



Fort Myers Beach Town Council

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes**Monday, April 19, 2021****9:00 AM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Murphy, Vice Mayor Hosafros, Council Member Allers, Council Member Atterholt and Council Member Veach.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Vice Mayor Hosafros moved to approve the final agenda; second by Council Member Allers.

Motion carried unanimously.

V. PUBLIC COMMENT

- Robert Howell introduced himself and stated that he applied for a position on the Marine Resources Task Force (MRTF). Although he is not a resident, he worked on the beach every day and included references with his application.
- Ellen Vaughan, resident, endorsed the rezoning request for the Myerside project. She expressed concern regarding losing the cottages to tall buildings.
- John Heim, resident, distributed a document and questioned whether water testing in the back bay was being done and where the results were.
- Eddie Foster, resident, questioned why the handicapped ramp was so far away from the entrance. She stated that the signage for free parking on the way to the beach was incorrect. She questioned whether anyone did research to prevent smoking on the beach and she described trash on the sidewalk.

- Wendy DeGaetano, resident, stated that she applied to MRTF three times and described her background.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Hosafros wished Mayor Murphy a happy birthday.

Council Member Veach recognized Mayor Murphy for getting vaccines to the island. Mayor Murphy thanked the Church of Ascension, the Florida Department of Health, volunteers from the Knights of Columbus and Fire Commissioner Jim Knickle for their assistance. He noted that 126 people received vaccines.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

No reports.

VIII. APPROVAL OF MINUTES

A. Town Council April 5, 2021

Vice Mayor Hosafros moved to approve the minutes; second by Council Member Veach.

Motion carried unanimously.

B. Management & Planning Session April 7, 2021

Vice Mayor Hosafros moved to approve the minutes; second by Council Member Veach.

Motion carried unanimously.

IX. CONSENT AGENDA

Vice Mayor Hosafros moved to approve the consent agenda; second by Council Member Allers.

Motion carried unanimously.

A. Disposition of Surplus Items

Declare listed items as surplus and authorize staff to dispose of these items utilizing a municipal government auction service.

Vice Mayor Hosafros moved to authorize staff; second by Council Member Allers.

Motion carried unanimously.

B. Affirming the Gumbo Limbo Tree as the official tree in the Town of Fort Myers Beach

Adopt Resolution 21-20 affirming the selection of the Gumbo Limbo as the official tree of the Town of Fort Myers Beach.

Vice Mayor Hosafros moved to authorize staff; second by Council Member Allers.

Motion carried unanimously.

X. PUBLIC HEARINGS

- A. Continued - Ordinance 21-02: Myerside CPD Rezoning (DCI 2020-0009) **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/DENYING AN AMENDMENT TO THE CURRENT ZONING MAP FOR THE PROPERTY LOCATED AT 131-151, 125 SCHOOL STREET AND 2661-2681 ESTERO BOULEVARD, FORT MYERS BEACH, CONTAINING 1+/- ACRES GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230, 19-46-24-W3-0020C.0270, AND 19-46-24-W3-0020C.0290; FROM RESIDENTIAL CONSERVATION (RC) TO COMMERCIAL PLANNED DEVELOPMENT (CPD); APPROVING/DENYING A MASTER CONCEPT PLAN FOR HOTEL, RETAIL, AND RESTAURANT USES, INCLUDING CONSUMPTION OF ALCOHOL ON PREMISES AND APPROVING DEVIATIONS FROM THE LAND DEVELOPMENT CODE ("LDC"); PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. Continued Second reading and final adoption from April 5, 2021**

Mayor Murphy stated that the applicants requested a continuance.

Vice Mayor Hosafros moved to approve a continuance of Ordinance 21-02 to May 3, 2021, at 9:00 a.m.; second by Council Member Allers.

Motion carried unanimously.

XI. ADMINISTRATIVE AGENDA

- A. Appointment to BORCAB

Appoint new member to fill the one vacancy on the Bay Oaks Recreational Campus Advisory Board

Council Member Allers moved to appoint Bruce Butcher to Bay Oaks Recreational Campus Advisory Board; second by Council Member Atterholt. Motion carried unanimously.

- B. Appointment to MRTF

Appoint new member to fill the one vacancy on the Marine Resources Task Force

Vice Mayor Hosafros questioned whether they could make Robert Howell a non-official member. Town Attorney Herin, Jr. replied affirmatively.

Vice Mayor Hosafros moved to appoint Wendy DeGaetano as a member and asked staff to create an ex-officio placement for Robert Howell; second by Mayor Murphy.

Motion carried unanimously.

C. North Estero Phase 2 Part 2

Authorize the Town Manager to execute Change Order 1 for North Estero Phase 2 Part 2 Water Main and Storm Water Improvements, increasing the contract amount by \$5,480,740.04 to add North Estero Phase 2 Part 1 in contract ITB-20-08-UT with Mitchell & Stark Construction Company.

Vice Mayor Hosafros moved to approve the change order; second by Council Member Atterholt.

Town Manager Hernstadt explained the action.

Motion carried unanimously.

D. Bayview Blvd Water Main Extension

Authorize the Town Manager to execute Change Order 1 for Estero Boulevard Water Main Phase 4, increasing the contract amount by \$477,202.94 for Water Main Extension on Bayview Blvd with Mitchell & Stark Construction Company RFQ-13-02-PW.

Town Manager Hernstadt explained the reason for the change order.

Council Member Veach moved to approve the change order; second by Vice Mayor Hosafros.

Motion carried unanimously.

E. North Estero Phase II, Part 1 Construction/ROW Agreement

Authorize the Town Manager to enter into a construction / ROW agreement with the Florida Department of Transportation (FDOT) in association with the Town's downtown water and stormwater improvements within the Matanzas Bridge right of way as part of North Estero Phase II, Part 1 construction, and authorize the Town Manager to execute associated construction agreements necessary for the project's construction.

Council Member Allers moved to approve authorization; second by Vice Mayor Hosafros.

Motion carried unanimously.

F. July 4th Fireworks

Authorize July 4th fireworks, and authorize the Town Manager to execute the associated documents.

Town Manager Hernstadt stated that the agreement with the fireworks company was extended twice due to COVID-19. He noted that 1/2 of the population have received a first dose of the vaccine. Vice Mayor Hosafros and Council Members Atterholt and Allers supported moving forward.

Council Member Veach noted that numbers were headed back up and hoped that Florida did not have a fourth surge. Mayor Murphy indicated more vaccines would be distributed before the 4th, but he shared Council Member Veach's concern regarding increased cases. He reminded people that vaccinations did not mean one could not spread Covid-19. He encouraged

people to continue to practice social distancing and wear masks.

Council Member Allers moved to authorize the Town Manager to execute the documents; second by Vice Mayor Hosafros.

Motion carried unanimously.

XII. FINAL PUBLIC COMMENT

Ellen Vaughan, resident, suggested possibly a sponsor could be found that would offer #WeAreFMB masks for sale on the 4th of July.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt stated that Lee County tested the back bay water and they published the results. The signs leading into Fort Myers Beach were brought to the attention of Lee County. He noted that the sidewalks were the responsibility of Lee County and they were installing trash cans adjacent to the bus stops. Mayor Murphy stated that property owners had to do their part too. Town Manager Hernstadt explained how they gave property owners an opportunity to remove large items before citations were issued. He was not sure whether they could enforce no smoking on the beach without state or county involvement. He discussed safely opening Town Hall. Mayor Murphy indicated that some staff members recently received a vaccine.

Town Manager Hernstadt stated that an expert analyzed their technical equipment and a report would be available soon. He discussed parents signing a COVID-19 release form for programs at Bay Oaks and noted they would be polled about whether they wanted to require that their children wear masks.

XIV. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. stated that they met with the School Board and the Town would have to vacate a small piece of property. He indicated that the first organizational meeting for the Nuisance Abatement Board would be scheduled for next month. Vice Mayor Hosafros suggested that every Advisory Committee Member receive ethics training. Town Attorney Herin, Jr. replied that he would make training available. Mayor Murphy suggested that it be recorded for those who could not attend the training. Town Manager Hernstadt agreed to record it.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Veach received support to add trapping iguanas to a future M&P. He questioned allocating money to the Town Manager to investigate acquiring property for the upland service provider. Vice Mayor Hosafros pointed out that he already had the authority to spend up to \$25,000.00. Town Manager Hernstadt replied that it was more a question of whether they agreed with the concept before moving forward. Council Member Veach described a beach toy recycling at beach access 22. He questioned whether the Town was interested in promoting the program.

Vice Mayor Hosafros questioned whether anyone objected to her reappointment to the Human Services Council in Lee County. There were no objections.

Council Member Allers noted a hazardous chemical waste pickup would be held at Bay Oaks on April 30, 2021, from 8:00 a.m. to noon. He requested that additional FMB Water Initiative cards be copied for MRTF pop-up events. He questioned whether they could remove the mask mandate.

Mayor Murphy stated that a constituent sent him a photo of property on North Estero for a possible upland service provider. Town Manager Hernstadt will research the property.

XVI. ADJOURNMENT

Vice Mayor Hosafros moved to adjourn; second by Mayor Murphy.

Motion carried unanimously.

The meeting was adjourned at 10:15 a.m.

Minutes adopted, May 3, 2021; Motion by Vice Mayor Hosafros and seconded by Council Member Veach. Passed 5-0.

A handwritten signature in blue ink, appearing to read "Amy Baker". The signature is stylized with a large, looped initial "A" and a cursive "Baker".

Amy Baker, Town Clerk