member Safford.
The motion carried 4-1, with Council Member Woodson dissenting.

D. Resolution 25-25; SEZ20240240, 2584 Estero Blvd., Estero Beach Club
A RESOLUTION OF THE TOWN COUNCIL OF FORT MYERS BEACH APPROVING/ APPROVING WITH CONDITIONS/ DENYING SPECIAL EXCEPTION 20240240, REQUESTING A SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 2584 ESTERO BLVD., GENERALLY REFERRED TO AS "ESTERO BEACH CLUB CONDO" STRAP NUMBER 19-46-24-W3-02000.00CE, TO ALLOW FOR THE REPLACEMENT/ REPAIR OF PAVER DECKS, POOL SHELL AND COPING, CEMENT WALKWAYS, A CEMENT FOOT-WASH STATION, IRRIGATION LINES AND A FENCE ALONG AN EXISTING RETAINING WALL, LOCATED PARTIALLY AND ENTIRELY WITHIN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT; 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 resolution. No ex parte communications were disclosed. The applicant confirmed receipt of the agenda and background materials.
Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. Staff confirmed that everything requested was a replacement.
Mike Muirhead, Vice President of the Estero Beach Club Board, asked that they approve their application to replace everything. He noted one of the buildings should reopen by the end of January and the other by the end of February.
No public comment.

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

XII. ADMINISTRATIVE AGENDA

A. CDBG-DR Subrecipient Agreements

Authorize the Town Manager to execute two subrecipient agreements for the awarded CDBG-DR funding in the amounts of up to $8,336,753.00 and $4,681,844.90 for the projects submitted to the Public Facilities and Critical Infrastructure CDBG-DR programs.

Director Hauge explained that the projects were the new beach park, streetlights on Old San Carlos, the Bay Oaks pool and the north tower. Operations & Compliance Director Frankie Kropacek indicated the funds should be transferred by the end of April.

Mayor Allers moved to approve authorization, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

B. 2025 Legislative Priorities

Discussion and approval of legislative appropriation requests for the 2025 Legislative Session

Town Manager Hyatt stated they were meeting with the Lee County delegates tomorrow to review priorities and listed the projects involved. Deputy Town Clerk Jason Freeman noted that priorities had to be set for the next legislative session, which starts in March. He was looking for guidance to prepare for the session. Town Manager Hyatt noted that canal dredging would not be an appropriate ask. Deputy Town Clerk Freeman described the forms involved with the appropriation request.

Vice Mayor Atterholt moved to approve the 2025 priorities and grant the mayor and staff to determine the various appropriation levels as needed and to bring back the final version of what would be submitted, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

C. ITB-25-01-PR; Bay Oaks Recreational Campus Redevelopment Project

Reject and cancel all ITB-25-01-PR proposals for the Bay Oaks Recreational Campus Redevelopment Project with cause, since all bids far exceed the estimated or budgeted amount as provided in the Invitation to Bid and Section 2-480(a)(11) of the Town Code, and provide direction to staff to re-bid the project.

Director Hauge explained what was in the proposal and noted the bids exceeded their budget. He indicated they would repackage the proposal and send it out again.

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

D. Resolution 25-27; ROW Licensing

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING AND AUTHORIZING THE ISSUANCE OF PERMITS (LICENSING AGREEMENTS) WITH PRIVATE PARTIES FOR USE OF THE TOWN RIGHTS-OF-WAY FOR PARKING OF VEHICLES, BICYCLES, MOTORCYCLES AND OTHER MODES OF TRANSPORTATION; REQUIRING PAYMENT OF ANNUAL PERMIT FEES AND COMPLIANCE WITH OTHER CONDITIONS AS NEEDED; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Community Development Principal Planner Judith Frankel stated this was a draft version of what was discussed at the M&P Session in December. It will have to be brought back to change the fee schedule, and she asked whether they agreed with the $1,000.00 placeholder per space rate. Council Member Woodson questioned whether they could get rates from other municipalities for comparison. Principal Planner Frankel replied that she could do some research. Mayor Allers asked what the average rate per space per year the town charged. Principal Planner Frankel summarized that they would do a calculation annually and the fees would adjust based on in-house calculations. She was concerned about the spaces becoming unaffordable for the 1902 Estero development. Town Attorney Stuparich commented that they would have to find another way to satisfy their parking requirement and Mayor Allers added that they could ask for relief. Finance Director Joe Onzick agreed and indicated they could calculate what the average parking revenue per spot would be. Principal Planner Frankel stated they would add the calculation and bring it back. Town Attorney Stuparich described the slight change to the resolution.

Mayor Allers moved to approve the resolution with the suggested change to eliminate the monetary amount and to come back with what was discussed to set the cost per space at a later date, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

E. Resolution 25-26; Ratifying Contract FMCR Marine Debris, Hurricanes Helene & Milton

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING SPA-24-14-EN FOR ACTION OF THE TOWN TAKEN DECEMBER 2, 2024 REGARDING THE WAIVING OF THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND CONTRACTING WITH FLORIDA MARINE CONTRACTING & RECOVERY, LLC TO REMOVE DEBRIS FROM WATERWAYS IN THE TOWN OF FORT MYERS BEACH CAUSED BY HURRICANES HELENE AND MILTON, AND DISPOSE OF DEBRIS AT AUTHORIZED WASTE MANAGEMENT SITE AT A COST NOT TO EXCEED $200,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Projects Manager Chadd Chustz stated that FEMA is paying for this and Florida Marine Contracting & Recovery was doing a great job.

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

F. Resolution 25-29; Ahtna Change Order #1 ITB-24-03-EN

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDER #1 OF CONTRACT ITB-24-03-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND AHTNA MARINE AND CONSTRUCTION COMPANY, LLC ADDING 24 DAYS OF CONTRACT TIME TO CONSTRUCT THE ESTERO ISLAND BEACH RENOURISHMENT AND HURRICANE RECOVERY PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Projects Manager Chustz explained why they needed additional time and noted it was a reasonable request.

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

G. Resolution 25-23; ICS SPA-24-13-EN Hurricane Milton Sand Screening **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING SPA-24-13-EN FOR ACTION OF THE TOWN TAKEN OCTOBER 24, 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 MILTON 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 NO'S. INV121024-31, INV121024-31, INV121124-31, INV121924-31 AND INV122324-31 IN THE AMOUNT $ 721,814.17; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Projects Manager Chustz stated FEMA covered the project.

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

H. <u>Resolution 25-21, Ratify Andrew Sitework LLC Emergency Contract - Hurricane Helene</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN SEPTEMBER 27, 2024, UNDER THE EMERGENCY PROCUREMENT POLICY TO CONTRACT WITH ANDREW SITEWORK LLC TO TAKE EMERGENCY PROTECTIVE MEASURES TO REMOVE HAZARDS TO PUBLIC HEALTH AND SAFETY FROM THE TOWN'S STREETS AND RIGHT-OF-WAY; AUTHORIZING PAYMENT OF INVOICE #2024-19E #1 IN THE AMOUNT OF $154,282.75; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Onzick stated that formal contracts had to be established for FEMA reimbursement.

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

I. <u>Resolution 25-22, Ratify Andrew Sitework Emergency Contract - Hurricane Milton October 10, 2024</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN OCTOBER 10, 2024, UNDER THE EMERGENCY PROCUREMENT POLICY TO CONTRACT WITH ANDREW SITEWORK LLC TO TAKE EMERGENCY PROTECTIVE MEASURES TO REMOVE HAZARDS TO PUBLIC HEALTH AND SAFETY FROM THE TOWN'S STREETS AND RIGHT-OF-WAY; AUTHORIZING PAYMENT OF INVOICES #2024-19E #2 AND #2024-19E #3 FOR A TOTAL AMOUNT OF $96,787.08; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Onzick stated this was the second one that needed a formal contract and was specifically to clean up after Milton.

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

XIII. FINAL PUBLIC COMMENT

No public comment.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt stated that the second and third floors of the town hall should be done in 7-10 days. The elevator company should complete work on the elevator by the end of February. The stairwells had to be in place so the fire doors downstairs could be fire-rated. They were working with the construction group regarding the lack of landscaping. He was working with the LCSO (Lee County Sheriff's Office) regarding flaggers at Estero and Crescent and Fifth and at the Old San Carlos and North Estero as they did previously. Town Manager Hyatt indicated that town staff was working in those intersections and Mayor Allers brought up overtime concerns and staff availability. Finance Director Onzick reported that the funds were available to cover overtime. Director Kropacek stated there were staff vacancies, but interviews were ongoing, and they could make it work. The LCSO contract was still in place. Mayor Allers supported having town staff direct traffic until the LCSO schedule was set. He suggested having LCSO direct traffic at Old San Carlos and Estero and let staff cover the other areas.
Town Manager Hyatt noted that the synchronization of the double lights on San Carlos was not working properly, but it was being addressed.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich stated that the Key Estero case was pending in court and the fee was accruing.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Mayor Allers requested an update on the comp plan review. Planner Propst replied that the Corradino Group contract needed to be extended for the public input side. Planner Propst will handle the LDC portion. She hoped there could be a public input meeting this month, but if that were not possible, she would hold pop-up events that did not require the same amount of advertising and scheduling. An impact fee discussion will be held at the meeting on the 21st.

XVII. ADJOURNMENT

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

Minutes adopted as presented, January 21, 2025. Motion by Council Member King and seconded by Council Member Woodson. Passed 5-0.

Amy Baker

Amy Baker, Town Clerk