



Fort Myers Beach Town Council

**Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Tuesday, February 18, 2025**

Agenda

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**
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
- VIII. APPROVAL OF MINUTES**
 - A. Town Council - February 3, 2025
 - B. Management & Planning Session - February 6, 2025
- IX. CONSENT AGENDA**
- X. ITEMS REMOVED FROM CONSENT AGENDA**
- XI. PUBLIC HEARINGS**
 - A. Resolution 25-58; SEZ20240257, 2654 Estero Blvd
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240257 TO ALLOW REPAIR OF POOL, POOL DECK, FENCES, GRILL AREA, FOOT-RINSE STATION, AND BEACH ACCESS STAIRS IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 2654 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
- XII. ADMINISTRATIVE AGENDA**
 - A. Resolution 25-59; TDC Beach and Shoreline Maintenance Grant
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO APPLY FOR, EXECUTE UPON AWARD, AND

ADMINISTER A GRANT FROM LEE COUNTY'S VISITOR AND CONVENTION BUREAU'S TOURIST DEVELOPMENT COUNCIL FOR BEACH AND SHORELINE FUNDING IN THE AMOUNT OF \$1,355,184; DETERMINE AND INCLUDE ADDITIONAL FUNDING REQUESTS FOR "LANDSCAPE" & "REPAIRS & MAINTENANCE – VEHICLES"; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE ALL RELATED AND NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

B. Special Event: Fort Myers Beach Shrimp Festival 2025

Fort Myers Beach Lions Club is requesting approval for a special event for the 2025 Festival 5K run and parade, contingent on approval of FDOT, Fort Myers Beach Fire District and Lee County Sheriff's Office in regard to the event and road closure from 9am–12pm on Saturday, March 8, 2025. The parade will start at 10am once the 5K run is complete. The Lions club is also requesting to waive the noise ordinance.

C. Special Event: Southside Art & Craft Show

Blue Ribbon Events is requesting Southside Art & Craft Show at Santini Plaza recurring special event on March 28 - 30, 2025 8am - 6pm & April 25 - 27, 2025 8am - 5pm.

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

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.



Fort Myers Beach Town Council

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Monday, February 3, 2025

Minutes

9:00 AM

ORDER OF BUSINESS

DRAFT

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 amended agenda with changes to the Town Attorney and Town Manager Items, seconded by Council Member Woodson.

The motion carried unanimously.

V. PUBLIC COMMENT

Ron Fleming, resident, thanked Council Member Safford and Vice Mayor Atterholt for addressing the mess at the kayak launch on Delmar. He asked the council to consider installing a 15-mph speed limit sign and speed bumps on Delmar due to speeding cars. He indicated that the State of Florida was holding his paperwork for FEMA (Federal Emergency Management Agency), although they denied having it. Mr. Fleming has sent emails and asked the council to investigate the situation. He brought up the jeep and truck video by the beach bar and noted that golf carts and motorcycles were on the sidewalks yesterday. He asked that they allow e-bikes on the sidewalks with a 5-mph speed limit. He suggested they paint the water treatment plant in beach colors.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King congratulated Friends of the Mound House on their silver anniversary celebration, especially the caterer, Jordan Webster. The annual fundraising party will be held on March 29, 2025.

Vice Mayor Atterholt recognized a list of people involved in the beach renourishment project. He stated the town leveraged \$50 million worth of sand paid for by the county, state and federal governments with about \$2 million in town funds.

Council Member Safford thanked the staff for the new Bay Oaks sign.

Mayor Allers congratulated the Art Association on their fundraiser at Clive Daniel. The Schoonover's had a pool party on Groundhog Day and raised money for their non-profit. Mayor Allers described jumping into the pool in a tuxedo and a top hat.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

A. Cultural and Environmental Learning Center Advisory Board (CELCAB)

Appoint a new member to the FY2024-2025 Cultural and Environmental Learning Center Advisory Board (CELCAB)

Carolyn McKeown wished to serve the rest of her late husband's term, which ends on October 2025. Former CELCAB member Lori Wolf also applied to serve on the committee. All five council members voted for Carolyn McKeown.

Vice Mayor Atterholt moved to approve Carolyn McKeown's appointment, seconded by Council Member Safford.

The motion carried unanimously.

VIII. APPROVAL OF MINUTES

A. Town Council - October 28, 2024

Town Clerk Baker noted the minutes were overlooked due to the hurricanes. Council Member King moved to approve the minutes, seconded by Council Member Woodson.

The motion carried unanimously.

B. Town Council - January 21, 2025

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

The motion carried unanimously.

Operations & Compliance Director Frankie Kropacek introduced Kelli DeFedericis as the new Floodplain Manager. She reviewed her experience and described her role with the town.

Environmental Projects Manager Chadd Chustz reported that the town was recently approved for \$8.3 million more from the grant for the beach project. The grant also covered 100% of the southern portion. He noted that booster four at the south end went down over the weekend and thought it would be repaired by mid-week. He described applying for incidental take permits with FWC (Fish & Wildlife Conservation Commission) to allow them to work within 300 feet of protected species to complete the project. Thirty thousand cubic yards of sand will be trucked into the south end of the south segment because that area is bird-sensitive and the FWC will monitor the situation.

Projects Manager Chustz will contact Leonardo Arms to answer their questions.

IX. CONSENT AGENDA

Mayor Allers moved to approve the consent agenda, seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

A. Resolutions 25-32 through 25-35; 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 Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

B. Resolutions 25-36 through 25-39; 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 Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

- C. Resolutions 25-40 through 25-43; 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 Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

- D. Resolutions 25-44 through 25-47; 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 Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

- E. Resolutions 25-48 through 25-51: 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 Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

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 advertised and noticed and she swore in those providing testimony. Mayor Allers disclosed a business conflict with item A. and will submit the appropriate form.

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

Second 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-WI-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.

Mayor Allers read the title of the ordinance. Ex parte communications: Council Member King received emails; Vice Mayor Atterholt had a conversation with the owner and received emails; Council Member Woodson had conversations with the owner and the operations director and received emails; Council Member Safford received emails. The applicant 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. She explained that public benefits would be included in a development agreement because it was not appropriate to include them in a CPD.

Attorney Amy Thibaut of Roetzel & Andress started her presentation with a slide of the Team, followed by a Request and Presentation Overview. She described how they made the language in the development agreement more restrictive. Bob Boykin, applicant, discussed details of the Development Timing and noted they wanted to start as soon as possible, but it was not up to him. Fred Drovdlc, planner, continued with the Valuation and Introduction of the Draft Agreement. He distributed the initial draft of the special benefits language and highlighted the contents. Bill Waichulis, Pink Shell President, described the details of the Water Taxi/Ferry Slip. Mr. Boykin added that they agreed to make their dock available for the service. Mr. Drovdlc concluded with Project Merits.

Council Member Safford described the benefits of the pump-out station. Council Member Woodson noted that she researched the issue of committing to a timeline and appreciated the in-depth conversation with Mr. Boykin. Mr. Waichulis discussed the pump-out savings for the town.

Public comment:

Judy Holsem liked the Pink Shell, but she was not happy that the two properties on either side of the boutique hotel requested an extension of height and a 10- foot setback on Estero Blvd.

Robert Burns, resident, was also concerned about the two properties building higher and wider. He did not want to live in Miami Beach. He stated that the Pink Shell would make money pumping out the boats and did not see most of the public benefits as public benefits. He described the traffic problems it would create and how people would trespass on their property to get to the beach. It would cause more problems for that end of the beach. He did not think the council should waive height requirements, setback requirements and density numbers.

Cathy Scholz, resident, noted that staff recommended denial and the LPA (Local Planning Agency) recommended denial. She stated that the public benefits were not adequate and most of the community did not support the project. She continued to discuss the inadequate public benefits and the project's density. She felt the project should be denied.

Jack Leson, resident, referred to the CPD Master Concept Plan regarding setbacks from Estero Blvd. and noted the other houses in the neighborhood were set back 25 feet and two stories above flood. He stated they should not approve the requested deviations for the two houses because they did not fit the neighborhood.

Public comment closed.

Mr. Drovdlc clarified the deviations for the houses and noted they followed the code for the 10-foot setback. He described the letters of support and improving the boardwalk. He stated they were not asking for height deviations for the house and guest unit on the Gulf side. Attorney Thibaut recapped the competence of substantial evidence and asked that they approve the project.

Council Member Safford moved to approve the ordinance with the development agreement and other conditions in the draft, seconded by Council Member Woodson.

The motion carried 4-0 by roll call vote, with Mayor Allers abstaining.

- B. Resolution 25-55; VAR20240233, 1479 Estero Blvd. (Lani Kai)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20240233: 1) A VARIANCE TO REMOVE REQUIRED PARKING ASSOCIATED WITH THE USE OF THE LOT AS A 25-UNIT HOTEL/ MOTEL; 2) A VARIANCE TO REMOVE SITE DESIGN REQUIREMENTS SUCH AS PROVIDING LIGHTING FOR VEHICLE AND PEDESTRIAN USES, TURN-AROUND AREA SUFFICIENT TO ALLOW 90-DEGREE PARKING AT THE END OF A ROW, THE ABILITY TO TURN-AROUND AND EXIT THE LOT IN A FORWARD ORIENTATION, STACKING REQUIREMENTS, ADDITIONAL DRAINAGE AND PARKING LOT LANDSCAPE REQUIREMENTS AS DESCRIBED IN SEC. 10-416(C); 3) A VARIANCE TO REMOVE REQUIREMENTS WHICH LIMIT DRIVEWAY WIDTHS TO A MAXIMUM OF 25-FEET; AND 4) A VARIANCE TO ALLOW INTERNAL AISLE WIDTH FOR TWO-WAY TRAFFIC BE NO LESS THAN 22-FEET IN WIDTH. FOR THE PROPERTY LOCATED 1479 ESTERO BLVD.; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. Town Attorney Stuparich indicated that this item and item C. were related and asked that Mayor Allers read the title of that resolution before continuing. Ex parte communications: All council members disclosed receipt of one email in opposition. The property owner confirmed receipt of the agenda and backup materials. Community Development Senior Planner Jason Smalley stated that both items were interrelated. He reviewed the background of the request, as stated on the blue sheet and indicated that a condition of approval would be for the applicant to submit a holistic parking plan for all their sites. As of this morning, the staff had not received the parking plan. Town Attorney Stuparich explained that the special exception allowed the use at a higher level than would be appropriate for a parking lot. However, they needed the variances for their specific parking lot to operate. If the variances are not approved, there is no reason to get the special exception unless they are willing to make changes.

Attorney Robert Burandt distributed a packet of information and explained that the whole thing started when Lani Kai was cited for parking non-visitors in the lot, which was attached to a 25-unit hotel. It was a legal, non-conforming lot and has been used as a shared parking lot for the last 40 years. The handout described what a single-purpose parking lot was and a shared-purpose parking lot. They met with staff and decided to ask for a special exception, making it clear that they could not afford to come into compliance with everything because of the hurricanes. Staff required that they leave the road behind the parking lots open for the fire department and they agreed. After they applied for the special exception, staff told them they needed the variances. There were 43 parking spots in the Lani Kai Hotel, and he did not want to lump all the units into one. The bayside hotel had 25 units, which meant they needed 30 parking spots.

He referred to his handout regarding the reduction and argued they should be given a 50% reduction because the hotel was on the bay. He described how the parking lot attendant managed the parking lot. He noted that 15 parking spaces were for guests and the rest were for shared parking. Attorney Burandt stated that was the agreement with the staff.

Kenny Conidaris, applicant, stated that they were working on the bayside hotel and the employees parked there now. Council Member Safford asked how the surplus parking would be enforced. Senior Planner Smalley replied that it was not addressed. He discussed temporary/seasonal parking lots in the past and noted that those parking lots transitioned into permanent lots and complied with today's codes. Attorney Burandt indicated that they just wanted to rent out the surplus parking spaces pursuant to the LDC (Land Development Code) and their priority was for their guests.

Council Member Safford asked whether they would eventually come into compliance. Attorney Burandt could not comment since he had no idea of the cost. Council Member Safford felt that if they allowed them to operate the parking lot without improvements, there would be nothing but parking lots on the island. Attorney Burandt noted that they were willing to look at improvements, but he did not know to what extent.

Mr. Conidaris explained that for years, they saved spots for the guests and rented out the extra spaces. They would have lights and landscaping to look nice, but he had no idea about the drainage. He noted they lost five parking spaces when they resurfaced the parking lot before Ian. He added that the road behind was left open to provide access for the fire department, so a turnaround was unnecessary.

Vice Mayor Atterholt liked the concept of a path to bring them into compliance before the CO (Certificate of Occupancy). Mayor Allers would entertain allowing them to continue to operate as they have been before the CO to a certain extent. Senior Planner Smalley asked whether they would be required to comply with today's landscape code before the CO. He noted that it would be more intense than the landscape plan approved for Norm's lot. The Lani Kai would lose parking spaces because of today's buffering requirements. Mayor Allers commented that he was more interested in consistency and adding beautification to Estero Blvd. Senior Planner Smalley requested a short recess to discuss landscape buffering with the applicant.

Attorney Burandt stated that before the CO was issued, they would submit a landscape plan and ask for an alternative to landscaping. He described the alternate plan. Director Kropacek stated that drainage was not an issue.

No public comment.

Senior Planner Smalley recommended that they do away with variance requests one and two because those two issues would be dealt with through the parking and landscape plan. The last two probably need to be taken on their own because they would be solved through the parking and landscape plan. The landscape plan would be a condition with the special exception and the variances before the CO is issued.

A lengthy discussion was held regarding the language in the variances. Town Attorney Stuparich suggested that the applicant write down exactly what they were asking for and the council could make their decision based on that.

Vice Mayor Atterholt moved to continue both variances to a date certain of March 3, 2025, at 9:00 a.m., seconded by Council Member Woodson. The motion carried unanimously by roll call vote.

Mayor Allers moved to continue the special exception to a date certain of March 3, 2025, at 9:00 a.m., seconded by Council Member Woodson. The motion carried unanimously by roll call vote.

C. Resolution 25-28; SEZ20240186, 1479 Estero (Lani Kai)
(CONTINUED FROM JANUARY 8, 2025 PUBLIC HEARING-LANI KAI 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.

Mayor Allers read the title of the resolution. See above for discussion and vote.

D. Special Exception for 163 Old San Carlos

A six-month review of approved resolution 23-87 for special exception SEZ20230126 that allows temporary outdoor consumption on premises with retail use at 163 Old San Carlos Boulevard.

Ex parte communications: Except for Vice Mayor Atterholt, all council members received emails in opposition and complaints about the noise. The property owner confirmed receipt of the agenda and background materials. Principal Planner Frankel reviewed the background of the request as stated on the blue sheet. She indicated that there were no notices of violation. Two residents complained about the noise and signs left on the sidewalk, but they did not file a formal complaint.

Suzanne Bahan, applicant, revealed she only received one email. Council Member Safford commented that he received one email in particular, but other emails inferred issues with her property. Ms. Bahan noted that the opposing email was from someone who lived behind the commercial entertainment district. She stated she had never played music past 10:00 p.m. and music came from other establishments. Ms. Bahan noted that she was fighting with FEMA and that her property in Texas had not been sold. She said she was working on an appraisal to establish the value to determine if they were below the 50% rule. Steve Maldonado, Coast to Coast Construction, spoke with Building Official Joe Specht regarding rebuilding the structure.

He indicated the appraisal should occur in the next ten days and then he would meet with an engineer to decide whether it could be rebuilt or had to be demolished. If she cannot rebuild, she will sell the property. Official Specht stated the structure was deemed unsafe and was still red-tagged. Mayor Allers noted that he heard her music in the middle of the day while he was on the corner at SOB and people were uncomfortable with the level. Mr. Maldonado described how hard she was working to get things moving forward. Ms. Bahan said she was issued a check, but the insurance company stopped payment and was now in federal court. The insurance company did not prohibit her from demolishing the building.

Public comment:

Ms. Bahan's DJ described other venues he worked at and indicated he never received complaints. He testified that he stopped the music at 10:00 and heard the music from other venues at midnight.

Public comment closed.

Ms. Bahan thought she was being a good neighbor but felt targeted. Council Member Woodson asked whether she could reconfigure her setup to prevent echoing. Director Kropacek noted that sound carried over the canal. Ms. Bahan agreed to be a good neighbor.

Principal Planner Frankel reviewed the conditions of the six-month review for the special exception.

Mayor Allers moved to approve the extension of the special exception for an additional six months with the condition that they needed a definitive answer on the adjacent property within six months, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

A. Resolution 25-53, Ratifying Conidaris Emergency Road Repairs Due to Water Main Break

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN DECEMBER 3, 2024, UNDER THE EMERGENCY PROCUREMENT POLICY TO ENTER INTO AN AGREEMENT WITH CONIDARIS BUILDERS & GENERAL CONTRACTORS INC TO PERFORM EMERGENCY REPAIRS TO THE ROAD, CURBING, SIDEWALK AND DRAIN FIELD RESULTING FROM A WATER MAIN BREAK NEAR 3780 ESTERO BLVD; AUTHORIZING PAYMENT OF INVOICE #2985 IN THE AMOUNT OF \$147,094.45; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick stated they were looking for formal approval since it was over \$75,000.00. Mayor Allers asked why the taxpayers were paying for a contractor's mistake. Community Services Director Jeff Hauge explained that they were researching who was responsible and whether insurance would cover it.

Mayor Allers moved to approve the resolution with the condition that staff has the authority to use all means necessary to recoup the funds from whichever contractor was responsible, seconded by Council Member Woodson. The motion carried unanimously.

B. Resolution 25-54, Earthview Second Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO ADD GROUND PENETRATING RADAR SERVICES IN A NOT-TO-EXCEED AMOUNT OF \$130,000.00; AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Onzick explained that they had a contract with Earthview, but it did not include ground penetrating services. The town needed those services in June and Earthview provided them. Director Kropacek provided background details and noted they were still investigating exactly what happened. Town Attorney Stuparich stated they could discuss amending the contract and if Earthview agrees, the contract would come back to the council.

Vice Mayor Atterholt moved to approve the resolution, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

C. 25-56, AIM Arches Hotel Traffic Impact Statement Review, Phase 5 (RFQ-22-25 STA #2)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE STA NO. 2 IN THE AMOUNT OF \$20,085.30 WITH AIM ENGINEERING AND SURVEYING, INC. UNDER RFQ-22-25-AD FOR ARCHES HOTEL TRAFFIC IMPACT STATEMENT REVIEW, PHASE 5 AND ANY ASSOCIATED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Principal Planner explained that they used the company before and described how the applicant was billed.

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

The motion carried unanimously by roll call vote.

D. Persaud Properties FL Investments, LLC Escrow Release

Authorize the Town Manager to sign a release directing the return of a \$500,000 Letter of Credit to Persaud Properties FL Investments LLC, pursuant to the terms of a Code Enforcement Settlement Agreement dated December 27, 2023 between the Town of Fort Myers Beach and Persaud Properties FL Investments LLC.

Director Kropacek reported that Mr. Persaud addressed all the concerns and satisfied the conditions of the agreement. Mr. Persaud thanked Director Kropacek and Town Attorney Stuparich for their assistance. He stated that 75% of the concrete on the Times Square property was removed and he would work on getting the rest removed. He commented that he was working with the finance company and obtaining an appraisal regarding Junkanoo. The wind damage affected the Fresh Catch and he was working on that with the insurance company. He estimated that the issues would be resolved within six months. He explained why he was not demolishing the buildings. Mayor Allers asked him to remove the buildings as soon as possible and fence off the area.

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

The motion carried unanimously by roll call vote.

E. Special Event: St. Patrick's Day Parade

The Fort Myers Beach Woman's Club is requesting approval of a special event permit for a St. Patrick's Day Parade, contingent on approval from FMB Fire and LCSO including a requests for Estero Blvd to be shut down from 7:30 am until 11:30 am during the parade, and to waive the noise and open container ordinances.

Barb Mezeske, co-chair of the parade, indicated they wanted to resurrect it and block off Estero Blvd. They will stage at Santini Plaza and host a party at their property on Sterling. Dawn Thomas, president of the Woman's Club, described the details of the day and the parade route. Three food trucks will be at the event at the south end from 11:00 a.m. to 3:00 p.m. She indicated that LCSO (Lee County Sheriff's Office) recommended the hours to close Estero Blvd. They asked Mayor Allers to be the Grand Marshall and he agreed.

Vice Mayor Atterholt moved to approve the special event permit, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

XIII. FINAL PUBLIC COMMENT

Terry Persaud asked for an update on the status of the utilities in Times Square. Mayor Allers replied that it would be addressed under Town Manager's Items.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt was not in attendance. Director Kropacek indicated that the strategic plan discussion would drive the next M&P agenda. Vice Mayor Atterholt addressed the general nature of the agenda and the facilitators would be contacted to make the agenda more targeted. Director Kropacek stated that they were working on the Times Square utilities. Director Hauge added that it was difficult to plan since they did not know what would be done in the future.

Mayor Allers encouraged them to locate the plans created before Hurricane Ian as a starting point. Vice Mayor Atterholt received support to discuss it at an M&P. Council Member Woodson stated they needed an attendant at Crescent and Fifth daily. She described sitting in traffic on Sunday night for an hour and ten minutes. Mayor Allers noticed they were directing traffic at the light instead of Crescent and Fifth. Director Kropacek indicated they did not have the authority to give direction to FHP (Florida Highway Patrol), although they could offer suggestions.

Operations & Compliance Manager Thomas Yozzo said he had many conversations with FDOT (Florida Department of Transportation), and they agreed to have an FHP trooper sit at the end of Fifth at the end of the bridge to prevent people from making a U-turn. The town is short-staffed, but a Ranger was posted when needed. He added that they were interviewing people and the town manager would contact LCSO about covering Crescent and Fifth. Council Member Safford suggested they have a staffing plan and Manager Yozzo replied that they did. Mayor Allers supported hiring people from a staffing agency. Director Onzick indicated there were funds in the budget.

XV. TOWN ATTORNEY'S ITEMS

A. Settlement Agreement

The item will come back after the details are worked out.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford received many emails about the post office generator running at 5:30 a.m. every morning. Vice Mayor Atterholt suggested that they contact Aaron to reach Senator Scott.

Council Member King asked when Newton Park Beach access would open.

Director Hauge explained why it was closed and it should be open by March 1, 2025. He added that the access was open to pedestrian traffic. He asked whether Sunshine Laws would be reviewed for advisory committees. Town Attorney Stuparich will schedule meetings.

Mayor Allers requested an update on the parking lot plan next to the new town hall. Director Kropacek responded that they would have a plan available, and he described how they were moving forward. The elevator people should be done by the beginning of March. Council members agreed to hang the plaque from the hurricane in the library where Mitch used to sit.

Vice Mayor Atterholt gave an update regarding the beach school. The school was inspected and determined it would not open before the end of this semester.

Three options were being studied, but there was nothing definitive yet.

XVII. ADJOURNMENT

Council Member King moved to adjourn. The meeting was adjourned at 2:32 p.m.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Atters Daniel Lee</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Fort Myers Beach Town Council</i>	
MAILING ADDRESS <i>5485 Avenida Pescadores</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Fort Myers Beach</i>	COUNTY <i>Lee</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>2/3/25</i>		NAME OF POLITICAL SUBDIVISION: <i>FMB Town Council</i>	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, DAVID ALLOS, hereby disclose that on 2/3, 20 25:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Tim Ryan;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

my business partner Tim Ryan and I have a business agreement with the Pink Shed.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/3/25
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Fort Myers Beach Management & Planning Session

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931
Thursday, February 6, 2025

Minutes

10:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Strategic Planning Workshop

Kick-Off, Setting Expectations and Teambuilding

Tina Fischer and Angela Crist are the facilitators. Ms. Crist participated virtually.

Ms. Fischer noted that they would use polling technology to record their comments instead of flip charts.

Town Manager Andy Hyatt reviewed how strategic planning set the tone for the next several years. The plan would be a collaborative effort with the community.

Ms. Fischer started the presentation, which was included in the agenda packet, by describing the Project Plan and Timeline. She explained how they would be involved with the comprehensive plan discussions to prevent redundancy. Vice Mayor Atterholt addressed respecting the public's time regarding combining meetings for public input. Ms. Fischer understood resident fatigue, but their process was a building process, and the focus groups were a little different because the data was pulled through the whole process and each step was built upon the other. She agreed to coordinate scheduling and will review the comp plan.

The presentation continued with how to Stay up to Date with the Project, Agenda, Our Team to Support You and Leveraging Our Collective Strengths. Each council member shared their compass points and strengths. Ms. Crist explained why the timeline was two years. The next question was what

council members wanted to be remembered for. Next was a list of seven improv principles that can be helpful during Strategic Planning. Council members responded to what behaviors and non-negotiables they will commit to as they embark on the strategic plan process.

Reflections from a year ago were reviewed, and Ms. Fischer asked what still resonated with them and what they wanted to carry forward. Ms. Crist asked whether the challenge of rebuilding while balancing the town's vision was the same or harder than it was a year ago. She acknowledged that it was difficult to focus on strategy, vision and goals while they were trying to survive and rebuild. Ms. Crist concluded with the Wrap-Up & Next Steps. She shared her thoughts on their role in Phase One. She invited members to attend the community focus groups but not to participate since meetings were for the residents to share their ideas. Ms. Crist stated that the more council members encouraged residents to participate in activities, the more people were engaged in the process. Ms. Fischer and Ms. Crist thanked them for their participation.

IV. AGENDA MANAGEMENT

- A. February 2025
Not addressed.

V. ADJOURNMENT

The meeting was adjourned at 11:33 a.m.

DRAFT

1. **Request:**

Meeting Date: February 18, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240257 TO ALLOW REPAIR OF POOL, POOL DECK, FENCES, GRILL AREA, FOOT-RINSE STATION, AND BEACH ACCESS STAIRS IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 2654 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Why the action is necessary:

The Town Council decides Special Exception requests.

What the action accomplishes:

Approval of the Special Exception will allow the applicant to reconstruct the major accessory structures in the EC zoning district.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Sarah Propst, Community
Development, Planning
Manager

5. **Background:**

The applicant is requesting a special exception for the repair of their existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps. Portions of these repairs will take place in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL). All construction will be like for like and no new elements will be added to the site. Beach access paths are shown on the plan but are not being proposed.

Attachments:

1. Resolution 25-58
2. Staff Report TC
3. Exhibit A- Site Plan
4. Exhibit B - Application packet

Financial Impact:

Unknown

6. **Alternative Action**

Deny

7. **Management Recommendations:**

Approval with conditions

8. **Recommended Approval:**

Sarah Propst, Community Development, Planning Manager
Judith Frankel, Principal Planner
Frankie Kropacek, Operations & Compliance Director

Created/Initiated - 2/11/2025
Approved - 2/11/2025
Approved - 2/11/2025

nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Approved - 2/11/2025
Approved - 2/11/2025
Final Approval - 2/11/2025

RESOLUTION NUMBER 25-58

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20240257 TO ALLOW REPAIR OF POOL, POOL DECK, FENCES, GRILL AREA, FOOT-RINSE STATION, AND BEACH ACCESS STAIRS IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 2654 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicant and owner Estero Beach Club East Condominium, Inc., is requesting a special exception to allow repair of pool, pool deck, fences, grill area, foot-rinse station, and beach access stairs in the Environmentally Critical zoning district seaward of 1978 CCCL; and

WHEREAS, the STRAP number for the subject property is 119-46-24-W3-02100.00CE; and

WHEREAS, the Property is located in the “Boulevard” and “Recreation” category of the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the Property is located in the “Multi-family residential” and the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 9, 2025, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC and voted 6 to 0, with one member absent, to recommend approval with conditions, of the special exception request; and

WHEREAS, on February 18, 2025 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-88 of the LDC; and

WHEREAS, the Town Council determined it is/ is not in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicants did/ did not meet their burden of proof that the requested Special Exception does/ does not meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is/ is not in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicants, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception request to allow repair of pool, pool deck, fences, grill area, foot-rinse station, and beach access path in Environmentally Critical zoning district seaward of 1978 CCCL.

Section 3. In approving/ approving with conditions/ denying the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

- A. Changed or changing conditions which make approval of the request appropriate.
- B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- C. The request meets all performance and locational standards for the proposed use.
- D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
- E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
- F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

- A. Any repairs must comply with all relevant local and state floodplain regulations.
- B. Repairs may not damage existing dunes or dune vegetation.
- C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
- D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicants and the Property:

- A. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- C. Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- D. Construction may not occur during sea turtle season.
- E. Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice-Mayor	_____
John R. King, Council Member	_____
Karen Woodson, Council Member	_____
Scott Safford, Council Member	_____

ADOPTED this 18th day of February, 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of February, 2025.

ATTACHMENTS

A – Site Plan



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20240257

CASE NAME: Special Exception for repair of pool, pool deck, fences, grill area, foot-rinse station, and beach access stairs in EC zoning district seaward of 1978 CCCL.

TOWN COUNCIL HEARING DATE: February 18, 2025

LPA HEARING DATE: January 9, 2024

STAFF RECOMMENDATION: Approval with conditions

**PREPARED/
SUBMITTED BY:** Sarah Propst, AICP, PMP

I. APPLICATION SUMMARY

Applicant/Owner: Estero Beach Club East Condominium, Inc.

Request: To repair the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps in the Environmentally Critical zoning district, like-for-like.

Subject property: See attached site plan

Physical Address: 2654 Estero Boulevard

STRAP #: 119-46-24-W3-02100.00CE

FLU: Boulevard and Recreational

Zoning: Residential, Multifamily and Environmentally Critical

Adjacent zoning and land uses:

North:	BOULEVARD Residential Conservation (RC)
South:	RECREATION Environmentally Critical (EC)
East:	BOULEVARD Residential Multifamily (RM)
West:	BOULEVARD Residential Multifamily (RM)

II. BACKGROUND AND ANALYSIS

Background:

The applicant is requesting a special exception for the repair of their existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps. Portions of these repairs will take place in the Environmentally Critical (EC) zoning district seaward of the 1978 Coastal Construction Control Line (CCCL). All construction will be like for like and no new elements will be added to the site. Beach access paths are shown on the plan but are not being proposed.

Section 34-652(e)(3) of the Town's LDC allows reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage to existing primary structures, which encroach into the EC district and their customary accessory uses only by special exception. Therefore, the Applicant is requesting a special exception to allow the reconstruction of the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps in the EC zoning district.

Analysis:

The site's current residential use has been in place since 1974, before the establishment of the 1978 CCCL. The Applicant is proposing the reconstruction of the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps which lie partially in the EC district and beyond the 1978 CCCL. The total square footage of the proposed repairs is 4,020, and 3,225 square feet of that area lie beyond the 1978 CCCL. All repairs will be like-for-like and will not exceed the previous square footage of developed area beyond the CCCL. Paths are shown on the site plan but are not being proposed.

Neighborhood Compatibility:

Estero Beach Club East has been at this location with this pool layout since 1974. Granting a special exception for pool repair would not impact the character of the neighborhood.

Findings and Conclusions:

Special Exception Findings

Section 6-366(b)(3) Regulations and Considerations

LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

1. *Any repairs must comply with all relevant local and state floodplain regulations.*
The development will comply with local and state floodplain requirements.
2. *Repairs may not damage existing dunes or dune vegetation.*
The repairs and proposed structures are proposed landward of the dunes. No dunes or native vegetation will be impacted. Construction will be completed by an experienced local contractor and every effort will be made to prevent negative impact on the beach and dunes.
3. *Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.*
Sea turtle nesting season begins May 1st and ends on October 31st. Construction will be completed outside of nesting season.
4. *A new special exception must be applied for each time the structure is repaired.*
This is included as one of the conditions for approval.

LDC Sec. 34-88(b) sets forth the required findings and conclusions for the approval of a special exception:

- 1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps were damaged during Hurricane Ian.

- 2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed redevelopment is like-for-like repair of existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps, none of which fall under the category of development as defined in the Town's LDC:

- *Development:* (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- *Improvement to land:* any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

The proposed repairs will allow the pool and surrounding developed area to meet all performance and locational standards for the proposed use.

4) *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The pool, pool deck, fences, grill area, foot-rinse station, and beach access steps are currently existing and have been in place for the last 50 years. Construction will be completed by an experienced local contractor and every effort will be made to prevent a negative impact on the beach and dunes. The Applicant is currently working alongside the Town on beach renourishment to restore the surrounding dunes. All development will be completed outside of sea turtle nesting season and will be compliant with FDEP requirements.

5) *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

Estero Beach Club East has existed on this site since 1974. The request to repair the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps is compatible with the existing use and will not cause damage, hazard, nuisance, or other detriment to persons or property.

6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

The proposed repairs to the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps will all be completed in compliance with the Town's Land Development Code.

III. RECOMMENDATION

Staff finds that the special exception to rebuild the existing pool, pool deck, fences, grill area, and foot-rinse station are in compliance with LDC Sec. 34-88(b). Therefore, staff recommends **approval with conditions** of SEZ20240257 for the rebuilding of the existing pool, pool deck, fences, grill area, foot-rinse station, and beach access steps.

At the LPA hearing on January 9, 2025 the LPA recommended approval with conditions listed in the resolution with a 6-0 vote and one member absent.

III. CONDITIONS OF APPROVAL

- 1) Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- 2) The applicant must obtain an approved lighting plan as outlined in LDC Sec. 34-1834.
- 3) Each time the structure is repaired, the applicant must request a new special exception approval and permit prior to beginning construction.
- 4) Construction may not occur during sea turtle nesting season.
- 5) Failure to comply with any of the above-mentioned conditions of approval for the Special Exception will render this approval null and void.

Staff Report Exhibits:

A – Site Plan

B– SEZ Application Packet



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 2654 Estero Blvd Fort Myers Beach, FL

STRAP Number: 19-46-24-W3-02100.00CE

Applicant: Estero Beach Club East Condominium Association Inc. Phone: N/A

Contact Name: Mike Johnson, HOA Board President Phone: 716-866-0500

Email: kidney128@roadrunner.com Fax: N/A

Current Zoning District: RM/EC

Future Land Use Map (FLUM) Category: Mixed Residential/Recreation

FLUM Density Range: _____ Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☒ Special Exception

☐ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other - cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I - General Information

A. Applicant*: Mike Johnson, HOA Board President Phone: 716-866-0500

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: SWFL CAM Services 10231 Metro Parkway #204 Fort Myers, Florida 33966

Email: assn@swflcam.com Fax: 239-245-8302

Contact Name: Tammy Tucker Phone: 239-243-8700 ext 201



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that

The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Michael A Johnson
Signature

Michael A Johnson
Printed Name

STATE OF New York COUNTY OF Essex

The foregoing instrument was certified and subscribed before me by means of P physical

presence OR online notarization, this 15th day of Oct, 2024, by

Michael Johnson ☒ who is personally known to me OR ☐ who has produced

DENISE M GNIAZDOWSKI
Notary Public, State of New York
WYOMING COUNTY
LIC. #01GN8084640
COMM. EXP: DEC 09 2026

[Signature]
Notary Public Signature

PART V

Property Ownership (Multiple Owners)

☒ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☒ Complete Disclosure of Interest Form (see below)
- ☒ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☒ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☒ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address

Each condominium owner owns 2.04% of the common area (1/49th).

A list of the 49 owners is included as Exhibit 5.1.

Percentage Ownership



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Estero Beach Club East Condominium Association Inc.

Name of Entity (corporation, partnership, LLP, LLC, etc)

Michael A Johnson
Signature

Mike Johnson

Typed or Printed Name

Board President

Title

10/15/24
Date

New York
STATE OF Florida COUNTY OF Lee Eric

The foregoing instrument was certified and subscribed before me by means of 2 physical presence OR ☐ online notarization, this 15th day of Oct, 2024, by Michael Johnson ☒ who is personally known to me OR ☐ who has produced _____ as identification.

DENISE M GNIAZDOWSKI
NOTARY PUBLIC STATE OF NEW YORK
WYOMING COUNTY
LIC. #01GN6084640
COMM. EXP. DEC 09 2026

DENISE M GNIAZDOWSKI
NOTARY PUBLIC STATE OF NEW YORK
WYOMING COUNTY
LIC. #01GN6084640
COMM. EXP. DEC 09 2026

Notary Public Signature

PART VI- Property Information

A. Legal Description:

STRAP: 9-46-24-W3-02100.00CE

Property Address: 2650/2654 Estero Blvd

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☒ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com.

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

- A. Applicant's name: The applicant may be the landowner or an authorized agent.
- B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
- C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
- D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

- A. If the property owner is an individual or husband and wife, check the box and provide the information.



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- line. Exhibit 6-2
- C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
 - D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
 - E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
 - F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
 - G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at <http://www.leepa.org>.
 - H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
 - I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.

To: Owners of Estero Beach Club East

Re: Notice of Special Exception Application regarding the pool

Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Deborah Pittenger of unit number 11 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Deborah Pittenger of unit number 11 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Deborah Pittenger
Street address 5081 Outerview Dr
City, State, Zip Code Springfield, Ohio 45502

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

Holly G. Schwab Holly G. Schwab of unit number 12 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

Holly G. Schwab Holly G. Schwab of unit number 12 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name HOLLY G. SCHWAB
Street address 111 WATEREDGE LANE
City, State, Zip Code FREDERICKSBURG VA 22406

To: Owners of Estero Beach Club East

Re: Notice of Special Exception Application regarding the pool

Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) KENNETH A & SANDRA S TURNER of unit number 14 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) KENNETH A & SANDRA S TURNER of unit number 14 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name KENNETH A & SANDRA S TURNER
Street address 2709B DAY ISLAND BLVD W
City, State, Zip Code UNIVERSITY PLACE, WA. 98466

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) William A Bubniak of unit number 15 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) William A Bubniak of unit number 15 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name William A Bubniak
Street address 24 Meadowlark Drive
City, State, Zip Code Cohoes, NY 12047

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Laura Mena of unit number 21 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Laura Mena of unit number 21 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Laura Mena Laura Mena
Street address 4400 SW 13th AVE
City, State, Zip Code MIAMI, FL 33175

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Michael A Johnson of unit number 505 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Michael A. Johnson of unit number 22 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Michael A Johnson

Street address 71 Sunset Lane

City, State, Zip Code Springville New York 14141

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc. (EBCEA) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec. 34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not own in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I, Owner Owners Name(s) David R. Smith of unit number 23 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I, Owner Owners Name(s) Joe Smith of unit number 23 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCEA. This information will not be shared with other owners and only turned in with the Exception Application:

Owner's Name David R. Smith
Mailing Address 2155 Shepard Road
City, State, Zip Fort Myers, FL 33901

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Mark & Beth Konopka of unit number 24 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Mark & Beth Konopka of unit number 24 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Mark & Beth Konopka
Street address 840 South Medina Line Rd.
City, State, Zip Code Wadsworth, OH 44281

To: Owners of Estero Beach Club East

Re: Notice of Special Exception Application regarding the pool

Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 25 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 25 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Kathy & Rick Nelson
Street address S73 W17240 Lake Drive
City, State, Zip Code Muskego, WI 53150

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) KATHLEEN + ROBERT HART of unit number 31 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East ~~date~~ **October 15, 2024.**

I (Owner/Owners Names) KATHLEEN + ROBERT HART of unit number 31 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024.**

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. ~~This information will not be shared with other owners and only turned in with the Exception Application:~~

Owner(s) Name ROBERT HART + KATHLEEN HART
Street address 705 BEACH CREEK
City, State, Zip Code W. WILDLWOOD, FL. 08260

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:
(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Marta H. Horta of unit number 32 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Marta H. Horta of unit number 32 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Marta H. Horta
Street address 2453 1st Ave
City, State, Zip Code Fort Myers, FL 33907

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) ANTONIETTA VERRUSO of unit number 33 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) ANTONIETTA VERRUSO of unit number 33 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name ANTONIETTA VERRUSO
Street address 2650 ESTERO BLVD UNIT: 33
City, State, Zip Code FORT MYERS BEACH, FL 33931

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) BIRDIE & THOMAS MURPHY unit number 35 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) BIRDIE & THOMAS MURPHY of unit number 35 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name B. Murphy & T. Murphy
Street address 496 HAWKIN DR
City, State, Zip Code LINDSAY, ONTARIO, CANADA K9V0E8

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) MARIQUITA BARBIERI of unit number 42 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) MARIQUITA BARBIERI of unit number 42 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name MARIQUITA BARBIERI
Street address 2 LYNN BROOK ROAD
City, State, Zip Code ST. LOUIS, MISSOURI 63131

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Joel K. Lauchner and Wandrea R. Lauchner of unit number 43 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024.**

I (Owner/Owners Names) Joel K. Lauchner and Wandrea R. Lauchner of unit number 43 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024.**

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Joel K. Lauchner Wandrea R. Lauchner
Street address 2650 Estero Blvd, #43, Ft. Myers Beach, FL 33931
City, State, Zip Code _____

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Michelle Holloway of unit number 44 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) James Holloway of unit number 44 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Michelle and James Holloway
Street address 600 Se Brentwood Dr
City, State, Zip Code Waukee, IA 50263

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 45 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Kathy Nelson Rick Nelson of unit number 45 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Kathy & Rick Nelson
Street address S73 W17240 Lake Drive
City, State, Zip Code Muskego, WI 53150

To: Owners of Estero Beach Club East
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Joseph & Susan Todd of unit number 51 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Joseph & Susan Todd of unit number 51 hereby agree to the Special Exception application submitted by Estero Beach Club East to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Joseph & Susan Todd

Street address PO Box 2561

City, State, Zip Code Fort Myers Beach, FL 33932

Susan D. Todd 9/23/2024

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Carolyn R. Lemens of unit number 52 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) Martin E. Lemens of unit number 52 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name CAROLYN R. LEMENS MARTIN E. LEMENS
Street address 2650 ESTERO BLVD #52 601 E. CGDEN AVE #570
City, State, Zip Code FORT MYERS BEACH FL 33931 MILWAUKEE, WI 53203

UNIT 52 IS REGISTERED AS SUN, SAND, + SURF PROPERTIES

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Mary Stepaniuk of unit number 53 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) _____ of unit number _____ hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Mary Stepaniuk
Street address 2650 Estero Blvd # 53
City, State, Zip Code Fort Myers Beach FL 33931

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.
(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) *Beverly Moran* of unit number 54 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date **October 15, 2024**.

I (Owner/Owners Names) *Beverly Moran* of unit number 54 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated **October 15, 2024**.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name *PATRIC MORAN & BEVERLY MORAN*
Street address *620 N. PARK BLVD.*
City, State, Zip Code *GLEN ELIYN, IL 60137*

To: Owners of Estero Beach Club East Condominium Association, Inc
Re: Notice of Special Exception Application regarding the pool
Date: October 15, 2024

The Town of Fort Myers Beach requires our condominium association to apply for a Special Exception Application to be permitted to do repairs west of the Coastal Construction Control Line, which includes the pool, pool decks and fence. The onus or responsibility is on Estero Beach Club East Condominium Association, Inc (EBCE) Board of Directors to inform owners that this application is being submitted on your behalf. You, the owners, are required to sign that you have been informed of this application and agree to its submission. This application for Special Exception requires a public hearing. The town needs to see 75% acknowledgment from our owners to process the special exception application.

The relevant code sections are as follows:

Sec.34-201(a)(1)(b) Where the property is a condominium...an application or petition may be initiated by both the condominium association and no less than 75% of the total number of condominium unit owners.

(2) In order to verify ownership, the applicant shall furnish the town, as part of their application, a complete list of all unit owners, identified by unit number...as applicable, along with proof that all unit owners who did not join in the application were given actual written notice thereof by the applicants, who shall verify the list and fact of notice by sworn affidavit.

Along with the application, we will have an attorney submit the required letter:

(3) So as to protect the legal rights of non-participating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions or any federal or state law regulating condominiums...or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no rights.

We need the owner's acknowledgement that you have been informed of the application and agree with its submission. Please sign below and return as soon as possible to SWFL CAM. By signing and submitting this agreement you say you have received this notice and agree to it.

I (Owner/Owners Names) Johnnie C. White II / Elizabeth A White of unit number 55 hereby acknowledge that I/we have been informed by the applicants (Estero Beach Club East Condominium Association, Inc) for the Special Exception application that this application is being submitted on behalf of the unit owners for Estero Beach Club East date October 15, 2024.

I (Owner/Owners Names) Johnnie C. White II / Elizabeth A White of unit number 55 hereby agree to the Special Exception application submitted by Estero Beach Club East Condominium Association, Inc to the Town of Fort Myers Beach on my behalf dated October 15, 2024.

The City of Fort Myers Beach requires the names and permanent mailing addresses of all owners of EBCE. This information will not be shared with other owners and only turned in with the Exception Application:

Owner(s) Name Johnnie C. White II / Elizabeth A White
Street address 376 Atwood Drive
City, State, Zip Code Lexington, KY 40515



GOEDE / DEBOEST / CROSS
ATTORNEYS AND PROFESSIONAL COUNSEL

INFO@GADCLAW.COM / WWW.GADCLAW.COM

REPLY TO:

JOHN TREBILCOCK, ESQ.
GOEDE, DEBOEST & CROSS, PLLC
2030 MCGREGOR BLVD.
FORT MYERS, FL 33901

PHONE: (239) 333-2992
EMAIL: JTrebilcock@gadclaw.com

September 23, 2024

Delivered via Hand Delivery with Public Hearing Application, Supplement and Exhibits

Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, Florida, 33931

Re: *Estero Beach Club East Condominium Association, Inc. / Opinion Letter Regarding the Association's Application*

To Whom It May Concern:

Please be advised this law firm represents Estero Beach Club East Condominium Association, Inc. (the "Association"). In that capacity we have been directed to provide this opinion letter to the Town of Fort Myers Beach concerning the repairs to the pool located on the Association's property. Specifically, the Association has advised that the town is requesting an opinion as required by Section 34-201(a)(1)(b)3. of the Fort Myers Beach municipal ordinance.

Specifically, Section 34-201(a)(1)(b) provides in, pertinent part, as follows:

Where the property is a condominium or a timeshare condominium, as defined and regulated in F.S. chs. 718 and 721, respectively, an application or petition may be initiated by both the condominium association and no less than 75 percent of the total number of condominium unit owners, or by both the owners' association and no less than 75 percent of timeshare condominium unit owners.

...

3. *So as to protect the legal rights of nonparticipating unit owners, the application shall be accompanied by a letter of opinion from a licensed Florida*

attorney, who shall attest that he has examined the declaration of condominium, the bylaws of the condominium association, and all other relevant legal documents or timeshare documents, as applicable, and concluded that the act of applying or petitioning to the town violates none of the provisions therein, or any federal or state law regulating condominiums or timeshare plans, or the rights of any of the nonparticipating unit owners, as derived from such documents and laws, and that approval of the requested act by the town would violate no such rights.

This opinion letter is intended to comply with subparagraph 3, cited above, confirming that following our examination of the Declaration of Condominium, the Articles of Incorporation, and Bylaws for the Association, there is no prohibition in such documents concerning the Association's authority to submit the subject application. Nor does the subject application violate any rights of any owner of a condominium unit within the Association contained in the foregoing documents.

Further, there is no federal or state law regulating condominiums which would prohibit the Association from filing the subject application.

We express no opinion in this letter as to any consent, approval, authorization, or other action or filing necessary for future assertions by the Association.

We express no opinion as to the laws of any jurisdiction other than the laws of the State of Florida and the laws of the United States of America.

The opinions expressed above concern only the effect of the laws (excluding the principles of conflict of laws) of the State of Florida and the United States of America as currently in effect. We assume no obligation to supplement this opinion if any applicable laws change after the date of this opinion, or if we become aware of any facts that might change the opinions expressed above after the date of this opinion.

This opinion is given solely for the use and benefit only of the Town of Fort Myers Beach and is limited in its use to reliance by the Town of Fort Myers Beach and may not be relied upon by any other parties, furnished to any other party, quoted, or otherwise used without the prior express written consent of the undersigned firm. This opinion is as of the date hereof and we disclaim any obligation to advise you of any change which hereafter may be brought to our attention.

GOEDE, DEBOEST & CROSS, PLLC



John J. Trebilcock, Esq.

Signed electronically to avoid delay

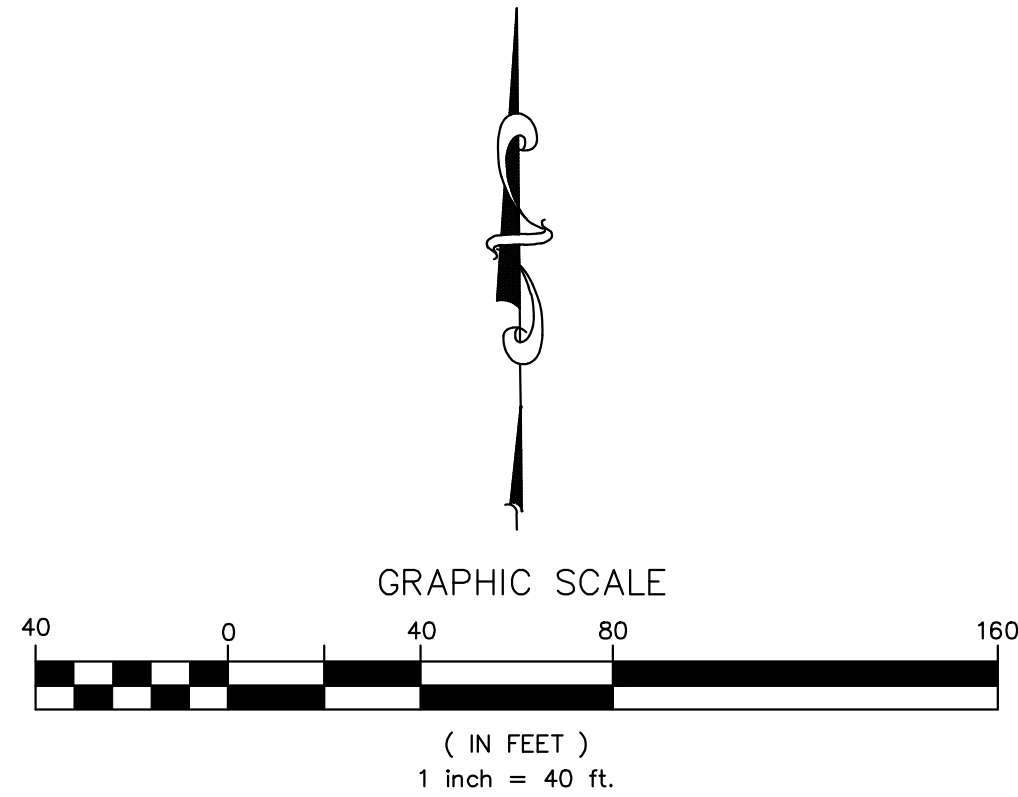
JJT/



	STRAP	Folio	Owner Name	Site Address
	19-46-24-W3-02100.00CE	10462580	ESTERO BEACH CLUB EAST CONDO	2654 ESTERO BLVD, FORT MYE

LOTS 6-12 & 35-40, BLOCK B, WINKLER SUBDIVISION

PLAT BOOK 8, PAGE 45
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST
TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA



NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
5. THERE ARE NO VISIBLE ENCROACHMENTS THAN AS SHOWN.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.
14. PARCEL CONTAINS 50,992 SQUARE FEET, PLUS OR MINUS.

LEGEND:

- (A) — ARC LENGTH
- A.C. — AIR CONDITIONER
- B.O.B. — BASIS OF BEARINGS
- (C) — CABLE TV
- (C) — CALCULATED
- C.B. — CATCH BASIN
- CB — CHORD BEARING
- CH — CHORD DISTANCE
- CO — CLEANOUT
- (D) — DEED
- D.E. — DRAINAGE EASEMENT
- EL. — ELEVATION
- E.O.P. — EDGE OF PAVEMENT
- F.H. — FIRE HYDRANT
- FND. — FOUND
- F.C.M. — FOUND CONC. MONUMENT
- GV — GATE VALVE
- I.R. — IRON ROD
- G.W. — GUY WIRE
- (M) — MEASURED
- M&T — NAIL & TAB
- N.A.V.D. — NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. — NOT TO SCALE
- (NR) — NOT RADIAL
- O.R. — OFFICIAL RECORD
- (P) — PLAT
- P.B. — PLAT BOOK
- P.C. — POINT OF CURVATURE
- P.O.C. — POINT OF COMPOUND CURVATURE
- P.C.P. — PERMANENT CONTROL POINT
- P.I. — POINT OF INTERSECT
- PG. — PAGE
- P.O.B. — POINT OF BEGINNING
- P.O.C. — POINT OF COMMENCEMENT
- P.P. — POWER POLE
- P.R.C. — POINT OF REVERSE CURVATURE
- P.R.M. — PERMANENT REFERENCE MONUMENT
- P.T. — POINT OF TANGENCY
- P.U.E. — PUBLIC UTILITY EASEMENT
- R — RADIUS
- (R) — RADIAL
- RNG. — RANGE
- R/W — RIGHT OF WAY
- SEC. — SECTION
- SET I.R. — SET 1/2" IRON ROD LB8427
- SMH — SANITARY SEWER MANHOLE
- SPKD — SET PK NAIL AND DISC LB8427
- S.W. — SIDEWALK
- TELEPHONE BOX
- TOWNSHIP
- U.P. — UTILITY PEDESTAL
- WATER METER
- DELTA ANGLE
- FIRE HYDRANT
- TEMPORARY BENCHMARK
- CENTERLINE
- WIRE FENCE
- WOOD FENCE
- OVERHEAD WIRES
- CONCRETE PAD
- EXISTING ELEVATION
- (X) — LOT NUMBER
- MHW — MEAN HIGH WATER
- MLW — MEAN LOW WATER

CERTIFIED TO:

Estero Beach Club East Condo Association

LEGAL DESCRIPTION:

2654 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33935

Lots 6 through 12 and Lots 35 through 40, Block B, Winkler Subdivision as recorded in Plat Book 8, Page 45 of Lee County, Florida, Public Records, together with any and all lands lying between said property and the waters of the Gulf of Mexico; subject to easement in, to, and over and across the Easterly 15 feet of said lots 35 and 11, and the Easterly 15 feet of all that property lying between Lot 35 and the waters of the Gulf of Mexico for purposes of ingress and egress.

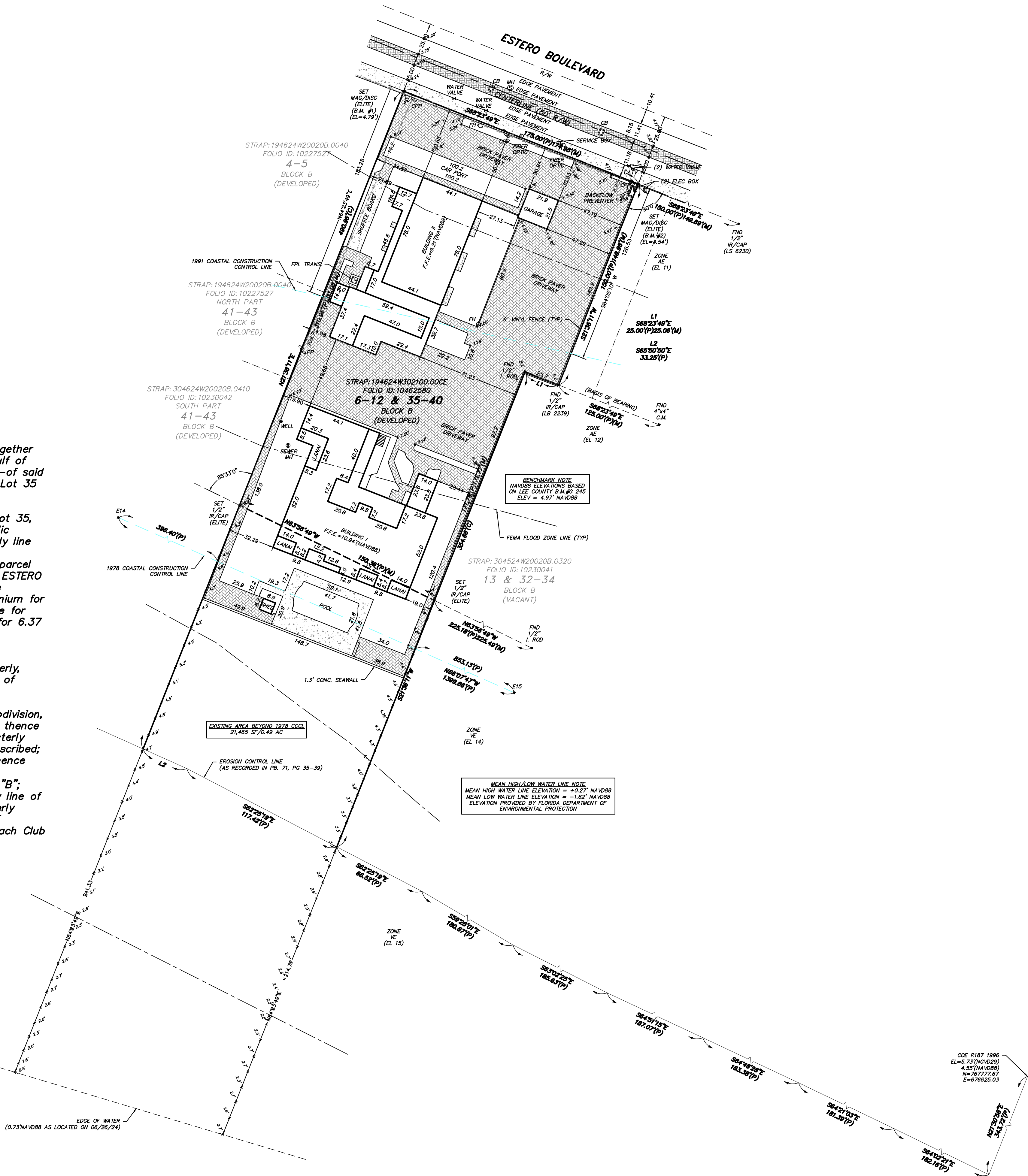
LESS the following described property: From the North easterly corner of Lot 35, Block B of Winkler Subdivision as recorded in Plat Book 8, Page 45, of Public Records of Lee County, Florida; thence Southwesterly along the Southeastery line of said Lot 35 for 91.50 feet; thence Northwesterly perpendicular to said Southeastery line of Lot 35 for 15.0 feet to the Point of beginning of the parcel herein described, being the Northeastery corner of the patio of Phase 1 of ESTERO BEACH CLUB EAST, a condominium; thence continue Northwesterly along the Northeastery line of the patio and lounge area of Phase 1 of said condominium for 21.53 feet; thence South-Westerly along the Northwesterly line of the Lounge for 6.37 feet; thence Northwesterly along the Northeastery line of the Lounge for 6.37 feet; thence Southwesterly along the Northwesterly line, parallel to the Southeastery line of said Lot 35, of said lounge for 17.03 feet; thence Southeastery perpendicular to said Southeastery line of Lot 35 along the Southwesterly line of said Lounge and Patio for 27.9 feet; thence northeasterly, parallel to the Southeastery line of said Lot 35, for 24.0 feet to the Point of Beginning.

Also Less: From the Northeastery corner of Lot 35, Block B, of Winkler Subdivision, recorded in Plat Book 8, Page 45 of Public Records of Lee County, Florida; thence South westerly along the Southeastery line of said Lot 35 and its Southwesterly extension, for 180.50 feet to the Point of Beginning of the parcel herein described; thence continue Southwesterly along said lot line extension for 46.0 feet; thence Northwesterly perpendicular to said lot line extension for 150.0 feet to the Southwesterly extension of the North westerly line of Lot 40 of said Block "B"; thence Northeastery along said Southwesterly extension of the Northwesterly line of Lot 40 for 46.0 feet; thence Southeastery perpendicular to said Southwesterly extension of the Northwesterly line of Lot 40 for 150.0 feet to the Point of Beginning; being also known as the Pool and Recreation Area for Estero Beach Club East, a Condominium.

Subject To: The rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line or other apparent boundary line separating the publicly used area from the upland private area.



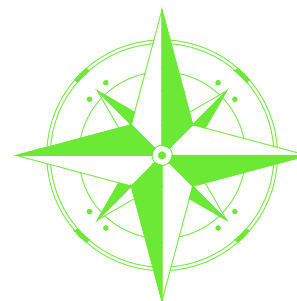
VICINITY MAP
N.T.S.



I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT FROM THIS SURVEY. NO TITLE OPINION EXPRESSED.

Reviewed and Approved By:

ELITE SURVEYING



4371 NOCATEE LANE,
FORT MYERS, FL 33905
239-481-2366(OFFICE) INFO@ELITESURVEYING.NET
LB8427

BOUNDARY AND TOPOGRAPHIC SURVEY

FIELD SURVEY	06/26/2024	J. PEDRO	J. PEDRO	1" = 40'	240333	07/30/2024
CREW CHIEF		J. PEDRO				
DRAWN BY		J. KNORR				
SCALE						
ELITE JOB NO						
SHEET: 1 OF 1						

2654 Estero Blvd, Fort Myers Beach, FL 33931

Estero Beach Club East Post Hurricane Ian Pool Repairs Supplement Form to PH-A

PH-A Part 1 Narrative Statements Request for: (indicate proposed use that requires a Special Exception)

The Estero Beach Club East (EBCE) HOA is requesting a Special Exception to allow for repair/reconstruction of the pool and pool deck, fences, grill area, foot-rinse station and beach access path which lie partially seaward of the 1978 CCCL (in the Environmentally Critical zoning district). These items are part of the common element for EBCE and were in existence in the proposed locations prior to Hurricane Ian and prior to the establishment of the 1978 CCCL.

All repairs will be like-for-like. There will be no expansion of the existing pool deck and pool equipment, and the existing pool shell will be repaired in place. We have hired an experienced pool contractor with access to a coastal engineer, to guide us in these repairs.

Reason for Request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88):

In accordance with the guidelines provided in LDC Section 34-88(A), we are making this request due to the following changed conditions:

(1) Hurricane Ian - Hurricane Ian is the first storm to cause major damage to EBCE pool and landscaping since its construction in 1974. These changed conditions result in the need for this request for a Special Exception.

(2) The 1978 Coastal Control Construction Line. As a condominium developed in 1973-1974, EBCE and its accessory structures pre-date the 1978 CCCL. At the time of construction, EBCE and its accessory structures were legally conforming. Our request is consistent with the Fort Myers Beach Comprehensive Plan and Land Development Code because we are not seeking to engage in new development. There will be no expansion into environmentally critical areas and no change in use or intensity of use. Furthermore, the newly passed Ordinance 23-13, amending LDC Section 34-652 and Section 6-366, created a pathway for us to seek a Special Exception to repair the damage done by Hurricane Ian to our pool and property.

We very much appreciate the efforts made by Town Council, the LPA, and staff to provide this opportunity to restore what we had before the storm. We are requesting to repair things

like-for-like. The pool, deck, foot-wash, grill area, and associated fencing will be restored in their prior positions without impacting the beach or dune system. In accordance with LDC Sections 34-652 and 6-366, all redevelopments will minimize adverse effects on the dune system, and lighting will be compliant with turtle lighting requirements.

We are working with a pool contractor (local to Fort Myers) to ensure we are following local and state policies and objectives. Moreover, we have signed the easement document for beach renourishment, and we look forward to working with the Town to restore our dune to its natural state. Additionally, we are appreciative of the Town's continued support and interest in restoring the beach and dune area as part of the large-scale beach restoration project which will improve the coastal resiliency.

Granting the requested Special Exception could impact surrounding properties as follows:

The proposed repairs will not negatively impact surrounding property owners as this is a like-for-like repair project. Our pool area and associated amenities have been in place since 1974. Repairs will improve aesthetics and safety, compared to current conditions, and will facilitate our efforts to bring owners and guests back to the area to support the local economy.

Thank you for your consideration.

Pre- Ian Photos



#1



#2



#3



#4



#5

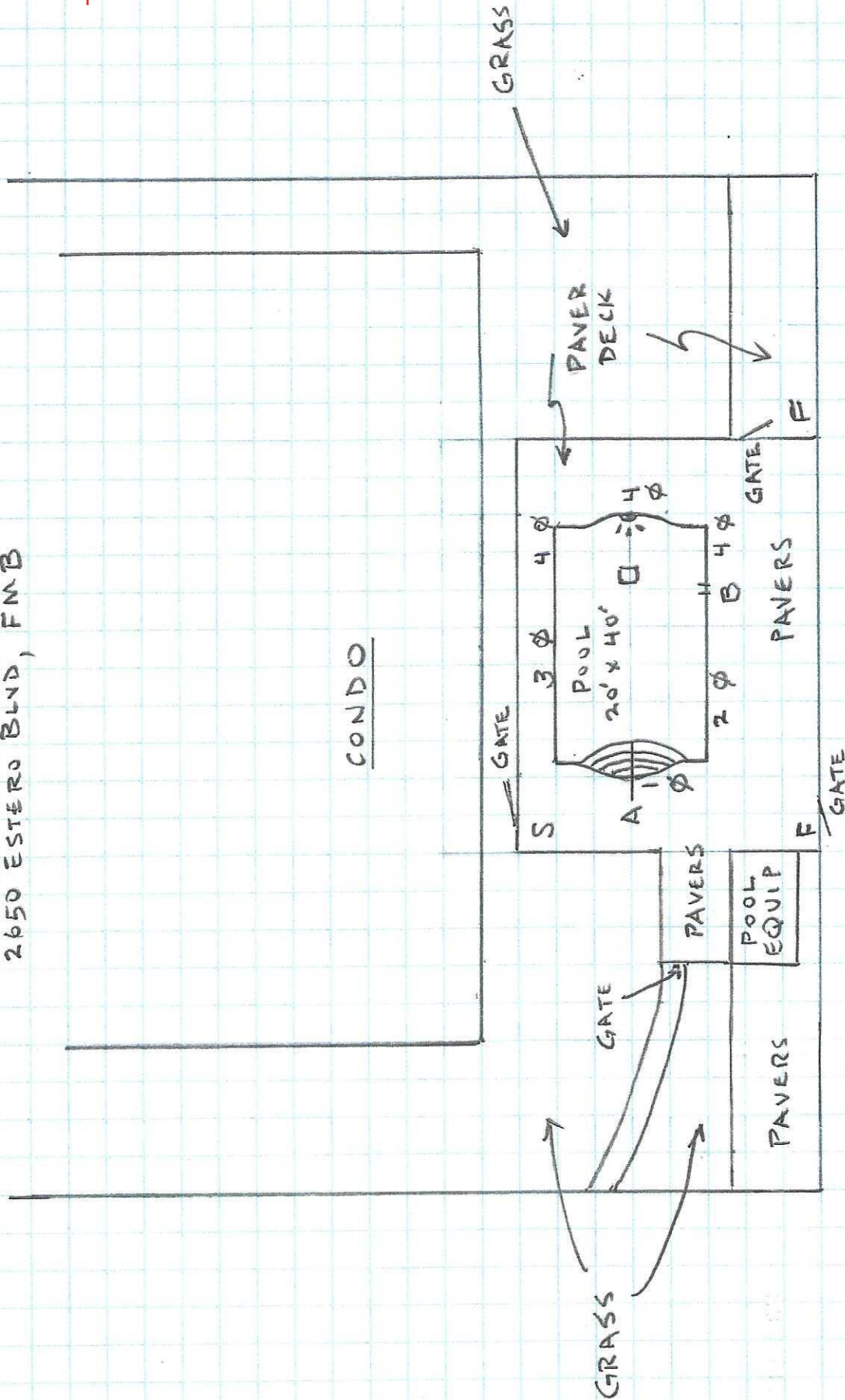


#6

site plan 1

ESTERO BEACH CLUB EAST

2650 ESTERO BLVD, FMB



LEGEND

- A - HANDRAIL
- B - LADDER
- Ø - NO DIVE
- D - LIGHT
- S - SHOWER
- F - FOOTWASH

SCALE (Approx)



= 5 FT X 5 FT

- 1 - 3 FT 6 IN
- 2 - 3 FT 9 IN
- 3 - 4 FT 0 IN
- 4 - 6 FT 9 IN

- 1 - 3 FT 6 IN
- 2 - 3 FT 9 IN
- 3 - 4 FT 0 IN
- 4 - 6 FT 9 IN

TO BEACH



November 26, 2024

Estero Beach Club East Condo Association
13831 Vector Ave
Fort Myers, FL 33907

Address: 2654 Estero Blvd Fort Myers Beach, 33931, Strap #: 19-46-24-W3-02100.00CE
Subject: SEZ20240257 Resub 1

Estero Beach Club East Condo Association,
Staff has reviewed your application and found it to be insufficient. Please make the following changes to your application package:

1. Site Plan:
 - a. Pool equipment shed:
 - i. The proposed pool equipment shed is shown as 10 feet by 15 feet, while the existing shed is 8.9 feet by 8.2 feet. Please update the proposed site plan to make the new shed a similar size to the old one, move the proposed shed landward of the 1978 Coastal Construction Control Line (CCCL), or if it cannot be moved, please provide the reason why the new shed must be larger than the previous shed.
 - b. Pavers:
 - i. Please clarify whether you intend to replace the pavers that are shown along the side property lines of the previous survey.
 - c. Beach access path:
 - i. Please indicate the location of the proposed beach access path on the site plan, as well as any proposed accessibility features included in the repair (stairs, mobi mat, etc.)
 - d. Gates:
 - i. What are the proposed gates attached to? Please indicate proposed wall or fencing on the site plan.
 - e. Square footage:
 - i. Please clarify if the square footages shown as “total area of proposed repairs” is the entire area of the repairs (entire pool and paver areas) and the “pool/deck area beyond CCCL” is just the portion of proposed repairs that are beyond the CCCL. Staff wants to ensure that the proposed request is understood.

Once these issues are resolved, please resubmit your site plan to zoningpermits@fmbgov.com. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. If additional time is needed, the applicant may ask for additional time. Please feel free to email the Zoning Department at zoningpermits@fmbgov.com or sarahbrown@axiscompanies.com with any questions.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2525 Estero Boulevard, Fort Myers Beach, FL 33931



FMBgov.com

Sincerely,
Sarah Brown
Planner

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2525 Estero Boulevard, Fort Myers Beach, FL 33931

ESTERO BEACH CLUB EAST

SITE PLAN

2650 ESTERO BLVD, FMB

NOTE - EXISTING
PAVERS ALONG
SIDES STAY.
FENCE ALONG
GOLF FACING
CONDO SELF
SUPPORTING.

ALL GATES
ATTACHED TO
FENCING
WALLS
NOTED

latest site plan

GRASS

COND

GATE
ATTACHED
TO WALL

IRVING

1978
1979

POOL DECK AREA
BEYOND CCL
15 3,725 Sq. Ft.

TOTAL AREA OF
PROPOSED REPAIRS
= 4,020 Sq. Ft.

PATH
TO BEACH

LEGGEND

A - HANDRAIL

B-LADDER

Ø- No Driving

54917-DE

S-SHOWER

F-FOOT WASH

1-306-1

2-25-91

8 COASTAL CO

4/24/38

3-4PTO

SCALE (WORTH)

$$\square = 54 \times 54$$

2

FOR F



SK FMB GROUP LLC
17761 SAN CARLOS BLVD
FORT MYERS BEACH FL 33931

PRARAZ BUILDERS LLC
4110 CENTER POINTE DR #210
FORT MYERS FL 33916

MLINARIC MARJAN &
330 JEFFERSON CT
FORT MYERS BEACH FL 33931

EVERGLADES CONSTRUCTION GROUP
214 E CRESCENT DR
CLEWISTON FL 33440

SANIBEL CAPTIVA COMMUNITY BANK
9311 COLLEGE PKWY
FORT MYERS FL 33919

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

GULF BEACH LLC
100 GULF BEACH RD
FORT MYERS BEACH FL 33931

DJ AREND FARMS INC
15759 RD 138
PAULDING OH 45879

REEF OF FMB LLC
JARET BISHOP
2411 US RT 22 SW
WASHINGTON COURT HOUSE OH 43160

NECULA MONICA C
7335 HERITAGE PALMS ESTATES DR
FORT MYERS FL 33966

PG ASSOCIATES LLC
20130 LAKEVIEW CENTER PLZ #140
ASHBURN VA 20147

2633 ESTERO LLC
3269 BRIGHTON PLACE DR
LEXINGTON KY 40509

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

FOLLIARD PATRICK M & AMY
430 S RIVER RD
NAPERVILLE IL 60540

COTTAGES AT MYERSIDE LLC
145 SCHOOL ST
FORT MYERS BEACH FL 33931

COTTAGES AT MYERSIDE LLC
145 SCHOOL ST
FORT MYERS BEACH FL 33931

MYERSIDE LLC
145 SCHOOL ST
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

LEE COUNTY DIST SCHOOL BOARD
2855 COLONIAL BLVD
FORT MYERS FL 33966

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

BOARD OF TRUSTEES OF UNITED ME
450 MARTIN LUTHER KING JR AVE
LAKELAND FL 33815

FORT MYERS BEACH PUBLIC LIBRAR
2755 ESTERO BLVD
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
2525 ESTERO BLVD
FORT MYERS BEACH FL 33931

FORT MYERS BEACH FIRE CONTROL
PO BOX 2880
FORT MYERS BEACH FL 33932

FORT MYERS BEACH FIRE CONTROL
PO BOX 2880
FORT MYERS BEACH FL 33932

ESTERO BEACH CLUB CONDO ASSN
15751 SAN CAROLOS BLVD #8
FORT MYERS FL 33908

ISLAND HOUSE BEACH CLUB ASSN
2560 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

PELICAN WATCH CONDO ASSOC
BOBACK COMMERCIAL GROUP
STE 203
10491 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966

TROPICAL SHORES ASSN
2550 ESTERO BLVD
FORT MYERS BEACH FL 33931

TOWN OF FORT MYERS BEACH
2525 ESTERO PKWY
FORT MYERS BEACH FL 33931

LEE COUNTY DIST SCHOOL BOARD
2855 COLONIAL BLVD
FORT MYERS FL 33966

LOV LLC
5432 BROADMOOR ST
ALEXANDRIA VA 22315

CONNER CHARLES R & GAIL D
53 POMPAÑO ST
FORT MYERS BEACH FL 33931

CAPTAIN'S QUARTERS FMB LLC
7 IRONWOOD CT
LAKE ZURICH IL 60047

BERNHARD MATTHEW C &
1678 STATE ROUTE 60
ASHLAND OH 44805

MAXWELL EMILY JANE
APT 6
1250 MYERLEE COUNTRY CLUB BLVD
FORT MYERS FL 33919

LUMPKINS NANCIE LEE TR
16730 PINEY POINT RD
PINEY POINT MD 20674

FOREMAN BRADFORD G
50 GULF BEACH RD
FORT MYERS BEACH FL 33931

CAPER BEACH CLUB CONDO ASSN
2810 ESTERO BLVD
FORT MYERS BEACH FL 33931

DIAMOND PROPERTY ALLIANCE LLC
1900 E GOLF RD STE 1275
SCHAUMBURG IL 60173

BROWELL BRIAN R & DEBRA I
900 ROSA LN
LAFAYETTE IN 47905

COFFMAN JOYCE A
55 HIAWATHA LN
GALESBURG IL 61401

STUCK STEVEN L & LORRAINE M
362 MISTY PINE TR
PRUDENVILLE MI 48651

VOLPE KENT R +
919 WARWICK LN
LIBERTYVILLE IL 60048

OLSEN SUSAN L
406 SPRING CREEK CT
ALBANY IL 61230

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

KDMJ ASSOCIATES INC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

LAIRD W E & DORIS M
1125 MERCER DR
TALLAHASSEE FL 32312

KREUTZ DAVID TR
2580 ESTERO BLVD # 31
FORT MYERS BEACH FL 33931

INCAUDO DANIEL +
20113 HARTFORD BLVD
ESTERO FL 33928

JOHNSTON DEAN + DEBI
PO BOX 20010
149 WESTMOUNT DR N
ORILLIA ON L3V 7X9
CANADA

GREGORY W GARNETT TRUST +
244 N WOODRIDGE DR
PITTSBORO IN 46167

NOWAK MICHAEL S TR
226 SANGAMON CT
BARTLETT IL 60103

RAMEY STEVEN L & NANCY K
1634 DORRELL CT
GREENWOOD IN 46143

LTE 6020 LLC
2024 OAKRIDGE ST
SAINT PAUL MN 55119

HV DESIGNS LLC
2592 INDIAN WELLS TRL
XENIA OH 45385

MANNING DEBORAH A TR
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

ZECHINATI JAMES &
924 WESTCHESTER WAY
RICHMOND KY 40475

SCHRADER CHARLES H TR
2580 ESTERO BLVD #51
FORT MYERS BEACH FL 33931

CAPPARIS PROPERTIES LLC
1500 COLONIAL BLVD #200
FORT MYERS FL 33907

KOOP ROBERT N & SHARON L
1137 ELMWOOD LN
ELK GROVE VILLAGE IL 60007

AREND DAVID L & JOANNA L
15759 ROAD 138
PAULDING OH 45879

HIGHLAND MANOR APARTMENTS LLC
818 LAUREN DR
VILLA HILLS KY 41017

GULFWAY 101 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

GULFWAY 102 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

WOLFE CHARLES G & PAMELA M
401 MONOCACY DR
BATH PA 18014

GARNETT RODNEY S & ALTHEA N
7377 N COUNTY ROAD 550 E
PITTSBORO IN 46167

ESTERO BEACH CLUB CONDO ASSN
2580 ESTERO BLVD OFC
FORT MYERS BEACH FL 33931

YEAGER JOHN A & M ELAINE
4923 STONEHAVEN DR
COLUMBUS OH 43220

ESTERO FMB RENTAL LLC
2580 ESTERO BLVD #44
FORT MYERS BEACH FL 33931

SEASHORE PROPERTIES LLC
20280 BURNSIDE PL UNIT 1202
ESTERO FL 33928

FLORIDA WRIGHT ENTERPRISES LLC
10100 CYPRESS COVE DR UNIT 354
FORT MYERS FL 33908

ALEXANDER MICHAEL B TR
9667 WINDGATE DR
BLOOMINGTON IL 61705

NORRIS MARK A & SUSAN K TR
3155 E STRATER RD
KENDALLVILLE IN 46755

CHESNUT STEVEN WAYNE &
6701 IDLEWILD ST
FORT MYERS FL 33966

MEYER LAURELEE M
2580 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

TUBBS THOMAS A TR
2580 ESTERO BLVD #304
FORT MYERS BEACH FL 33931

ROMBERG TINA RUIZ &
2580 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HEUCK DAVID & MICHELLE
14690 FAIR HAVEN RD
FORT MYERS FL 33908

DELBERT G CLARK TRUST +
29785 KESTRAL LANE ST
SAINT JOSEPH MN 56374

EBC 403 LLC
1922 MADISON ST
MADISON WI 53711

CONKLIN KERRY P TR
12956 ROCKY POINTE ROAD
MC CORDSVILLE IN 46055

JAKEL CARRIE
5865 HUNT CLUB WAY
WAUNAKEE WI 53597

GULFWAY 501 LLC
23884 SANCTUARY LAKES CT
BONITA SPRINGS FL 34134

COMBS JILL A GRAVEL &
14 OAKRIDGE CIR
WARE MA 01082

EBC 503 LLC
1922 MADISON ST
MADISON WI 53711

MELLEMA GARY & LARI ANN
11 HAYES CT
TROPHY CLUB TX 76262

TURTLE SHORE PROPERTIES LLC
20280 BURNSIDE PL #1202
ESTERO FL 33928

PITTENGER PHILIP J +
5081 OUTerview DR
SPRINGFIELD OH 45502

SCHWAB STEPHEN & HOLLY
111 WATEREDGE LN
FREDERICKSBURG VA 22406

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

BUBNIAK WILLIAM A
24 MEADOW LARK DR
COHOES NY 12047

MENA FAMILY TRUST +
4400 SW 133RD AVE
MIAMI FL 33175

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

PRAULT VINCENT W &
10 THOMAS DR
NORMAL IL 61761

KONOPKA MARK A &
840 S MEDINA LINE RD
WADSWORTH OH 44281

2650 ESTERO 25 LLC
S73 W17240 LAKE DR
MUSKEGO WI 53150

HART KATHLEEN & ROBERT
705 BEACH CREEK
WILDWOOD NJ 08260

FLAHERTY MARTIN & DONNA
8953 S 87TH AVE
HICKORY HILLS IL 60457

VERRUSO CARMELO L TR
2650 ESTERO BLVD #33
FORT MYERS BEACH FL 33931

MORRIS DAVID A
4 BLUEBERRY PL
CHESHIRE CT 06410

MURPHY JOHN THOMAS & BIRDIE
49 CHADWIN DR
LINDSAY ON K9V 0E8
CANADA

FOSTER EDWINA G &
28 OCEAN AVE
PATCHOGUE NY 11772

BARBIERI MARIQUITA
7226 CLAYTON RD
SAINT LOUIS MO 63117

LAUCHNER JOEL K & WANDREA R
2650 ESTERO BLVD #43
FORT MYERS BEACH FL 33931

HOLLOWAY MICHELLE & JAMES
600 SE BRENTWOOD DR
WAUKEE IA 50263

EBCE 45 LLC
S73W17240 LAKE DR
MUSKEGO WI 53150

TODD JOSEPH K & SUSAN D
2650 ESTERO BLVD APT 51
FORT MYERS BEACH FL 33931

SUN SAND & SURF PROPERTIES LLC
601 E OGDEN AVE #510
MILWAUKEE WI 53202

STEPANIUK MARY C
2650 ESTERO BLVD #53
FORT MYERS BEACH FL 33931

MORAN PATRIC J & BEVERLY A
620 NORTH PARK BLVD
GLEN ELLYN IL 60137

WHITE JOHNIE C II &
376 ATWOOD DR
LEXINGTON KY 40515

TURNER KENNETH A & SANDRA S
2709B DAY ISLAND BLVD W
UNIVERSITY PLACE WA 98466

SUSAN WEIDENKOPF WATTS TRUST +
16774 PANTHER PAW CT
FORT MYERS FL 33908

UNKNOWN HEIRS OF
10939 YOUNG RD
ANSONIA OH 45303

BDR SUNSHINE LLC
1150 BRIDLEWOOD LN
LEXINGTON KY 40515

CARLIN GRANT A +
830 EASTLAWN
WIDSOR ON N8S 3H7
CANADA

GRANDGEORGE ROBERT E &
PO BOX 459
SOMONAUK IL 60552

ARNESON MARGARET M &
PO BOX 210
SHERIDAN IL 60551

HONKALA DEBRA S TR
PO BOX 361
SOMONAUK IL 60552

WEAVER FREDERICK L & JILL S
2650 ESTERO BLVD UNIT 205
FORT MYERS BEACH FL 33931

MADER JEANNE R TR
SUSAN M MACLENNAN
20 THORNTON RD
LONDONDERRY NH 03053

TROJAN DARWIN M & JODI P
9 ALGONQUIN TRL
BARRIE ON L4M 5M2
CANADA

BEVIS WILLIAM J & CRYSTAL L L/
9231 SYCAMORE SPRINGS CT
DAYTON OH 45458

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

HUNTER HARRY + JOANNE
2650 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

TOLLEY PELOTON LLC
605 DICKSONIA CIR
LEXINGTON KY 40517

PALMS TO POWDER LLC
226988 BOULDER RIDGE
WAUSAU WI 54401

STANDISH MARTHA
22 BROOKSIDE RD
WALLINGFORD PA 19086

PRICE JEREMY TR
18600 CUTLASS DR
FORT MYERS BEACH FL 33931

ROTH VERRA ANNE
6731 NW 28TH AV
FT LAUDERDALE FL 33309

KITCHEN JANICE K L/E
PO BOX 18607
FOUNTAIN HILLS AZ 85269

FAUSTINI ROSE MARIE TR
2650 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

RDW LIMITED PARTNERSHIP
SHEILA TOLLEY
605 DICKSONIA CIR
LEXINGTON KY 40517

DIETRICH DONALD B TR
9099 RIVERSIDE DR E STE 1318 E
WINDSOR ON N8S 4P9
CANADA

JOHNSON MICHAEL A
71 SUNSET LN
SPRINGVILLE NY 14141

DVORAK DAVID M & JANETTE
2650 ESTERO BLVD #506
FORT MYERS BEACH FL 33931

TAYLOR SARAH WHITE TR
2407 IVY AVE
FORT MYERS FL 33907

GAFFNEY JOSEPH J & MARGARET
4914 WEST CHESTER PIKE
NEWTOWN SQUARE PA 19073

EVANS JOHN ROBERT JR
10715 FINTAN CT
MOKENA IL 60448

SCHRAM JULIE TR
566 SUNSET DR
SOUTH SIOUX CITY NE 68776

TOWNSEND THOMAS & AMY
13000 W BETHEL AVE
YORKTOWN IN 47396

TOWNSEND AMY E & THOMAS A
13000 W BETHEL AVE
YORKTOWN IN 47396

ISLAND HOUSE 2D LLC
1015 W JACKSON ST
MUNCIE IN 47305

BLAKE JANICE
7253 PARK LANE
CLAY MI 48001

MONKS ROBERT C
1073 FAIR BIRCH DR
MISSISSAUGA ON L5H 1M4
CANADA

KROULAUDIS JOHN J SR &
2560 ESTERO BLVD #3B
FORT MYERS BEACH FL 33931

CZERKIES BEACH LLC
612 ROOKERY LN
JOLIET IL 60431

HART HOWARD E +
PO BOX 341
ELWOOD IL 60421

WHITEHOUSE KATHLEEN M
2157 TANTALLON DR
FT MITCHELL KY 41017

AUSMAN PAMELA
60 SPRINGWATER CHASE
NEWNAN GA 30265

SUTTON JOSEPH CHARLES TR
711 N MILLER AVE
MARION IN 46952

RALSON JEFFREY S TR
560 W FULTON ST UNIT 605
CHICAGO IL 60661

TUBBS THOMAS A TR
PO BOX 763
WESTFIELD CENTER OH 44251

TRESCHUK-BAHN JACQUELINE
1720 BROADWAY ST
MOUNT VERNON IL 62864

GABOR PETER +
701 INDEPENDENCE PL UNIT 206
RALEIGH NC 27603

MCCAFFREY WILLIAM F TR +
7400 BELLAIRE AVE
DUBLIN OH 43017

NELSON WILLIAM M &
36 KENNINGTON CT
DALLAS TX 75248

MANNING NATALIE
2560 ESTERO BLVD #5D
FORT MYERS BEACH FL 33931

SCOTT E CZERKIES +
612 ROOKERY LN
JOLIET IL 60431

KADO KELLY JOE & TERESA JO
2560 ESTERO BLVD #6A
FORT MYERS BEACH FL 33931

LEVINE STEPHEN M & DIANE E
16480 RAINBOW MEADOWS CT
FORT MYERS FL 33908

BURGETT RUSSELL E TR
497 S PRAYA DR
IVINS UT 84738

SHEPHARD ROBERT W
12392 EAGLE CT
ESTERO FL 33928

TAYLOR STEVEN
PO BOX 269
CERRILLOS NM 87010

OWENS JAMES L & DIANNE L
567 DAWES AVE
GLEN ELLYN IL 60137

MINOR KEVIN L & WENDY
N74 W22552 TWIN OAKS CT
SUSSEX WI 53089

JERRY LEE & DARLENE LOUISE WEA
2532 ESTERO BLVD #106
FORT MYERS BEACH FL 33931

LACAVA JOYCE L/E
2 SULLIVAN FARM
NEW MILFORD CT 06776

STAHL JUDITH A TR
2532 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

BRIESATH RANDAL TR
2868 KENDRIDGE LN
AURORA IL 60502

KRAUSE RANDY STEVEN & JAN A
12281 N CR 2950 E
MASON CITY IL 62664

ASCEND HOMES LLC
15055 WOODCREST DR
CLIVE IA 50325

BRUNER RICHARD T +
2821 NE 46TH ST
LIGHTHOUSE POINT FL 33064

VREDENBURG JOHN F TR
21750 483RD LN
CHARITON IA 50049

GRENZ LYLE R TR
600 S TAYBERRY AVE
SIOUX FALLS SD 57106

ALICE A BRUNETTI TRUST +
16970 SAN CARLOS BLVD STE 160
PO BOX 346
FORT MYERS FL 33908

WINDFALL INC
3317 E LAKE DR N
ELKHART IN 46514

SUTTON MAVIS M
850 CEDAR ST
WATERLOO IN 46793

AMESBURY WILLIAM ROBIN JR &
12915 KINGSMILL WAY
FORT MYERS FL 33913

BURNSTINE HARRY M TR
56860 SR 15
BRISTOL IN 46507

SMITH DON SCOT TR
2532 ESTERO BLVD #402
FORT MYERS BEACH FL 33931

HAWES GARY R &
2788 EDGEMERE DR
ROCHESTER NY 14612

BANERIAN KIRK G & LESLIE N
2950 WOODCREEK WAY
BLOOMFIELD HILLS MI 48304

BUSCH FAMILY PROPERTIES LLC
17769 HIGHWAY W
CLARKSVILLE MO 63336

WINDFALL INC
3317 E LAKE DR N
ELKHART IN 46514

STICKLEY KIM A & PAMELA S
26725 COUNTY ROAD 52
NAPPANEE IN 46550

OOYKAAS DICK E & PATRICIA T +
17026 W MANHATTAN RD
ELWOOD IL 60421

OOYKAAS DICK E & PATRICIA T +
17026 W MANHATTAN RD
ELWOOD IL 60421

POHL JAMES W TR
43 ROCKVIEW DR
ROCKFORD MI 49341

DORNFELD LEE V & DONNA
303 KIRKWOOD GLEN CIR
LOUISVILLE KY 40207

BARRETT HILARY W +
JAFFREY M WELLS
3668 GORDON RD
ELKHART IN 46516

FIELDS GARY L TR
4751 OLSON LAKE TRAIL N
LAKE ELMO MN 55042

FRANCIS J GALVIN TRUST +
1171 STANDISH CT
NAPERVILLE IL 60540

OOYKAAS DICK E & PATRICIA T
17026 W MANHATTAN RD
ELWOOD IL 60421

MANDATE CAPITAL LLC
160 3RD AVE SW
PERHAM MN 56573

MCKEOWN PATRICK G &
155 SAINTGEORGE PL
ATHENS GA 30606

PELICAN PARTNERS
8183 RUSH PL
INDIANAPOLIS IN 46250

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

MAROTTA JAMES & LINDA
83 VAN DYKE RD
HOPEWELL NJ 08525

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

TROPICAL SHORES LLC
5302 BROOKSIDE LN
WASHINGTON MI 48094

DUGAN MARILOU A TR
5725 LAKE BRIAR DR
MILLSTADT IL 62260

BOYE CHARLES & LOURDES
4366 SW 130TH AVE
DAVIE FL 33330

MILLIES FRED L + JOANN J TR
W 240 S 10050 CASTLE RD
BIG BEND WI 53103

LASHMET RITA M & CRAIG B
702 ELMWOOD AVE
WILMETTE IL 60091

DAVID A WARD TRUST +
1221 N SHORE DR
CLEAR LAKE IA 50428

GULF VIEW LLC
4114 COCHRANE PKWY
AMES IA 50014

LANG VIVIAN J G TR
406 SUNSET DR
HALLANDALE BEACH FL 33009

FUHR JEROME C & NANCY J
18120 SAN CARLOS BLVD #1003
FORT MYERS BEACH FL 33931

DINGLE LINDA A
1235 YALE PL # 204
MINNEAPOLIS MN 55403

GOETZ ROBERT JOHN &
2800 ESTERO BLVD #305
FORT MYERS BEACH FL 33931

FELLIN JAMES S & MICHELLE A
114 SHERBORNE DR
MCMURRAY PA 15317

SPLITTORFF LYNN A TR
1217 BUCKINGHAM CT
RAYMORE MO 64083

LUCKE THOMAS J TR
PO BOX 75
WISCONSIN DELLS WI 53965

CHRISTIE EDWARD C +
30 HIGH ST
ALLENDALE NJ 07401

BELTRAMI DEBRA L TR
1028 E TALBOT ST
ARLINGTON HEIGHTS IL 60004

MAYER THOMAS R & MUSA J
250 W 82ND ST APT 42
NEW YORK NY 10024

HEFFERON DANIEL J
9095 COTTONWOOD CANYON PLACE
LENEXA KS 66219

MATTEI BARBARA M
521 CANYON CIR
WISCONSIN DELLS WI 53965

GAMAUF DONALD F & JEAN E TR
2800 ESTERO BLVD #502
FORT MYERS BEACH FL 33931

COOPER DANAH HARPER TR
6718 DANIEL CT
FORT MYERS FL 33908

HOFFMAN JEAN E TR
1304B W DAVISON ST
ROANOKE IL 61561

LUCKE THOMAS J TR
801 MEADOW LAWN
WISCONSIN DELLS WI 53965

BALTES DORIS J TR
2021 NUTT RD
DAYTON OH 45458

BRECKENFELDER DAVID &
640 RANDY LANE
FORT MYERS BEACH FL 33931

KALLIES CAPER LLC
KATHLEEN GRAHAM
2640 MALAITA CT
CAPE CORAL FL 33991

MILLIES DANIEL R
S97 W23685 PAR AVE
BIG BEND WI 53103

BRUNNER KENT A & KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

BRUNNER KIMBERLY S TR
494 CARRIAGE LN
HUDSON WI 54016

ANDOLINI PROPERTIES LTD
DEAN A BAGNOLA
4800 MUNSON NW
CANTON OH 44718

2800 ESTERO 701 LLC
8428 MARKET AVE
N CANTON OH 44721

2800 ESTERO 702 LLC
8428 MARKET AVE N
N CANTON OH 44721

J H DMD BLDG LLC
87 ENCHANTED PL
SOMERSET KY 42503

KLEINJAN FAMILY LP
333 33RD AVE S
SAINT CLOUD MN 56301

SAND JAMES W & JEAN T TR
32276 NARNIA LN
AVON MN 56310

HARDIN JANICE P TR
834 FREEMAN LAKE RD
ELIZABETHTOWN KY 42701

BENSON MARK M TR
735 N WATER ST STE 205
MILWAUKEE WI 53202

WOOD KELLY R &
2800 ESTERO BLVD #802
FORT MYERS BEACH FL 33931

DOERR BRUCE TR
789 LAKE ACCESS RD
MURPHYSBORO IL 62966

GALMARINI MARIA JULIA TR
104 HISPANIOLA LN
BONITA SPRINGS FL 34134

HEWITT INVESTMENTS LLC
NICOLE R HEWITT
8638 HART DR
WIND LAKE WI 53185

COX KINNEY CHERYL
5214 PALOMAR LN
DALLAS TX 75229

MATTEI RENTAL LLC
346 CHURCH ST
WISCONSIN DELLS WI 53965

LAUE JEANNE L TR
2800 ESTERO BLVD #902
FORT MYERS BEACH FL 33931

KELLEY BEACHFRONT RESORT LLC
3248 TAVOLARA LN
NAPLES FL 34114

SMITH RONNIE A & NANCY
740 GRAYSON LN
JACKSON TN 38305

VITALE PIETRO TR
2800 ESTERO BLVD #905
FORT MYERS BEACH FL 33931

VITALE GIOVANNI TR
20400 HALL ROAD
CLINTON TOWNSHIP MI 48038

GERMANTOWN MUTUAL INSURANCE CO
PO BOX 1020
GERMANTOWN WI 53022

MOSS BRENDA JOYCE
328 GLENBROOK DR
MIDLAND ON L4R 5G4
CANADA

LASH JANICE M TR
2800 ESTERO BLVD #1003
FORT MYERS BEACH FL 33931

RICHARD L KIEFER JR TRUST +
11751 N 400 EAST RD
GRIDLEY IL 61744

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

HEWITT INVESTMENTS LLC
8638 HART DR
WIND LAKE WI 53185

DUFF J SCOTT & DIANE L
9085 OCONNERS POINT DR
BELLE CENTER OH 43310

BAGNOLA BRIDGET F TR
7004 SALERNO ST NW
CANTON OH 44718

STEVEN JOHN SHEBA TRUST +
192 GILWOOD PARK DR
PENETANGUISHENE ON L9M 1Z6
CANADA

HAGEN LYMAN B +
2330 LANE RD
COLUMBUS OH 43220

RIEMEN BRETT & LESLIE
2763 TOWER RD
MCFARLAND WI 53558

BRANDEWIE BRIAN & JODELL L
19029 BRIGADOON PL
CORNELIUS NC 28031

MATTEI MONTE +
346 CHURCH ST
WISCONSIN DELLS WI 53965

SAND LEO M TR
2800 ESTERO BLVD #1005
FORT MYERS BEACH FL 33931

DONNELLY RICHARD A
304 RON AIRE DR
PIQUA OH 45356

MAZA MICHAEL & LISA
2175 LAKE SHORE LANDING
ALPHARETTA GA 30005

JOHNSTON 5 LLC
9430 TALL PINES WAY
PIQUA OH 45356

ATANASOFF KRIST D +
156 SUNSET SHORE RD
IRON RIVER MI 49935

1. **Request:**

Meeting Date: February 18, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO APPLY FOR, EXECUTE UPON AWARD, AND ADMINISTER A GRANT FROM LEE COUNTY'S VISITOR AND CONVENTION BUREAU'S TOURIST DEVELOPMENT COUNCIL FOR BEACH AND SHORELINE FUNDING IN THE AMOUNT OF \$1,355,184; DETERMINE AND INCLUDE ADDITIONAL FUNDING REQUESTS FOR "LANDSCAPE" & "REPAIRS & MAINTENANCE - VEHICLES"; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE ALL RELATED AND NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Council approval requested to move forward with the grant request.

What the action accomplishes:

Designates signatory authority and authorization to apply for and manage TDC funding requests.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Jeff Hauge, Community
Services Director, Joe Onzick,
Finance Director, Judith
Frankel, Principal Planner

5. **Background:**

Lee County Visitor & Convention Bureau (LCVCB) - Tourist Development Council (TDC)

The Town of Fort Myers Beach intends to submit an application for the Lee County Visitor & Convention Bureau's Tourist Development Council's Beach and Shoreline Maintenance Grant, a grant historically pursued on an annual basis. The objective of this grant is to ensure the maintenance and upkeep of all 32 beach accesses, Newton Park, Mound House, and the Palm Avenue restroom trailer, thereby guaranteeing their safety and appeal for public use, as well as enhancing their attractiveness to tourists.

The Town of Fort Myers Beach is respectfully requesting \$1,355,184 along with a match for fiscal year 25-26.

This Resolution allows for the Town Manager, and/or designee to sign and execute any required documentation to apply for and administer grant.

Attachments:

1. Res 25-59 FY 25-26 TDC APPLICATION .1
2. TDC - RESOLUTION 25-59- BUDGET DETAIL

Financial Impact:

Lee County anticipated funding amount: \$ 1,353,684.

6. **Alternative Action**

Do not approve and do not apply for this grant.

7. **Management Recommendations:**

To approve.

8. **Recommended Approval:**

Flor Lemmer, Grants & Payroll Coordinator
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/11/2025
Approved - 2/11/2025
Approved - 2/11/2025
Final Approval - 2/11/2025

RESOLUTION NUMBER 25-59

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO APPLY FOR, EXECUTE UPON AWARD, AND ADMINISTER A GRANT FROM LEE COUNTY'S VISITOR AND CONVENTION BUREAU'S TOURIST DEVELOPMENT COUNCIL FOR BEACH AND SHORELINE FUNDING IN THE AMOUNT OF \$1,355,184; DETERMINE AND INCLUDE ADDITIONAL FUNDING REQUESTS FOR "LANDSCAPE" & "REPAIRS & MAINTENANCE – VEHICLES"; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE ALL RELATED AND NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town has an opportunity to apply for grant funding from the Tourist Development Council ("Grant") for Beach and Shoreline Maintenance ("Project"); and

WHEREAS, the Town will commit funds to complete the match requirement, which funding will be requested in the 2025-2026 Fiscal Year Budget for the Project; and

WHEREAS, the Town desires to apply for the Grant in the amount of up to \$ 1,355,184 not including "Landscape" and "Repairs & Maintenance- Vehicles" to provide the Town with funds to complete the Project; and

WHEREAS, to apply for the Grant, a Resolution of the Town is required designating a "Liaison Agent," and authorizing the Liaison Agent to apply for and administer the Grant on behalf of the Town; and

WHEREAS, the Town desires to designate the Town Manager or designee as Liaison Agent and authorize the Town Manager or designee, to apply for, execute, and administer the Grant on behalf of the Town; and

WHEREAS, applying for the grant is in the best interest of the residents of the Town.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by this reference and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council hereby designates the Town Manager or designee as Liaison Agent and authorizes the Town Manager or designee to apply for the Grant in the amount of up to \$ 1,353,684 for beach maintenance funding and additional requests for “Landscape” and “Repairs & Maintenance- Vehicles” to also be included within the application and upon award execute and administer the grant on behalf of the Town, to be used for Beach and Shoreline Maintenance.

Section 3. The Town Council authorizes the budgeting of \$ 1,355,184 in matching funds for the grant and authorizes the Town Manager to also calculate and budget for additional matching funds to the total amount for “Landscape” and “Repairs & Maintenance- Vehicles”.

Section 4. This Resolution shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Scott Stafford, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 18th day of February 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 18th day of February 2025.

MAINTENANCE REQUEST DETAIL BUDGET BREAKDOWN FISCAL YEAR 2026

FACILITY NAME: Beach and Shoreline Maintenance

PHYSICAL ADDRESS: Estero Island - (32 Beach Accesses)

Budget Request	Sub-Total Budget Request
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***Note: Some examples are provided for you. Add other proposed eligible expenses as needed.**

Personnel (Positions must be directly related to Beach and Shoreline Maintenance)

In-house Labor (including overtime)	\$	438,575.57
	\$	
	\$	438,575.57

CONTRACTED SERVICES

Janitorial Services	\$	12,000.00
Public Restroom Facilities	\$	3,500.00
Landscape		
Emergency Beach Clean Up	\$	108,220.00
Contracted Labor	\$	20,000.00
	\$	143,720.00

UTILITY SERVICES

Electric	\$	2,000.00
Water & Sewer	\$	5,000.00
Solid Waste Removal	\$	60,000.00
	\$	67,000.00

REPAIR AND MAINTENANCE

Tools/ Materials (Maintenance Supplies)	\$	70,000.00
Restroom Trailer (Building Maintenance)	\$	5,000.00
Vehicles & Equipment*		
	\$	
	\$	
	\$	
	\$	75,000.00

OPERATING SUPPLIES*

Supplies (Institutional, Chemical, Etc.)	\$	5,000.00
Tools for Repairs / Maintenance	\$	10,000.00
Signage	\$	10,000.00
Restroom Equipment	\$	5,200.00
Trash Bags (janitorial supplies)	\$	2,500.00
	\$	
	\$	
	\$	
	\$	32,700.00

FUELS, OILS, & LUBRICANTS

Fuels, Oils, & Lubricants for all equipment	\$	15,000.00
	\$	
	\$	15,000.00

MACHINERY & EQUIPMENT*

Vehicle (Kubota + safety equipment)	\$	43,314.00
Trash / Recycling Bins	\$	10,000.00
ADA Accessibility Equipment	\$	15,000.00
Compact Excavator	\$	55,000.00
Auger and attachments	\$	3,045.00
Water Tank	\$	3,900.00
	\$	130,259.00

*To be fully eligible, equipment/supplies must be utilized 100% of the time for beach and shoreline projects

TOTAL BUDGET REQUEST	\$	902,254.57
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MAINTENANCE REQUEST DETAIL BUDGET BREAKDOWN FISCAL YEAR 2026

FACILITY NAME:

Mound House Maintenance

PHYSICAL ADDRESS:

451 Connecticut St.

Budget
Request

Sub-Total
Budget Request

**Note: Some examples are provided for you. Add other proposed eligible expenses as needed.*

Personnel (Positions must be directly related to Beach and Shoreline Maintenance)

In-house Labor (including overtime)	\$	128,054.72
	\$	
	\$	128,054.72

CONTRACTED SERVICES

Janitorial Services (Restrooms only)	\$	15,000.00
Landscape Maintenance	\$	22,000.00
Pest Control	\$	2,000.00
	\$	
	\$	
	\$	39,000.00

UTILITY SERVICES

Electric	\$	7,400.00
Water & Sewer	\$	7,200.00
	\$	14,600.00

REPAIR AND MAINTENANCE

Observation Pier Repair (Building Maintenance)	\$	1,500.00
Tools/Materials (Maintenance Supplies)	\$	1,000.00
Restroom Repairs (Building Maintenance)	\$	3,500.00
Vehicles & small equipment*	\$	1,700.00
Pedestrian pathway maintenance (Building Maintenance)	\$	1,500.00
Boat Dock (Building Maintenance)	\$	750.00
	\$	
	\$	
	\$	
	\$	9,950.00

OPERATING SUPPLIES*

Supplies (Institutional, Chemical, Etc.)	\$	2,000.00
Signage	\$	3,000.00
Restroom supplies	\$	1,500.00
Janitorial supplies	\$	2,000.00
Maintenance supplies	\$	5,000.00
	\$	
	\$	
	\$	
	\$	13,500.00

FUELS, OILS, & LUBRICANTS

Fuels, Oils, & Lubricants for all equipment	\$	2,500.00
	\$	
	\$	2,500.00

MACHINERY & EQUIPMENT*

Trash / Recycling Bins	\$	3,000.00
Power Tools (edger, weedeater, blower etc.)	\$	3,000.00
Vehicle (Kubota + safety equipment)	\$	21,896.00
	\$	
	\$	
	\$	27,896.00

*To be fully eligible, equipment/supplies must be utilized 100% of the time for beach and shoreline projects

TOTAL BUDGET REQUEST **\$ 235,500.72**

MAINTENANCE REQUEST DETAIL BUDGET BREAKDOWN FISCAL YEAR 2026

FACILITY NAME: Newton Beach Park

PHYSICAL ADDRESS: 4650 Estero Blvd

Budget Request	Sub-Total Budget Request
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**Note: Some examples are provided for you. Add other proposed eligible expenses as needed.*

Personnel (Positions must be directly related to Beach and Shoreline Maintenance)

In-house Labor (including overtime)	\$	
	\$	
	\$	-

CONTRACTED SERVICES

Janitorial Services	\$	12,000.00
Landscape Maintenance (includes Native Planting)	\$	15,000.00
	\$	
	\$	27,000.00

UTILITY SERVICES

Electric	\$	750.00
Water & Sewer	\$	5,000.00
	\$	
	\$	5,750.00

REPAIR AND MAINTENANCE

Restroom Repairs (Building Maintenance)	\$	1,500.00
Vehicles & small equipment*	\$	1,400.00
Pedestrian pathway maintenance (Building Maintenance)	\$	2,000.00
	\$	
	\$	
	\$	4,900.00

OPERATING SUPPLIES*

Supplies (Institutional, Chemical, Etc.)	\$	2,000.00
Signage	\$	1,500.00
Janitorial Supplies	\$	1,000.00
Maintenance supplies	\$	5,000.00
	\$	
	\$	
	\$	9,500.00

FUELS, OILS, & LUBRICANTS

Fuels, Oils, & Lubricants	\$	500.00
	\$	
	\$	500.00

MACHINERY & EQUIPMENT*

Power Tools (edger, weed eater, blower etc.)	\$	3,000.00
Trash / Recycling Bins	\$	3,000.00
	\$	
	\$	
	\$	
	\$	6,000.00

*To be fully eligible, equipment/supplies must be utilized 100% of the time for beach and shoreline projects

TOTAL BUDGET REQUEST	\$	53,650.00
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MAINTENANCE REQUEST DETAIL BUDGET BREAKDOWN FISCAL YEAR 2026

FACILITY NAME:

Beach Patrol

PHYSICAL ADDRESS:

Estero Island - (32 Beach Accesses)

Budget
Request

Sub-Total
Budget Request

**Note: Some examples are provided for you. Add other proposed eligible expenses as needed.*

Personnel (Positions must be directly related to Beach and Shoreline Maintenance)

In-house Labor (including overtime)	\$	116,048.00
	\$	
	\$	116,048.00

CONTRACTED SERVICES

	\$	
	\$	
	\$	
	\$	-

UTILITY SERVICES

	\$	-

REPAIR AND MAINTENANCE

Vehicles & small equipment*	\$	3,000.00
	\$	
	\$	
	\$	
	\$	3,000.00

OPERATING SUPPLIES*

	\$	
	\$	
	\$	
	\$	
	\$	-

FUELS, OILS, & LUBRICANTS

Fuels, Oils, & Lubricants	\$	1,000.00
	\$	
	\$	1,000.00

MACHINERY & EQUIPMENT*

3- Vehicles (Polaris)	\$	42,231
	\$	
	\$	
	\$	42,231

*To be fully eligible, equipment/supplies must be utilized 100% of the time for beach and shoreline projects

TOTAL BUDGET REQUEST \$ **162,279**

1. **Request:**

Meeting Date: February 18, 2025

Fort Myers Beach Lions Club is requesting approval for a special event for the 2025 Festival 5K run and parade, contingent on approval of FDOT, Fort Myers Beach Fire District and Lee County Sheriff's Office in regard to the event and road closure from 9am–12pm on Saturday, March 8, 2025. The parade will start at 10am once the 5K run is complete. The Lions club is also requesting to waive the noise ordinance.

Why the action is necessary:

Applicant is asking for waive noise ordinance and road closure.

What the action accomplishes:

Allows the special event to take place including some or all requests.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

Jeff Hauge, Community
Services Director

5. **Background:**

Fort Myers Beach Lions Club is requesting approval for a special event for the 2025 Festival 5K run and parade from 9am - 12pm on Saturday, March 8th, 2025. The parade will start at 10am once the 5K run is complete. The Craft & Food Festival location will be on Old San Carlos Blvd between Third St & Bayside Veterans Park. 40 vendors with 10x10 spots lining the street. Waiver of the noise ordinance. The festival will be held from 8am - 6pm on Saturday, March 8, 2025 and 8am - 5pm on Sunday, March 9, 2025.

Attachments:

1. Application
2. FMB Shrimp Festival set up change 1 30 25

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Approval

8. **Recommended Approval:**

Tracie Raski, Permitting Coordinator
Frankie Kropacek, Operations & Compliance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 1/31/2025
Approved - 1/31/2025
Approved - 2/2/2025
Approved - 2/10/2025
Final Approval - 2/11/2025



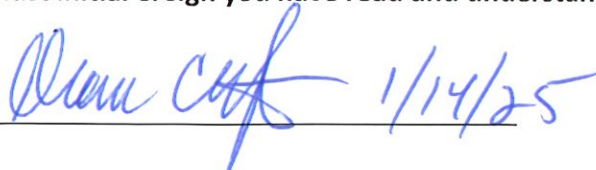
Town of Fort Myers Beach

Special Event Application Checklist

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

-  ■ A **completed** application is to be turned in 45 days **prior** to the event or a \$5.00 per day cost will be added to the permit cost. You need to submit application to FMB Fire and LSCO.
-  ■ All necessary department approvals – an application is not considered completed until all approvals have been turned in to Town Hall.
-  ■ If Town Council action is required the **completed** application must be turned in 60 days prior to the event in order to get put on the Council agenda to be brought forth to Council, also any application turned in after the 60 days a 10% additional charge to the permit will be added.
-  ■ Detailed description of entire event including set up and breakdown
-  ■ Letters of permission if using someone else's property for event.
-  ■ Site plan – marked off with placement of objects (chairs, tables, tents, etc.)
-  ■ Parking Plan – if applicable
-  ■ Liability Insurance (\$1 million each occurrence and \$2 million general aggregate) naming the Town of Fort Myers Beach as certificate holder
-  ■ A copy of the 500 foot notification letter for any amplification along with the mailing list

You must initial & sign you have read and understand all requirements above.

 1/14/25



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

Name of event Fort Myers Beach Lions Club Shrimp Festival
Attach separate sheet of paper with detailed description of event
Date(s) and times of event March 8, 2025 8:00 AM - 6 PM March 9, 2025 8 AM - 5 PM
Address of event Old San Carlos Blvd. 3rd Street to Bay Side Veterans Park
Expected # of participants/attendees 20,000
Sponsoring Organization Fort Myers Beach Lions Club
Organization address P.O. Box 5019 Fort Myers Beach, FL 33932
Contact Person/Phone# Diane Clifton / 239-634-3887
E-mail secretary@fmbLions.com
Amplified Music Y ☒ N ☐ 500 Ft Notifications _____ Copy of Letter _____
Renting Town Property Y ☐ N ☒ Renting Parking Spaces Y ☐ N ☐
How many Spaces? _____ How many hours _____
Extension of Premises? Y ☐ N ☒ ABT Form _____ How many days? _____ (Over 3 days needs to go to Council)
Letters of Permission to use Property John Richard 420 Old San Carlos Blvd.
Letters of Permission to use Parking _____ Parking Plan _____
Site Plan _____ Insurance yes (Naming Town of FMB as Certificate Holder)
Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒
Requires Council Approval:
Waiver of open container Y ☐ N ☒ Waiver of Town parking fees Y ☐ N ☒
Waiver of Noise Ordinance Y ☒ N ☐ Recurring Event Y ☒ N ☐
Applicant Signature Diane Clifton
Printed Name Diane Clifton

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

January 30, 2023

Applicant to Complete:

Company managing trash removal: Waste Management

No. of dumpsters: 1 Type of dumpsters: temporary

Who is responsible for clean-up and payment: Fort Myers Beach Lions Club

City right-of-way Parking Use: _____ Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: _____

Check list: Application _____ **Site Plan** _____ **Description** _____

Florida DEP approval: _____ **Date:** _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: _____

Turtle Time approval: _____ **Date:** _____

FORT MYERS BEACH FIRE DEPT

17891 San Carlos Blvd – 3rd Floor, Fort Myers Beach, FL 33931

Tel (239) 590-4210

Fax (239) 463-6761

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name_____
Approval Signature_____
Date

prevention@fmbfire.org – For Fire Department Handbook and additional
application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239)477-1830 Fax (239)432-0268

Parking: _____

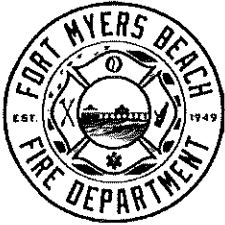
Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name_____
Approval Signature_____
Date



FORT MYERS BEACH FIRE DEPARTMENT

100 VOORHIS STREET · FORT MYERS BEACH, FLORIDA 33931
MAILING ADDRESS: POST OFFICE BOX 2880 · FORT MYERS BEACH, FLORIDA 33932

Special Events Application and Guidebook

Event Type:

☐ Small Outdoor/Indoor Event	☒ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: ,		Date of Event: <i>March 8 - March 9 2024</i>
Location: <i>Festival Old San Carlos (3rd Street to Bay Side Veterans Park + Shipwreck Treasure House battle lot.)</i>		
Event Start Date/Time: <i>March 8 8 AM</i>		Event End Date/Time: <i>March 9, 2024 7 PM</i>
Setup Date: <i>March 7, 2024</i>	Setup Time: <i>5 PM</i>	Inspection Time:
Event Sponsor: <i>Fort Myers Beach Lions Club</i>		
Sponsor Contact: <i>Diane Clifton</i>	Sponsor Phone #: <i>239-634-3887</i>	Sponsor Email: <i>secretary@fmbliions.com</i>
Anticipated Number of Attendees: <i>20,000</i>	Anticipated Number of Event Workers: <i>30</i>	
Will there be carnival or mechanical rides: <i>NO</i>	Number of Stages: <i>0</i>	
Total Number of Vendors: <i>50</i>	Total Number of Hot Food Vendors: <i>/</i>	
Number of Tents larger than 20 x 20: <i>/</i>	Number of 10 x 10 Tents: <i>50</i>	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors with full contact information must be provided to the Fort Myers Beach Fire Department. This information will include contact name, number, and e-mail. All inspection fees will be due at time of service. All fees must be paid prior to releasing any permit.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

- A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
- A life safety evaluation may be required based on the size of the event in accordance with the fire code.
- All vendors should review FMBFD guidelines, on our website at www.FMBFire.org
- Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

<i>Diane Clifton</i> Submitting Party Name (Print)	Administrative Use Only	
<i>[Signature]</i> Submitting Party Name (Sign)	Date Received:	Received By:
Date: <i>11/14/25</i>	Fees Due:	Paid: ☐
	Forwarded for Review:	

Fort Myers Beach Lions Foundation, Inc.
P. O. Box 5019
Fort Myers Beach, Florida 33932



Dear Fort Myers Beach Permitting,

The Fort Myers Beach Shrimp Festival 2025 will be held on the weekend of March 8-9th. The festival will include a parade starting at Bay Street on Fort Myers Beach with 30-40 entries. The road closure has been requested for 9am -12 noon on Saturday March 8th. The parade will start at approximately 10 am once the 5K run is completed.

The Craft and Food Festival location will be on Old San Carlos BLVD, between 3rd street and the back bay park. There will be 40 vendors on Old San Carlos Blvd with 10x10 spots lining both sides of the street. The vendors are arts and craft, skin care, clothing, spices, licorice, lemonade and kava beverages.

The FMB Lions Club will be cooking and selling Shrimp in the lot located at 420 Old San Carlos Blvd (letter from owner of property included).

Set up will start by 5pm on March 7th with FMB Lions managing placement of vendors and assurance that roads are able to be accessed by emergency vehicles.

The festival will be open from 8am- 6pm on Saturday 3/8/25 and from 8am-5pm on Sunday 3/9/25. Breakdown will commence at 5pm on Sunday

There will be security hired to be on site from 10pm -6am on 3/7/25-3/8/25 and 10pm -6am 3/8/25-3/9/25. American Pride Security Services Inc. Phone 239-275-2540

Sincerely,

Diane Clifton
Fort Myers Beach Lions Club
Secretary
Shrimp Festival EXPO Chairman
secretary@fmb lions.com
Phone 239-634-3887



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/09/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER DSP Insurance Services, Inc. 1900 E. Golf Rd., Ste. 225 Schaumburg, IL 60173	CONTACT NAME: Bryan Adams		
	PHONE (A/C, No., Ext): 1-800-316-6705	FAX (A/C, No.): 847-934-6186	
INSURED Fort Myers Beach Lions Club Fort Myers Beach Florida	E-MAIL ADDRESS: lionsclubs@dspins.com		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: ACE American Insurance Company		22667
	INSURER B:		
	INSURER C:		
	INSURER D:		
INSURER E:			
INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Agg. Per Named Insured is \$2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER ☒ POLICY ☐ PRO-JECT ☐ LOC			HDOG48914445	09/01/2024	09/01/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS			ISAH10835549	09/01/2024	09/01/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTIONS						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATUTORY LIMITS OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Provisions of the policy apply to the named insureds participation in the following activity during the policy period shown above:
03-08-2025 thru 03-09-2025

Fort Myers Beach Lions Club Shrimp Festival

The following persons or organizations granting use of real property, including structures thereon are included as Additional Insured(s), but only with respect to General Liability arising out of the use of premises by the insured shown above and not out of the sole negligence of said additional insured.

Town of Fort Myers Beach

PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES

CERTIFICATE HOLDER

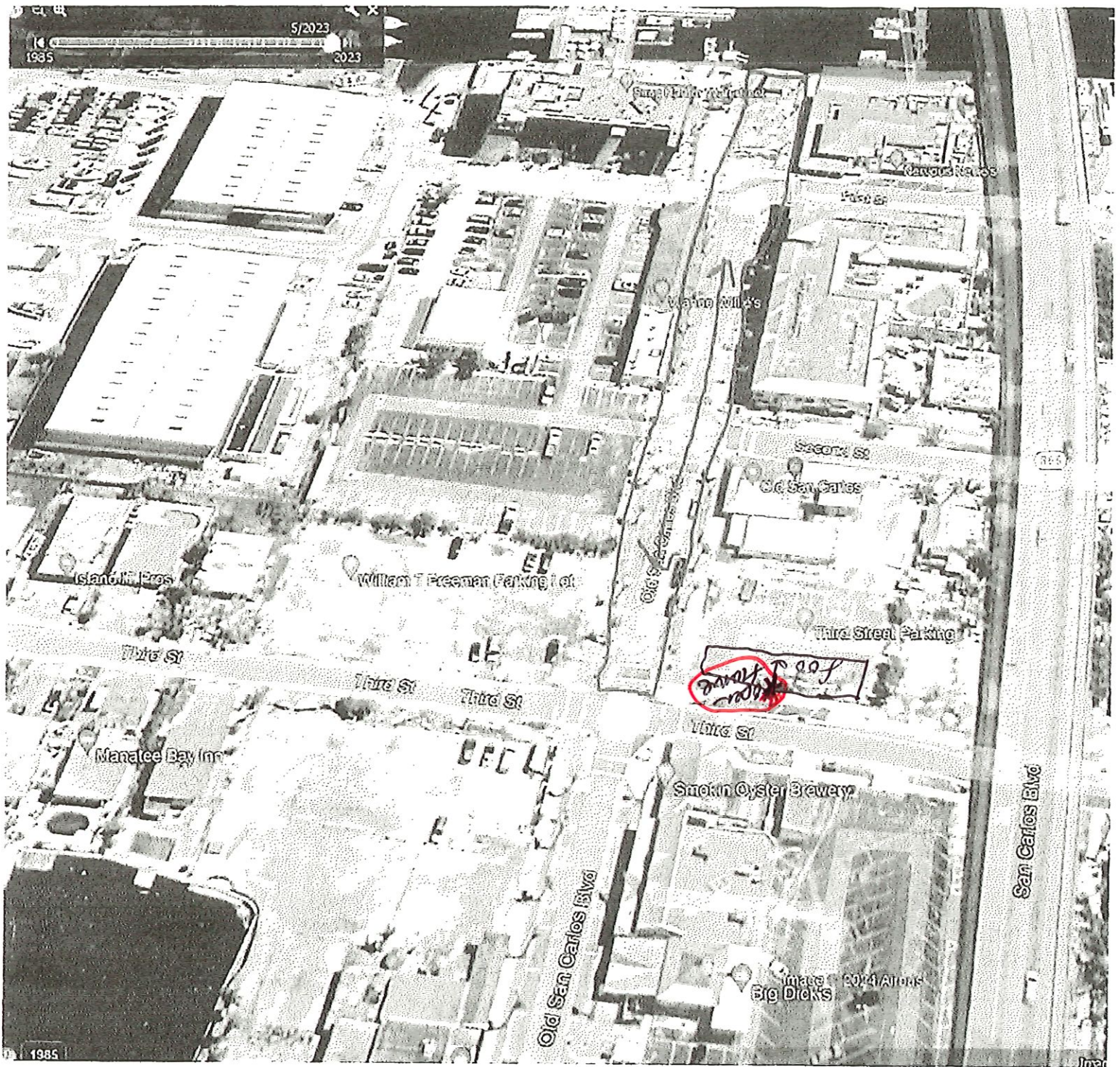
CANCELLATION

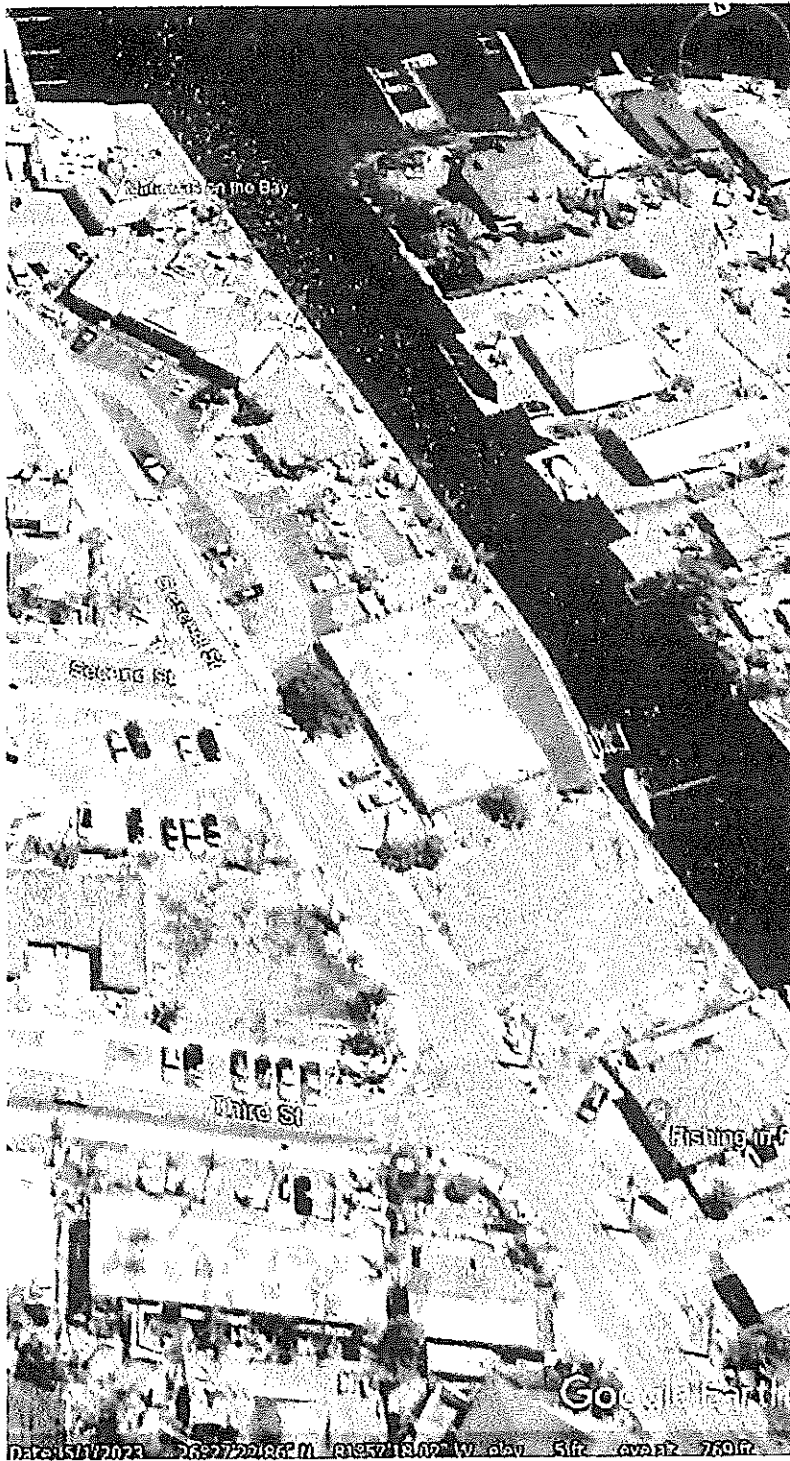
Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach Florida 33931

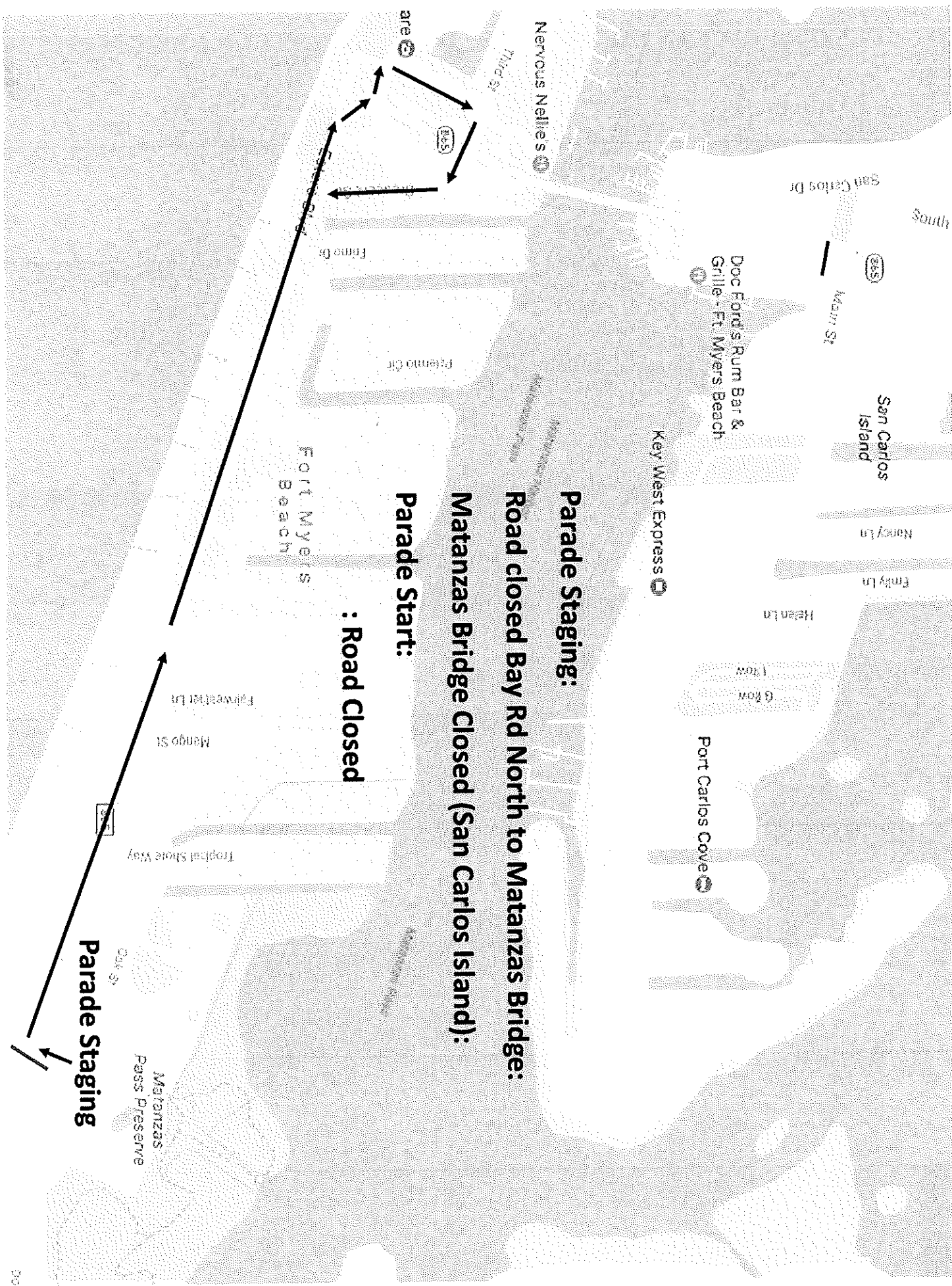
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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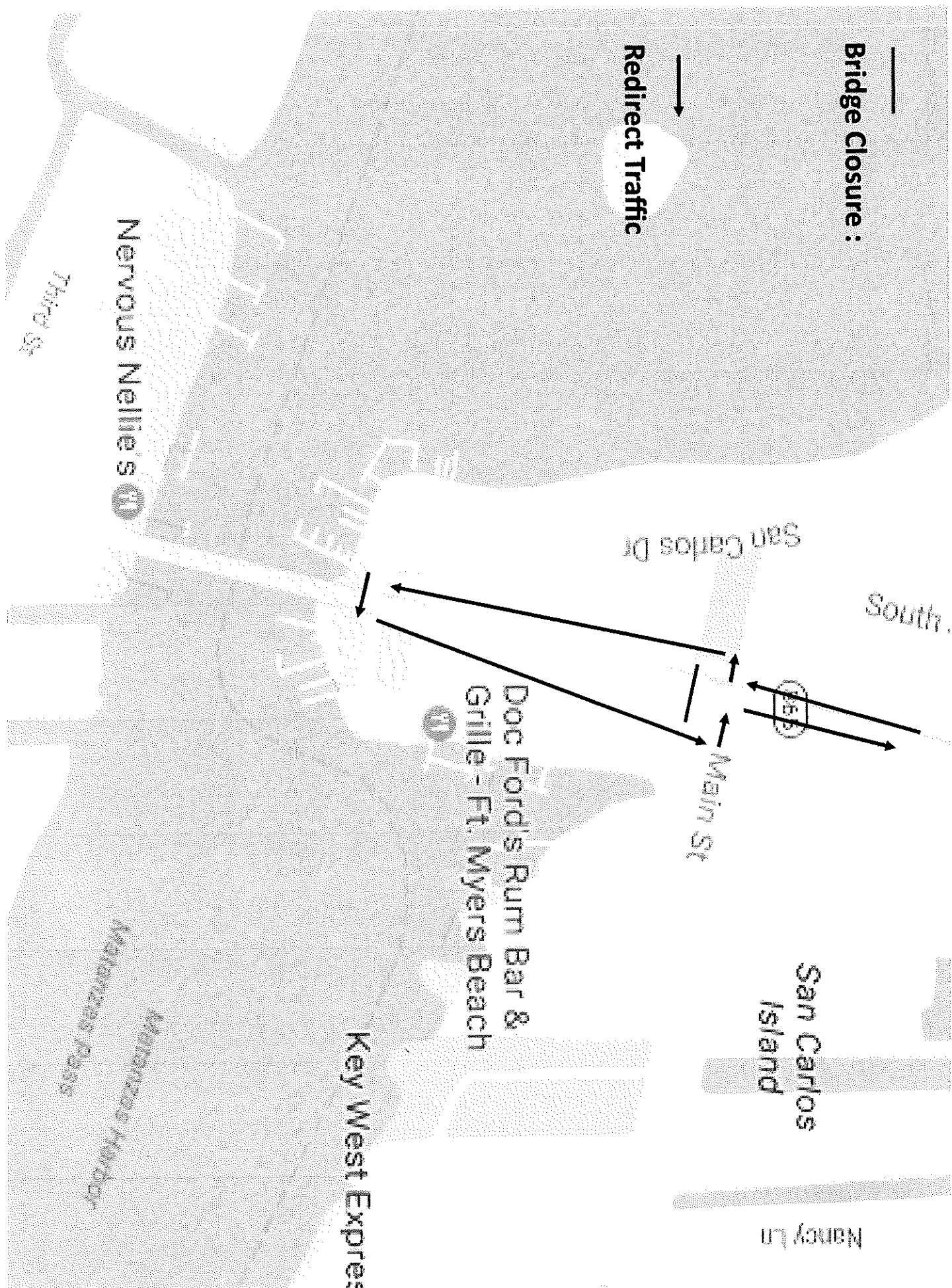






Bridge Closure :

Redirect Traffic





HOUSEBOAT LLC
237 OLD SAN CARLOS BLVD.
FT. MYERS BEACH, FL 33931
PHONE (239)765-5005

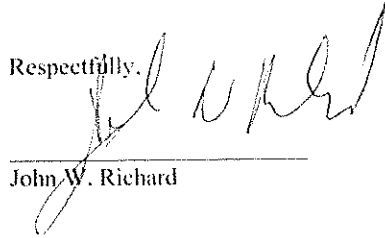
January 9, 2025

Fort Myers Beach Lions Club
March 7, 2025 – March 9, 2025

To Whom It May Concern;

Houseboat LLC is granting permission to the Fort Myers Beach Lions Club the use of their parking lot located at 420 Old San Carlos Blvd. Fort Myers Beach, FL 33931 from March 7, 2025 starting at 5pm through March 9, 2025 for the 2025 Shrimp Festival. If you have any questions regarding this kindly call 239-765-5005.

Respectfully,



John W. Richard

Fort Myers Beach Lions Foundation, Inc.
P. O. Box 5019
Fort Myers Beach, Florida 33932



To whom it may concern,

We have revised where the open-flame area will be located. It will be on the large sand area behind the cigar hut building. It is still the property of House Boat LLC which there is a permission letter to use the property from the owner John Richard. We have access to the water hose and will have the required fire extinguishers on site.

I have attached the map.

A handwritten signature in black ink, appearing to read "Diane Clifton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Diane Clifton
Fort Myers Beach Lions Club
Expo Parade & T-Shirt Coordinator
239-634-3887

Fort Myers Beach Lions Club Vendor Map 2025

Cigar Hut	Sand area
Water hose	Food prep
	Open flame 

Food eating tent
parking lot
HOUSE BOAT LLC
Vendors

HARBOR HOUSE																																											
20	19	18	17	16	15	14	13	12	11			10	9	8	7	6	5	4	3	2	1																						
OLD SAN CARLOS BLVD											2 ND STREET	OLD SAN CARLOS BLVD											3 RD STREET																				
																								21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40

1. **Request:**

Meeting Date: February 18, 2025

Blue Ribbon Events is requesting Southside Art & Craft Show at Santini Plaza recurring special event on March 28 - 30, 2025 8am - 6pm & April 25 - 27, 2025 8am - 5pm.

Why the action is necessary:

Applicant is asking for recurring set dates and times.

What the action accomplishes:

Allows the special events to take place on set dates and times.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

Jeff Hauge, Community
Services Director

5. **Background:**

Blue Ribbon Events is requesting Southside Art & Craft Show at Santini Plaza recurring special event on March 28 - 30, 2025 8am - 6pm & April 25 - 27, 2025 8am - 5 pm and expected # of participating vendors 30-40 and roughly 500 visitors.

Attachments:

1. 23909469-santini-1
2. 23909465-Blue Ribbon santini permission
3. 23909463-southside event app

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Tracie Raski, Permitting Coordinator
Jeff Hauge, Community Services Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
Andy Hyatt, Town Manager

Created/Initiated - 2/11/2025
Approved - 2/11/2025
Approved - 2/11/2025
Approved - 2/11/2025
Final Approval - 2/11/2025

Art Shows Proposal

FOR: YARIV SHAKED



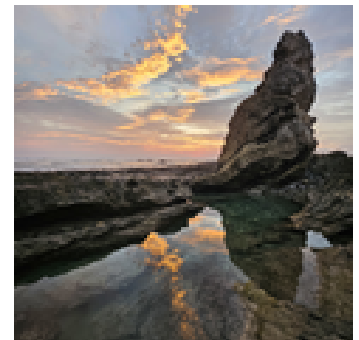
Presented to
Sharon - Santini Plaza

Presented by
Danielle Lynch

Jan 2, 2025

Table of Contents

- I. Blue Ribbon Background
- II. Event Overview
- III. Requested Dates
- IV. Proposed Map
- V. Contact Information



About Blue Ribbon Events

Blue Ribbon Events, LLC. is your best solution for your art/craft event planning, coordination management needs. We have more than 50 years of combined management experience in retail, marketing, and art/craft show industry. Our team of highly skilled professional event managers will make the proposed events memorable and make sure that shoppers can interact with artists, creators and makers in an intimate, boutique setting while promoting safe social distancing and a hygienic conscious event.

Blue Ribbon Events is familiar with working with both City of Fort Myers Beach and the Florida State on events we have had on the island before. Until the big hurricane and COV, we ran The Invitational at Lover's key and Mermaid Fest on the island.

Today, in this ever-changing world, with over 30 annual events, we understand what makes a successful art/craft show event from all perspectives: a patron, artist and event planner. When we partner with a township, city or municipality; we actively promote "heads in beds" and are constantly looking how we can positively impact the area with economic growth for both local businesses and the artists we feature. We are active in

the local community and belong to many chambers. We believe there should be a symbiosis between shops, restaurants and events to generate & create interest in an art show event. Due to this reason, I would not bring outside food trucks in, rather I would work with the existing plaza restaurants to stimulate business for them. We are also acquainted with the Cubana food truck and will reach out to them as they have a current arrangement with you. I have NO problem with them being on location for our events.

As the island continues to work through hurricane recovery, this opportunity would bring people to the southside and help create that "shopping habit" in the plaza. For this reason, we have decided on Santini Southside Art Show as a name. These events would also help fill a stop gap for items that islanders may be looking for. There will be a marvelous opportunity for locals to purchase and shop local art as they reopen their homes and condos.



Event Prospectus

The proposed event will be a boutique style, fine art & craft show at agreed upon final location. Blue Ribbon Events requests 2 dates with 2 additional possible dates this year (in fall) on the island.

For the 1st year, ideally looking for 30-40 artists. Artists from all mediums will be encouraged to apply. Artist booths will be mini galleries for patrons to view works. Artist's applications are chosen by a jury panel who review submitted photos and artist profiles to keep a balanced, diverse art show. Priority is always given to those who handcraft their items. All events are outside and require green space without any support from existing facility staff. Booth spaces are 10 ft by 10 ft. We mark the grounds with water soluble white paint, chalk or duct tape and can utilize water soluble if deemed necessary. We limit jewelry category to no more than 25% of total applicants to keep a well-rounded art event. There are no flea market, antique or resell booths. We limit our sponsors to 4-6 per event. Sponsors will be selected unique services or products.

We are receptive to Friday/Saturday event or Saturday/Sunday event or combo of all 3. Please note: better for us to be inspected by Fire Dept on Friday vs Saturday.

We pay and utilize a licensed artist portal which gives us exposure to more than 10000 artists along with our own in-house application which may be found on our website. Blue Ribbon Events in house database is more than 5700 artists, all of whom receive emails & notifications of upcoming events. Each event is marketed and promoted through print ads and digital marketing. Some locations, radio ads are utilized. Blue Ribbon Events

will coordinate all marketing/promoting materials to maximize exposure. All events have their own dedicated Facebook event created which is boosted for maximum exposure 15-30 days before event date.

Each event we manage carries a 1million/2million insurance policy. This will be submitted at least 30 days before first event.

I will also be reaching reached out to the local artist groups to incorporate them if interested.

All artists will self park in an agreed upon location NOT to impact businesses in the plaza.

Blue Ribbon Events will be responsible for filing all appropriate city paperwork and will bring in portable bathrooms. Hiding them in corners or in agreed upon location. The street will be barricaded and garbage receptacle will be provided and maintained by Blue Ribbon Events.

Our event is free to the public.

Requested Dates

March 28-30, 2025

April 25-27, 2025

Please note: Friday/Saturday event due to fire inspection. We will explore the possibility of the Sunday as well. I would be interested in a monthly for next season December thru April. Due to time restraints on permit process, March starting is best, not sure if we could permit last weekend of February 28- March in time.

Artist setup 8am to 10am Friday continuing Saturday 7-9am. Event hours Friday & Saturday 10am to 5pm. Breakdown after event 5pm-7pm. Off park grounds around 8pm.

Proposed staff on location is 2 individuals. There will be at least 2 authorized staff on location during event hours including setup and breakdown.

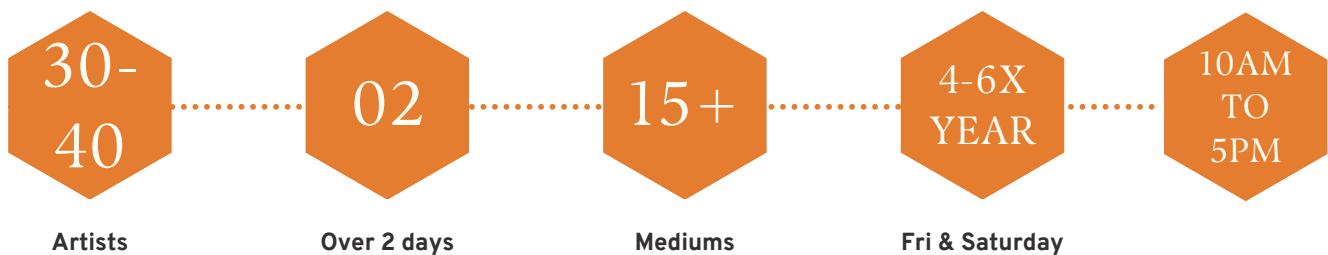


Mission

Bring community awareness to local artists, makers and dreamers by providing a boutique gallery experience for shopping for art in public spaces.

Vision

By promoting art in communities, we seek to enhance creativity, encourage outdoor art installations and promote demonstrating techniques to the public.



Proposed Event Maps

To be discussed

For inquiries, contact us.

Website

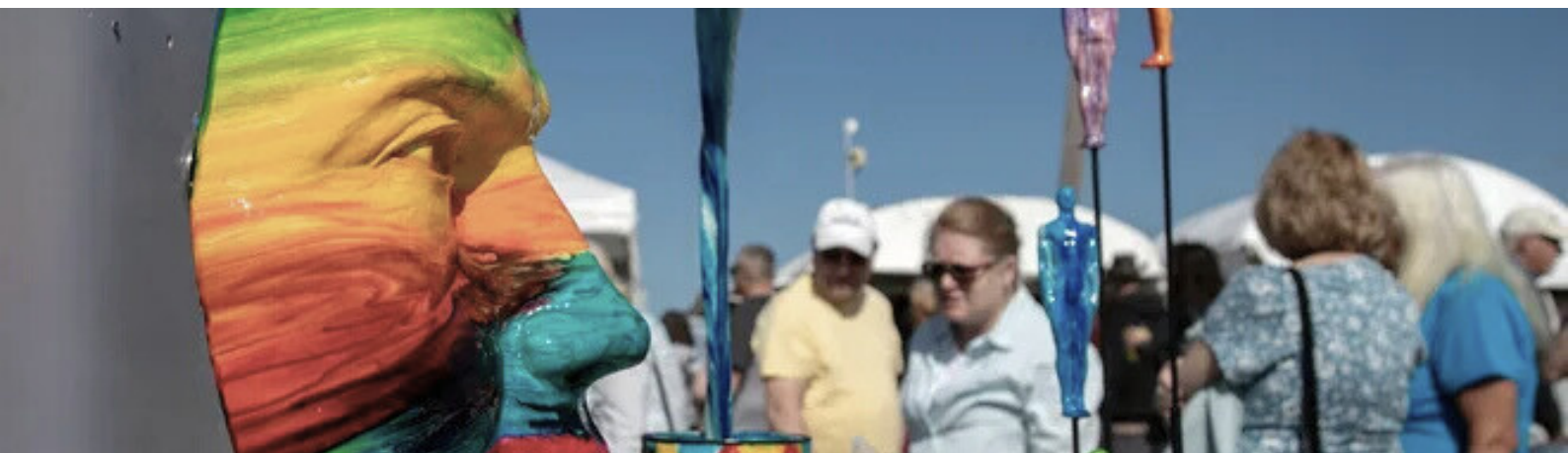
www.daniellesblueribbonevents.com

Email

blueribboneventsllc@gmail.com

Phone

231-350-8277



SHAKED PROPERTIES LLC

7205 Estero Blvd Box 718, Fort Myers Beach, FL 33931. 239-777-7251

Email: santinimarina plaza@gmail.com

Yariv Shaked

Santini Marina Plaza

7205 Estero Blvd

Fort Myers Beach, FL 33931

January 17, 2025

Permitting

City Fort Myers Beach

Please consider this my consent letter for Blue Ribbon Events to use our Parking Lot

On March 28-29, possible 30th 2025 and April 25-26 possible 27, 2025.

Thank you,

Sharon Magowan



Property Manager

Best Regards,

Yariv Shaked



Town of Fort Myers Beach

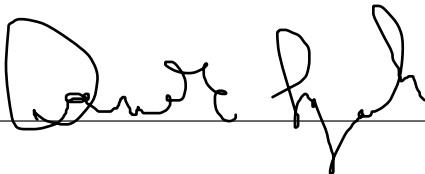
Special Event Application Checklist

2525 Estero Boulevard, Fort Myers Beach, Florida 33931

Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

- ☐ A **completed** application is to be turned in 45 days **prior** to the event or a \$5.00 per day cost will be added to the permit cost. You need to submit application to FMB Fire and LSCO.
- ☐ All necessary department approvals – an application is not considered completed until all approvals have been turned in to Town Hall.
- ☐ If Town Council action is required the **completed** application must be turned in 60 days prior to the event in order to get put on the Council agenda to be brought forth to Council, also any application turned in after the 60 days a 10% additional charge to the permit will be added.
- ☐ Detailed description of entire event including set up and breakdown
- ☐ Letters of permission if using someone else's property for event.
- ☐ Site plan – marked off with placement of objects (chairs, tables, tents, etc.)
- ☐ Parking Plan – if applicable
- ☐ Liability Insurance (\$1 million each occurrence and \$2 million general aggregate) naming the Town of Fort Myers Beach as certificate holder
- ☐ A copy of the 500 foot notification letter for any amplification along with the mailing list

You must initial & sign you have read and understand all requirements above.





Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

Name of event	Southside Art & Craft Show at Santini Plaza		
Attach separate sheet of paper with detailed description of event			
Date(s) and times of event	March 28-30, 2025 and April 25-27, 2025		
Address of event	7205 Estero Blvd, Fort Myers Beach, FL 33931		
Expected # of participants/attendees	500		
Sponsoring Organization	Blue Ribbon Events		
Organization address	PO BOX 1162, Bellaire, Michigan 49615		
Contact Person/Phone#	Danielle Lynch 231-350-8277		
E-mail	bluerbboneventsllc@gmail.com		
Amplified Music	Y ☐	N ☒	500 Ft Notifications ☐ Copy of Letter ☐
Renting Town Property	Y ☐	N ☒	Renting Parking Spaces Y ☐ N ☒
How many Spaces?	0 How many hours n/a		
Extension of Premises?	Y ☐	N ☒	ABT Form ☐ How many days? ☐ (Over 3 days needs to go to Council)
Letters of Permission to use Property	yes see attached from Sharon		
Letters of Permission to use Parking	Parking Plan ☐		
Site Plan	x Insurance ☐ (Naming Town of FMB as Certificate Holder)		
Requesting Water	Y ☐	N ☒	Electric Y ☐ N ☒
Requires Council Approval:			
Waiver of open container	Y ☐	N ☒	Waiver of Town parking fees Y ☐ N ☒
Waiver of Noise Ordinance	Y ☐	N ☒	Recurring Event Y ☐ N ☒
Applicant Signature			
Printed Name	Danielle Lynch		

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

Applicant to Complete:

Company managing trash removal: Blue Ribbon Events

No. of dumpsters: 0 Type of dumpsters: cans will be used

Who is responsible for clean-up and payment: Blue Ribbon Events will provide garbage receptacles and remove trash

City right-of-way Parking Use: no Number of spaces: 0

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: _____

Check list: Application _____ **Site Plan** _____ **Description** _____

Florida DEP approval: _____ **Date:** _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: _____

Turtle Time approval: _____ **Date:** _____

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street • Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name_____
Approval Signature_____
Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPTTel (239)477-1830 Fax (239)432-0268
15650 Pine Ridge Road, Fort Myers, FL 33908

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name_____
Approval Signature_____
Date



Fort Myers Beach Fire Control District

Life Safety Branch

100 Voorhis Street · Fort Myers Beach, Florida 33931

Phone (239) 590-4210 • Email: prevention@FMBFirefl.gov

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 01/17/2025		Date of Event: March 28-30, 2025 and April 25-27, 2025
Location: Santini Plaza		
Event Start Date/Time: March 28 10am; April 25, 10am 2025		Event End Date/Time: March 30, 5pm; April 27 5pm, 2025
Setup Date: March 28, 2025; April 25, 2025	Setup Time: 7-9:30 am	Inspection Time: TBD
Event Sponsor: Blue Ribbon Events		
Sponsor Contact: Danielle Lynch	Sponsor Phone #: 2313508277	Sponsor Email: buerobboneventsllc@gmail.com
Anticipated Number of Attendees: 500	Anticipated Number of Event Workers: 2	
Will there be carnival or mechanical rides: no	Number of Stages: 0	
Total Number of Vendors: 30-40	Total Number of Hot Food Vendors: 0	
Number of Tents larger than 20 x 20: 0	Number of 10 x 10 Tents: 30-40	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

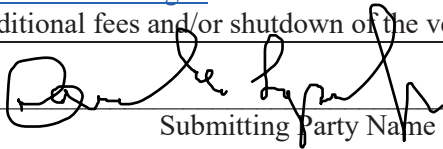
Danielle Lynch

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors, with full contact information, must be provided to the Fort Myers Beach Fire District. This information shall include contact name, number, and e-mail. All inspection fees will be due at time of service, and must be paid prior to release of any approvals.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

1. A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
2. A life safety evaluation may be required based on the size of the event in accordance with the fire code.
3. All vendors should review FMBFD guidelines, on our website at www.FMBFirefl.gov
4. Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

Danielle Lynch	
Submitting Party Name (Print)	Submitting Party Name (Sign)
Date: 1/17/2025	

OUTDOOR FESTIVAL and SPECIAL EVENT GUIDEBOOK

The purpose of this guidebook is to establish responsibilities for event promoters, sponsors, and vendors.

Event Sponsor: The Event Sponsor assumes overall responsibility for overseeing the setup and activities of the event, and ensures compliance with all applicable fire and life safety codes.

The Event Sponsor shall:

1. Ensure completion and approval of all required permits from the Fort Myers Beach Fire District, Town of Fort Myers Beach and/or Lee County.
2. Provide a site plan to the FMBFD with the following information:
 - a. Name of all streets and areas that are included in the event.
 - b. Location(s) of fire lanes (minimum 20 feet) width.
 - c. Location of all stages, non-food booth vendors, food vendors, and all displays. Provide details for cooking operations and displays that use heat-producing appliances.
 - d. Identify all emergency exits.
 - e. Identify any fire hydrants that are in the vicinity of the event.
 - f. A list of all food vendors with the type of food and cooking method is required.
 - g. Event Sponsor is responsible for distributing a copy of the Fire District's requirements to the hot food vendors.
 - h. Event radios (if used) shall be provided with a list of assigned channels.
 - i. **PARADE FLOATS:** Refer to float inspection/checklist provided on page 6 of this document.

Event Vendors: Event Vendors are responsible for the safe operation of their booth, display and/or attraction. All vendors shall coordinate with the Event Sponsor on the event setup, take down times, and ensure their setup complies with the following:

1. Fire lanes, fire department connections, and building access is clear and unobstructed.
2. Be prepared, at any time, for a fire inspection and correct any cited deficiencies prior to event start time.
3. Shall ensure all fire and life safety code requirements are maintained for the duration of the event.

Fire Department Special Event Staff: FMBFD staff will conduct an inspection on the special event prior to the scheduled start day and time. If required, correction notices shall be issued and a follow-up inspection will be required prior to opening. Fire inspections will include, but is not limited to, the following:

1. Hot food vendors – cooking operations, setup, extinguishing systems, fire extinguishers.
2. Fire Department Access – minimum 20 foot width; vertical clearance of 13.5 foot.
3. Access to fire hydrants, fire department connections, fire alarm panels, and command centers.
4. Event egress – accessible exits, required signage.
5. Rides and displays – inspect for safety and proper state certification tags.
6. Generators and propane tanks – location of fuel, stable base provided.
7. Stages – location of stage setup, extension cords used, fire extinguisher provided.
8. Non-Food vendors – setup, required fire extinguisher provided operations.
9. Beer and wine gardens – setup, exits marked, required fire extinguisher provided.
10. Pyrotechnic displays and open flame effects. **REQUIRES SEPARATE PERMIT** – Refer to permit application/checklist provided on page 8 of this document.

Pyrotechnic Displays and Open Flame Effects: Pyrotechnic displays require a separate permit from the FMBFD. Refer to permit application and checklist provided on page 7 of this document. The FMBFD shall review all open flame and theatrical flame effects. Open flame effects shall include, but are not limited to the following:

1. Fire dancing
2. Stage props and effects
3. Fire eating
4. Magic acts

Access for Fire Apparatus: During large events, it is important to maintain access points for apparatus. This includes not only fire trucks for suppression, but also other emergency vehicles including medical units. To ensure a safe event, all fire access requirements shall be enforced at all times.

Access through the event shall include the following:

1. A designated fire lane, no less than 20 feet wide with a vertical clearance of no less than 13.5 feet.
2. Access roads that exceed 150 feet with no exit, shall be provided with a means to turn around. A FMBFD representative shall approve all turning radiuses.
3. Any designated fire accesses shall be clearly identified with signage indicating “Fire Access – No Parking”.

Access to Structures: Access to structures and walkways shall be provided as required by FMBFD. Identified access points shall be reviewed at the time of permit submittal and may vary depending on the building and the venue. Access to the following shall be required:

1. All exterior doors and openings
2. Fire control rooms
3. Fire pump rooms
4. Parking structures
5. Exterior utility distribution vaults

Access to Water Supplies: Event Sponsors, Vendors, and all other event staff shall be required to maintain a 15-foot clearance around all fire hydrants and other water supply connections. If a setup is found to be blocking access to water supplies the set-up shall be immediately relocated. Access to the following shall be maintained at all times:

1. Fire Hydrants
2. Fire Department Connections
3. Post indicator valves – fire backflows – OS&Y valves

Event Egress: This section shall apply to two (2) types of events:

1. Fenced events – commonly located in parks or other large open areas.
2. Blocked streets – commonly done at events where main streets and cross streets are closed.

Fenced Events: These events typically take place in a park or other large open area where the designated area for the event is closed off by temporary fencing.

1. The number of exits shall be in addition to what is defined as the main entrance of the event. Three (3) exits shall be provided when the site accommodates 1,000 to 3,000 attendees and four (4) exits shall be provided when the site accommodates more than 3,000 attendees.
2. Exits shall be spaced equally along the perimeter of the fence. The maximum travel distance between exits shall not exceed 400 feet of travel. Additional exits shall be added, if needed.
3. The width of exits on temporary fencing shall be no less than 48 inches or approximately one (1) panel width.
 - A. A member of security shall staff every exit. The security provider shall be able to provide a gate assignment roster upon request.
4. Emergency exits shall be marked by one (1) of the following:
 - A. Exit signs shall have a white background with contrasting red letters.
 - B. Exit signs shall measure, at a minimum, 18 inches x 24 inches.
 - C. Sign letters shall measure 12 inches in height.
 - D. Signs shall be placed at the top center of exit panels.

Blocked Streets: Some events will require that main or cross streets be blocked from vehicular traffic. These types of closures shall account for fire and emergency vehicles and public egress.

1. Exits shall be located at each end of any street closure. Cross streets shall also have emergency exit access.
2. A fire lane, no less than 20 feet wide and no less than 13.5 feet high, shall be maintained as designed by FMBFD.

TENTS, CANOPIES and TEMPORARY MEMBRANE STRUCTURES

Tents and canopies used for occupancy and/or cooking operations are subject to a fire inspection.

Sources of Ignition: Smoking is prohibited in or around tents, canopies, and temporary membrane structures. “No Smoking” signs shall be clearly posted. Fireworks, open flames, and any other device that is capable of igniting combustible materials shall not be used in any area in or around tents, canopies, and temporary membrane structures as well as around any combustible material. **Propane heaters are not permitted inside any enclosed area.**

Applications for any tent, canopy, or temporary membrane structure shall include the following:

1. A site plan with the proposed location of the tent including measurements showing distances to surrounding buildings, and/or property lines. A minimum 20-foot separation and fire access is required.
2. Proposed floor plan of the tent, showing the location and number of exits, fire extinguishers, stages, seating arrangements, tables and, any other items.
3. Certificates of flame retardant shall be submitted with the application and should be the manufacturers’ documentation attesting to the certification.
4. Any cooking and/or open flames.
5. Heaters and ventilation.
6. Items specific to the event should be included for review.

FMBFD MAY REQUEST APPLICANTS TO SUBMIT A LIFE SAFETY EVALUATION ALONG WITH A SPECIAL EVENT APPLICATION. Life Safety Evaluation:

1. Name of event, participants, and projected number of attendees.
2. Access and egress movement, including crowd density problems.
3. Medical emergency mitigation plan.
4. Fire hazards.
5. Permanent and temporary structural systems.
6. Severe weather mitigation plan.
7. Civil or other disturbances mitigation plan.
8. Mitigation plan for a hazardous material incident within or near the facility.
9. Relationships among facility management, event participants, emergency response agencies, and others that have a role in the events taking place in the facility.
- 10.

Please ensure that all items are addressed, any missing and/or incomplete evaluations will result in a delay and/or denial of the submitted application.

TENT INSPECTION CHECKLIST

☐	Fire extinguishers shall be provided by each vendor with a current state inspection tag from a licensed contractor. (Minimum size permitted is 2A:10BC). Operations conducting deep-frying shall have a K Class fire extinguisher with a current state inspection tag.
☐	Propane tanks shall be installed not less than 5 feet from tents, properly secured, and identified.
☐	“No Smoking” signs shall be clearly posted.
☐	Tents larger than 10x10 shall have the manufacturer’s flame retardant tag affixed and visible.
☐	Cooking under tents will be permitted <u>ONLY</u> when a manufacturer’s flame retardant tag is affixed to the tent, the tent is not enclosed (on any side), and only persons preparing food are permitted under the tent. Any size tent that fails to have the affixed flame retardant tag may not be used to cook under.
☐	Heavy duty <u>grounded type only</u> extension cords may be used. Wiring shall not be frayed, damaged, or spliced.
☐	Temporary lights or lamps may be used, but must be UL Listed. Wiring shall not be frayed, damaged, or spliced.
☐	Exit signs and/or emergency lights (if required) must be clearly visible.
☐	Occupant load sign (if required) must be clearly visible.
☐	Tents shall not obstruct any fire department access.

Please be advised that FMBFD inspects tents for the safety of all parties involved. These are minimum safety requirements and all parties must be in compliance.

HOT FOOD VENDOR REQUIREMENTS

The use of food booths or food trucks is regulated by FMBFD. These requirements shall apply to single vendors, freestanding booths, and food trucks. Cooking within tents containing seating is subject to additional requirements. All food vendors are subject to inspection prior to the start of the event. ***Failure to comply with the following regulations may result in closure until compliance is met.***

Flame Retardant Requirements: All sidewalls, drops, and tops of tents and canopies, shall be of flame resistant material or treated with a flame retardant application as recommended by the manufacturer.

Portable Fire Extinguishers: Each food booth shall have, at a minimum, one (1) – 2A:10BC fire extinguisher with a current state inspection tag from a licensed contractor. If there will be any deep fat frying or cooking that produces grease-laden vapors, a Class K fire extinguisher with a current state inspection tag from a licensed contractor, shall be provided in addition to the ABC type.

Vendor Location: Food booths shall have a clearance of at least 20 feet on two (2) sides. The booth shall not be located within 10 feet of any rides or devices. Cooking that produces sparks and/or grease-laden vapors shall not be conducted within 10 feet of a structure or combustible overhang.

Cooking Appliances: Any cooking appliance used shall be listed for its intended use.

1. Deep fat fryers are not permitted to be used under tents and shall be located at least 18 inches from the outside wall of the tent. If a fryer is to be used in conjunction with a Barbeque (BBQ), it shall be at least three (3) feet away from the BBQ. Use of fryers also requires a Class K fire extinguisher as outlined above.
2. BBQ's are not permitted to be used in food booths. In addition, any fuels are to be kept at least 10 feet away from any heat source. BBQ's that are in use shall be located at least 10 feet from a structure, combustible materials, and overhangs. BBQ's and other open flame devices located outside of a structure, shall be secured from falling and kept away from contact by the public.

Smoking: Smoking is prohibited at all times within food booths, or within 25 feet of any fuel source.

Generators: Generators shall be located a minimum of 20 feet from tents or canopies and isolated from the public by a means approved by the FMBFD.

1. Flammable liquid filled equipment shall not be used within temporary membrane structures, tents, or canopies.
2. Flammable and combustible liquids shall be stored outside and in approved/marked containers. Containers shall be located no less than 50 feet from temporary membrane structures, tents, or canopies.
3. Refueling shall be performed in an approved location not less than 20 feet from temporary membrane structures, tents, or canopies. **Refueling of hot generators is not permitted.**
4. A 2A:10BC fire extinguisher with a current state inspection tag is required for any operation with a generator.

Fuel: Fuel tanks (LPG) shall be stored outside of the structure. The tanks shall be secured (to prevent tipping) and located away from any public contact. The size of the tank is restricted to 25 pounds, unless prior approval is received from the FMBFD. Propane tanks, fittings, and hoses will be checked to ensure there are no leaks.

FLOAT INSPECTION CHECKLIST

It is recommended that owners and/or operators be advised of their compliance with these regulations.

☐	Exhaust pipes on vehicles shall not come in contact with anything flammable on floats.
☐	Exhaust pipes shall be kept clear allowing for proper ventilation of fumes and preventing a carbon monoxide hazard.
☐	All dried vegetation, or similar items being used shall be fire resistant or treated with fire retardant materials. Documentation shall be forwarded to FMBFD for review.
☐	No smoking is permitted on or around any floats.
☐	No re-fueling of generator while generator is running or hot.
☐	All generators shall be secured and provided with a shut-off switch that is easily visible and accessible.
☐	Gasoline containers shall be UL listed type safety cans.
☐	All pull behind trailers and floats shall be equipped with a 2A:10BC fire extinguisher with a current state inspection tag from a licensed contractor. The fire extinguisher shall be mounted so that it is visible and easily accessible.
☐	All seating shall be properly secured to float.
☐	Trailer hitches shall be secured in the locked position by a tie strap or bolt.
☐	Trailers must have safety chains attached to tow vehicle.
☐	All extension cords shall be listed and approved for outdoor use.

Please remember that this list is subject to change and additional fire and life safety requirements may be required.

PYROTECHNICS PERMIT APPLICATION

Please be advised that application must be filed at least 30 days prior to the scheduled event. All permit fees must be paid prior to approval. Permits are non-transferable.

Date of Application: _____

Sponsoring Organization: _____

Phone/Emergency Contact Number: _____

Applicant/Company Name: _____

Phone/Emergency Contact Number: _____

Name and Address of technician: _____

Name(s) of assistants: _____

A copy of the technician's driver's license must be included along with a resume and three (3) references. Please include a copy of all assistants' drivers' licenses indicating they are a minimum of 18 years of age.

Date, Time and expected length of show: _____

Location of Display: _____

(Attach aerial site map showing required fall out and safety zones)

DISCHARGE DETAILS: Displays are only permitted to be electronically fired. Please provide detail on quantity, size, type, number of bursts (single/multiple) as well as a description of the display in the space below:

QTY	Size	Type	# of burst	Description of Display

The following documents/information must be submitted along with completed application:

1. Event Itinerary
2. Security/Fire Watch Agreement (if required)
3. Coast Guard Application and Approval Letter (if required)
4. FAA Application and Approval Letter (if required)
5. Aerial Site Plan indicating minimum setbacks/required radius, per NFPA Standard

Notification shall be given prior to the Life Safety Division arriving at the site with transport vehicle. Final approval is subject to an onsite inspection. The FMBFD reserves the right to deny or revoke any permit for unsafe conditions, acts, or non-compliance with provisions of applicable standards. Shows may be cancelled or delayed based on changes in weather or other conditions as deemed necessary by the onsite Life Safety Division representative.

ORDINANCE NO. 20-17

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 22 OF THE FORT MYERS BEACH CODE OF ORDINANCES ENTITLED "SPECIAL EVENTS"; AND AMENDING PROVISIONS OF CHAPTERS 6, 14, AND 34 OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, PERTAINING TO SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town Council desires to update the Chapters of the Town of Fort Myers Beach Code of Ordinances and Fort Myers Beach Land Development Code regulating special events to clarify, improve, simplify, and create consistency among sections of the Code of Ordinances and Land Development Code; and

WHEREAS, the Town also recognizes that both its economy and the quality of life of its residents are enriched by the proper regulation of special events and temporary uses; and

WHEREAS, on December 1, 2020 the Local Planning Agency, after giving consideration to the staff recommendation, public testimony, and consistency with the Comprehensive Plan, recommended approval of the proposed amendment; and

WHEREAS, on December 7, 2020 the Town Council held a first reading of the proposed Ordinance; and.

WHEREAS, on January 19, 2021 the Town Council held a second reading of the proposed Ordinance; and.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:¹

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Section 2. Chapter 22 of the Town of Fort Myers Beach Code of Ordinances entitled “Special Events” is hereby amended to read as follows:

Chapter 22 - Special Events

Sec. 22-1. - Definitions.

Political demonstration. A public gathering, procession or parade, the primary purpose of which is the exercise of the rights of assembly and free speech as guaranteed by the First Amendment to the Constitution of the United States.

Special event. ~~Any activity conducted on public or private property that will or has the potential to substantially affect the ordinary and customary use of beaches, public streets, rights of way, sidewalks, and other public forums, including any temporary activity conducted on private property that is not authorized by the certificate of use or certificate of occupancy issued for any business operating on the property where the activity is planned, or any temporary activity conducted on private property where the area of the activity coincides with parking spaces required for the operation of any business~~ An activity within the boundaries of the town of Fort Myers Beach which would inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said area by the general public or which deviates from the established use of said area of building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit;
- (2) Any use or activity specifically approved by a development permit issued by the city; or
- (3) Private gatherings that will make no use of a public property other than for lawful parking;
- (4) ~~Any garage sale conducted in compliance with the requirements of this chapter.~~

Sec. 22-2. - Permit required.

No person or entity ~~can initiate, sponsor, organize, promote,~~ may conduct ~~or advertise~~ a special event unless a permit has been obtained from the town.

Sec. 22-3. - Exemptions from permit requirement.

The following do not require a special event permit:

- (1) Private events that will make no use of a public property other than for lawful parking.
- (2) Events conducted solely for the purpose of exercising a group's first amendment right of free speech and/or assembly. If an event has any commercial aspect, or is a political demonstration as defined in section 22-1, or requires the closure of roadways, sidewalks or the use of Town or County staff, then this exemption will not apply.

Sec. 22-4. - Fees.

All fees that relate to special events and special events permits will be as stated in the current Town of Fort Myers Beach Fee Schedule.

Sec. 22-5. - Permit fee exemption for special events conducted by the town.

The town is exempt from all permit fees relating to special events conducted by the town.

Sec. 22-6. – Types of events requiring a special event permit.

The following types of events will require a special event permit. Events, other than these specifically listed, may also require a special event permit.

- (1) Carnivals, Fairs, Festivals and Circuses;
- (2) Farmer's Markets and Flea Markets;
- (3) Art Shows;
- (4) Running, Walking or Bicycling Events;
- (5) Concerts;
- (6) Fireworks;
- (7) Parades;

- (8) Similar events requiring off-site parking, street or sidewalk closures, sound amplification or use of public property or Town staff.

Sec. 22-67. - General criteria and limitations.

The following general criteria and limitations apply to special event permits:

- (1) The activity proposed must be compatible with the surrounding land uses.
- (2) An individual applicant may not receive a special event permit more than six times within a calendar year, provided, however, that the town council may grant businesses or entities approval for a recurring event permit that is not subject to this limitation (see section 22-7) and provided further that the town council has the authority to permit an individual applicant to exceed the six event annual limitation in its discretion.
- (3) ~~For any special event that will include a temporary use regulated by LDC chapter 34 (see LDC sections 34-3041 through 34-3051) a temporary use permit may also be required.~~ For any special event that will take place all or in part upon the beach will be subject to all requirements contained in ~~LDC section 14-11~~ this chapter and any requirements of state or federal agencies relating to activities that take place on the beach.
- (4) For any special event where alcoholic beverages will be sold, the applicant ~~must~~ may need to obtain a temporary one-day permit as ~~prescribed~~ described in LDC section 34-1264, as applicable. Applicants must obtain any required permits from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.
- (5) The following types of special events must be approved by the town council:
 - a. Special events with a duration of four days or more where alcohol will be served;
 - b. Special events with an anticipated attendance of more than 500 people;

c. Recurring special events (see section 22-76);

d. Any special event that includes a waiver of the town's open container regulations (see Code chapter 4, article IV);

e. Special events held annually, once initially approved by town council, may be administratively approved by the town manager (i.e., without formal action by town council) for subsequent years, so long as they do not include a noise ordinance waiver request (~~see subsection (6)g~~) of this section, or a material change in the nature of the annual special event. Material changes include an anticipated increase in attendance of ten percent or more, an increase of the area of the special event of ten percent or more; changes or additions to the parking plan for the special event; or other changes as determined in the sole discretion of the town manager;

f. Special events for which a waiver of ~~parking or other town~~ fees is requested. If the waiver was previously approved by the town council in conjunction with approval of a recurring special event or annual event and special event is subject to administrative approval, then the related waiver may also be administratively approved; and

g. Special events for which a waiver of the ~~Fort Myers Beach Noise Ordinance~~ noise regulations is requested.

h. Special events, which require the closure of streets or sidewalks.

(6) Special events that occur on or near the beach or dune.

a. Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases, this is due to the type of activity where permit conditions alone cannot provide adequate protection. In other cases, the density of sea turtle nesting prevents certain activities from being conducted safely.

b. Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.

1. Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with §14-75 of the Fort Myers Beach Code of Ordinances.

2. Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.

3. Based upon the information contained in the application and the site inspection, the application shall be approved or denied.

4. Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:

i. During the sea turtle season (May 1 through October 31), special

event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.

ii. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68-E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922-4330.

iii. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the

individual responsible for the nest survey to verify any questionable areas.

5. A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.

6. The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.

Sec. 22-78. - Recurring special events.

To qualify as a recurring event, the event must be the same type of event and must be held in the same location. Examples of a recurring event include, but are not limited to, farmers' markets, "sunset celebrations," and music or art themed events. Recurring special events are subject to the following requirements:

- (1) Each event must be held at the same location at the same time of day.
- (2) All dates for the recurring event must be listed on the original application.
- (3) Each individual event must be of the same genre with similar anticipated attendance.
- (4) A recurring special event may not occur more often than weekly over a period of one year based upon a single application.

Sec. 22-89. - Application requirements.

- (a) Any person or entity seeking issuance of a special event permit must file a written application with the town manager on forms provided by the town.
- (b) If any town council actions are required in connection with a planned special event, the application for the permit must be filed at least 60 days prior to the date of the planned event.

(c) Applications for special event permits that do not require town council action must be filed at least 15 days prior to date of the planned event.

(d) Incomplete applications will not be processed for approval.

(e) Applications received less than the specified days before the date of the planned event, may be accepted at the discretion of the town manager. If the late application is accepted, the town manager has the discretion to impose additional permit fees, as per the Town of Fort Myers Beach Fee Schedule, to facilitate timely review and approval.

(f) A complete permit application must include, but may not be limited to, the following:

(1) The name of the special event and its purpose in general terms.

(2) The name(s) of the person(s) or organization(s) sponsoring the special event, together with the addresses and telephone numbers of all such persons or organizations.

(3) The proposed date or dates of the special event.

(4) The expected number of persons who will attend the event.

a. Events with an anticipated attendance exceeding 500 people requires approval by the Town Council.

(5) The specific location(s) within the town where the special event is to be held. The applicant must submit a general site plan that identifies the area(s) of the property used for the event activities, any and all tents, canopies, recreational vehicles, or accessory structures that are to be utilized in connection with the special event activity. A parking plan must be included as part of the special event permit application. The location of any parking and accessory structures may not obstruct traffic or violate any applicable town, county or state laws.

(6) In instances where a proposed special event will be held within 500 feet of residential property and will include any amplified sound, the applicant shall provide notice to

such owners and advise them of the nature of the event and the dates and times when the event will be held. The 500 feet shall be measured from the perimeter of the site where the event will take place and for condominium properties, a single written notification to the condominium association will be sufficient. The notification shall advise the owner of their right to submit a letter of objection to the town manager, and shall include the date by which any such letter of objection must be submitted.

(7) Whether any street closings are requested and, if so, which streets and the times when they will be closed.

a. A request to close any streets requires approval by the Town Council.

(8) Whether any alcoholic beverages will be sold or served. If alcoholic beverages will be sold the applicant must obtain all necessary permits as described in section 22-67.

a. A request to waive the Town's open container regulations requires approval by the Town Council.

b. Any event four days or longer and where alcohol will be served requires approval by the Town Council.

(9) If any entertainment will be included, details as to the type of entertainment, times and location must be provided.

(10) Whether utility services such as electrical power or water will be required.

(11) ~~Whether the applicant is requesting have a banner hung in association with the event, see section 22-15. A proof of the proposed banner is required~~ All proposed signage shall be in compliance with Chapter 30 Signs of the Land Development Code. The applicant shall provide application for signs or shall propose signs exempt from the ordinance per LDC Sec 30-6.

(12) Proof indicating approval of the event from all applicable outside state and local agencies.

(13) In instances when the sound emanating from a proposed special event is anticipated to exceed the limits

established in ~~Code~~ Section 14-23 of the Fort Myers Beach Code of Ordinances, the applicant must provide proof of application for a waiver for relief from the maximum allowable noise levels in accordance with section 14-25 of the Fort Myers Beach Code of Ordinances. As part of the waiver application process, the applicant is required to provide notice to all property owners within 500 feet of the location of the proposed special event, advising them of the nature of the event and the dates and times when the event will be held. The 500 feet is measured from the perimeter of the site where the special event will take place; and for condominium properties, a single written notification to the condominium association is sufficient.

a. A request to waive the noise regulations requires approval by the Town Council.

~~(14) Proof of application for approval of any temporary use permits required in conjunction with the special event, see sections 34-3041—34-3051 of the Fort Myers Beach Land Development Code.~~

~~(154) An affidavit, signed by the applicant, that all the information provided in the application is a complete and accurate description of the proposed event and that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.~~

~~(16) An affidavit, signed by the applicant, that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.~~

~~(175) The town manager has the authority to require any reasonable additional information from the applicant that the town manager deems necessary.~~

Sec. 22-~~910~~. - Review of application.

Upon receipt of an application that contains all of the items listed in section 22-~~89~~ and required application fees, the town manager will forward copies of the application to all affected town departments for their review.

(1) If the special event permit can be approved by the town manager administratively, the town manager will grant or deny an application for a special event permit within ten days of receipt of a complete application.

(2) Special event permits requiring town council action will be scheduled for consideration at the next regularly scheduled town council meeting.

(3) The town manager and town council have the right to place conditions on a special event permit to mitigate any anticipated adverse effects on nearby properties.

Sec. 22-~~10~~11. - Grounds for denial.

(a) The town manager or town council may deny an application for a special event permit if the applicant, or the person on whose behalf the application for a permit was made, has on a prior occasion made a material misrepresentation regarding the nature or scope of an event or activity previously permitted by a special event permit, or, who has previously violated the terms of a prior special event permit, issued to or on behalf of the applicant. An application for a special event permit may also be denied for any of the following reasons:

(1) The application for a special event permit (including any required attachments and submissions) is not fully completed and properly executed;

(2) The applicant has not tendered the required application fee, if any, with the application or has not tendered any other required fees, indemnification agreement, insurance certificate, or security deposit, if any, within the times prescribed by the town manager;

(3) The application contains a material falsehood or misrepresentation;

(4) The applicant or the person on whose behalf the application for the special event permit has been made has on prior occasions damaged town property and has not paid in full for such damage, or has other outstanding and unpaid debts to the town;

(5) A fully executed prior application for a special event permit for the same time and place has been received, and a

special event permit has or will be granted to the prior applicant, authorizing uses or activities which do not reasonably permit multiple occupancy of the area where the event is proposed to be held;

(6) The use or activity intended by the applicant will conflict with previously planned programs organized or conducted by a governmental agency and previously scheduled for the same time and place;

(7) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the public;

(8) The applicant has not complied or cannot comply with applicable licensure requirements, laws, ordinances or regulation of the state, the county or the town concerning the sale or offering for sale of any goods or services; or

(9) The use or activity intended by the applicant is prohibited by state or federal law or by ordinances or regulations of the county or the town.

(b) If the special event application is denied, the applicant is not entitled to receive any reimbursement from the town for any costs incurred during the application process, including the application fee.

Sec. 22-~~11~~12. - Notification of denial and right of appeal.

(a) Any applicant who is denied a special event permit by the town manager will be notified in writing. Said notification will state the reasons for the denial and the right of appeal to the town council, and will be sent by registered mail to the applicant.

(b) The applicant will have ten days from receipt of the written notification of permit denial to request an appeal hearing before the town council. If the appeal cannot be heard by the town council prior to the date when the event is scheduled to be held, the filing of an appeal will not entitle the applicant to conduct the event on that date but, if the appeal is successful, the applicant may hold the event on a rescheduled date that is after the town council meeting at which the appeal was heard.

(c) An appeal of the decision of the town council may be made to the circuit court by filing a petition for writ of certiorari as

provided for under the Florida Rules of Appellate Procedure. A decision of the town council will be deemed to have been rendered on the date the town council votes to either grant or deny the appeal.

Sec. 22-~~12~~13. - Litter.

(a) Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. Events that span more than a 24-hour period are responsible for removing all garbage and litter at the end of each day.

(b) In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder and, if not promptly paid, may be deducted from any required security deposit (~~see section 22-14~~).

Sec. 22-~~13~~14. - Security for unpaid expenses.

The town manager may require the posting of a security deposit, or other form of security acceptable to the town, to ensure that any unpaid expenses or damages incurred as a result of the event are satisfied.

Sec. 22-~~14~~15. - Indemnification and liability insurance.

(a) Prior to the issuance of the special event permit, the applicant is required to execute an indemnification and hold harmless agreement in a form acceptable to the town attorney.

(b) Prior to the issuance of the special event permit, the applicant is required to obtain, at its sole expense, public liability insurance, with minimum limits as required by the town, that includes coverage for any town property utilized and naming the town as an additional insured.

~~Sec. 22-15. - Signage.~~

~~(a) All signage relating to special events must comply with LDC chapter 30.~~

~~(b) Banners across Town of Fort Myers Beach rights-of-way. Special event permit applicants may request to hang a banner advertising the special event across the Town of Fort Myers Beach right-of-way at the base of the Sky Bridge. All banners must be~~

~~approved by town manager. Banners may not contain any commercial information for the purpose of advertising anything other than the special event. Banners will not be approved until approval has been obtained for the associated special event. Banners are hung on a on a first come first served basis. Banners may hang for a period of two weeks prior to the event; provided, however, that the town manager may permit a banner to be hung for a period of up to four weeks if availability allows. All banners must have grommets that are no less than two feet apart on the top and bottom. Banners can be no larger than 16 feet in width and three feet high.~~

~~(e) For any special event where a requested road closure has the potential to affect a sizeable segment of the community, notice of such closure must be provided to the public at least five days prior to event if variable message signs are utilized or 14 days prior to an event if static signs are utilized. Type and placement of signs will be determined by public works director. The applicant is responsible for any fees associated with the static signs or variable message boards.~~

Sec. 22-16. - Revocation.

The town manager has the authority to revoke a special event permit issued pursuant to this chapter upon violation of any of the requirements contained in the permit or in this Code or the LDC.

Section 3. Section 6-366 of Chapter 6 of the Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 6-366. - Location of construction near beaches.

(a) Except for beach renourishment and for minor structures such as lifeguard support stands and beach access ramps, all construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. In addition to complying with all other provisions of this code, major structures must be built landward of the 1978 coastal construction control line except where a major structure may be specifically allowed by this code to extend across this line. The 1978 coastal construction control line is depicted on the Future Land Use Map as the seaward edge of land-use categories allowing urban development and as the landward edge of the recreation land-use category. This line is also the landward edge of the EC (Environmentally Critical) zoning district.

(b) Occasional minor structures are permitted by right in the EC zoning district if they are placed on private property and do not alter

the natural landscape or obstruct pedestrian traffic (examples are mono-post shade structures, movable picnic tables, beach volleyball courts, and similar recreational equipment, see § 34-652 of this LDC). Artificial lighting and signs may not be installed in the EC zoning district unless approved by special exception or as a deviation in the planned development rezoning process or unless explicitly permitted by §§ 14-5 or 27-51 of this LDC.

(1) Other provisions of this code provide for certain other minor structures in the EC zoning district:

a. Perpendicular dune walkovers are permitted by right in accordance with § 10-415(b) and subsection (d), below.

b. Some temporary structures such as tents may be permitted through a ~~temporary use permit~~ for special events permit held on the beach, in accordance with ~~§ 14-11 of this LDC~~ Ch. 22 of the Code.

c. Licensed beach vendors may place rental equipment and/or a temporary movable structure in accordance with § 14-5, Ch. 27, and § 34-3151 of this code.

Section 4. Section 14-11 of Chapter 14 of the Town of Fort Myers Beach Land Development Code is hereby repealed:

~~Sec. 14-11. Special events on the beach.~~

~~(a) Special events on the beach are any social, commercial, or fraternal gathering for the purpose of being entertained, instructed, viewing a competition, or any other reason that would bring them together in one location that normally would not include such a concentration of people on or near the beach.~~

~~(b) Special events on the beach are temporary, short term activities, which may include the construction of temporary structures; temporary excavation, operation, transportation, or storage of equipment or materials; and/or nighttime lighting that is visible seaward of the coastal construction control line (CCCL). Generally, activities within this category include, but are not limited to: sporting events (e.g., volleyball, personal watercraft races, offshore powerboat races), festivals, competitions, organized parties (e.g., weddings), promotional activities, concerts, film events, balloon releases, and gatherings under tents.~~

~~(c) Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases this is due to the type of activity where permit conditions alone cannot provide adequate protection. In other cases the density of sea turtle nesting prevents certain activities from being conducted safely.~~

~~(d) Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.~~

~~(1) Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with § 14-75.~~

~~(2) Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.~~

~~(3) Based upon the information contained in the application and the site inspection, the application shall be approved or denied. approve or deny the application.~~

~~(4) Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:~~

~~a. During the sea turtle season (May 1 through October 31), special event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion~~

~~of daily monitoring for turtle nesting activity by a FWC authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.~~

~~b. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68 E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922 4330.~~

~~c. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the individual responsible for the nest survey to verify any questionable areas.~~

~~(5) A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.~~

~~(6) The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.~~

Section 5. Section 34-2 of Chapter 34 of the Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-2. - Definitions

Garage sale or yard sale mean an informal sale of used household or personal articles, such as furniture, tools, or clothing, held on the seller's own premises, or conducted by several people on one of the sellers' own premises. ~~Garage and yard sales are limited to not more than one week in duration, with sales limited to two garage or yard sales per year.~~ See *Residential accessory use*.

Use, temporary means a use or activity ~~which~~ that is permitted only for a limited time, which will not inhibit the usual flow of pedestrian or vehicular travel on public rights-of-way, subject to specific regulations and permitting procedures. See article IV, division 37 of this chapter.

Section 6. Section 34-2441 of Chapter 34 of the Town of Fort Myers Beach Land Development Code is hereby repealed:

Sec. 34-2441. Special events defined.

~~A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location. Specifically excluded from this definition are any gatherings formed and/or sponsored by any recognized religion or religious society. See. 34-2442. Permits for special events.~~

~~(a) The Town of Fort Myers has established a permitting process for special events through Ordinances Nos. 98-01 and 00-16 and any future amendments.~~

~~(b) No person, corporation, partnership, or other entity shall advertise or sell or furnish tickets for a special event within the boundaries of the town, and no such event shall be conducted or maintained, unless and until that person or entity has obtained a permit from the town to conduct such event.~~

~~(c) Special events on the beach shall also comply with § 14-11 of this code.~~

Section 7. Section 34-3041 of Chapter 34 of the Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-3041. - Generally.

(a) *Purpose.* The purpose of this subdivision is to specify regulations applicable to certain temporary uses which, because of their impact on surrounding land uses, require a temporary use permit.

(b) *Permit required.* No temporary use shall be established until a temporary use permit has been obtained from the director in accordance with the requirements of § 34-3050 this chapter. ~~Some temporary uses may qualify as special events that are regulated by Ordinance No. 98-01 as amended, or may qualify as special events on or near the beach, which are further regulated by § 14-11 of this code. Ch. 22.~~ A temporary use permit must be obtained for the following uses in compliance with these requirements:

(1) Christmas tree sales lots for up to 45 days prior to the holiday;

(2) Holiday, seasonal or annual sales lots for up to 30 days;

(3) Temporary promotional activities involving the sale and promotion of goods and services available at a business on the premises, subject to the following:

a. Activities that obstruct private parking or are held on the adjacent public sidewalk may be held for up to three consecutive days up to three times per calendar year.

b. Activities that do not obstruct parking and are held on private property may be held for up to ten consecutive days up to three times per calendar year.

c. Outdoor display of merchandise, not associated with a temporary promotional activity shall be in compliance with LDC Sec 34-678 Outdoor display and sales of merchandise and food.

~~(4) Garage sales or yard sales, with a maximum of two permits per parcel per year for a maximum of three consecutive days. Garage sale permits will be free of charge.~~

(5) Construction projects which require storage, parking areas, construction trailers, site screening and/or any other temporary activities during construction of the project and which terminate upon completion of the project.

(6) Temporary wireless communications facilities, as are necessary to meet demand, for up to six (6) months.

(7) One-day permits for consumption of alcohol on-premises associated with a temporary event.

(8) Other similar uses of a temporary nature.

(c) *Lighting.* No permanent or temporary lighting shall be installed without an electrical permit and inspection.

(d) *Time limit.*

(1) All temporary uses shall be confined to the dates specified by the director, on the temporary use permit; provided, however, that:

a. ~~Except as provided for seasonal parking lots in §§ 34-2022 of this chapter and for other uses where specifically provided in §§ 34-3043 through 34-3048 of this chapter, the director may not authorize a temporary use for more than 30 days; and If no time period is specified on the temporary use permit, then the temporary use permit will expire and the use must be abated within 30 days from the date of issuance.~~

b. ~~If no time period is specified on the temporary use permit, then the temporary use permit will expire and the use must be abated within 30 days from the date of issuance.~~

(2) A temporary use permit may not be renewed or reissued to the same applicant or on the same premises for a similar use more than three (3) times per year. ~~for a period of six months from the date of expiration of the previous temporary use permit.~~

(e) *Hours of operation.* Hours of operation shall be confined to those specified in the permit.

(f) *Cleanup.* The site shall be cleared of all debris at the end of the temporary use and all temporary structures shall be removed within 48 hours after termination of the use. A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 or a signed contract with a disposal firm may be required as a part of the application for a temporary use permit to ensure that the premises will be cleared of all debris during and after the event.

(g) ~~*Traffic control.* Traffic control as may be required by the county sheriff's department and the county department of transportation shall be arranged and paid for by the applicant. Signs. A sign permit may be required for any proposed signs.~~

(h) ~~*Damage to public right of way.* A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 may be required to ensure the repair of any damage resulting to any public right of way as a result of the event. In lieu of. Any proposed use, which exceeds the criteria or regulations of this code subdivision, may apply for a Special Event permit.~~

Section 8. Sections 34-3042, 34-3043, 34-3044, 34-3045, 34-3046, 34-3047, 34-3048, and 34-3055 of Chapter 34 of the Town of Fort Myers Beach Land Development Code are hereby repealed:

~~**Sec. 34-3042. Carnivals, fairs, circuses and amusement devices.**~~

(a) ~~Location of amusement devices and other structures. Refer to §§ 34-2142(a) and (b) above, for setback requirements.~~

(b) ~~Off-street parking. Refer to § 34-2020(d)(3)g. of this chapter for off-street parking requirements.~~

(c) ~~Hours of operation. The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., unless otherwise extended by the director in writing.~~

(d) ~~Special event permit. In addition to a temporary use permit, a carnival, fair, circus, or amusement device, or other event may be subject to the provisions of the town's Special Events Ordinance No. 98-01, as amended (see also division 34 of this article). Ch. 22.~~

~~**Sec. 34-3043. Christmas tree sales.**~~

(a) ~~Christmas tree sales may be permitted in any commercial district, provided that:~~

(1) ~~No parking lot required for another use shall be used for display of trees; and~~

(2) ~~Temporary off street parking for at least five vehicles shall be provided utilizing an existing or approved parking lot entrance or driveway.~~

(b) ~~The maximum length of time for display and open lot sales shall be 45 days.~~

~~Sec. 34-3044. Temporary contractor's office and equipment storage shed.~~

~~A contractor's office or construction equipment shed may be permitted in any district where use is incidental to an ongoing construction project with an active building permit or development order. Such office or shed shall not contain sleeping or cooking accommodations. The contractor's office and construction shed shall be removed within 30 days of the date of final inspection for the project.~~

~~Sec. 34-3045. Alcoholic beverages.~~

~~Temporary one day permits for the service of alcoholic beverages may be permitted in accordance with § 34-1264(d) of this chapter.~~

~~Sec. 34-3046. Temporary use of mobile home.~~

(a) ~~Rehabilitation or construction of residence following disaster.~~

(1) ~~When fire or disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.~~

(2) ~~The maximum duration of the use shall be 18 months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(b) Rehabilitation or construction of damaged business or commercial uses following disaster.~~

~~(1) Business or commercial uses damaged by a major or catastrophic disaster that are necessary for the public health and safety or that will aid in restoring the community's economic base may be permitted to use a mobile home or similar type structure to carry out their activities until the damaged structure(s) is rebuilt or replaced according to applicable development or redevelopment regulations.~~

~~(2) The maximum duration of the temporary use is nine months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(e) Conditions for use.~~

~~(1) Required water and sanitary facilities must be provided.~~

~~(2) The mobile home or recreational vehicle shall be removed from the property within ten days after the certificate of occupancy is issued for the new or rehabilitated residence, business, or commercial use, or upon expiration of the temporary use permit, whichever occurs first.~~

~~Sec. 34-3047. Temporary telephone distribution equipment.~~

~~Telephone distribution equipment may be granted a temporary use permit during planning and construction of permanent facilities, provided that:~~

~~(1) The equipment is less than six feet in height and 300 cubic feet in volume; and~~

~~(2) The maximum length of the use shall be six months, but the director may extend the permit once for a period not to exceed six additional months in the event of circumstances beyond the control of the telephone company.~~

~~Application for an extension shall be made at least 15 days prior to expiration of the original permit.~~

~~Sec. 34-3048. Ancillary temporary uses in parking lots.~~

~~(a) The following ancillary temporary uses may be permitted in parking lots upon application and issuance of a temporary use permit (see § 34-3050 of this chapter):~~

- ~~(1) Seasonal promotions.~~
- ~~(2) Sidewalk or parking lot sales.~~
- ~~(3) Fairs and carnivals (see § 34-3042 of this chapter).~~
- ~~(4) Tent sales.~~
- ~~(5) Flea markets by nonprofit organizations.~~
- ~~(6) Welcome stations in accordance with § 34-3051 of this chapter.~~

~~(b) In approving a temporary use permit, the director shall require that the area of the lot to be used is clearly defined and that the use will not obstruct pedestrian and vehicular movements to portions of the lot not so used.~~

~~Sec. 34-3055. Special events.~~

~~(a) A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location.~~

~~(b) See division 34 of this chapter for a summary of permitting rules for special events.~~

Section 9. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 10. Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 11. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

Section 12. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member Atterholt and seconded by Council Member Allers, and upon being put to a roll call vote, the result was as follows:

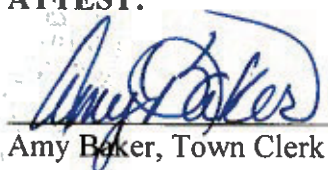
Raymond P. Murphy, Mayor	Excused
Rexann Hosafros, Vice Mayor	Aye
Dan Allers, Council Member	Aye
Jim Atterholt, Council Member	Aye
Bill Veach, Council Member	Aye

ADOPTED this 19th day of January, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

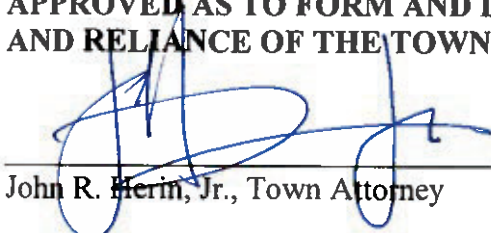
TOWN OF FORT MYERS BEACH


Rexann Hosafros, Vice Mayor

ATTEST:


Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:**


John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this 21 day of January, 2021.