Fort Myers Beach Town Council

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

Minutes **Monday, March 17, 2025** **9:00 AM**

FINAL

ORDER OF BUSINESS

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

Remove the approval of the settlement agreement under Town Attorney's Items. Council Member King moved to approve the amended agenda, seconded by Council Member Safford.
The motion carried unanimously.

V. PUBLIC COMMENT

Becky Knight, resident, was disappointed because she did not get any information from the town regarding a 12.6-foot setback from the road for a property 100 feet long on Miramar. She discussed Table 34.3 regarding zoning districts. Also, the building coverage was more than allowed. She wanted someone to explain how it happened.
Gary Knight, resident, commented that there were multiple issues with the plans submitted. He noted there was no driveway for the rental and asked where they were supposed to park. He stated the whole situation did not add up and was concerned about safety issues. He wanted to know how the issues were going to be fixed. He wanted the town to look at the lot and asked how it passed.
Philip Miglioratti, resident, commented about an investor who purchased a house on 8211 Estero after Ian and has done nothing to it. He stated the property was a wreck with rats everywhere and the pool was a cesspool with no fencing around it. He wrote several emails to the town but received no response except from Council Member King.

He stated the house was red-tagged and needed to be demolished. He was tired of cleaning the mess that blew over to his property and in his pool. The town kept giving the contractor extensions, but it was time to fix it
or tear it down.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford recognized Barb, Deb and Dawn of the Woman's Club for doing a great job with the St. Patrick's Day parade.
Council Member Woodson noted the Shrimp parade the previous weekend was fun and well attended.
Vice Mayor Atterholt agreed that the St. Patrick's Day parade was great and recognized Margaritaville for the signs to encourage people to use the walkover.
Council Member King echoed the comments regarding the St. Patrick's Day parade and he thanked the Lee County Sheriff's Office for their presence. He welcomed the opening of the Library and thanked Jan Fleming for her hard work. He thanked a list of staff who were there to solicit feedback regarding the Comprehensive Plan and LDC (Land Development Code).
Mayor Allers thanked Jan Fleming and her team for the library opening.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Chair Dave Nusbaum from MERTF (Marine & Environmental Resources Task Force) reported that Dr. Chris Daly from FGCU (Florida Gulf Coast University) gave an update regarding the computer scenarios for Hurricane Ian. The report should be completed in September. He asked for guidance regarding comments from residents about dredging canals. The Murphie Award recipient was Ben Duval, his Tunaskin employees and the volunteers for organizing a beach cleanup. Regarding the canal dredging, Mayor Allers suggested that MERTF contact the gentleman who lives on the corner of Santos and Palermo Circle. He also suggested contacting Jason for details. Vice Mayor Atterholt suggested that AAC and MERTF have another joint meeting to determine which canals were public and private.

A. Anchorage Advisory Committee - Cruiser's Appreciation Day

AAC Chair Chris King reviewed the joint MERTF meeting with Captain Chris Wittman, co-founder of Captains for Clean Water. Both committees encouraged the town council to actively lobby for the continuation of the Everglades restoration project. She noted that some of the AAC documents were not in sync and they will work on correcting them. AAC Vice Chair Sam Lurie requested approval for the Cruiser's Appreciation Day on April 27, 2025, from 1-3:30 p.m. at Bayside Park. An overview of the event was in their packet. He asked permission to solicit individuals and businesses for various donations. Town Attorney Stuparich noted that soliciting donations was legal because there was no personal gain to anyone. She mentioned providing funds from the town for the event if needed. Vice Mayor Atterholt suggested that the council consider giving Harbormaster Ludwig and staff the flexibility to utilize funds if necessary.

Vice Mayor Atterholt moved to allow the AAC to host the Cruiser's Appreciation Day, solicit and raise funds per the town attorney and utilize the town's funds to support the event if needed, seconded by Mayor Allers.
The motion carried unanimously.

B. Anchorage Advisory Committee Appointment

New member appointment to the Anchorage Advisory Committee (AAC)

Terry Carling-Kelly introduced himself and noted he wanted to help. Ron Fleming explained why he wanted to participate on the committee. Ron Fleming was appointed.
Council Member King moved to appoint Ron Fleming to the AAC, seconded by Council Member Woodson.
The motion carried unanimously.

VIII. APPROVAL OF MINUTES

A. Town Council - March 3, 2025

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

IX. CONSENT AGENDA

No items.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

No items.

XII. ADMINISTRATIVE AGENDA

A. Resolution 25-84; CVA Application, Execution and Administration

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 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S CLEAN VESSEL ACT FOR FUNDS IN THE AMOUNT $61,552 WITH A MATCH FROM THE TOWN OF FORT MYERS BEACH OF $20,517 FOR A PROJECT TOTAL OF $82,069 FOR PUMPOUTS OF VESSELS WITHIN THE TOWN'S JURISDICTION; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE RELATED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. Operations & Compliance Director Frankie Kropacek explained why the funds were needed.

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

B. Resolution 25-87; WCIND Application, Execution, & Administration

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 WEST COAST INLAND NAVIGATION DISTRICT'S WATERWAY DEVELOPMENT PROGRAM FOR FUNDS IN THE AMOUNT OF $35,000.00 WITH A MATCH FROM THE TOWN OF FORT MYERS BEACH OF 100% FOR A PROJECT TOTAL OF $70,000.00 FOR WATERWAY LAW ENFORCEMENT ASSISTANCE; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE RELATED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. Director Kropacek explained why the funds were needed.

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

C. Resolution 25-88, Authorizing Agreement for Water and Storm Water Rate Study

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND RAFTELIS FINANCIAL CONSULTANTS, INC. TO PERFORM A WATER AND STORMWATER RATE STUDY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the resolution's title. Finance Director Joe Onzick explained that a rate study was needed, and Raftelis already had experience with Lee County. He clarified Vice Mayor Atterholt's concerns.

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

D. Resolution 25-86, 1st Amendment to Softrim Professional Services Agreement

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICE PROVIDER AGREEMENT DATED OCTOBER 1, 2024, WITH SOFTRIM LLC, INCREASING THE NOT-TO-EXCEED AMOUNT FOR THE FIRST CONTRACT YEAR BY $350,000.00 TO A TOTAL OF $556,784.00, FOR ADDITIONAL SERVICES AND ITEMS RELATED TO THE RENOVATION OF THE NEW TOWN HALL; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. Town Manager Andy Hyatt explained why the funds were needed and noted that insurance proceeds covered services. Director Onzick pointed out that he added a contingency to cover possible changes. Josh from the IT department described the system in the new town hall.

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

E. Resolution 25-82, Ratify STA #7 for DRMP RFQ-22-25-AD BORC Value Engineering

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RATIFYING THE AUTHORIZATION OF STA #7 IN THE AMOUNT OF $24,000.00 WITH DRMP, INC. FOR VALUE ENGINEERING UNDER RFQ-22-25-AD FOR BAY OAKS RECREATIONAL CAMPUS REDEVELOPMENT PROJECT, WHICH WHEN COMBINED WITH PREVIOUS STA #5 FOR $55,650.00 AND STA #6 FOR $6,650.00 FOR THE SAME PROJECT TOTAL $86,300.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Community Services Director Jeff Hauge explained that this was a redesign to reduce costs and the RFP (Request for Proposal) would go out this week. He described what the new campus would look like.

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

F. Resolution 25-85, Ratify Andrew Sitework Emergency Contract - South Booster Station 12-19-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN DECEMBER 19, 2024, UNDER THE EMERGENCY PROCUREMENT POLICY TO CONTRACT WITH ANDREW SITEWORK LLC TO TAKE EMERGENCY PROTECTIVE MEASURES TO MAINTAIN POTABLE WATER PRESSURE BY INSTALLING A GATE VALVE AT THE SOUTH BOOSTER STATION FOR A NOT-TO-EXCEED AMOUNT OF $129,745.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Onzick stated that it would be funded by the water fund and any remaining insurance proceeds.

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

G. Resolution 25-89, Ratify Kirkwood Electric Expenditures for New Town Hall **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTIONS OF THE TOWN TAKEN JANUARY 10, 2025, AND JANUARY 27, 2025, UNDER THE EMERGENCY PROCUREMENT POLICY TO APPROVE TWO PURCHASE ORDERS WITH KIRKWOOD ELECTRIC FOR ELECTRICAL WORK RELATED TO THE RENOVATION OF THE NEW TOWN HALL, THE COMBINED TOTAL OF WHICH IS $76,662.00; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Allers read the title of the resolution. Director Onzick stated there were two phases of the project and insurance proceeds would pay for the work.

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

H. 25-92, Authorize Amendment #3 to Jacobs Project Management Co Agreement

Authorize the Town Manager to execute Amendment #3 to the Jacobs Project Management Co Agreement.

Mayor Allers read the title. Director Kropacek indicated it was an ongoing contract with the vendor and funds came from the general fund. John Dalton, Project Manager, described their services and thought permitting data could probably be pulled from the software. Director Kropacek encouraged people to answer all the questions on the permit application before submission. Mr. Dalton added that anyone with questions about the application should contact the town. Director Kropacek and Mr. Dalton agreed they could use more inspectors. Director Kropacek stated they were researching purchasing new permitting software system to replace iWork.

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

XIII. FINAL PUBLIC COMMENT

No public comment.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt described the work left to finish the town hall and the parking lot. He revealed that Comcast would set up FMBTV, a community access channel. The search for a new town manager is ongoing.
Director Hauge provided an update on completing Bay Oaks and thought it would be ready by mid-May.
Director Kropacek addressed the derelict building on 8211 Estero Blvd., which was brought up earlier by a resident. All permits were vacated and the building would have to be demolished at some point. Town Attorney Stuparich explained the demolition process and indicated that the code had a property maintenance section that could help clean up unsafe properties. The Special Magistrate could order the demolition of hazardous properties because they have not been adequately maintained. Director Kropacek stated that they could use more code enforcement officers. Town Attorney Stuparich will work with Director Kropacek regarding shortening the time a demolition permit is valid.
Town Manager Hyatt noted he and the Mayor would be in Tallahassee for a couple of days lobbying on behalf of the town.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich indicated that she distributed a copy of the final reading of the public hearing agenda materials for June 5, 2025, regarding parallelogram lots. Director Kropacek commented that after investigation, the plans for the parallelogram house referred to in public comment were fine. Mayor Allers suggested a meeting with Building Inspector Joe Specht, the planners and the neighbors. Director Kropacek will set up a meeting and keep the town council informed.

A. DiBiasi Settlement Agreement

Removed from the agenda.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford asked when the charter review would be noticed. Town Clerk Baker said she would meet with Nicole to get the notice out. She noted that the committee application would be adjusted and resumes would be attached.
No items from other members.

XVII. ADJOURNMENT

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

The meeting was adjourned at 11:09 a.m.

Minutes adopted as presented, April 7, 2025, Motion by Council Member King and seconded by Council Member Safford. Passed 5-0.

Amy Baker
Amy Baker (Apr 15, 2025 09:34 EDT)

Amy Baker, Town Clerk