Fort Myers Beach Town Council

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

Minutes **Monday, June 2, 2025** **9:00 AM**

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

The LPA (Local Planning Agency) requested an opportunity to speak under Local Achievements.
Council Member King moved to approve the final agenda, seconded by Council Member Safford.
The motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. PRESENTATION

A. Honorable Matt Caldwell - Lee County Property Appraiser

Mr. Caldwell noted that early estimates showed a 3% increase. New construction would be true new construction and include properties that were coming back on the roll. There was about $860 million in the new construction line; however, the taxable result was only about $167 million due to properties coming back on the roll. He explained why the value of land exceeded the value of some older structures. He expressed his opinion on eliminating property taxes and the practical reality. He thought that, from a revenue perspective, a five-year window would be reasonable, depending on the direction the economy takes over the next couple of years.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Anita Cereceda, Chair of the LPA, and members paid tribute to Community

Development Planner Sarah Propst. She pulled them out of holes and back from crazy, loopy conversations. She was a rock, especially over the last couple of years. She was going to be greatly missed and Ms. Cereceda hoped she finds happiness in her next adventure. Jim Boan thanked Ms. Propst for getting them back on track when they swerved. He talked about her knowledge of the comp plan and codes. He thanked her for her service and said she would be missed.

John McLean wished her nothing but the best and she had been a depth of knowledge. Jane Plummer said it has been a pleasure working with her over the years and she always presented an excellent package. She will definitely be missed. Jim Dunlap noted that to make better decisions, they needed better information, and she guided them through complicated learning curves. He said she did a great job teaching them and they were going to miss her.

Council Member Safford echoed everyone's words and wished her all the best. Council Member Woodson discussed what she went through to get their pool installed and how she maintained her composure throughout the discussions and every other situation. She will greatly miss her.

Vice Mayor Atterholt thanked her for her service. He recognized the ILA (Interlocal Agreement) between the Town of Fort Myers Beach and the School Board of Lee County. Both parties signed the agreement after Ian. He described the contents and noted they had made great progress. He asked that the school board hear them and respect the ILA. He encouraged the community to watch the emergency meeting that was held on May 28, 2025.

Council Member King thanked Ms. Propst and noted her attitude was infectious. Mayor Allers agreed with the accolades and appreciated how she slowed down the presentations for them.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

A. Citizens Appointment to the Charter Review Commission

Appoint members to the 2025/2026 Fort Myers Beach Charter Review Commission

Five people will be appointed, with two alternates. The five members appointed were James Dunlap, Beverly Milligan, Edward Schoonover, Bryan Thomas and Henry Zuba.

Council Member Woodson moved to appoint the top five, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

Town Clerk Baker indicated that James Dunlap, Ed Schoonover and Bryan Thomas required waivers because they served on other committees.

Mayor Allers moved to grant the waivers, seconded by Council Member King.

The motion carried unanimously by roll call vote.

Alternates are Anita Cereceda and Michele Cherney. A tally was taken to determine the first alternate and Anita Cereceda was chosen.

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

The motion carried unanimously by roll call vote.

Mayor Allers moved to grant Anita Cereceda a waiver, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

IX. APPROVAL OF MINUTES

A. Town Council - May 19, 2025

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

X. CONSENT AGENDA

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

A. Resolutions 25-190 through 25-198; 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.

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

B. Resolutions 25-181 through 25-189; 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.

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

C. Resolutions 25-154 through 25-162; 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.

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

D. Resolutions 25-163 through 25-171; 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.

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

E. Resolutions 25-172 through 25-180; Extension of Local 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.

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

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures. Town Clerk Baker confirmed that all agenda items were properly noticed. She swore in those providing testimony.

A. Ordinance 25-04; Arches Resort CPD

This quasi-judicial agenda item is a Second Reading and Final Public

Hearing for adoption of a rezoning in proposed Ordinance 25-04 (commonly referred to as the Arches Commercial Planned Development), contingent on adoption of a Comprehensive Plan Amendment proposed in Ordinance 25-05.

ORDINANCE TITLE:
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING THE REZONING OF 4.98 ACRES OF PROPERTY MORE SPECIFICALLY DESCRIBED HEREIN FROM COMMERCIAL MARINA (2 PARCELS), RESIDENTIAL CONSERVATION (5 PARCELS), COMMERCIAL OFFICE (1 PARCEL) AND DOWNTOWN (2 PARCELS) TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, TO ALLOW A MIXED-USE DEVELOPMENT INCLUDING 263 LODGING UNITS, COMMERCIAL/ RETAIL SPACE AND PUBLIC OPEN SPACE, MORE SPECIFICALLY DESCRIBED AS 436, 441, 445, 450 HARBOR COURT; 435 AND 438 BONITA STREET; 935 AND 939 THIRD STREET AND 401 OLD SAN CARLOS BLVD , ALSO IDENTIFIED AS THE FOLLOWING STRAP NUMBERS: 24-46-23-W3-00027.0000; 24-26-23-W3-00026.0020, 24-46-23-W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060,24-46-23- W3-0030C.0040, 24-46-23-W3-0030A.0110, 24-46-23-W3-0030A.0030, 24-46-23- W3-0030A.0020, 24-46-23-W3-0030A.0010 FORT MYERS BEACH, INCLUDING DEVIATIONS FOR HEIGHT, SETBACKS, HOTEL UNITS, PARKING, LANDSCAPING AND ACCESS; PROVIDING FOR 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 Safford has had several conversations with Mr. Vanasse, a site visit with neighbor Leah Greg and emails for and against, Council Member Woodson received emails for and against, had conversations with Mr. Vanasse, several neighbors and a site visit with neighbor Chris Mosteiro, Vice Mayor Atterholt received emails for and against and had conversations with the neighbors on the phone and in person, Council Member King pretty much the same and Mayor Allers received emails for and against, met with Leah Greg had conversations via email with neighbor Chris and a phone conversation with Mr. Freeland.

Megan Strayhorn, attorney, represented the applicant. Patrick Vanasse, Ken Gallander and Elizabeth Fountain were previously certified as experts.

Principal Planner Judith Frankel is the Town's expert. The property owner confirmed receipt of the agenda and background materials.

Principal Planner Frankel provided a summary of changes made since the first reading, as stated on the blue sheet. She noted that staff found the proposed development to be compatible with the uses along Old San Carlos Boulevard in the downtown zoning area; however, it appears incompatible with the residential neighborhoods directly adjacent to the development, due to increased noise, vehicular and pedestrian traffic. She reviewed the eight deviations and answered questions regarding details of the wall and a parking study. She addressed the gates at the ends of Bonita and Harbor. The master concept plan showed a hammerhead turnaround at the end and the applicant will present a second option. The residents preferred the gates and no pedestrian access, as stated in the letter from the neighbors. Staff recommended denial of the application, but if it is approved, staff recommended a list of conditions.

Ms. Strayhorn indicated that many comments from the first hearing were incorporated into their presentation. The presentation began with the Project Team, Subject Property, Applications, Area Location Map, Background, CPD Rezoning Request, CPD Presentation, Council Requests from 1st Meeting, Alternative Turn Around and Restricted Access Configurations Option A and Option B, Modified Option A, Look into Drainage Issue and How You Can Improve Conditions, Data Collection/Site Visit/Existing Topographic Data/Map, Proposed Improvements to Address Drainage and Flooding Concerns in the Third Street Neighborhood, Look into Phasing and How Construction Impacts can be Mitigated.

Mr. Freeland stated that he preferred to build it all at once and the phasing was anticipating how they would proceed if needed.

The presentation continued with Provide Setback/Barrier at Edge of Sunset Deck, Request Letter from Neighbors, Gate and Restrict Public and Resort Guest Access on Bonita St. and Harbor Court, Keep a Solid Cement Wall Between Residential and Commercial Properties, Parking Garage Noise Mitigation and Neighborhood Drainage.

Public comment:

Chris Mosteiro, resident, represented 60% of the neighbors and referred to the letter from neighbors on page 592 of the packet. They requested six items as a condition of approval, including placing the turnarounds on the applicant's side of the property with no vehicle or pedestrian access, installing the drains on their property and landscaping the area outside the fence towards the neighbors.

Bill Veach, resident, suggested that if the Town gives up the right-of-way for the access road into the property, it should do so in exchange for a right-of-way, move the wall back and connect Matanzas and Bonita to create a circle. He acknowledged the wall was good for many things, but it was terrible for scours along the wall in the event of a storm.

Public comment closed.

Ms. Strayhorn commented that the neighborhood preference regarding the gates was Option A, fully gated access points with no turnarounds. Mr. Mosteiro confirmed that the neighborhood's preference was no access down Bonita or Harbor to access the resort. He indicated a small turnaround would be okay if it was fully gated to prevent access to the resort.

Council Member Safford thought a turnaround would encourage cars to go down there, like those in his neighborhood.

Mayor Allers proposed a minimal turnaround with ten feet on either side and

the surface could be rock or gravel. He noted people were going to order pizza and this gave the driver a place to turn around without using the residents' driveways.
Council Member Woodson noted that the neighbors she talked to did not want a turnaround. They wanted a locked gate and signage.
Mr. Mosteiro agreed with Mayor Allers' proposal.
Planner Propst clarified that Mayor Allers wanted the turnaround to be on their property but outside the gate.
Ms. Strayhorn brought up the drainage. Mayor Allers preferred that they add the inlet so all the streets would tie in. He said that it would be a true public benefit. Council members agreed. Ms. Strayhorn expressed concerns about moving further and further away from the development of the property and getting further and further away from the nexus. She noted that they had a plan in place to address the neighborhood's concerns. Mayor Allers preferred that the drainage be incorporated into phase one of the project. He noted the wall would be built as the demo happens.
Ms. Fountain indicated that the wall would prevent collection of the rear yard drainage if it was placed between the drain inlets and the neighbors' property. They proposed that the inlets be placed in the neighbors' backyards to catch the water and the resort would have its internal water management system.
Vice Mayor Atterholt thought that completing the wall and doing so early would help mitigate some of the construction and privacy issues; however, he was interested in hearing Mr. Mosteiro's thoughts.
Ms. Strayhorn discussed concerns regarding landscaping, maintenance and property rights infringement. They would have to have landscape and maintenance easements. The wall would be moved to the property line and the drains would be moved into the residents' backyards to increase their effectiveness.
Mayor Allers suggested moving the wall up to the edge of the drains. Ms. Fountain replied that they would discuss the idea during the break.
Principal Planner Frankel commented that the drainage required a certain width for access and the landscaping required a different width for access. Ms. Strayhorn addressed the setback barrier at the edge of the sunset deck. They committed to setting back the railing 24" from the edge of the structure and adding a low-lying decorative structure and/or landscape.
Mr. Vanasse discussed the bodega, market and outdoor seating. They proposed planting trees and a hedge, so the property owner would not be able to see the rooftop deck area.
After a short recess, Ms. Strayhorn brought up the topic of the drainage wall landscape. They were not proposing an inlet at the corner of Third Street and Harbor Court. The inlets would be on the property line connected to the main underwater storage system. One option is to keep the wall roughly where it is and the drainage would be on their side of the property outside the wall. There would be no landscaping on the outside of the wall. They would still need a drainage easement and would extend slightly into the neighbors' property to access the pipe. Option two is to maintain the wall's location and

the landscape would be situated on the outside of the wall on the Arches property. The drainage would be relocated to the residents' properties or as close to the property line as possible. There would have to be landscape and drainage easements if it was located on their property line.
Council Member Safford thought the first option was the best. Council members agreed.
Ms. Strayhorn stated that they provided a 24-inch setback and would provide some low landscaping or decorative structure to ensure that patrons would not be able to lean over the edge of the sunset deck of B. They would not provide anything for the bodega rooftop deck or visual screening of the sunset deck. She reviewed the public benefits.
Mayor Allers disagreed with her list of public benefits.
Ms. Strayhorn noted that another modified version of the gate was to allow for a car to turn around before reaching the gate, but they preferred Option A. Mayor Allers explained what he was referring to by showing it on the slide.
Council Member Safford preferred no turnaround but was okay with one a couple of feet inside their property.
The conditions of approval were reviewed and disagreements were highlighted. The applicant requested live music outdoors at the Arches Gateway Restaurant, located in the Bodega building on Old San Carlos. The consensus was to allow live music.
Ms. Strayhorn noted that they would like Condition 14 to be referred to as the water ferry/taxi facility and stop. Remove the word terminal wherever it appears. Vice Mayor Atterholt requested that the Mound House be added as a fourth stop. Principal Planner Frankel revealed that the CPD for the Mound House would have to be modified. Ms. Strayhorn explained why they were only committed to three stops. Town Attorney Stuparich suggested adding a sentence stating that additional stops may be added in the future, including the Mound House. Ms. Strayhorn replied that they had already offered a significant benefit. Mayor Allers asked how the water ferry was practical, as it would cost money and still take an hour to travel on the back bay, plus the stops. He thought it was a revenue generator, not a public benefit. Vice Mayor Atterholt described how people on the south end did not want to sit in traffic for over an hour to travel to the north end, so they opted to go to Bonita Springs or Naples. He noted that people on the south end would enjoy the ferry year-round and added that the ferry was part of the experience. He thought it was great if the Arches made money, too. Mayor Allers thought a true public benefit would be to allow residents to use the ferry for free. Vice Mayor Atterholt discussed the short-term versus long-term feasibility of subsidies.
Mr. Vanasse commented that the applicant went above and beyond what they initially committed to by offering to operate the water ferry. He addressed the possibility of ending the service if it was not financially successful. Vice Mayor Atterholt suggested adding a sentence regarding the possibility of a public-private partnership before the ferry service was discontinued.

Ms. Strayhorn stated they were not in a position to commit to an office for the Town's marine staff at the water ferry facility. She requested that they remove the sentence. If space were available, the Town could pay the market rate for a lease agreement. Consensus was reached to remove the sentence.

Ms. Strayhorn requested to remove the condition that two dock slips would be allocated for the Town's use as needed. Principal Planner Frankel explained that the harbormaster had requested a permanent mooring for the pump-out boat when it was not in use. Mr. Freeland stated that Pink Shell had already committed to housing the Town's pump-out boat. He was committed to offering pump-out services for patrons of the Mooring Field, but was not willing to have the pump-out boat at their facility. Mr. Freeland agreed that they would rent a slip to the Town at market rate in the event of a vacancy, but not the pump-out boat. Consensus was reached to remove the sentence.

Ms. Strayhorn requested that two sentences in Condition 17 be removed regarding the resort owner providing an alternative location for the park and ride if it were relocated and expanding the service for use by the public. She proposed language that said, in the event the park and ride is removed, the resort owner would make a good-faith effort to continue the service; however, they were not in the transportation business, so they would not commit to expanding the service. Principal Planner Frankel stated that the intent was for the property owner to establish an alternative location for their guests and employees in the event the park-and-ride facility was discontinued. Ms. Strayhorn commented that they would identify (not establish) an alternative location for their guests and employees in the event the park-and-ride facility was discontinued. Principal Planner Frankel suggested the first sentence could read, December through April, shuttle service for hotel guests and employees (year-round). She supported deleting the language to expand the service to the public. Mr. Vanasse agreed to keep an employee service year-round.

Regarding Condition 18, the program does not exist, but they would make a good-faith effort to encourage guests to use alternative methods of transportation.

Condition 19 c. was removed.

Regarding Condition 20 c. Ms. Strayhorn requested to have the paid parking up front and they will do a parking study once they are operational.

Mayor Allers disagreed because they could rent out every space. Council Member Safford agreed. Principal Planner Frankel suggested striking a. and requiring the parking study once the resort was open. Vice Mayor Atterholt was comfortable taking it out because the Arches would know what they needed for their guests. Mr. Vanasse clarified that the idea of overflow parking was to provide parking for the public, especially during the slow months. In season, the priority was for the guests. Mr. Freeland discussed having an empty parking lot while people drove around looking for somewhere to park. He added that if they trusted him to manage it, it would

be an income opportunity for him, but would also benefit the Town. Ms. Strayhorn stated that if the traffic study revealed a deficit, the property owner would reduce the parking. The council agreed.
Regarding 26 b., remove PSI 10-20 and remove the Town's pump-out vessel. Include the word generally to 27 a.
Condition 30 will be deleted and merged with Condition 29 and construction access would be between the boat barns.
Condition 31 would be included as part of the gate condition.
Mr. Gallander displayed a turnaround in front of the gate and will amend the Master Concept Plan. Council members agreed with the revision. Condition 2 will be amended to specify that gates will be installed after the turnaround and will be used only by emergency vehicles, with no pedestrian access.
Ms. Strayhorn reviewed the additional conditions resulting from the discussion.

Vice Mayor Atterholt moved to approve the ordinance incorporating the staff report with the deviations and conditions and it's conditional on the approval of the CP and Deviation four is being adjusted to remove the request to install a fence instead of a wall, seconded by Council Member Woodson.
Mayor Allers explained that he could not support the project as proposed due to commercial intrusion.
The motion carried 4-1 by roll call vote, with Mayor Allers dissenting.

B. Ordinance 25-05, Comprehensive Plan Amendment - Marina and Mixed Residential to Pedestrian Commercial FLU ARCHES RESORT

This agenda item is a legislative Second Reading and Final Public Hearing for adoption of proposed Ordinance 25-05, which is a Small Scale Comprehensive Plan Amendment related to the Arches Redevelopment Project.

ORDINANCE TITLE:
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING THE TOWN OF FORT MYERS BEACH ADOPTED FUTURE LAND USE MAP DATED JANUARY 1, 1999, CONTAINED IN THE TOWN'S COMPREHENSIVE PLAN, FOR PROPERTIES LOCATED AT 450, 445, 441, & 436 HARBOR COURT, 435 & 438 BONITA STREET, FORT MYERS BEACH FLORIDA, ALSO IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00027.0000; 24-26-23-W3-00026.0020, 24-46-23- W3-0030B.0200, 24-46-23-W3-0030B.0190, 24-46-23-W3-0030C.0060,24- 46-23-W3-0030C.0040, 24-46-23-W3-0030A.0110, FORT MYERS BEACH, AMENDING THE FUTURE LAND USE MAP FOR THESE PARCELS FROM MIXED RESIDENTIAL (4PARCELS) AND MARINA (2 PARCELS) TO PEDESTRIAN COMMERCIAL; PROVIDING
FOR 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. Principal Planner Frankel reviewed the background of the request as stated on the blue sheet. The staff recommended denial of the application. However, if the town council finds that the concurrent CPD application demonstrates that the proposed development is "clearly in the public interest, not just in the private interest of a petitioning landowner," approval could be granted.

Ms. Strayhorn addressed the CPA request and noted they received unanimous approval from the LPA. She requested that the LPA meeting and all hearings be incorporated into the public record.

No public comment.

Council Member Woodson moved to approve the ordinance, seconded by Council Member Safford.

The motion carried 4-1 by roll call vote, with Mayor Allers dissenting.

C. Ordinance 25-12; 1154 Estero Blvd. (Salty Crab)

This quasi-judicial agenda item is a First Reading and Public Hearing on proposed Ordinance 25-12 (Salty Crab Redevelopment). If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING TO REZONE THE PROPERTY LOCATED AT 1154 ESTERO BOULEVARD, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00011.0000 IN FORT MYERS BEACH, FROM DOWNTOWN TO COMMERCIAL PLANNED (CPD) TO ALLOW FOR 1) AN INCREASE IN FLOOR AREA RATIO FROM 1.2 TO 1.96; 2) DECREASE STREET SETBACK FROM 10 FEET TO 0 FEET; 3) DECREASE SIDE SETBACKS FROM 20 FEET TO 0 FEET; 4) A 100% REDUCTION IN PARKING REQUIREMENTS FROM 58 SPACES TO 0 SPACES; 5) INCREASED SIGNAGE FROM 32 SF TO 115 SF AND 6) CONDITIONS; 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. No ex parte communications were disclosed.

Fred Drovdlic, planner, Greg Walden, architect and Jimi Pendley, senior project manager, are experts for the applicant.

Vice Mayor Atterholt moved to accept Mr. Walden and Mr. Pendley as experts in their fields, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

Principal Planner Frankel reviewed the background of the request as stated on the blue sheet. The LPA unanimously recommended approval with conditions. She reviewed the deviations. The staff recommended approval with conditions.

Mr. Drovdlic began his presentation with Request, Site, The Past and The Future. Mr. Walden explained the deliveries would occur in the early hours or

late at night when the bus was not running. Other deliveries would be via van or shuttle services. He was in discussions with Lee County regarding parking in Crescent Park, but there was nothing to report. Mayor Allers suggested that he contact Margaritaville or John Richard for options. The presentation continued with Views of the Building, Detailed Renderings, View from the Beach, Elevation, Abutting Margaritaville, Master Concept Plan, Building Height and Stories, Floor Area Ratio, Deviations, Parking, Sign Area, LDC Compliance, Comprehensive Plan Consistency, Key Points and Conclusion. Council Member Safford was concerned about the large delivery trucks and encouraged him to find solutions to mitigate the impact of the deliveries.
Mayor Allers agreed it was crucial to have a plan in place. Vice Mayor Atterholt suggested discussing the parking issue directly with the distributors. Mr. Drovdlic replied that they would continue to research options. Council Member Woodson asked whether they would install a wave mitigation wall.
Mr. Drovdlic was amenable to the idea and would bring it up with the applicant. Mayor Allers suggested that the five-foot walkway be illuminated. Principal Planner Frankel stated that the walkway was Margaritaville's responsibility.
No public comment.

Mayor Allers moved to move this to a second reading on June 16, 2025, at 9:00 a.m., seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

D. <u>Ordinance 25-13; 1836 Estero Boulevard (Estero Island Beach Club)</u>

This quasi-judicial agenda item is a First Reading and Public Hearing on proposed Ordinance 25-13 (Estero Island Beach Club). If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING TO REZONE THE PROPERTY LOCATED AT 1836 ESTERO BOULEVARD, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-03200.00CE & 19-46-24-W4-03200.1010, TO REZONE FROM DOWNTOWN TO COMMERCIAL PLANNED DEVELOPMENT (CPD) AND REQUEST FOUR (4) DEVIATIONS FROM REQUIREMENTS TO PROVIDE; 1) OPERABLE DOORS ALONG ESTERO BLVD, 2) SCREENING MATERIAL ON THE GROUNDFLOOR, 3) INCREASE BUILD-TO LINE SETBACKS, AND 4) INCREASE THE MAXIMUM ALLOWED HEIGHT BY 18-FEET; 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: All council members received an email from a resident on Miramar. Vice Mayor Atterholt also watched the LPA hearing and Mayor Allers had a conversation

with the applicants after the LPA meeting.
Fred Drovdlic, Mike Sheeley and John Shaw were experts for the applicant.
The applicant confirmed receipt of the agenda and backup materials.
Principal Planner Frankel reviewed the background of the request as stated on the blue sheet and the deviations. The staff recommended approval with conditions.
Amy Thibaut, attorney with Roetzel & Andress, represented the applicant. The presentation began with Request, Zoning History, The Past, Architectural Design, Design Revisions, Building Height and Stories, Floor Area Ratio, Site Plan, Conceptual Landscape Plan, Deviations, Public Benefits and Conclusions.
Jim Murley, President of the EIBC Board, provided an overview of the EIBC's background and its owners. He noted they lost 9% of the owners after Ian.
He indicated that he has an RFP ready to go for an architect once the project is approved and he said they were moving aggressively behind the scenes.
He revealed that they offered their sand for the sand sculpting event this year.
Council members expressed their support for the project. No public comment.

Mayor Allers moved to approve the ordinance and move it to a second reading on June 16, 2025, at 9:00 a.m., seconded by Council Member King. The motion carried unanimously by roll call vote.

E. Ordinance 25-03; Bicycle Safety

This legislative agenda item is a Second Reading and Final Public Hearing for adoption of proposed Ordinance 25-03.

ORDINANCE TITLE:
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ARTICLE III “BEACH BICYCLE AND VEHICLE SAFETY” OF CHAPTER 28 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA, TO ALLOW THE OPERATION OF ELECTRIC BICYCLES ON SIDEWALKS; ESTABLISHING SAFETY REGULATIONS; ESTABLISHING A MAXIMUM SPEED AND PASSING PROCEDURES; REQUIRING OPERATION WITH THE FLOW OF TRAFFIC; ESTABLISHING RESPONSIBLE PARTIES AND PENALTIES; ESTABLISHING ADDITIONAL REGULATIONS FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich reviewed the changes on page 767. Emergency Services and Compliance Director Thomas Yozzo addressed the safety aspect, emphasizing the importance of education and training. Enforcement would be a challenge and he recommended a speed limit of seven miles an hour. Town Attorney Stuparich commented that the speed limit had to be 15 mph due to a state

statute. Enforcing this will be a real challenge and will require more staff. He added that the speed cannot be checked by radar and would be estimated visually. Vice Mayor Atterholt requested that they include a sunset provision, allowing them to revisit the issue in one year. Council Member Woodson clarified that they could enforce riders who were not traveling with the flow of traffic. Director Yozzo commented that they will add signage. Council Member Safford agreed with adding a sunset clause. Director Yozzo stated that information would be added to the town's website. Town Attorney Stuparich noted that they would revisit the ordinance, rather than sunset it.
No public comment.

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

F. Ordinance 25-08; Noticing

This legislative agenda item is a First Reading and Public Hearing on proposed Ordinance 25-08. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES TO REQUIRE APPLICANTS FOR REZONINGS, DEVELOPMENT AGREEMENTS AND DEVELOPMENTS OF REGIONAL IMPACT TO PROVIDE MAILED AND POSTED PUBLIC NOTICING PRIOR TO LOCAL PLANNING AGENCY AND TOWN COUNCIL PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.
Mayor Allers read the title of the ordinance. Principal Planner Frankel reviewed the background of the request as stated on the blue sheet. She will add a requirement that properties across canals have to be noticed.
No public comment.

Mayor Allers moved to move the ordinance, including the canal addition, to a second reading on June 16, 2025, at 9:00 a.m., seconded by Council Member King.
The motion carried unanimously by roll call vote.

XIII. ADMINISTRATIVE AGENDA

A. RFP-25-02-AD FMB Comprehensive Recovery and Resilience Implementation Plan

1) Approve the Town Manager's recommendation based on the Selection Advisory Committee's evaluation of the responses received to RFP-25-02-AD, FMB Comprehensive Recovery and Resilience

Implementation Plan; and
2) authorize the Town Manager to negotiate an agreement with AECOM Technical Services, the top ranked firm conditioned on approval by Lee County; and 3) Waive approval by the Town Council and authorize the Town Manager to approve the final agreement, subject to legal sign-off.
Director Kropacek described the reason for the action.

Council Member King moved to approve the SAC's recommendation, authorize the town manager to negotiate an agreement and authorize the town manager to approve the final agreement, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

B. Florida Municipal Insurance Trust Release and Settlement
Approval of Final Settlement Agreement Between the Town of Fort Myers Beach and the Florida Municipal Insurance Trust for Hurricane Ian Insurance Proceeds in the Amount of $737,500.00.
Town Attorney Stuparich reviewed the background of the agreement.

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

C. RFP-25-03-EN Selection Advisory Committee Recommendation Approval
Approve the Selection Advisory Committee's recommendation for award of RFP-25-03-EN Fill and Grading Bay Oaks Recreational Campus to Persons Service Corporation.
Community Services Director Jeff Hauge noted this firm was the only one to respond.

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

D. Resolution 25-199, RFP-25-03-EN Agreement Award
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AWARDING RFP-25-03-EN TO PERSONS SERVICES CORP, AS THE MOST RESPONSIVE AND RESPONSIBLE BIDDER TO COMPLETE THE FILL AND GRADING OF BAY OAKS RECREATIONAL CAMPUS PROJECT AS RECOMENDED BY THE SELECTION ADVISORY COMMITTEE; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND PREPARE AN AGREEMENT FOR THE RECOMMENDED SERVICES IN AN AMOUNT NOT TO EXCEED $1,689,381.63 SUBJECT TO LEGAL REVIEW; AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
Mayor Allers read the title of the resolution. Town Attorney Stuparich

reviewed the background of the request.

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

XIV. FINAL PUBLIC COMMENT

No public comment.

XV. TOWN MANAGER'S ITEMS

Town Manager McKannay recommended that the council schedule a joint meeting with the LPA to discuss the results of the public input regarding the comp plan. The meeting was tentatively scheduled for June 26, 2025. Planner Propst described the three events and the online survey created for outreach. The primary input was that the residents wanted parks, traffic congestion was a main concern, along with the lack of amenities. Additional topics were the lack of medical facilities, accessibility and traffic safety. The beach was the town's biggest asset and the Mound House was an appreciated amenity. Eddie Ng and Jason Green will discuss the findings and present suggestions on the next steps. Town Manager McKannay noted that the next community forum for the strategic planning was scheduled for June 12, 2025, at the same location.

A. Fort Myers Beach School Update

Town Manager McKannay indicated he would meet with the Superintendent tomorrow morning to begin discussions regarding the school. Assistant Kohler will also attend the meeting.

XVI. TOWN ATTORNEY'S ITEMS

No items.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King indicated that the FDOT (Florida Department of Transportation) removed the stairs to the Matanzas Pass pier because they were not safe. The town could purchase the pier, but it would not be cheap.
Vice Mayor Atterholt requested an excused absence from the M&P meeting on Thursday. Council members approved. He asked the Town Manager to contact the school ad hoc group before the school district workshop at 1:00. He encouraged people to attend the meeting.
Council Member Woodson noted that some council members would attend the workshop to support the school.
Council Member Safford stated that signs were up for the two 15-minute parking spots across from Nervous Nellies. He offered to serve as the liaison for the Charter Review Committee, with Council Member Woodson as his alternate.

XVIII. ADJOURNMENT

Council Member King moved to adjourn, seconded by Council Member Woodson at 6:42 PM.

Minutes adopted as presented, June 16, 2025. Motion by Council Member King and seconded by Council Member Safford.
Passed 5-0.

Jason Freeman

Jason Freeman, Deputy Clerk/Legislative Liaison