



Fort Myers Beach Town Council

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

Agenda

Monday, June 7, 2021

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 AND REPORTS**
- VIII. APPROVAL OF MINUTES**
 - A. Town Council Meeting - May 3, 2021
 - B. Management & Planning Session - May 6, 2021
 - C. Town Council Meeting - May 17, 2021
- IX. PRESENTATIONS**
- X. CONSENT AGENDA**
 - A. Resolution 21-32, Repealing Emergency Declarations
Resolution repealing all Emergency Declarations and Resolutions regarding the state of emergency declared in Governor Desantis' Executive Order 20-52.
 - B. Special Event - Dig the Beach Volleyball Series
Dig the Beach Volleyball Series- Special Event
 - C. Historic Preservation Advisory Committee Appointments
Appoint Members to the Historic Preservation Advisory Committee (HPAC)
- XI. PUBLIC HEARINGS**

- A. Ordinance 21-04: Text Amendment to LDC Sec 34-3273, Residential uses and setbacks on non-conforming lots and 34-268 Administrative Setback variances

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES AND SECTION 34-3273 GENERAL REQUIREMENTS FOR RESIDENTIAL USES ON NON CONFORMING LOTS; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. Second reading and public hearing for adoption.

- B. Ordinance 21-05: Teco Franchise Agreement

First Reading and Public Hearing: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE TOWN OF FORT MYERS BEACH FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR ORDINANCE. Open the first public hearing and schedule for second reading and final adoption on August 2, 2021 at 9:00 a.m.

XII. ADMINISTRATIVE AGENDA

- A. FY2020 Audit Report
Accept FY 2020 Audit Report prepared by Mauldin & Jenkins
- B. Audio and Visual Upgrades
Allocate additional funding and approve the purchase of up to \$283,550 of audio and visual equipment upgrades to the Town Council Chambers.
- C. 5-Year CIP (FY22-26)
Presentation of the 5-year Capital Improvement Plan (FY22-26) and inclusion with the proposed Fort Myers Beach Fiscal Year 2022 budget.
- D. Resolution 21-27; Adopting FY 2021-2022 Tentative Millage Rate
Approve Resolution 21-27 establishing the Town's Tentative Millage rate for Fiscal Year 2021-2022
- E. Recurring Special Event Sunset Celebration FY 2022
Sunset Celebration Recurring Special Event for FY 2022
- F. Adopt Resolution 21-25 approving the second amendment to the shared use interlocal agreement with the Lee County School Board
Adopt Resolution 21-25 approving a second amendment to the previously approved Interlocal Agreement with the School Board of Lee County for the shared use of Bay Oaks Recreational Campus facilities

for the students of Fort Myers Beach Elementary School throughout the school year.

G. SRF DW360801 Amendment 2

Final authorization for the Town Manager to increase the SRF DW360801 funding for North Estero Phase 2 Part 2, North Estero Phase 2 Part 1, and Tier 1 Side Street Projects by \$20,329,458.

H. SRF Loan SW360830

As a requirement of SRF Loan funding for the stormwater system improvements adopt a Fiscal Sustainability Plan for the Town's Stormwater System

I. Change Order #2: ITB-20-25-PW Intersection Improvements

Approve Change Order #2 in the amount of \$14,363.37 with Ajax Paving Industries of Florida, LLC and authorize the Town Manager to execute the associated documents, and allocate, appropriate, and expend funds from the capital budget.

J. Traffic Signal Maintenance Interlocal

Approve Resolution 21-26 for Interlocal for Traffic Signal Maintenance with Lee County for the traffic signal being installed at Old San Carlos Boulevard and Estero Boulevard and authorize the execution of contract documents.

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 TELEVISED LIVE ON COMCAST CHANNEL 98.

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 accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.
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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

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

Minutes

Monday, May 3, 2021

9:00 AM

ORDER OF BUSINESS

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

Lieutenant Allen Canfield from the Lee County Sheriff's Office discussed the status of the Outreach Center. He noted that the Center closed on April 30, 2021, due to construction. He stated that 2,500 people passed through the Center since last September, 17 events were held and he listed organizations they worked with during the time period. Lt. Canfield revealed that they have not found a new location for the Outreach Center. Vice Mayor Hosafros suggested that they contact the Beach Baptist Church.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Hosafros recognized the Chamber of Commerce and all volunteers who helped with the Taste of the Beach event.

Mayor Murphy noted that he and Vice Mayor Hosafros volunteered as judges during the Taste of the Beach. He congratulated the Chamber and volunteers for a successful event. He recognized the Beach Baptist Church for hosting vaccinations and reminded people that the second Pfizer shot was available at the Church of the Ascension on Thursday, May 6, 2021.

Council Member Atterholt preliminary recognized the governor and the legislator for the clean water budget. He will provide an update once details were released. He encouraged the community to continue to send cards and letters to federal members of the government.

Council Member Veach acknowledged the Garden Club, volunteers and Town staff for planting the native plant demonstration garden on Palermo this Thursday.

VII. ADVISORY COMMITTEE'S ITEMS AND REPORTS

No reports.

VIII. APPROVAL OF MINUTES

- A. Draft minutes - April 19, 2021 Town Council

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. HBK Financial Services Agreement

Authorize the Town Manager to execute an additional agreement with HBK CPAs and Consultants for Financial Services in the not to exceed amount of \$25,000.

Vice Mayor Hosafros moved to authorize the Town Manager; 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 19, 2021

Council Member Atterholt moved to reopen the public hearing; second by Vice Mayor Hosafros.

Town Attorney Herin, Jr. reviewed actions taken since the last public hearing. Discussion was held regarding technical problems with YouTube.

Motion carried unanimously.

A recess was taken to address technical difficulties. Council Members were back to order at 9:39 a.m. Mayor Murphy stated that the problem with YouTube could not be immediately fixed and the meeting would be uploaded later. The meeting was available on Comcast.

Town Attorney Herin, Jr. noted that phases 3 and 4 were reversed in the ordinance, some language in Condition E. was changed, there was disagreement with Condition G. and Condition T. was changed to state that the applicant would pay 33% of the total cost to design, permit and construct a Town-approved sidewalk. The consumption of alcohol was limited to the property with COP approval in Condition X., the modified schedule of allowable uses included the tiki structure, firepit, accessory pool and sand volleyball court and added personal services in the restaurant/hotel.

Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: Council Member Allers - email from the applicant; Vice Mayor Hosafros - approached by various people; Mayor Murphy - none; Council Member Atterholt - email from the applicant and Council Member Veach - communications with Fire Marshall.

Director of Community Development Services Jason Green stated that existing renters would remain on the property but could not take advantage of daily rates until the development order and other matters were approved.

Council Member Veach requested that a review by the fire marshal be specifically stated.

Attorney Beverly Grady from Roetzel and Andress represented the applicant. She explained why they disagreed with replating the property as one parcel in Condition G. and requested that they delete the condition. Town Attorney Herin, Jr. and Director Green explained why staff added the condition. Town Attorney Herin, Jr. suggested adding language to Condition Z. as a compromise. Attorney Grady agreed with eliminating Condition G. and modifying language in Condition Z.

Attorney Grady suggested adding precise language for the cost of the sidewalk. Council Member Atterholt suggested that the Town Manager and Public Works provide a number. Public Works Director Chelsea O'Riley was sworn in. She stated that the contract for two sidewalks on both sides of the library plus a shelter pad was \$128,183.99. Attorney Grady suggested that the applicant put in the sidewalk and the Town reimburse them for 2/3 of the cost. Director O'Riley stated the total cost for the entire length of the sidewalk was approximately \$38,000.00. Patrick Vanasse with RWA stated that he obtained a quote of \$6,000.00 for a 5-foot sidewalk from a qualified contractor.

Council Member Veach suggested that they use their contractor and build the sidewalk on their own. Attorney Grady replied that the applicant would write a check for \$12,000.00 to the Town for the sidewalk. Council Members agreed to accept the check.

Attorney Grady discussed the wording concerning renting cottages rather than units in the cottages. Town Council Members agreed to change the language to renting a unit instead of renting a cottage. Attorney Grady discussed excluding Building 8 from the minimum side setback of 15 feet and noted they always requested a side setback of 7 feet for Building 8. Vice Mayor Hosafros suggested keeping the 15-foot side setback if they had to build a new cottage because they would have to build up anyway. Attorney Grady agreed with a 15-foot side setback if a new cottage was built; otherwise, it would remain at 7 feet for Building 8. Town Attorney Herin, Jr. reviewed the agreed-upon changes.

Council Member Veach moved to deny the ordinance. Motion failed for lack of a second.

Vice Mayor Hosafros moved to approve Ordinance 21-02 as amended pursuant to discussions in the proceedings and found it was consistent with the Town's Comprehensive Plan and Land Development Code; second by Council Member Allers.

Council Member Veach explained why he objected to the project. Vice Mayor Hosafros felt it was important to preserve cottages. She did not think the neighborhood was residential any longer and felt it was a unique situation.

Council Member Veach felt that the line from residential to commercial was crossed. Mayor Murphy disagreed. He expressed concern regarding the school, but he did not think it was a deal-breaker due to the owners' assurances and conditions placed on the project. Council Member Allers noted he had initial concerns about the cottages and alcohol consumption, but the conditions imposed and compromises helped change his mind.

Council Member Atterholt noted the project was unique and eclectic and many in the community supported maintaining that character. He felt it was an innovative proposal and was a nice contribution to broader changes on the island.

Motion carried 4-1 with Council Member Veach dissenting. Mayor Murphy read the title of the ordinance into the record.

XI. ADMINISTRATIVE AGENDA**A. 2021 Citizen of Distinction**

The Town has received the nomination of Janine Fleming and Janine Paulauskis for the annual Fort Myers Beach Citizen of Distinction Award for their #WeAreFMB campaign.

Council Member Veach moved to award the Fort Myers Beach Citizen of Distinction Award to Jan Fleming and Janine Paulauskis; second by Council Member Allers.

Vice Mayor Hosafros described why she and former Mayor Cereceda nominated them for the award. Council Members Atterholt and Veach added their support. Mayor Murphy congratulated the recipients.

Motion carried unanimously.

B. Lee County Interlocal Agreement - Amendment 6

Authorize the Town Manager to amend the interlocal agreement with Lee County for Water and Stormwater Improvements Sanitary Sewer. This establishes the construction costs associated with the installation of Lee County's wastewater lines reimbursed to the Town at an amount of \$701,305.00.

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

Motion carried unanimously.

C. RFQ-21-09-EN Beach Renourishment Professional Services Rankings

Accept the recommended rankings for RFQ-21-09-EN and authorize the Town Manager to enter into negotiations with the highest ranked firm, Coastal Engineering Consultants, for Beach Renourishment Professional Services.

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

Motion carried unanimously.

D. Interlocal with Lee County School Board

Ratify Resolution 21-23 for an Interlocal agreement with the School Board of Lee County for the exchange of real property and improvements in exchange for property historically used as part of the Bay Oaks Recreational Campus and other commitments

Council Member Veach moved to ratify Resolution 21-23; second by Council Member Allers.

Motion carried unanimously.

E. Proposed 2021 Town Council Meeting Schedule

Approve the monthly schedule for Town Council meetings through December 2021

Vice Mayor Hosafros noted there was a conflict with two TDC (Tourist Development Council) meetings and she preferred the alternative dates listed for Council meetings so she could attend the TDC meetings. She also suggested second December (20th) meeting be considered a tentative date if necessary. Council Members agreed to use the alternative Council meeting dates to avoid a conflict with the TDC meetings.

XII. FINAL PUBLIC COMMENT

No public comment.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt noted that the audit should be completed up soon. He stated that the survey published by the Public Safety Committee (PSC) had 550 responses so far and it was still available. The lighting consultant was wrapping up their second presentation to stakeholders and will begin meeting with the PSC and MRTF (Marine Resources Task Force). Recommendations will be presented to Town Council. FDOT (Florida Department of Transportation) will provide an update regarding the bridge in June.

Town Manager Hernstadt reported that Dan Weber from B.A.S.E. located a lost child on Friday and reunited them with family members.

XIV. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. reported that the Town prevailed in the Key Estero Shops appeal case. He noted the property owner could appeal the case. He stated that another code enforcement matter regarding White Sand Properties of Fort Myers Beach was appealed, but the Town had not been formally served yet. He received notification from outside counsel concerning the ADA lawsuit filed by Mr. Rood.

The federal court denied the motion for the lawsuit but stated the arguments made by Town were more appropriate for the next stage of the process. Outside counsel will start the process of discovery and preparing the case for a motion for summary judgment.

The Bert Harris claim in the Jamison case was briefed and a supplemental argument would take place this week. He felt cautiously optimistic that the judge will issue an order in their favor.

Council Member Allers questioned why he was not aware of the rulings. Town Attorney Herin, Jr. apologized and encouraged Council Members to reach out to him for details on legal matters circulating on social media.

Town Attorney Herin, Jr. stated that the organizational meeting for the Nuisance Abatement Board (NAB) would be held at 1:30 p.m. in Council Chambers.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Allers mentioned a piece of property at the end of Virginia might be suitable for the Upland Services Provider. A full discussion of the topic will be held on Thursday. He suggested temporarily using the property at the base of the bridge for the Sheriff's Outreach Center. Vice Mayor Hosafros preferred to wait until the Sheriff's Office contacted the Beach Baptist Church for a temporary solution. Council Member Allers discussed keeping the Outreach Center in a visible location in Times Square. Council Member Veach suggested the right-of-way by 7-11 on Palermo.

Vice Mayor Hosafros mentioned a conversation with Town Manager Hernstadt regarding a party interested in bidding for the Tourist Info Center. Town Manager Hernstadt explained that he contacted the former operator of the information booth and suggested they work with the interested party to acquire the booth or work out a subcontracting arrangement. He stated that whatever happened, the information booth would have to stop operating in about a year due to construction. Vice Mayor Hosafros reported that all TDC grants for the Town were preliminarily approved at a recent workshop. She noted there were still a couple of steps before formal approval. She congratulated Cultural Parks & Recreation Director Alison Giesen and staff for submitting high-quality grant applications.

Mayor Murphy reminded everyone again that vaccines were available at the Church of the Ascension on Thursday, May 6, from 1 p.m. to 5:00 p.m. He noted they would be saying goodbye to businesses due to Margaritaville construction and congratulated the owners of the Mermaid and Bruce Cernak for his tenure. No items from other members.

A. Review of Emergency Declaration #8

Council Member Allers stated that the governor lifted all COVID-19 restrictions and felt it was time to end Emergency Declaration #8. Vice Mayor Hosafros added that the CDC issued new guidelines that conflicted with the Town and she was in favor of dissolving the Declaration. She supported allowing businesses to continue to require masks. Mayor Murphy added that anyone who continued to wear masks should not be ridiculed. Council Member Veach noted that the people who were against wearing masks were also against getting the vaccine. Council Member Atterholt supported retiring the mask mandate.

Vice Mayor Hosafros moved to direct the Town Attorney to prepare a document that dissolved Emergency Declaration #8 effective today; second by Council Member Allers.

Mayor Murphy discussed protecting the community and encouraged people to continue to wear masks if they felt unsafe and continue to social distance when necessary.

Motion carried 4-1 with Council Member Veach dissenting.

Vice Mayor Hosafros made it clear to Town Manager Hernstadt that staff could implement policies for differing situations to protect certain people. Even though Emergency Declaration #8 was dissolved, staff still had the authority to make rules regarding events.

Discussion was held regarding removing the Town Manager's discretion for special events. Town Manager Hernstadt explained how he decided whether special events were safe per CDC guidelines. Mayor Murphy supported continuing to give the Town Manager discretion. Town Manager Hernstadt stated that events were happening anyway. Consensus was reached to remove the Town Manager's discretion for special events.

XVI. ADJOURNMENT

Council Member Allers moved to adjourn; second by Vice Mayor Hosafros. Motion carried unanimously.

The meeting was adjourned at 12:18 p.m.



Fort Myers Beach Management & Planning Session

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

Minutes

Thursday, May 6, 2021

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

Lee County Department of Transportation (LDOT) Project Manager Rob Phelan stated that most of the Estero Blvd. construction should be finished by the end of the year. He discussed ongoing construction and the timeline for the remainder of the project. Kaye Molnar, President of Cella Molnar & Associates, indicated that they were working on finalizing an overview of the project.

A. Preliminary budget discussion of headcount and equipment

FY 2021 budget and preliminary discussion for planning of FY22 budget including service priorities.

Town Manager Hernstadt reported that personnel and equipment would be stable. He encouraged Council Members to submit items for the add-on list so they could be priced out under the current millage rate. He noted that the gas tax went down during the pandemic. Interim Finance Director Craig Steinhoff added that he thought there might be misclassifications between the general fund and the gas tax fund. He stated that he would follow up and report back. Council Member Atterholt questioned the number under stormwater. Interim Director Steinhoff replied that he would investigate and report back. He indicated they preliminarily expected an increase in revenue from assessed valuations. Town Manager Hernstadt felt there would be an increase of approximately 2-3%.

Interim Director Steinhoff anticipated a final draft of the audit by the end of the month. Town Manager Hernstadt explained the delay.

Vice Mayor Hosafros requested a revamp of the shade tree program to encourage homeowners to plant shade trees on their property. She received consensus to discuss the program. Council Member Veach received consensus to add the workforce housing initiative to a future M&P Session.

Council Member Atterholt proposed adding two deputies for community policing at the cost of \$112,644.71 per deputy if the Town determined that there was a need. He suggested it could be a pilot program for a year. He received support to add it to a future M&P Session. Council Member Allers stated that the PSC was working on details and recommendations for Town Council regarding the need for community policing. He suggested that they be proactive and discuss adding a line item for lighting at a future M&P Session. Mayor Murphy commented that they should wait to get the numbers from the lighting consultant and bids before deciding which way they wanted to proceed.

B. Discussion regarding Upland Service(s) Options

Discussion regarding Upland Service(s) Options.

Town Manager Hernstadt indicated that they were investigating potential locations with assistance from Coastal Engineering. He reported that Moss Marine was not interested in being the upland service provider at this time. He noted they were looking at county-owned land on San Carlos Island, canals around Town Hall, and temporary trailers under the bridge. The public right-of-way on Virginia Ave. was being researched for limitations. Vice Mayor Hosafros stated that the AAC (Anchorage Advisory Committee) researched Virginia Ave. and residents did not want a business on their street. Council Member Veach discussed the advantages of using the canal behind Town Hall and expanding the building to add storage. He noted that boaters could use the amenities at Bay Oaks. Town Attorney Herin, Jr. reminded Council Members that no new public restrooms were allowed unless they were replacements. Mayor Murphy noted that their options seemed to be limited to San Carlos Island and under the bridge. Town Manager Hernstadt brought up a proposal from a property owner. Vice Mayor Hosafros found the condo proposal difficult to understand due to the conflict with public restrooms. Town Attorney Herin, Jr. discussed ownership of the bottom of the canal behind Town Hall. He noted a corporation claimed ownership of the bottom of the canal and users would have to pay them a fee to build and maintain a dock. Council Member Allers stated that a property owner on Tropical Shores Way spent over \$20,000.00 in legal fees to gain access to keep their dock.

C. HOA Beach Accesses

Update of maintaining HOA Beach Accesses

Town Manager Hernstadt reported that they would send letters to the HOAs regarding their responsibility to maintain the accesses and whether they would turn their beach access over to the Town. Vice Mayor Hosafros noted changes to some HOA ownerships and described encroachment by one. She stated that the Sandpiper Village HOA no longer existed. Town Manager Hernstadt will report back after receiving information from the HOAs. He noted that Communications Coordinator Jennifer Dexter would disseminate the information. Town Attorney Herin, Jr. stated he would do preliminary research concerning legal aspects. Council Member Allers supported Town Manager Hernstadt's approach. Town Manager Hernstadt stated that staff would mark the newly discovered Town-owned beach access and notify neighbors of the Town's position. Council Member Veach suggested that the access on Anchorage be researched. Town Attorney Herin, Jr. agreed.

D. Rodent & Iguana Control

Rodent & Iguana Control

Council Member Veach described the process of trapping iguanas on Marco Island. He noted that property owners contacted the town to remove the iguanas. Town Manager Hernstadt questioned how Council Members wanted to proceed. Council Member Atterholt questioned whether surrounding communities had a rat removal program. Town Manager Hernstadt replied that they could contact firms to help with both issues. Vice Mayor Hosafros suggested adding \$20,000.00 to the budget to help remove iguanas. She noted that they did not have as many feral cats anymore.

Council Member Allers was not comfortable with the Town getting involved in elimination services. Mayor Murphy suggested targeting rat nests in infested neighborhoods. Town Manager Hernstadt agreed that they could send letters to properties where rats were out of control. He noted that Coordinator Dexter released information regarding the issue. Council Member Veach suggested listing vegetation that attracted rats and iguanas. Council Member Atterholt suggested that Environmental Services Project Manager Chadd Chustz investigate rat policies in neighboring communities. Vice Mayor Hosafros agreed.

IV. AGENDA MANAGEMENT

A. May 2021 Agenda Management

Add the workforce housing initiative to an M&P.

Add a discussion about the community policing concept to an M&P for discussion and include a location for the Outreach Center.

Council Member Atterholt requested adding a discussion about informing the community which projects required permits.

V. ADJOURNMENT

The meeting was adjourned at 10:58 a.m.



Fort Myers Beach Town Council

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

Minutes

Monday, May 17, 2021

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. INVOCATION

Deputy Town Clerk Jason Freeman.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member Atterholt moved to move B. from the Consent Agenda to the Administrative Agenda; second by Vice Mayor Hosafros.
Motion carried unanimously.

V. PUBLIC COMMENT

Janet Kernan questioned why the Town denied a permit for Beach Talk Radio to host their program at Times Square. She discussed inconsistency at Town Hall. Jesse Hallman, resident, questioned inconsistency in the permitting process. He discussed the 10-foot setback. He requested an extension of the 7.6-foot setback for his property. He described what he was going through and asked for consistency in the zoning and where he could find the rules.

Tommy Kohler from the Lighthouse Resort questioned the proposed sidewalk from Crescent St. and Third St. to connect to Old San Carlos. He stated that the sidewalk would eliminate their parking on Third St. He indicated that Public Works Director Chelsea O'Riley provided photos of the area.

he noted they supported the sidewalk but did not want to lose their parking and suggested that the sidewalk be ground level.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Veach recognized Casey Bishop for her American Idol appearance. Mayor Murphy agreed and read a Proclamation naming Tuesday, May 18, 2021, as Casey Bishop Day in the Town of Fort Myers Beach. Council Members agreed with the Proclamation. He recognized Tuna Skins for their fishing tournament.

No items from other members.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

No items.

VIII. CONSENT AGENDA

- A. Florida Department of Environmental Protection Clean Vessel Act Grant for the Matanzas Pass Mooring Field

Authorization to apply for and execute an approximately \$41,000 grant agreement with the Florida Department of Environmental Protection for the Clean Vessel Act Grant for the Matanzas Pass Mooring Field.

Council Member Atterholt moved to authorize; second by Vice Mayor Hosafros. Motion carried unanimously.

- B. Approval of STA No.10 to Contract No. RFQ-20-06-AD for Beach Monitoring & Survey Work

Approve STA No.10 to Contract No. RFQ-20-06-AD for monitoring & surveying the beach profile along the entire length of Fort Myers Beach, and survey the burrow area offshore of North Estero Island, and allocating \$15,000 from Town Hall Remodeling Project 088 for project funding.

Moved to the Administrative Agenda for discussion.

Council Member Atterholt moved to approve; second by Council Member Allers.

Town Manager Hernstadt discussed how it related to the next item on the agenda. He stated that monitoring and surveying the beach was not covered by TDC (Tourist Development Council) funds but beach renourishment was. Michael Poff from Coastal Engineering provided beach renourishment details. Motion carried unanimously.

IX. PUBLIC HEARINGS

- A. Ordinance 21-04: Text Amendment to LDC Sec 34-3273, Residential uses and setbacks on non-conforming lots and 34-268 Administrative Setback variances
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES AND SECTION 34-3273 GENERAL REQUIREMENTS FOR RESIDENTIAL USES ON NON-CONFORMING LOTS; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on June 7, 2021 at 9:00 AM

Town Attorney Herin, Jr. read the title of the ordinance. Director of Community Services Jason Green reviewed changes to the ordinance. No public comment. Mayor Murphy moved to move it to a second reading on June 7, 2021, at 9:00 a.m.; second by Vice Mayor Hosafros.
Motion carried unanimously.

- B. VAC 20210035, Vacation of a portion of School Street Right-of-Way **Authorize the vacation of a portion of Town right-of-way on School Street to the Lee County School Board.**

Town Attorney Herin, Jr. explained the reason for vacating the portion of Town right-of-way.
Council Member Atterholt moved to authorize the vacation; second by Vice Mayor Hosafros.
Motion carried unanimously.

X. ADMINISTRATIVE AGENDA

- A. Mooring Field / Upland Services

Mooring Field Upland Services Site Discussion

Town Manager Hernstadt provided slides and hard copies from Coastal Engineering. Slides included: Potential Amenity Property Overview; Pros and Cons of Site 1 on 131/133 Estero Blvd.; Pros and Cons of Site 2 at Harbor House; Pros and Cons of Site 3 at San Carlos Maritime Park and Pros and Cons of Site 4 at Virginia Ave. Town Attorney Herin, Jr. stated that he was very reluctant to consider the property on Virginia Ave. due to the lack of a plat dedication. Slides continued with Pros and Cons of Site 5 at Chapel Street Lots; Pros and Cons of Site 6 at Tops Grocery Property 2545 Estero Blvd. and Pros and Cons of Site 7 at Bay Oaks.

Council Member Allers supported looking into the Chapel Street lots. Vice Mayor Hosafros felt they would get residential pushback and she supported investigating Site 1. Council Member Allers suggested continuing discussions regarding Site 2. Council Member Veach felt Site 1 had potential. Sites 4 and 6 were eliminated.

Town Manager Hernstadt explained that funds originally set aside for the Bayside Park building were used in Times Square. Council Member Veach

indicated that he was not of fan of investing money off-Island or building on leased land concerning Site 3. Town Manager Hernstadt will research the remaining sites.

Council Member Veach questioned whether grant money from the federal government could be used. Vice Mayor Hosafros did not think it would qualify under the guidelines.

B. North Estero Phase 2 Side Streets STA

Authorize the Town Manager to execute a Supplemental Task Authorization for Tetra Tech not to exceed \$241,780 for North Estero Phase 2 Side Streets additional services for Water and Stormwater improvements and CEI under Contract No 14-15-PW.

Vice Mayor Hosafros moved to authorize the Town Manager; second by Council Member Atterholt.

Motion carried unanimously.

C. RFQ-21-09-EN Beach Renourishment Professional Services Professional Services Agreement

Authorize the Town Manager to execute the Professional Services Agreement in response to RFQ-21-09-EN for Beach Renourishment in the not to exceed amount of \$170,000 and appropriate and allocate the funds to be reimbursed by the TDC.

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

Motion carried unanimously.

XI. FINAL PUBLIC COMMENT

Jesse Hallman stated that the property on Virginia Ave. was used to store old building materials and it was an eyesore. He questioned whether the property would be sold. Janet Kernan thanked Council Member Atterholt for bringing up evaluating Town Manager Hernstadt.

XII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt noted that Virginia Ave. would be secured. He listed dates for future hazardous waste collections at Bay Oaks. He indicated that an outside summer camp group requested the use of the Bay Oaks pool. He commented that they could interfere with residents' use, but it had been done in the past. Town Manager Hernstadt confirmed that Mr. Hallman was caught up in the middle of the code change. He questioned whether Council wanted to modify the rules for him. Vice Mayor Hosafros requested clarification. Director Green explained that there were two parts to his request. Mayor Murphy felt that they needed more information from the property owner.

Council Members agreed they needed more information and Mr. Hallman was directed to go through the normal process of requesting a variance. Town Manager

Hernstadt discussed Mr. Kohler's request concerning the sidewalk and parking. Council Members agreed with a compromise to allow cars to back up over the sidewalk. Town Manager Hernstadt will investigate the situation at SOB (Smokin' Oyster Brewery.) He stated that Council could allow additional uses at Times Square or any other public place regarding the Beach Talk Radio program. He indicated that Ed Ryan applied for a street performer but was denied. Vice Mayor Hosafros stated that Beach Talk Radio was a business and not a street performer. Selling merchandise and advertising was not allowed. Council Member Atterholt discussed first amendment rights and bringing the community together. Council Member Allers questioned where to draw the line. Town Manager Hernstadt stated that the content of the program had nothing to do with anything and they either complied with the code or did not. Council Member Veach noted that the commercial aspect made it a problem.

XIII. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. forwarded the Town Manager's contract to Council Members including the evaluation form.

He stated that failing to conduct the Manager's evaluation before the end of May did not void his contract.

XIV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Allers stated that the Sheriff's Dept. would meet with Beach Baptist tomorrow concerning using their site. He indicated that the parking lot between Wynn's and the Lighthouse Tiki was owned by the Town and might work. Vice Mayor Hosafros reported that the TDC went to the second level to approve their projects and the next step was approval from the Lee County Commissioners. She discussed Chicago bringing in feral cats to keep their rat population down.

Mayor Murphy stated they were observing the blue-green algae situation in Lake Okeechobee carefully. He encouraged the community to keep up the pressure on elected officials. He noted that the Proclamation for Casey Bishop would be framed and sent to her.

Council Member Veach described red tide readings and respiratory issues. He questioned whether the Town was maintaining the property on Virginia Ave. Town Manager Hernstadt replied that they were considering controlling access to the site. He noted the neighborhood could adopt the lot for a park.

XV. ADJOURNMENT

Vice Mayor Hosafros moved to adjourn; second by Council Member Allers. Motion carried unanimously.

The meeting was adjourned at 11:01 a.m.

1. **Requested Motion:**

Meeting Date: June 7, 2021

Resolution repealing all Emergency Declarations and Resolutions regarding the state of emergency declared in Governor Desantis' Executive Order 20-52.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

Attachments:

1. 21-32, re Repealing All Town Emergency Order and Resolutions re Covid-19(123218552.1)-C

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
John R Herin Jr, Town Attorney
Roger Hernstadt, Town Manager

Created/Initiated - 6/1/2021
Approved - 6/2/2021
Final Approval - 6/2/2021

RESOLUTION NUMBER 21-32

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REPEALING ALL EMERGENCY DECLARATIONS AND RESOLUTIONS REGARDING THE STATE OF EMERGENCY DECLARED IN GOVERNOR DESANTIS' EXECUTIVE ORDER 20-52; 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, in December of 2019, a new and substantial outbreak of COVID- 19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, including Lee County; and

WHEREAS, President Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease - COVID-19 Outbreak; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19, which Executive Order is still in effect; and

WHEREAS, the Governor of Florida issued Executive Orders 2021-101 invalidating all remaining local emergency orders based on the COVID-19 State of Emergency and Executive Order 2021-102 suspending all remaining local government mandates and restrictions based on the COVID-19 State of Emergency.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH THAT:

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. In accordance with Governor DeSantis' Executive Order 2021-101 and 2021-102 the Town Council repeals all Emergency Orders and Resolution regarding the State of Emergency declared in Governor DeSantis' Executive Order 2020-52.

Section 3. This Resolution shall take effect immediately upon adoption.

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:

Raymond Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Bill Veach, Councilmember	_____
Dan Allers, Councilmember	_____
Jim Atterholt, Councilmember	_____

ADOPTED this 7th day of June 2021 by the Town Council of the Town of Fort Myers Beach,
Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2021.

1. **Requested Motion:**

Meeting Date: June 7, 2021

Dig the Beach Volleyball Series- Special Event

Why the action is necessary:

Per Ordinance 20-17 Sec.22-6 (5) permit required

What the action accomplishes:

Allow for the event to happen

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Per Ordinance 20-17 Sec.22-6
(5) permit required

4. **Submitter of Information:**

5. **Background:**

Requesting approval to hold the Dig the Beach Volleyball Series from June 26-27, 2021 and July 17-18, 2021, behind the Wyndham Hotel. This event has been approved in the past. Approval contingent on receiving a completed application and payment.

Attachments:

1. Dig the Beach App Original

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

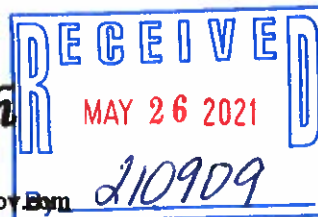
Patty Prevost, Building Services Administrative Assistant
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 6/1/2021
Approved - 6/2/2021
Approved - 6/2/2021
Final Approval - 6/2/2021



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Fax: (239) 765-0909 Email: permits@fmbgov.com



Name of event Dig the Beach Volleyball Series

Attach separate sheet of paper with detailed description of event

Date(s) and times of event June 26-27, 2021 & July 17-18, 2021

Address of event 6890 Estero Blvd., Fort Myers Beach

Expected # of participants/attendees 150 teams per day

Sponsoring Organization AVP America, New Belgium, Wilson, Rox Volleyball

Organization address 18 NW 18th St, Dleray Beach, FL 33444

Contact Person/Phone# Diogo Sousa 954-446-3955

E-mail Diogo@exclusivesports.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

Letters of Permission to use Parking Parking Plan

Site Plan 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

Diogo Sousa

Printed Name

Diogo Sousa

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:

Exclusive Sports Marketing

Company managing trash removal: _____

No. of dumpsters: 1 Type of dumpsters: 10 Yard

Who is responsible for clean-up and payment: Diogo Sousa

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 Fax (239)765-0909

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

Jennie Cowart

Tel (239)344-5627 Fax (850)412-0590

Email: Jennifer.cowart@dep.state.fl.us

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 St, Fort Myers Beach, FL 33931

Tel (239) 590-4205
Fax (239) 432-1554

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 Tel (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 Outdoor Festival and Special Event Guide Book



FORT MYERS BEACH FIRE SPECIAL EVENT APPLICATION:

Complete and return form to the Fort Myers Beach Fire Department FAX: 463-6761 or in Person
(CHECK ALL THAT APPLY)

☐ WILL EVENT HAVE OUTDOOR TENTS FOR SEATING OR COOKING

☐ WILL THERE BE VENDORS SERVING HOT FOOD

LOCATION: 6869 Estero Blvd, Fort Myers

DATE OF SET-UP: June 17-18 & July 15-16 DATE OF TAKE DOWN: June 20 & July 18

June 19-20 & July
EVENT DATE(S): 17-18 START TIME: 7AM END TIME: 8PM

EVENT SPONSOR: AVP America, Wilson, Rox

SPONSOR ADDRESS:

CITY: STATE: ZIP CODE: EMAIL:

SPONSOR CONTACT: PHONE:

BRIEF DESCRIPTION OF EVENT:

Semi Pro Beach volleyball event. we will have about 45 courts setup to
accommodate up to 250 teams for each weekend.

PLEASE NOTE:

- APPLICATION MUST BE SUBMITTED WITH SITE PLAN FOR EVENT.
 - ALLOW UP TO (14) DAYS FOR REVIEW AND APPROVAL. SAME DAY APPROVAL IS NOT POSSIBLE.
 - INSPECTION AND REVIEW FEES SHALL BE IN ACCORDANCE WITH THE FORT MYERS BEACH FIRE CONTROL DISTRICTS SCHEDULE OF FEES.
 - LIFE SAFETY EVALUATION MAY BE REQUESTED IN COMPLIANCE WITH THE FLORIDA FIRE PREVENTION CODE: NFPA 1: CHAPTER 10.
 - PLEASE ENSURE ALL EVENT VENDORS READ AND UNDERSTAND FIRE DISTRICT GUIDELINES GOVERNING SPECIAL EVENTS. FAILURE TO COMPLY MAY RESULT IN ADDITIONAL INSPECTION FEES AND/OR A SHUTDOWN OF VENDOR.
 - PLEASE VISIT WWW.FMBFIRE.ORG FOR SPECIAL EVENT GUIDELINES.
 - ALL SPECIAL EVENT FEES ARE DUE AT TIME OF APPLICATION PICK-UP.
- NO APPLICATION WILL BE RELEASED UNTIL FULL PAYMENT OF FEES ARE RECEIVED.

Fort Myers Beach Fire Control District

OUTDOOR FESTIVAL and SPECIAL EVENT GUIDEBOOK

The purpose of this guidebook is to establish the responsibilities for the event promoters, sponsors, vendors, and the Fort Myers Beach Fire Control District.

Event Sponsor

The Event Sponsor assumes overall responsibility for the set-up and running of the event and insures compliance with Fire and Life Safety guidelines.

The Event Sponsor shall:

- ✓ Secure the proper permits from the Town of Fort Myers Beach or Lee County for Public Safety approval.
- ✓ Secure any additional permits from the Fire Department Prevention Division. These may include Pyrotechnics, Open Flames and Tents.
- ✓ Provide a site plan to the Fire Department showing:
 - The name of all streets and areas that are included in the event
 - The location(s) of Fire Department Access Lanes (20 ft. minimum width)
 - The location of stages, non- food booth vendors, food vendors and display areas
 - Location of Emergency Exits
 - A list of food vendors with the type of food and cooking method
- ✓ The Event sponsor shall distribute to each Hot Food Vendor a copy of the requirements for Hot Food Vendors.
- ✓ Provide event radios (if used) with a list of assigned channels.
- ✓ **PARADE FLOATS:** All motorized parade floats and towing apparatus in accordance with the **FFPC: NFPA 1: Subsection 10.17.2 shall** be equipped with a **2A:10B:C** portable fire extinguisher that is readily accessible to the operation.

Event Vendors

Event Vendors are responsible for the safe operation of their booth, display or attraction. Vendors shall coordinate the event setup and take down with the Event Sponsor to insure compliance with Fire and Life Safety regulations.

- ✓ Shall keep Fire Lanes, Fire Department Connections and building access clear and unobstructed.
- ✓ Read, sign and post the Hot Food Vendor requirements in the booth.
- ✓ Be prepared, at anytime, for a Fire Inspection.
- ✓ Correct any violations prior to opening for business.
- ✓ Maintain all Fire and Life Safety requirements for the duration of the event.

Fire Department Special Event Staff

Fire Department Staff are responsible for inspecting the event prior to opening. They shall inspect all related aspects of the event. The event inspectors shall issue correction notices if required and re-inspect to insure compliance.

The Fire Department Inspections shall include, but not be limited to the following:

- ✓ Hot Food Vendors
- ✓ Fire Department access
- ✓ Access to hydrants, Fire Department Connections, and Fire Control Rooms
- ✓ Event egress
- ✓ Rides and displays
- ✓ Generators and propane tanks
- ✓ Stages
- ✓ Non-food vendors
- ✓ Beer and wine gardens
- ✓ Pyrotechnics and open flame effects

Pyrotechnics and Open Flame Effects

Pyrotechnics: All Pyrotechnic displays are required to be permitted by the Fort Myers Beach Fire Control District. A licensed pyrotechnic operator is required for all displays.

The following information is required for a Pyrotechnic Display:

- ✓ A copy of the Operators and crew Licenses
- ✓ Site plan of shooting area, including fallout zones
- ✓ Show script with a list of product to be used
- ✓ Method of transport and storage plan

Open Flame Effects:

All Open Flame and theatrical flame effects shall be reviewed by the Fire Department. Open Flame effects shall include, but not be limited to the following:

- ✓ Fire dancing
- ✓ Stage props and effects
- ✓ Fire eating
- ✓ Magic acts

ACCESS FOR FIRE APPARATUS

During large events it is especially important to maintain access for fire apparatus. This not only includes Suppression (engines and trucks) vehicles, but Medical Units as well. To insure a safe event, all fire access requirements shall be enforced at all times.

Access thru the event:

- ✓ A Fire Lane no less than 20 feet wide and no lower than 13.5 feet high shall be maintained as designated by the Fire Department.
- ✓ Fire Lane distance in excess of 150 feet, with no exit, shall have provisions for turning the Apparatus around. The radius for the turns shall be approved by the Fire Department.
- ✓ As required by the Fire Department, signs shall be provided designating Fire Access Only/No Parking
- ✓ All existing Fire Lanes shall be enforced

Access to Buildings:

As required by the Fire Department, access to building openings and walkways shall be provided. The width of the access and walkways shall also be determined by the Fire Department. **Please note: The access to buildings may vary depending on the building and the venue.** Access to the following shall not be obstructed:

- ✓ All exterior doors and openings
- ✓ Fire Control Rooms
- ✓ Fire Pump Rooms
- ✓ Parking structures
- ✓ Exterior SMUD vaults

Access to Water Supplies:

Access to Fire Hydrants and other water supply connections shall be enforced. Event Promoters, Sponsors, Vendors etc. shall be required to maintain a 15 foot clearance around all fire hydrants. Any vendors blocking access to water supplies shall be relocated immediately. The access to the following shall not be obstructed:

- ✓ Fire Hydrants
- ✓ Fire Department Connections
- ✓ Post Indicator Valves
- ✓ OS&Y Valves
- ✓ All Fire Code sections pertaining to blocking of hydrants and connections shall be enforced.

Event Egress

This section will address two types of events:

1. Fenced Events: normally located in Parks or other large open areas.
2. Blocked Streets: normally done at events where main streets and cross streets are closed.

FENCED EVENTS

This type of event typically takes place in a Park or other large open area where the designated area for the event is closed off by temporary fencing.

Number of exits:

The number of exits shall be in addition to the main entrance.

Three Exits shall be provided when the site accommodates from 1,000 to 3,000 persons.

Four Exits shall be provided when the site accommodates more than 3,000 persons.

Exit Spacing:

Exits shall be equally spaced along the perimeter of the fence. The exits shall be spaced so that no exit is greater than a distance of 400 ft. of travel. Additional exits shall be added if needed.

Exit Width:

Exit width shall be understood to be a panel's width of temporary fencing, to provide an opening of no less than 48 inches.

Exit Staffing: Each exit shall have a member of the security staff assigned to it. The Security provider shall provide a gate assignment roster upon request.

Exit Sign / Marking:

Each Emergency Exit shall be designated as follows:

- ✓ Exit signs shall have a white background with contrasting red letters
- ✓ Exit signs shall measure 18 x 24 inches
- ✓ Sign lettering shall measure 12 inches in height
- ✓ Signs shall be placed at the top center of the exit panel

BLOCKED STREETS

This type of event blocks off a main street and may block cross streets. In addition to providing access for fire apparatus, public egress shall also be accounted for.

Exit Placement:

Exits shall be placed at both ends of the street closure. Cross streets shall also have Emergency Exit access.

Access thru the event:

A Fire Lane no less than 20 feet wide and no lower than 13.5 feet high shall be maintained as designated by the Fire Department.

TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES

The following tents and canopies are subject to inspection:

Tent that is larger than 200 square feet.

Canopy that is larger than 400 square feet.

Definition of a tent:

A temporary structure, enclosure or other shelter constructed of fabric or pliable material supported by any other manner except by air or the contents it protects.

Sources of Ignition:

Smoking is prohibited in tents, canopies, and temporary membrane structures and in adjacent areas where combustible materials are stored or used. "No Smoking" signs shall be conspicuously posted.

Fireworks, open flames and devices capable of igniting combustible material shall not be used adjacent to temporary membrane structures, tents or canopies unless otherwise approved.

(Propane powered heaters are not permitted inside)

The following items shall be submitted along with the application:

- ✓ A site plan for the location of the tent, with measurements showing distances to buildings and property lines. A minimum 20-foot separation and fire access is required.
- ✓ A floor plan of the tent, showing the location and number of exits, fire extinguishers, stages, seating arrangements, tables and other objects.
- ✓ Certificates showing the tent to be flame retardant with manufacturers' documentation attesting to this fact.
- ✓ Any cooking or open flames.
- ✓ Heaters and ventilation
- ✓ Any other information that may be required specific to your event.

UPON REQUEST OF THE FIRE DISTRICT, ANY SPECIAL EVENT APPLICANT MAY BE REQUESTED TO SUBMIT A LIFE SAFETY EVALUATION, ALONG WITH, A FIRE DISTRICT SPECIAL EVENT APPLICATION.

Life Safety Evaluations shall be in compliance with the Florida Fire Prevention Code (FFPC): Chapter 10: Subsection 10.15 and contain the following required information

Requirements for Life Safety Evaluation:

- Name of event participants, and projected number of attendees
- Access and egress movement, including crowd density problems
- Medical Emergency mitigation plan
- Fire Hazards
- Permanent and temporary structures
- Mitigation plan for severe weather
- Mitigation plan for civil or other disturbances
- Mitigation plan for hazardous material incidents within and near the facility
- Relationship among facility management, event participants, emergency response agencies, and others having a role in the events accommodated in the facility

IF ANY OF THE ABOVE ITEMS ARE MISSING, YOUR APPLICATION WILL NOT BE ACCEPTED

HOT FOOD VENDOR REQUIREMENTS

The use of food booths is regulated by the Fire Department. These requirements apply to single vendor, freestanding booths. Cooking within tents containing seating is subject to additional requirements. All food vendors are subject to inspection prior to an event. *Failure to comply with the following regulations may result in closure of the location.*

Flame Retardant Requirements

The sidewalls, drops and tops of tents and canopies shall be of flame resistant material or treated with a flame retardant in an approved manner recommended by the manufacture.

Portable Fire Extinguishers

A portable dry chemical fire extinguisher shall be provided for each food booth. The minimum size for the extinguisher is a 2A10B:C (5 lbs.). If a Deep Fat Fryer is being used, a K TYPE portable extinguisher shall also be provided. Extinguishers shall have a current INSPECTION TAG. The extinguishers shall be attached in an accessible and visible location, between 3 and 5 feet above the ground.

Location

Food booths shall have a clearance of at least 20 feet on two sides. The booth shall not be located within 10 feet of any rides or devices. Cooking that produces sparks or grease-laden vapors shall not be conducted within 10 feet of a structure.

Gas Stoves

All gas stoves, BBQ's and burners shall be listed by either Underwriters Laboratories (UL) or the American Gas Association (AGA).

Deep Fat Fryers

Deep Fat Fryers shall not be used in food vendor tents. If a Deep Fat Fryer is to be used it shall be outside the tent and at least 18 inches from the outside wall of the tent. If a Fryer is used in conjunction with a BBQ, it shall be at least 3 feet away from the BBQ. Deep Fat Fryers also require the addition of a K TYPE fire extinguisher.

Bar – B –Ques

BBQ's are not permitted within the food booth. Fuel for the BBQ shall be kept at least 10 feet away from the BBQ. BBQ's shall be located at least 10 feet from a structure or combustible materials. BBQ's and other open flame devices, located outside of structures shall be secured from falling and contact by the public.

Fuel

Fuel tanks (LPG) shall be stored outside of the structure. The tanks shall also be located away from public access. The size of the tank shall be limited to 25 LBS, unless otherwise approved. Fuel tanks shall be secured from falling.

Smoking

Smoking is not allowed at anytime within the food booth, or within 25 feet of any fuel source.

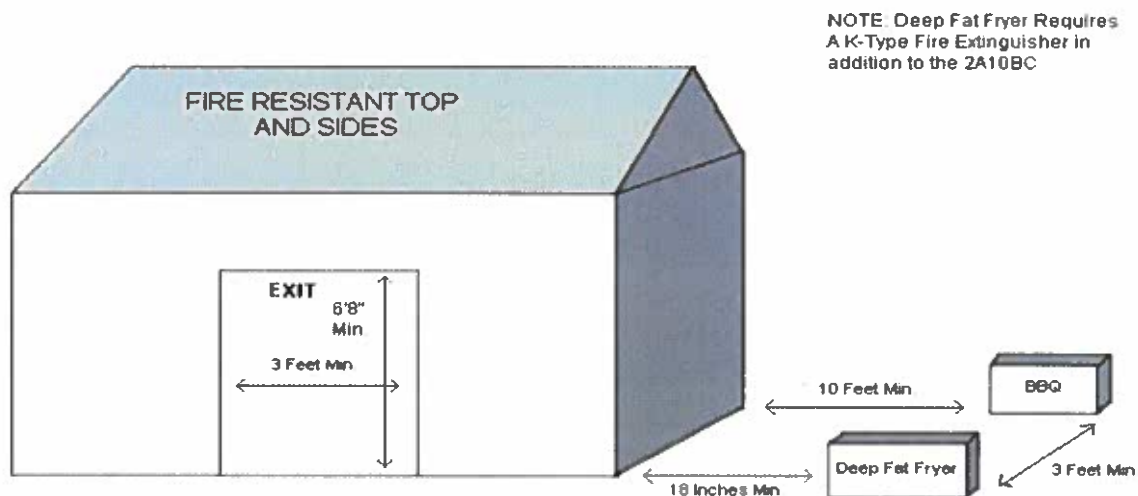
Generators

Generators shall be located a minimum of 20 feet from tents or canopies. They shall also be isolated from contact with the public by approved means. The refueling of hot generators is not allowed.

Flammable and Combustible Liquids:

- ✓ Flammable liquid filled equipment shall not be used in temporary membrane structures, tents, or canopies
- ✓ Flammable and combustible liquids shall be stored outside and in approved container and no less than (50) feet from temporary membrane structures, tents, or canopies
- ✓ Refueling shall be performed in an approved location not less than (20) feet from temporary membrane structures, tents, or canopies and have a 2A10B:C (5 lbs.) available.

Should you have any questions, contact the **Fire Prevention Bureau at 239-590-4206.**



ORDINANCE NO. 16-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ORDINANCE 12-04 CODIFIED IN CHAPTER 22 OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES PERTAINING TO SPECIAL EVENTS; AMENDING DEFINITIONS, PERMIT REQUIREMENTS; EXEMPTIONS FROM PERMIT REQUIREMENTS; AND FEES; REPEALING PROVISIONS RELATING TO FEE WAIVERS AND BUDGET ALLOCATIONS; AMENDING GENERAL PERMIT CRITERIA AND LIMITATIONS, PROVISIONS FOR REOCCURRING SPECIAL EVENTS, APPLICATION REQUIREMENTS, PROCEDURE FOR REVIEW, APPROVAL AND APPEAL OF DENIAL OF PERMITS; REPEALING REGULATIONS APPLICABLE TO PERMITS FOR POLITICAL DEMONSTRATIONS; AMENDING PROVISIONS RELATED TO LITTER, INDEMNIFICATION AND LIABILITY INSURANCE; AND SIGNAGE; REPEALING PROVISIONS RELATED TO NOISE; AND AMENDING PROVISIONS FOR REVOCATION OF PERMITS; REPEALING RESOLUTION 12-08 OF THE TOWN OF FORT MYERS BEACH CONTAINING A SCHEDULE OF FEES FOR SPECIAL EVENTS; PROVIDING SEVERABILITY; CONFLICTS; CODIFICATION, SCRIVENER'S ERRORS; AND, AN EFFECTIVE DATE.

WHEREAS, the Town of Fort Myers Beach has authority pursuant to Fort Myers Beach Charter Section 3.01 to enact and amend ordinances and regulations necessary to the proper functioning of the Town; and

WHEREAS, the Town Council has adopted Code of Ordinances, Town of Fort Myers, Beach, Florida (Code) Chapter 22 pertaining to Special Events Permits; and

WHEREAS, the Town Council finds it is appropriate to update and amend these provisions.

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

SECTION 1. AMENDMENT TO TOWN OF FORT MYERS BEACH CODE OF ORDINANCES CHAPTER 22.

Town of Fort Myers Beach Code of Ordinances Chapter 22 is hereby amended as follows, with strike through identifying deleted text and underlining identifying additional text.

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 meeting; activity; gathering; group of persons, animals, or vehicles; or a combination thereof, having a common purpose, design or goal, in any area of the town, which event is intended to or does draw public attention, brings people together in one location that normally would not include a concentration of population, and substantially inhibits or has the potential to substantially inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building and results in preemptive use by the general public or which deviates from the established use. Such events may include entertainment, dancing, music, dramatic presentations, art exhibitions, or the sale of merchandise, food, or alcohol, or any combination thereof and which of necessity requires for its successful execution the provision and coordination of Town services to a degree over and above that which the Town routinely provides under ordinary everyday circumstances. The term shall include, but not be limited to, festivals, carnivals, concerts, parades, walks, races, garage sales, weddings, retirement parties and fundraising events, but does not include events which are solely political demonstrations, unless such political demonstration is proposed as an integral part of a larger 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.

Sec. 22-2. Permit Required.

No person or entity shall ~~can~~ initiate, sponsor, organize, promote, conduct or advertise a special event ~~or political demonstration unless a permit has been obtained from the Town. Applicants requesting special event permits may include, but are not limited to commercial, educational, civic, recreational, and religious organizations.~~

Sec. 22-3. Exemptions from Permit Requirement.

The following ~~shall not~~ do not require a special event permit:

- ~~(1) Events conducted by religious entities, provided such events are conducted entirely on property owned by the religious entity.~~
- (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, then this exemption ~~shall~~ will not apply.

Sec. 22-4. Fees.

All fees that relate to special events and special events permits ~~shall~~ will be established by Town Council by resolution 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 ~~shall be~~ is exempt from all permit fees relating to special events conducted by the Town.

~~Sec. 22-6. Requests for fee waivers and budget allocations.~~

~~(a) Any not for profit entity shall be eligible for a special event fee waiver. The Town Council shall each year, as part of the Annual Budget, approve an amount of money that will be utilized for such fee waivers and may, upon the request of any specific not-for-profit entity or group, specifically allocate an amount to be used for fee waivers for that entity or group. Requests for fee waivers may be handled on a first come, first served basis until such time as the annual budgeted amount has been exhausted. Once the annual amount has been exhausted, no further fee waivers shall be granted, provided however that Town Council, at any time during the year, may take action to increase the amount budgeted for such fee waivers.~~

~~(b) The Town Manager shall have the authority to waive a special event permit fee in instances where a not for profit entity or group provides in-kind services that benefit the Town.~~

Sec. 22-67. General criteria and limitations.

The following general criteria and limitations shall apply to special event permits:

- (1) The activity proposed must be compatible with the surrounding land uses, ~~provided, however, that special event permits for events in areas zoned for single family residential use are limited to family celebrations (i.e. weddings, retirement parties, graduation parties and the like), residents' block parties and garage sales.~~
- (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 § 22-7) and provided further that the Town Council ~~shall have~~ has the authority to permit an individual applicant to exceed the six event annual limitation in its discretion. ~~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, "bike nights", "sunset celebrations", and music or art themed events. Recurring special events are subject to the following requirements:~~
 - a. ~~Each event must be held at the same location at the same time of day.~~
 - b. ~~All dates for the recurring event must be listed on the original application.~~
 - c. ~~Each individual event must be of the same genre with similar anticipated attendance.~~
 - d. ~~a recurring special event can occur no more often than weekly and for no more than one year on a single application.~~
- (3) ~~An applicant must submit an affidavit 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.~~
- (4) ~~All applicants must include a site plan that identifies, any and all tents, canopies, recreational vehicles, or accessory structures that are to be utilized in connection with a special event activity, a general site plan. A and parking plan shall be included as part of with the special event permit~~

~~application. The location of any parking and accessory structures shall not obstruct traffic or violate any applicable Town, county or state laws.~~

~~(3) For any special event that will include a temporary use regulated by LDC Chapter 34 (see LDC §§ 34-3041 thru 34- 3051) a temporary use permit may also be required.~~

~~(54) For aAny special event that will take place all or in part upon the beach shall will be subject to all requirements contained in section LDC § 14-11 of the Land Development Code and any requirements of State or Federal agencies relating to activities that take place on the beach.~~

~~(5) For any special event where alcoholic beverages will be sold, the applicant must obtain a temporary one-day permit as proscribed in LDC § 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.~~

~~(6) 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 § 22-7);~~

~~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 (ie. without formal action by Town Council) for subsequent years, so long as they do not include a Noise Ordinance waiver request (see § 22-6(6)g) or a material change in the nature of the annual special event. Material changes include an anticipated increase in attendance of 10% or more, an increase of the area of the special event of 10% 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 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 is requested.
- b. ~~Special events requesting funding; and~~
- c. ~~Special events where the noise is anticipated to exceed what is permitted by the Town Code.~~

Sec. 22-7. 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. 22-8. Application requirements.

(a) Any person or entity seeking issuance of a special event permit shall must file a written application with the Town Manager on forms provided by the Town.

~~An application for a special event must be filed with the town manager not less than 45 days prior to the date of the event. Applications received less than 45 days prior to the event will incur an additional permit application fee. Applications received less than ten days before the special event will not be processed.~~

(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.. No applications will be accepted less than ten (10) days before the planned event date.

(b) A complete permit application shall 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.

(45) The specific location(s) within the Town where the special event is to be held. The applicant shall also be required to must submit a general site plan describing the layout of the special event, including locations of all temporary structures 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 a the special event activity. A parking plan must be included as part of with 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.

(56) 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.

- ~~(6) — The expected number of persons who will attend the event.~~
- ~~(7) — A description of how vehicle parking for the event will be managed.~~
- ~~(8) — Whether any street closings are requested and, if so, which streets and the times when they will be closed.~~
- ~~(9) — Whether any alcoholic beverages will be sold or served and whether appropriate state licenses have been applied for. If alcoholic beverages will be sold the applicant must obtain all necessary permits as described in § 22-6.~~
- ~~(10) — If any entertainment will be included, details as to the type of entertainment, times and location shall be provided.~~
- ~~(11) — Whether utility services such as electrical power or water will be required.~~
- ~~(12) — Whether the applicant is requesting to have a banner hung in association with the event, see § 22-15. A proof of the proposed banner is required.~~
- ~~(13) — Proof that a written request for indicating approval of the event has been submitted to from all applicable outside state and local agencies.~~
- ~~(14) — In instances when the sound emanating from a proposed special event is anticipated to exceed the limits established in Code § 14-23, the applicant must provide proof of application for a waiver for relief from the maximum allowable noise levels in accordance with § 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.~~
- ~~(15) — Proof of application for/approval of any temporary use permits required in conjunction with the special event, see § 34-3041-3051 of the Fort Myers Beach Land Development Code.~~

- (15) An affidavit, signed by the applicant, that all the information provided in the application is a complete and accurate description of the proposed event.
- (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.
- (13~~7~~) The Town Manager ~~shall have~~ has the authority to require any additional information from the applicant that the Town Manager deems necessary.

Sec. 22-9. Review of Application.

Upon receipt of an application that contains all of the items listed in § 22-8 and required application fees, the Town Manager shall 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 shall will grant or deny an application for a special event permit within 45~~business~~10 days of receipt of a complete after the application is complete.
- (2) Special event permits requiring Town Council approval~~action~~ shall will be scheduled for consideration at the next available regularly scheduled Town Council Regular Meeting. An application shall not be deemed complete until the Town has received notification that all federal, state, and local permits or approvals have been obtained. If the permit is one that can be issued by the Town Manager and the Town Manager has received one or more letters of objection from residents who are within 500 feet of the location of the proposed event, the permit must be approved by
- (3) The Town Council Manager and the Town Council shall have the right to place conditions on the a special event permit to mitigate any anticipated adverse effects on nearby residential properties.

Sec. 22-10. 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 ~~shall~~ is not be entitled to receive any reimbursement from the Town for any costs incurred during the application process, including the application fee.

Sec. 22-11. Notification of Denial and Right of Appeal.

(a) Any applicant who is denied a special event permit by the Town Manager ~~shall will be notified in writing, of the denial no later than five (5) days prior to the date of~~

~~the proposed event.~~ Said notification ~~shall~~ will state the reasons for the denial and the right of appeal to the Town Council, and ~~shall~~ will be sent by registered mail to the applicant.

(b) The applicant ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ will be deemed to have been rendered on the date the Town Council votes to either grant or deny the appeal.

~~Sec. 22-12. Permits for Political Demonstrations.~~

~~Applications for permits to conduct political demonstrations as defined in Sec. 22-1, shall have the same requirements as applications for special event permits, provided, however, that the time period for approval or denial of such permits for political demonstrations shall be expedited and shall not exceed five (5) business days, and provided further that any appeal of a denial of such permit shall also be expedited and shall be heard by Town Council at its next regular meeting or, if such meeting is more than ten (10) business days from the date of the filing of an appeal, the Town Council shall hold a special meeting within that ten (10) business day period to hear the appeal.~~

Sec. 22-123. Litter.

(a) Special event permit holders ~~shall be~~ 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 ~~shall be~~ 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 ~~shall have~~ has the authority to contract with a cleaning service and the cost of the cleanup ~~shall will~~ be the responsibility of the permit holder and, if not promptly paid, may be deducted from any required security deposit (see §22-14).

Sec. 22-134. 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. 22-145. Indemnification and Liability Insurance.

(a) Prior to the issuance of the special event permit, the applicant ~~shall be~~ 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 ~~shall maintain~~ 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. 22-156. Signage.

(a) All signage relating to special events ~~shall~~ must comply with LDC Chapter 30 of the Land Development Code.

(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. All Banners are permitted to may hang for a period of not less than 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. Banners shall not contain any commercial information for the purpose of advertising anything other than the special event. All banner proofs must be approved by the town manager or his designee.

(c) 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 ~~shall~~ will be

determined by Public Works Director. The applicant is responsible for any fees associated with the static signs or variable message boards.

Sec. 22-17. Noise.

~~All permitted special events shall be subject to the noise regulations adopted by the Town. Such activities may also be subject to additional specific limitations on noise as set forth in the permit. Any violation of such conditions shall constitute grounds for immediate revocation of the permit by the Town Manager or designee.~~

Sec. 22-168. Revocation.

The Town Manager ~~shall have~~ 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. ~~During the event, the Sheriff or the Fire Chief or their designee shall have the authority to order that the event cease if the continuance thereof will contribute to public disorder or endanger life or property, or if the application is found to be fraudulent in any manner.~~

SECTION 2: REPEAL OF TO TOWN OF FORT MYERS BEACH RESOLUTION 12-08.

The Town of Fort Myers Beach Special Events Schedule of Fees set forth in Resolution 12-08 is hereby repealed.

SECTION 3: SEVERABILITY.

If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or for any reason whatsoever beheld invalid, then such provision will be null and void and will be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 4: CONFLICTS OF LAW.

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 requirements will apply.

SECTION 5: CODIFICATION AND SCRIVENER'S ERRORS.

The Town Council intends that this ordinance will be made part of the Fort Myers beach Code of ordinances; and that sections of this ordinance can be renumbered or relettered and the word "ordinance" can be changed to "section", "article" or some other

appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the Town Manager or designee, without the need for a public hearing.

SECTION 6: EFFECTIVE DATE.

This ordinance becomes effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Gore and seconded by Council Member Stockton and, upon being put to a vote, the result was as follows:

Dennis Boback	Aye
Anita Cereceda	Nay
Rexann Hosafros	Nay
Tracey Gore	Aye
Summer Stockton	Aye

DULY PASSED AND ENACTED this 22 day of August, 2016.

ATTEST:

By: 
Michelle Mayher, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Dennis Boback, Mayor

Approved as to form by:


Dawn E. Perry-Lehnert,
Town Attorney

ADDITIONAL CODE SECTIONS TO REVISE

MAKE THESE IN A SUBSEQUENT ORDINANCE THESE ARE LDC SECTIONS SO THAT ORDINANCE HAS TO GO TO THE LPA

LDC Ch. 30 – Signs

LDC Sec. 30-151. – Temporary signs. / 30-151(6) Special event signs.

c. Banners – delete current text and reference 22-16(b)

LDC Ch. 34 - Zoning

Article IV. Supplemental Regulations

Division 34. Special Events

LDC Sec. 34-2441 – 2442 Delete current text and reference Code Ch. 22.

Division 37. Subordinate and Temporary Uses

Subdivision II. Temporary Uses

LDC Sec. 34-3041(d)(2) revise to permit temporary use permits 4 times per year.

LDC Sec. 34-3042 Carnivals, fairs, circuses, and amusement devices. Section (d) revise to reference Code Ch. 22.

Add Farmer's Markets to Temporary Uses (?)

Subdivision III. Special events.

LDC Sec. 34-055 Special Events – Delete in entirety, redundant of LDC Secs. 34-2441-2442.





Town of Fort Myers Beach

Special Event Application Checklist

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 ext. 1303 * Fax: (239) 765-0909 Email: permits@fmbgov.com

- ☐ All necessary department approvals – an application is not considered completed until all approvals have been turned in to Town Hall.
- ☐ Detailed description of entire event including set up and breakdown
- ☐ Liability Insurance (\$1 million each occurrence and \$2 million general aggregate) naming the Town of Fort Myers Beach as certificate holder
- ☐ Site plan – marked off with placement of objects (chairs, tables, tents, etc.)
- ☐ Parking Plan – if applicable
- ☐ A copy of the 500 foot notification letter for any amplification along with the mailing list
- ☐ Letters of permission if using someone else's property for event.
- ☐ 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.
- ☐ 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.

1. **Requested Motion:**

Meeting Date: June 7, 2021

Appoint Members to the Historic Preservation Advisory Committee (HPAC)

Why the action is necessary:

The Town received three applications for the Historic Preservation Advisory Committee.

What the action accomplishes:

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 1 of Resolution 18-37:

The Historic Preservation Advisory Committee (HPAC) consists of no less than five members and no more than seven members who shall meet the criteria of Ordinance 18-06 and that have an interest in Fort Myers Beach and the immediate vicinity and historic preservation. Board Members are appointed by the Town Council for staggered terms of two (2) years. A minimum of one (1) HPAC member will be a member of the LPA/Historic Preservation Board.

The Town received three applications for the HPAC from Kristin Westbrook, Sharon Eldred, and Forrest Crister (LPA Member). The Town currently has two members with terms set to expire in October 2021.

Attachments:

1. Westbrook, Kristin - HPAC
2. Eldred, Sharon - HPAC

Financial Impact:

None

6. **Alternative Action**

Do not appoint/reappoint members and advertise for the vacancies

7. **Management Recommendations:**

8. **Recommended Approval:**

Jason Green, Community Development Services
Amy Baker, Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/28/2021
Approved - 5/28/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Town of Fort Myers Beach

Today's Date: January 3, 2021

JAN 5 2021

Name: Westbrook

Kristin

D

Received by: _____

Last

First

Middle initial

Telephone Number: 571-305-0956

Email Address: wilsonwestbrook@mac.com

Home Address: 4192 Bay Beach Lane, Unit #843, Fort Myers Beach, FL 33931

Mailing Address: same

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)? N/A

If yes, when is your term expiration? N/A

I am applying for appointment to: (Check one)

☐ Anchorage Advisory Committee

☐ Audit Committee

☐ Bay Oaks Recreational Campus Advisory Board

☐ Community Resource Advisory Board

☐ Cultural and Environmental Learning Center Advisory Board

☒ Historic Preservation Advisory Committee

☐ Local Planning Agency

☐ Marine Resources Task Force

☐ Nuisance Abatement Board

☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

or possibly this one ←

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when? N/A

Why are you seeking appointment to this board or committee?

I'm interested in maintaining and promoting the rich historical, environmental, and wildlife heritage of this community. My curiosity, my talents and past/current experience as a creative/art director, film producer, illustrator, and writer, and my current status of a full-time resident as of 10-1-19 might offer some cross-cutting benefits for the town and businesses.

Community Involvement:

In my past community, I served as Chairperson of our condominium's Building and Grounds committee, as well as Chairperson for the Social Committee. My husband and I created posters and videos for the Social Events, and well as videos for Rosslyn Virginia Building.

Interests / Activities:

I'm a novice bird watcher, a walker, a cook, a painter, and a short story writer. I can provide *samples of my work upon request.*

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes and you are appointed, you will be asked to fill out Public Records Exemption Request form and return to the Town.

I swear or affirm that all information on this form is true and accurate.

Signed

Kristin D. Westbrook

Date January 3, 2021

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date: 12-14-2020

Name: ELDERED SHARON S
Last First Middle initial

Telephone Number: 239.851.6664

Email Address: FM BEACH HOUSES @ YAHOO.COM

Home Address: 475 ESTERO BLVD

Mailing Address SAME

(if different from home address):

Are you currently serving on any of the Town's committees? Yes ☐ No ☒

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- ☐ Anchorage Advisory Committee
- ☐ Audit Committee
- ☐ Bay Oaks Recreational Campus Advisory Board
- ☐ Community Resource Advisory Board
- ☐ Cultural and Environmental Learning Center Advisory Board
- ☒ Historic Preservation Advisory Committee
- ☐ Local Planning Agency
- ☐ Marine Resources Task Force
- ☐ Nuisance Abatement Board
- ☐ Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes ☐ No ☒

Do you have unpaid fines or liens due the Town?

Yes ☐ No ☒

Are you a registered voter within the Town's jurisdiction?

Yes ☒ No ☐

Town of Fort Myers Beach

DEC 16 2020

Received by: _____

Are you a resident within the Town's jurisdiction?

Yes ☒ No ☐

Are you an owner of real property within the Town's jurisdiction?

Yes ☒ No ☐

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes ☐ No ☒

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I, once upon a time, worked for with the Gr. League Preservation in Chicago searching the city for properties to designate as such.

Community Involvement:

Retired realtor

Interests / Activities:

boating
retired flight attendant so I love travel - pre covid ☺

You may attach a resume in addition to the above information.

Do you qualify for Special Exemptions per § 119.071(4)(d)3., F.S.

Yes ☐ No ☒

If yes and you are appointed, you will be asked to fill out Public Records Exemption Request form and return to the Town.

I swear or affirm that all information on this form is true and accurate.

Signed



Date 12-14-2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use Only:

Appointed: Yes _____ No _____

DATE: _____

1. Requested Motion:

Meeting Date: June 7, 2021

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES AND SECTION 34-3273 GENERAL REQUIREMENTS FOR RESIDENTIAL USES ON NON CONFORMING LOTS; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. Second reading and public hearing for adoption.

Why the action is necessary:

To create internal consistency in the Land Development Code.

What the action accomplishes:

Creates internal consistency within the LDC

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

4. Submitter of Information:

5. Background:

The Town Council has previously approved amendments to the LDC for height and setbacks of residential development. The Town's Code includes multiple sections that duplicate some of the regulations. This amendment is to clean up some duplication to make the recent changes internally consistent.

Section 34-3273 creates duplication of setback regulations with Table 34-3 for non-conforming residential lots. This amendment deletes unnecessary and conflicting language to Table 34-3.

The LPA recommended modifying LDC Sec. 34-268, Administrative Setback approvals in addition to Sec 34-3273. The additional amendment in Sec 34-268 was discussed as providing an appropriate place for a portion of 34-3273. The language remains in the LDC, but moved to a more appropriate place.

On May 17, 2021 the Town Council set a second reading and a public hearing for June 7, 2021 at 9AM to consider the Ordinance.

Attachments:

1. 21-04 LDC Amendment to Sec 34-268 Admin Setbacks and Sec 34-3273 Nonconforming Lots-C
2. Sec 34-268 Administrative Seback Variance and Sec. 34-3273 Non Conforming Lots

Financial Impact:

N/A

6. Alternative Action

Modify, deny

7. Management Recommendations:

Recommend approval of the amendment

8. **Recommended Approval:**

Jason Green, Community Development Services
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/28/2021
Approved - 5/28/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021

ORDINANCE 21-04

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES AND SECTION 34-3273 GENERAL REQUIREMENTS FOR RESIDENTIAL USES ON NONCONFORMING LOTS; PROVIDING FOR SCRIVENER'S ERRORS 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, the Town Council desires update the Fort Myers Beach Land Development Code to clarify, improve, and create consistency among sections; and

WHEREAS, the Town Council adopted Ordinance 20-19, Height and Setbacks, which amended multiple sections of the Land Development Code site development standards, including setbacks for residential structures that are occasionally repeated or duplicated in multiple section of the Code and require removal or amendments for consistency; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on April 13, 2021, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 7-0 to recommend approval of the requested amendment to Sec 34-3273 with an additional amendment to Sec 34-268 Administrative Setback Variances to add language more appropriate in Sec 34-3273, and

WHEREAS, on May 3, 2021 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the proposed edits to the Land Development Code, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on May 17, 2021; at which time the Town Council gave full and complete consideration to the request, the recommendation of the LPA, the recommendation of staff, consistency with the Comprehensive Plan and Land Development Code, the documents in the record, and the testimony of all interested persons; and

NOW, THEREFORE, BE IT ORDAINED 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. Section 34-268 and Section 34-3273 of the Fort Myers Beach Land Development Code is hereby amended to read as follows:

CHAPTER 34 - ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES

Sec. 34-268. - Administrative setback variances.

(a) Upon written request using a form prepared by the director, the director is authorized to modify the setbacks in §§ 34-638, 34-1174—34-1176, and 34-1744 of this chapter under the following circumstances:

- (1) Street, rear, side, or waterbody setbacks may be modified to permit the remodeling of or additions to existing structures that are nonconforming with regard to a specific setback so long as the remodeling or addition will not result in:
 - a. An increase in the height of the structure; or
 - b. A further diminution of the setback. The director may approve bay windows, chimneys, and similar architectural features that may encroach further into the setback provided the encroachment does not protrude beyond the existing overhang of the building.
- (2) Street, rear, side, or waterbody setbacks may be modified to permit the construction of a handicapped access appurtenant to any existing structure.
- (3) Street, rear, side, or waterbody setbacks may be modified to allow the replacement of stairs or decking that provides access into an existing dwelling unit.
- (4) Street, rear, side, or waterbody setbacks may be modified to legitimize minor errors in setbacks at the time of construction.
- (5) Street, rear, or side setbacks may be modified for a residential lot with an unusual shape or orientation where, for instance, side and rear setbacks should be reversed.

- (6) Buildings or structures that are not in compliance with current setback regulations and which can be proven to have been permitted may also be reviewed by the director for consideration under this section.
- (7) Requirements for large satellite dishes may be modified as provided in § 34-1175(a)(6) of this chapter.
- (8) Certain nonconforming lots (see §34-3273) may qualify for an administrative setback variance.

(b) The director, prior to approving the modifications, must make the following findings of fact:

- (1) There are no apparent deleterious effects upon the adjoining property owners;
- (2) The modifications will not have an adverse impact on the public health, safety and welfare; and
- (3) The modifications will be the minimum required.

(c) Decisions by the director pursuant to this section are discretionary and may not be appealed in accordance with § 34-86 of this chapter.

Sec. 34-3273. - General requirements for residential uses on nonconforming lots.

Nonconforming lots may be developed subject to the following provisions:

- (1) All other regulations of this chapter shall be met, except as modified by this division.
- (2) A residential building may be placed on a single nonconforming lot provided the lot has at least 40 feet in width, 75 feet in depth, ~~and 4,000 square feet in area.~~
- (3) ~~Minimum residential setbacks on nonconforming lots shall be as follows:~~
 - a. ~~Street and waterbody setbacks shall be as set forth in the regulations for the applicable zoning district.~~
 - b. ~~Side setbacks shall be ten percent of lot width, or five feet, whichever is greater.~~

- e. ~~Rear setbacks shall be 25 percent of lot depth, or 20 feet, whichever is smaller.~~
- d. ~~Certain nonconforming lots may qualify for an administrative setback variance (see § 34-268 of this chapter).~~

(34) Any development on nonconforming lots must comply with all density restrictions of the Fort Myers Beach Comprehensive Plan.

- a. Density computations shall be in accordance with § 34-632 of this chapter.
- b. If density computations do not allow even one dwelling unit on a nonconforming lot, one single-family residence may still be permitted if a minimum-use determination is obtained in accordance with § 34-3274, below.

(45) No division of any nonconforming lot may be permitted which creates a lot with width, depth, or area below the minimum requirements stated in this chapter, except for combinations and redivisions in accordance with § 34-3275 of this chapter.

(56) The burden of proof for demonstrating that a lot is a nonconforming lot in accordance with this division, and lawfully existed at the specified date, shall be with the owner.

(67) The remaining lot after condemnation shall be treated in accordance with § 34-3206 of this chapter.

Section 3. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted LDC or Town Code provision, ordinance or statute, the most restrictive shall apply.

Section 4. 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 5. Any typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 6. This ordinance shall become effective upon adoption by the Town Council.

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

Raymond P. Murphy, Mayor _____
Rexann Hosafros, Vice Mayor _____
Dan Allers, Council Member _____
Jim Atterholt, Council Member _____
Bill Veach, Council Member _____

ADOPTED this ____ day of _____, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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:**

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this __ day of _____, 2021.

Land Development Code Sec 34-268 and 34-3272 Strikethrough / underline edits

Sec. 34-268. - Administrative setback variances.

- (a) Upon written request using a form prepared by the director, the director is authorized to modify the setbacks in §§ 34-638, 34-1174—34-1176, and 34-1744 of this chapter under the following circumstances:
 - (1) Street, rear, side, or waterbody setbacks may be modified to permit the remodeling of or additions to existing structures that are nonconforming with regard to a specific setback so long as the remodeling or addition will not result in:
 - a. An increase in the height of the structure; or
 - b. A further diminution of the setback. The director may approve bay windows, chimneys, and similar architectural features that may encroach further into the setback provided the encroachment does not protrude beyond the existing overhang of the building.
 - (2) Street, rear, side, or waterbody setbacks may be modified to permit the construction of a handicapped access appurtenant to any existing structure.
 - (3) Street, rear, side, or waterbody setbacks may be modified to allow the replacement of stairs or decking that provides access into an existing dwelling unit.
 - (4) Street, rear, side, or waterbody setbacks may be modified to legitimize minor errors in setbacks at the time of construction.
 - (5) Street, rear, or side setbacks may be modified for a residential lot with an unusual shape or orientation where, for instance, side and rear setbacks should be reversed.
 - (6) Buildings or structures that are not in compliance with current setback regulations and which can be proven to have been permitted may also be reviewed by the director for consideration under this section.
 - (7) Requirements for large satellite dishes may be modified as provided in § 34-1175(a)(6) of this chapter.
 - (8) Certain nonconforming lots (see §34-3273) may qualify for an administrative setback variance.
- (b) The director, prior to approving the modifications, must make the following findings of fact:
 - (1) There are no apparent deleterious effects upon the adjoining property owners;
 - (2) The modifications will not have an adverse impact on the public health, safety and welfare; and
 - (3) The modifications will be the minimum required.
- (c) Decisions by the director pursuant to this section are discretionary and may not be appealed in accordance with § 34-86 of this chapter.

Sec. 34-3273. - General requirements for residential uses on nonconforming lots.

Nonconforming lots may be developed subject to the following provisions:

- (1) All other regulations of this chapter shall be met, except as modified by this division.
- (2) A residential building may be placed on a single nonconforming lot provided the lot has at least 40 feet in width, 75 feet in depth, and 4,000 square feet in area.
- (3) ~~Minimum residential setbacks on nonconforming lots shall be as follows:~~
 - ~~a. Street and waterbody setbacks shall be as set forth in the regulations for the applicable zoning district.~~
 - ~~b. Side setbacks shall be ten percent of lot width, or five feet, whichever is greater.~~
 - ~~c. Rear setbacks shall be 25 percent of lot depth, or 20 feet, whichever is smaller.~~
 - ~~d. Certain nonconforming lots may qualify for an administrative setback variance (see § 34-268 of this chapter).~~
- (34) Any development on nonconforming lots must comply with all density restrictions of the Fort Myers Beach Comprehensive Plan.
 - a. Density computations shall be in accordance with § 34-632 of this chapter.
 - b. If density computations do not allow even one dwelling unit on a nonconforming lot, one single-family residence may still be permitted if a minimum-use determination is obtained in accordance with § 34-3274, below.
- (45) No division of any nonconforming lot may be permitted which creates a lot with width, depth, or area below the minimum requirements stated in this chapter, except for combinations and redivisions in accordance with § 34-3275 of this chapter.
- (56) The burden of proof for demonstrating that a lot is a nonconforming lot in accordance with this division, and lawfully existed at the specified date, shall be with the owner.
- (67) The remaining lot after condemnation shall be treated in accordance with § 34-3206 of this chapter.

1. Requested Motion:

Meeting Date: June 7, 2021

First Reading and Public Hearing: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE TOWN OF FORT MYERS BEACH FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR ORDINANCE. Open the first public hearing and schedule for second reading and final adoption on August 2, 2021 at 9:00 a.m.

Why the action is necessary:

Approval of the new Franchise Agreement will allow for the continuation of the delivery of natural gas to the businesses and residences of Town of Fort Myers Beach

What the action accomplishes:

Continued delivery of natural gas.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

4. Submitter of Information:

5. Background:

Ordinance 21-05

Attachments:

1. 21-05, Ordinance No. 21-05 Approving TECO Franchise Agreement (121609772.1)-C.docx

Financial Impact:

Revenue to the Town through the collection of the stated monthly franchise fee.

6. Alternative Action

7. Management Recommendations:

Approval

8. Recommended Approval:

Amy Baker, Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 4/12/2021
Approved - 6/2/2021
Approved - 6/2/2021
Final Approval - 6/2/2021

ORDINANCE NO. 21-05

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE TOWN OF FORT MYERS BEACH FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR ORDINANCE.

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 purpose, 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, there is currently in effect a franchise agreement between the Town and Peoples Gas System, a division of Tampa Electric Company (“Company”), granting the Company, its successors, and assigns a natural gas distribution franchise; and

WHEREAS, Peoples Gas System and the Town desire to enter into a new natural gas distribution franchise agreement for a period of **thirty (30)** years commencing from the date provided herein; and

WHEREAS, the Town Council finds that it is in the public interest of its residents, business owners and visitors to enter into a new natural gas distribution franchise agreement with Peoples Gas System.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, THAT: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.

Section 2. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Where not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The

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 ~~striketrough~~.

words “shall” and “will” are mandatory, and “may” is permissive. Words not otherwise defined shall be construed to have their common and ordinary meaning.

Customer means any person served by the Company within the corporate limits of the Town.

Company means Peoples Gas System, a division of Tampa Electric Company, a Florida corporation, its successors and assigns.

Distribution System means any and all transmission pipe lines, main pipe lines and service lines, together with all tubes, traps, vents, vaults, manholes, meters, gauges, regulators, valves, conduits, attachments, structures and other appurtenances, as are used or useful in the sale, distribution, transportation or delivery of Natural Gas and as are situated within the corporate limits of the Town.

Effective Date means the date this Franchise becomes effective as described in Section 19 below.

Franchise or *Franchise Agreement* means this Ordinance as adopted by the Town and accepted by the Company in accordance with Section 19 below.

FPSC means the Florida Public Service Commission or any successor agency.

Gross Revenues means all revenues (as defined by the Florida Public Service Commission) received by the Company from any customer from the sale of Gas.

Person means any individual, firm, partnership, estate, corporation, company or other entity, including, but not limited to, any government entity.

Natural Gas or *Gas* means natural gas and/or manufactured gas and/or a mixture of gases, distributed in pipes and measured by meter on the Customer’s premises. It shall not mean propane gas or liquefied petroleum gas (commonly referred to as “bottled gas”).

Right-of-way means any street, road, lane, highway, avenue, boulevard, alley, waterway, bridge, easement, public place, or other right-of-way owned by the Town.

Town means the Town of Fort Myers Beach, Lee County Florida, its successor and assigns.

Section 3. The Town hereby grants to the Company the non-exclusive right, privilege, and franchise to lay, erect, construct, operate and maintain in, on or under any and all Rights-of-Way, as they now exist or may be hereafter constructed, opened, laid out or extended within the present incorporated limits of the Town, or in such territory as may be hereafter added or annexed to, or consolidated with the Town, a Distribution System subject to the terms and conditions herein contained.

Section 4. Except as provided in Section 16, the Franchise hereby granted shall be for a period of **thirty (30 years)** from the effective date of this Ordinance.

Section 5.

A. The Franchise hereby granted shall not be leased, assigned or otherwise alienated or disposed of except with the prior express written consent of the Town, which shall not be unreasonably withheld or unduly delayed. No assignment shall be allowed without the assignee assuming the terms of the Franchise Agreement with the Town.

B. Notwithstanding the foregoing, the company may, without the consent of the Town, lease, assign or otherwise alienate and transfer this Franchise in connection with the lease or sale of the Distribution System or upon its merger or consolidation with, or transfer to, a corporation engaged in similar business (including an affiliate or subsidiary of the Company), or pledge or mortgage of such Franchise in connection with the physical property owned and used by it in the operation of the Distribution System for the purpose of securing payment of monies borrowed by the Company.

Section 6. As a further consideration for this Franchise Agreement, the Town covenants and agrees that it will not, during the term of this Franchise Agreement or any extension thereof, engage in the business of distributing or selling Natural Gas within the corporate limits of the Town, as modified, during the term of this Franchise Agreement.

Section 7. The Distribution System shall be erected, placed, or laid in such manner as will, consistent with necessity, least interfere with other public uses of the right-of-way, and said right-of-way shall not be unnecessarily obstructed, and before, except in an emergency situation, the Company makes any excavation or disturbs the surface of any of the right-of-way, it shall make application for a permit to the appropriate Town authority. The Town shall issue or, if applicable, deny permits within **ten (10) business days** of application by the Town. In consideration of the franchise fees contemplated in this agreement, the Town shall not charge the Company any fees for the issuance of such permits. The Company shall, with due diligence and dispatch, place such right-of-way in as good a condition as before such excavation or disturbance was made; provided, however, that should the Company fail, within ten (10) days of its receipt of written notice from the Town, to restore such right-of-way, then the Town may undertake such restoration (other than any restoration work on the Distribution System) and charge the reasonable cost thereof to the Company.

To the extent consistent with Florida law, the Company hereby agrees to abide by all the rules and regulations and ordinances which the Town has passed or might pass in the future, in the exercise of its police power, provided, however, that the Town shall not pass any ordinance or regulation that results in a material change the rights or obligations of the Company under the Franchise Agreement.

Section 8. All such components of the Distribution System of the Company located within the Town shall be installed and maintained in accordance with accepted good practice and in accordance with the orders, rules, and regulations of the Florida Public Service Commission.

Section 9. All components of the Distribution System shall be laid consistent with all applicable codes, rules, regulations and laws, including, to the extent consistent with all

applicable codes, rules, regulations and laws, and conditions and specifications contained in Town permits.

Section 10. The Town reserves the right to permit to be laid electric conduits, water and gas pipes and lines, cables, sewers, and to do and permit to be done any underground work that may be deemed necessary or proper by the Town in, across, along, or under any right-of-way. Whenever, by reason of establishing a grade or by reason of changes in the grade of any right-of-way, or by reason of the widening, grading, paving, or otherwise improving present or future right-of-way, or in the location or manner of construction of any water pipes, electric conduits, sewers, or other underground structure located within the right-of-way, it shall be deemed necessary by the Town to remove, relocate, or disconnect any portion of the Distribution System of the Company for such public purpose, such removal, relocation, or disconnection shall be made by the Company as ordered in writing by the Town without claim for reimbursement. If the Town shall require the Company to remove, relocate, or disconnect any portion of its Distribution System or in any way to alter the placement or location of the Distribution System to enable any other person to use the right-of-way of the Town, as part of its permitting or approval process, the Town shall require the person desiring or occasioning such removal, relocation, disconnection, or alteration to reimburse the Company for any loss, cost, or expense caused by or arising out of such removal, relocation, disconnection, or alteration of any portion of the Distribution System. The Company further agrees that it will not intentionally interfere with, change, or injure any water pipes, drains, or sewers of the Town unless it has received specific permission from the Town or its duly authorized representative.

Section 11. Subject to Section 12 below, within thirty(30) days after the close of the first full billing month following the effective date of this Franchise Agreement, and each month thereafter during the term of this Franchise Agreement, the Company, its successors, or assigns, shall apply to the Town or its successors, a sum of money equal to **six percent (6%)** of the Company's Gross Revenue, less any adjustments for uncollectable accounts, from the sale of Natural Gas to Customers within the corporate limits of the City. The Franchise fee payment shall be deemed paid on time if post-marked within thirty (30) days of the close of the preceding billing month.

In the event that Company, or any company which is a subsidiary, affiliate, or other related company to Company, pays a fee, charge or other payment of any kind on a periodic basis (such as monthly, quarterly, annually) to any municipality within the State of Florida as a condition, or in consideration for, the right to transact a local utility business in that municipality, grantee shall notify the Town in writing of the details of the fee or periodic charge within 60 days of the effective date of the fee or periodic charge, at which time any Franchise granted in accordance with this Ordinance shall be automatically amended to include the requirement that Company make such periodic payments to Town, unless grantee, within 30 days after such notice, notifies the Town in writing that it will not make the payments, in which case any Franchise granted in accordance with this Ordinance shall be automatically revoked. Any new Franchise granted to Company by Town shall require payment by Company of a similar fee or periodic charge, or a payment substantially equivalent thereto, as a condition of the new Franchise.

SECTION 11: IDENTIFICATION OF CITY RESIDENTS

No less than thirty (30) days prior to the Effective Date, the City shall deliver to the Company such information (including City limit streets and block numbers) as is needed by the Company to determine which of its customer are located within the City limits. The City shall also provide such information no less than thirty (30) days prior to the effectiveness of any change in said limits, whether by addition, annexation, or consolidation, or upon the Company's request. The Company shall be relieved of any obligation to pay franchise fees to the extent the City has failed to provide information in accordance with this Section 11.

SECTION 12: ACCOUNTS AND RECORDS

The Company shall maintain accounting, maintenance, and construction records as prescribed by the FPSC. The Company shall establish and maintain appropriate accounts and records in such detail that revenues within the corporate limits of the City are consistently declared separately from all other revenues, and such records shall be maintained within the State of Florida. Upon request by the City, or its designated representative, and execution of a confidentiality agreement reasonably satisfactory to the Company, the Company shall make available said records within thirty (30) days to the City for the determination of the accuracy of the Gross Revenues upon which the Company's franchise fee is based. The Company shall maintain its billing records only for the period of time required by the FPSC and any examination conducted after such period shall be confined to the billing records then available.

SECTION 13: INSURANCE

During the term of this Franchise, the Company shall file with the City Clerk and shall keep in full force and effect at all times during the effective period hereof, insurance certificates evidencing a general liability insurance policy or policies issued by an insurance carrier licensed to do business in the state of Florida or evidence of self-insurance within the corporate limits of the City as they currently exist or may exist in the future. Each such policy shall provide for the minimum sum of \$1,000,000.00 for injury or death to any one person, and for the minimum sum of \$5,000,000.00 for injury or death to all persons where there is more than one person involved in any one incident or accident, and for the minimum sum of \$1,000,000.00 for damage to property, resulting from any one accident, and each of the said minimum sums shall remain in full force and shall be undiminished during the effective period of this Agreement. The coverage requirements set forth in this Section 13 may be satisfied, in whole or in part, with self-insurance.

Company shall notify the Clerk of the City in writing, promptly upon any material alteration, modification, or cancellation of such policy.

SECTION 14: INDEMNIFICATION:

In consideration of the permissions granted to the Company by this Franchise Agreement, the Company hereby agrees to indemnify and hold harmless the City, its officers, agents and employees from and against claims, suits, actions, and causes of action, caused by the Company's negligent operation of the Distribution System within the City during the term of this Franchise and resulting in personal injury, loss of life or damage to property sustained

by any person or entity, through or as a result of the doing of any work herein authorized or the failure to do work herein required, and including all reasonable costs, attorney's fees, expenses, and liabilities incurred by the City in connection with any such claim, suit, or cause of action, including the investigation thereof, and the defense of any action or proceeding brought thereon and any order, judgment or decree which may be entered in any such action or proceeding or as a result thereof; provided, however, that neither the Company nor any of its employees, agents, contractor, licensees, or sub lessees shall be liable under this section for any claims, demands, suits, actions, losses, damages, or expenses, including attorney's fees, arising out of the negligence, strict liability, intentional torts, criminal acts, or error of the City, its officers, agents, or employees. The provisions of this section shall survive the expiration or earlier termination of this Franchise Agreement. Notwithstanding any provision herein to the contrary, the Company's liability under this Agreement shall be limited to the assets and business of Peoples Gas System, a division of Tampa Electric Company, as if Peoples were incorporated separate and apart from Tampa Electric Company.

SECTION 15: TERMINATION BY CITY

Violation by the Company of any of the covenants, terms, and conditions hereof, or default by the Company in observing or carrying into effect any of said covenants, terms and conditions, shall authorize and empower the City to declare a termination of this Franchise Agreement; provided, however, that before such action by the City shall become operative and effective, the Company shall have been served by the City with a written notice setting forth all matters pertinent to such violation or default, and describing the action of the City with respect thereto, and the Company shall have had a period of sixty (60) days after service by certified U.S. mail of such notice, or, in the event such cure reasonably requires a period of more than sixty (60) days, then sixty (60) days to present a plan reasonably satisfactory to the City to effect such cure; and provided further that any violation or default resulting from a strike, a lockout, an act of God, or any other cause beyond the control of the Company shall not constitute grounds for termination.

SECTION 16: CHANGES IN PROVISIONS HEREOF

Changes in the terms and conditions hereof may be made by written agreement between the City and the Company.

SECTION 17: SEVERABILITY; CHANGE IN LAW

(A) If any section, part of a section, paragraph, sentence, or clause of this Agreement shall be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other portion hereof, but shall be restricted and limited in its operation and effect to that specific portion hereof involved in the controversy in which such decision shall have been rendered; provided, however, that should elimination of the specific portion of the Franchise Agreement adjudged to be invalid result in significant adverse consequences to a party, then that party may terminate this Franchise Agreement by providing thirty (30) days written notice to the other party.

(B) Upon the issuance by a court of competent jurisdiction of an order, ruling, or decision, or the enactment or adoption by the Florida Legislature, the City, or any other governmental or regulatory body of a law, rule, regulation, or ordinance, that materially diminishes a municipality's ability to exact franchise fees from a utility, or that effectively does away with the ability of a municipality to grant a franchise altogether, then the Company or City may terminate this Franchise Agreement by providing ninety (90) days written notice to the other party.

SECTION 18: GOVERNING LAW

This Franchise shall be governed by the laws of the State of Florida and applicable federal law.

Section 4. 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 5. 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 6. This Ordinance and the Franchise Agreement between the Town and Company, shall become effective upon its acceptance by the Company, which acceptance must be evidenced in writing within sixty (60) days of the adoption of this Ordinance by the Town Council.

The forgoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put on a roll call vote, the results was as follows:

Raymond P. Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Dan Allers, Council Member	_____
Jim Atterholt, Council Member	_____
Bill Veach, Council Member	_____

ADOPTED this ____ day of _____, 2021 by the Town Council of the Town of Fort Myers Beach, Florida

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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:

John R. Herin, Jr., Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ____ day of _____, 2021

Accepted this ____ day of _____, 2021

**PEOPLES GAS SYSTEM, A
DIVISION OF TAMPA ELECTRIC
COMPANY**

By:

Title:

Date:

1. Requested Motion:

Meeting Date: June 7, 2021

Accept FY 2020 Audit Report prepared by Mauldin & Jenkins

Why the action is necessary:

Section 218.39, F.S., requires that local governments that meet specific criteria outlined in the chapter shall have an annual financial audit of its accounts and records completed within nine (9) months after the end of its fiscal year. The annual audited financial report could also be required to include a "single audit" in accordance with OMB Circular A-133 or Section 215.97, F.S., and Chapter 10.550, Rules of the Auditor General. The audit shall be performed by an independent certified public accountant in accordance with Section 218.39, F.S., and Chapter 10.550, Rules of the Auditor General. At the conclusion of the audit, the auditor shall discuss all comments that will be included in the audit report with management, each member of the governing body, and each member of an audit committee charged with governance.

The local government's response to the audit findings, including corrective action to be taken, must be filed with the local government's governing body within thirty (30) days after delivery of the audit findings. In addition, the audit findings and responses must be incorporated in the audit report package and submitted to the Auditor General within forty-five (45) days after the delivery of the audit report to the local government's governing body, but no later than nine (9) months after the end of the fiscal year.

References:

Section 215.97, F.S.; Florida Single Audit Act
Section 218.39, F.S.; Annual Financial Audit Reports
Section 218.391, F.S.; Auditor Selection Procedures
Section 218.503, F.S.; Determination of Financial Emergency
Chapter 10.550, Rules of the Auditor General; local Government Entity Audits

What the action accomplishes:

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

4. Submitter of Information:

5. Background:

The Town's annual audit was performed by Mauldin & Jenkins. A copy of the audit report was provided to the Town's Audit Committee. On June 1, 2021 the Committee reviewed and discussed the audit report and approved forwarding it to the Town Council. The Town's Attorney has provided the auditors with all litigation issues as requested. Wade Sansbury from Mauldin & Jenkins will participate in the meeting via video conferencing in order to provide an Auditors Discussion and Analysis Report to the Council.

Attachments:

1. 2020 Town of Fort Myers Beach

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
Craig Steinhoff, Interim Finance Director
John R Herin Jr, Town Attorney
Roger Hernstadt, Town Manager

Created/Initiated - 5/28/2021
Approved - 6/1/2021
Approved - 6/2/2021
Final Approval - 6/2/2021

TOWN OF FORT MYERS BEACH, FLORIDA
FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2020

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TOWN OF FORT MYERS BEACH, FLORIDA
FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

TABLE OF CONTENTS

	<u>Page</u>
FINANCIAL SECTION	
Independent Auditor's Report	1 and 2
Management's Discussion and Analysis.....	3 - 8
 Basic Financial Statements	
Government-wide Financial Statements	
Statement of Net Position	9
Statement of Activities	10
 Fund Financial Statements	
Balance Sheet–Governmental Funds	11
Reconciliation of the Balance Sheet–Governmental Funds to the	
Statement of Net Position	12
Statement of Revenues, Expenditures and Changes in Fund Balance–	
Governmental Funds	13
Reconciliation of the Statement of Revenues, Expenditures and Changes in	
Fund Balances of Governmental Funds to the Statement of Activities	14
Statement of Revenues, Expenditures and Changes in Fund Balances–Budget	
(GAAP Basis) and Actual–General Fund.....	15
Statement of Revenues, Expenditures and Changes in Fund Balances–Budget	
(GAAP Basis) and Actual–Gas Tax Fund	16
Statement of Revenues, Expenditures and Changes in Fund Balances–Budget	
(GAAP Basis) and Actual–Building Fund.....	17
Statement of Revenues, Expenditures and Changes in Fund Balances–Budget	
(GAAP Basis) and Actual–Beach Access Fund.....	18
Statement of Net Position–Proprietary Funds	19
Statement of Revenues, Expenses and Changes in Net Position–Proprietary Funds	20
Statement of Cash Flows–Proprietary Funds	21
Notes to Financial Statements	22 - 41
 Required Supplementary Information	
Schedule of Changes in the Total OPEB Liability	42
 Combining Statements and Schedules	
Combining Balance Sheet–Nonmajor Governmental Funds.....	43
Combining Statement of Revenues, Expenditures and Changes in Fund	
Balances–Nonmajor Governmental Funds.....	44

TOWN OF FORT MYERS BEACH, FLORIDA
FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

TABLE OF CONTENTS (CONTINUED)

	<u>Page</u>
COMPLIANCE SECTION	
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	45 and 46
Independent Auditor's Report on Compliance for Each Major Federal Program and State Project and Report on Internal Control over Compliance Required by the Uniform Guidance and Chapter 10.550, <i>Rules of the Auditor General</i>	47 and 48
Schedule of Expenditures of Federal Awards and State Financial Assistance	49
Notes to Schedule of Expenditures of Federal Awards and State Financial Assistance	50
Schedule of Findings and Questioned Costs.....	51 - 54
Summary Schedule of Prior Audit Findings.....	55
Independent Auditor's Management Letter	56 and 57
Independent Accountant's Report-Investment Compliance.....	58

INDEPENDENT AUDITOR'S REPORT

Honorable Mayor, Town Council and Town Manager
Town of Fort Myers Beach, Florida
Fort Myers Beach, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Fort Myers Beach, Florida (the "Town"), as of and for the year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town, as of September 30, 2020, and the respective changes in financial position and, where applicable, cash flows thereof, and the budgetary comparisons for the General Fund, the Gas Tax Fund, the Building Fund, and the Beach Access Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters**Required Supplementary Information**

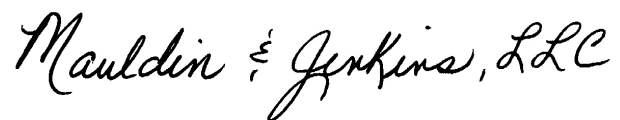
Accounting principles generally accepted in the United States of America require that the management's discussion and analysis (on pages 3 through 8) and the schedule of changes in total OPEB liability (on page 42) be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The combining nonmajor fund financial statements are presented for purposes of additional analysis and are not a required part of the basic financial statements. The schedule of expenditures of federal awards and state financial assistance is presented for purposes of additional analysis as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and Chapter 10.550, *Local Governmental Entity Audits*, Rules of the Auditor General, and is also not a required part of the basic financial statements of the Town. The combining nonmajor fund financial statements and the schedule of expenditures of federal awards and state financial assistance are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining nonmajor fund financial statements the schedule of expenditures of federal awards and state financial assistance are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated May 26, 2021, on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control over financial reporting and compliance.



Bradenton, Florida
May 26, 2021

THE TOWN OF FORT MYERS BEACH, FLORIDA MANAGEMENT'S DISCUSSION AND ANALYSIS YEAR ENDED SEPTEMBER 30, 2020

The discussion and analysis of the Town of Fort Myers Beach, Florida's (the "Town") financial statements is intended to provide a narrative introduction to the basic financial statements and an analytical overview of the Town's financial activities for the fiscal year ending September 30, 2020.

Since the Management's Discussion and Analysis is designed to focus on the current year's, resulting changes and current known facts, please read it in conjunction with the Town's financial statements.

FINANCIAL HIGHLIGHTS

- At September 30, 2020, the assets and deferred outflows of resources of the Town of Fort Myers Beach, Florida exceeded its liabilities and deferred inflows of resources by \$56,099,154 (net position). Of this amount, \$11,698,825 of unrestricted net position may be used to meet the Town's ongoing obligations.
- The Town's total net position increased by \$4,219,666.
- The Town of Fort Myers Beach, Florida's governmental funds reported combined ending fund balances of \$7,179,933 as of September 30, 2020. This is a decrease of \$54,996 under the September 30, 2019, ending fund balances.

USING THE BASIC FINANCIAL STATEMENTS

These basic financial statements consist of a series of financial statements.

Government-wide Financial Statements

The statement of net position (page 9) and the statement of activities (page 10) provide information about the net position and activities of the Town as a whole. The government-wide financial statements separate governmental from business-type activities but both are measured and reported on a full accrual basis using the economic resources measurement focus.

The statement of net position purpose is to be used as an indicator of the improvement of the financial position of the Town. Net position is the difference between the Town's assets and liabilities.

The statement of activities presents information showing how the Town's net position changed during the 2020 fiscal year. The statement reflects the expenses of a given function or segment, which are offset by program revenues. Program revenues are defined as charges for services, operating grants and contributions, and capital grants and contributions directly associated with a given function. Ad valorem property taxes and other taxes are reported under general revenue.

Both of these financial statements distinguish primary types of functions of the Town as follows:

- Governmental activities – Most of the Town's primary functions are reported here, including culture/recreation, public works, streets and roads, planning and zoning, and general and administrative services. Major revenues supporting these activities are ad valorem taxes, gas taxes, communications services taxes, and intergovernmental revenues.
- Business-type activities – This column includes the water and stormwater enterprise funds. The water fund is used to account for the operation of the water system. The stormwater fund is used to account for the stormwater system improvements. Both services are supported by user fees.

Fund Financial Statements

The fund financial statements, which report by fund type, begin on page 11. The governmental funds measure and report activities using the current financial resources measurement focus and the modified accrual basis of accounting. Therefore, you will find the reconciliation on pages 12 and 14 that converts this data to an economic resources measurement focus and the accrual basis of accounting for use in the government-wide financial statements. The fund financial statements present information in more detail than the government-wide financial statements.

THE TOWN OF FORT MYERS BEACH, FLORIDA MANAGEMENT'S DISCUSSION AND ANALYSIS YEAR ENDED SEPTEMBER 30, 2020

The Town's major funds are presented in separate columns on the fund financial statements. The funds that do not meet this criterion of a major fund are considered nonmajor funds that are combined into a single column, "Other Governmental Funds" on the fund financial statements. Governmental Accounting Standards Board (GASB) Statement No. 34 provides the authoritative guidance on the governmental reporting model.

A fund is a grouping of related accounts that is used to maintain financial control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the Town can be divided into two categories:

1. **Governmental funds** – account for most of the Town's tax-supported and user fee activities. Examples are the General Fund and the Gas Tax Fund. These funds focus on how money flows into and out of the funds, and the balances left at year-end. The accounting method used is called modified accrual accounting, which measures cash and all other financial assets that can be readily converted to cash, within a 60-day period. The two criteria used are that the revenue is measurable and available.
2. **Proprietary funds** – are used to account for the business-type activities of the government. The Town's proprietary funds include the Town's water utility and stormwater. The proprietary funds use full accrual basis accounting and the economic measurement focus. Fees or charges are the primary revenue service for the proprietary funds.

Notes to the Financial Statements

The notes provide additional information that is essential to the full understanding of the data provided in the government-wide and fund financial statements. The notes can be found beginning on page 22.

GOVERNMENT-WIDE STATEMENTS

The government-wide financial statements were designed so that the user can determine if the Town is in a better or worse financial condition from the prior year. The Town's overall financial position has improved over the prior year.

Summary of Net Position

The following table reflects a summary of net position for the fiscal years September 30, 2020 and 2019.

	Governmental Activities		Business-type Activities		Total	
	2020	2019	2020	2019	2020	2019
Current and other assets	\$ 8,242,713	\$ 7,980,989	\$ 9,480,112	\$ 9,989,315	\$ 17,722,825	\$ 17,970,304
Capital assets	24,016,746	23,628,407	51,263,824	39,417,506	75,280,570	63,045,913
Total assets	32,259,459	31,609,396	60,743,936	49,406,821	93,003,395	81,016,217
Deferred outflows of financial resources	28,783	32,941	5,843	5,190	34,626	38,131
Current and other liabilities	756,906	666,385	3,161,947	5,340,832	3,918,853	6,007,217
Noncurrent liabilities	471,712	429,418	32,446,707	22,686,637	32,918,419	23,116,055
Total liabilities	1,228,618	1,095,803	35,608,654	28,027,469	36,837,272	29,123,272
Deferred inflows of financial resources	84,452	44,567	17,143	7,021	101,595	51,588
Net investment in capital assets	23,976,784	23,579,632	18,874,954	16,780,501	42,851,738	40,360,133
Restricted	1,548,591	1,843,085	-	-	1,548,591	1,843,085
Unrestricted	5,449,797	5,079,250	6,249,028	4,597,020	11,698,825	9,676,270
Total net position	\$ 30,975,172	\$ 30,501,967	\$ 25,123,982	\$ 21,377,521	\$ 56,099,154	\$ 51,879,488

**THE TOWN OF FORT MYERS BEACH, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED SEPTEMBER 30, 2020**

- For governmental activities net position, \$23,976,784, or 77.40%, represents the amount invested in capital assets, less the outstanding debt used to acquire those assets. The Town uses these assets to provide services to its citizens and therefore, these assets are not available for future spending. It should also be noted that other resources will be required to repay the outstanding debt on capital assets. This balance represents resources that are subject to external restrictions on how they may be used.
- Governmental activities unrestricted net position increased by \$370,547, or 7.3%, over 2019. Unrestricted net position accounts for 17.6% of the Town's governmental activities net position. This unrestricted net position may be used to meet the Town's ongoing obligations to citizens and creditors.
- Governmental activities restricted net position of \$1,548,591, or 5.0% of the Town's governmental activities net position, represents resources restricted for specific purposes.

Summary of Changes in Net Position

The following table compares revenues and expenses for the current fiscal year and the previous fiscal year:

	Governmental Activities		Business-type Activities		Total	
	2020	2019	2020	2019	2020	2019
Program revenues						
Charges for services	\$ 3,004,041	\$ 3,105,408	\$ 6,612,879	\$ 6,311,489	\$ 9,616,920	\$ 9,416,897
Operating grants and contributions	1,141,802	1,482,579	-	-	1,141,802	1,482,579
Capital grants and contributions	160,848	241,732	940,765	500,000	1,101,613	741,732
General revenues						
Property taxes	3,262,934	2,881,811	-	-	3,262,934	2,881,811
Franchise fees	1,009,307	1,042,484	-	-	1,009,307	1,042,484
Gas taxes	359,248	430,989	-	-	359,248	430,989
Communications taxes	531,850	554,993	-	-	531,850	554,993
Business taxes	4,751	7,952	-	-	4,751	7,952
Intergovernmental revenues, unrestricted	760,191	792,703	-	-	760,191	792,703
Investment earnings	137,844	198,066	19,799	40,239	157,643	238,305
Total revenues	10,372,816	10,738,717	7,573,443	6,851,728	17,946,259	17,590,445
Program expenses						
Governmental activities						
General government	4,182,881	3,449,660	-	-	4,182,881	3,449,660
Public safety	441,972	415,619	-	-	441,972	415,619
Physical environment	201,482	184,369	-	-	201,482	184,369
Transportation	1,826,276	1,919,995	-	-	1,826,276	1,919,995
Culture/recreation	3,094,364	3,344,435	-	-	3,094,364	3,344,435
Interest on long-term debt	2,636	243	-	-	2,636	243
Business-type activities						
Water Utility	-	-	3,618,996	3,607,887	3,618,996	3,607,887
Stormwater	-	-	357,986	92,060	357,986	92,060
Total expenses	9,749,611	9,314,321	3,976,982	3,699,947	13,726,593	13,014,268
Change in net position before transfers	623,205	1,424,396	3,596,461	3,151,781	4,219,666	4,576,177
Transfers	(150,000)	(450,000)	150,000	450,000	-	-
Change in net position	473,205	974,396	3,746,461	3,601,781	4,219,666	4,576,177
Net position, beginning	30,501,967	29,527,571	21,377,521	17,775,740	51,879,488	47,303,311
Net position, ending	<u>\$ 30,975,172</u>	<u>\$ 30,501,967</u>	<u>\$ 25,123,982</u>	<u>\$ 21,377,521</u>	<u>\$ 56,099,154</u>	<u>\$ 51,879,488</u>

**THE TOWN OF FORT MYERS BEACH, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED SEPTEMBER 30, 2020**

Total revenues increased by \$355,814, or 2% in comparison to the prior year. The majority of the increase is due to a water rate increase of 7%. All other revenue sources are consistent and within expected ranges except for a reduction of about \$365,900 in grant receipts.

Total expenses increased by \$712,325 or 5% in comparison to the prior year. The majority of the increase is from cultural and recreation, public safety and bulk water purchases.

Governmental Activities

The table below presents the cost of the Town's larger programs as well as each program's net cost (total cost less program revenues), generated by the activities. The net cost represents the portion of each program that is supported by various taxes.

	Total Cost of Services		Net Cost (Earnings) of Services	
	2020	2019	2020	2019
General government	\$ 4,182,881	\$ 3,449,660	\$ 3,125,520	\$ 2,471,544
Public safety	441,972	415,619	270,574	(225,892)
Physical environment	201,482	184,369	201,482	157,732
Transportation	1,826,276	1,919,995	1,809,158	1,873,049
Culture/recreation	3,094,364	3,344,435	33,550	207,926
Interest on long-term debt	2,636	243	2,636	243
	<u>\$ 9,749,611</u>	<u>\$ 9,314,321</u>	<u>\$ 5,442,920</u>	<u>\$ 4,484,602</u>

The cost of all governmental activities this fiscal year was \$9.7 million as comparable to \$9.3 million for fiscal year 2019. As shown in the statement of activities (page 10), the net (expense) from governmental activities was \$5.4 million for 2020 compared to a net cost of \$4.5 million for 2019. Revenues contributing to earnings from governmental activities consisted of:

- \$3,004,041 in charges for services of which there was approximately \$842,618 in revenue from permits and zoning fees, approximately \$1,136,399 from parking facilities revenues, approximately \$162,599 for harborage usage fees, and approximately \$145,664 from parks and recreation fees with the remainder from various fees for general government service.
- \$1,141,802 in operating grants and contributions. The balance is primarily comprised of operating grants from the Tourist Development Council for beach access maintenance and \$569,119 from FEMA.
- \$160,848 in capital grants and contributions, which is mainly comprised of Road and Park Impact fees collected internally by the building department and Cultural/Recreation program.

Business-type Activities

Revenues of the Town's business-type activities totaled \$7,573,443 and \$6,851,728 for 2020 and 2019, respectively. Operating expenses totaled \$3,976,982 and \$3,699,947 for 2020 and 2019, respectively. The increase in net position was \$3,746,461 and \$3,601,781 for 2020 and 2019, respectively. Revenue and net position increases are primarily due to the Town Council approval of 7% water rate increase

FINANCIAL ANALYSIS OF THE TOWN'S FUNDS

As noted earlier, the Town uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds

Governmental funds are comprised of the General Fund, special revenue funds, and a capital projects fund. Governmental funds use the current financial resources measurement focus that provides information on the near-term inflows, outflows, and balances of available resources.

**THE TOWN OF FORT MYERS BEACH, FLORIDA
MANAGEMENT'S DISCUSSION AND ANALYSIS
YEAR ENDED SEPTEMBER 30, 2020**

The *General Fund* is the chief operating fund of the Town. It is used to account for all financial resources except those to be accounted for in another fund. At the end of the current fiscal year, unassigned fund balance of the General Fund was \$1,836,663. During the current fiscal year, the fund balance of the Town's General Fund increased by \$151,877. The increase in fund balance is a result of an increase in property taxes of \$120,093. The net increase in the General Fund was reduced by the COVID-19 pandemic. Prior years' changes were usually about \$400,000.

The *Gas Tax Fund* is used to account for gas taxes and other resources dedicated to road related projects. This fund has a total fund balance of \$597,389, all of which is restricted to road improvements and transportation related items. The fund balance reflects a decrease of \$158,542 again due to the COVID-19 pandemic.

The *Building Fund* is used to account for Town-administered building permits and plans review. In prior years, these functions were contracted out to Lee County. Fiscal year 2020 reflects an operating loss of \$192,381 due to delays in major construction projects impacted by the COVID-19 pandemic.

The *Beach Access Fund* is used to account for the expenses incurred to maintain the Town's beaches and record the reimbursement received from Lee County, per a local agreement with Lee County Tourist Development Council. The amount received for fiscal year 2020 was \$787,541.

The *Capital Projects Fund* is maintained by transfers from the General Fund and other special revenue funds. Capital outlay of \$1,364,237 was expended in the current year.

All other governmental funds are accounted for in the column entitled *Other Governmental Funds*.

Proprietary Funds

The Town's proprietary funds are used to account for activities for which a fee is charged to external users for services. These funds provide the same type of information found in the governmental-wide financial statements, but in more detail.

BUDGETARY HIGHLIGHTS

Revenue budget-to-actual in the General Fund resulted in a \$546,685, or 7.2%, positive revenue variance. The positive revenue variance was due to stronger than anticipated budgeted revenues for Franchise Fees of \$116,767, License & Permits of \$167,847; and Intergovernmental revenues of \$264,294.

Budget-to-actual expenditures in the General Fund show a \$693,480 positive variance (actual less than fiscal budget). This difference is primarily attributable to a savings in general governmental services of \$369,006 resulting from unused contingency funds, public safety savings of \$127,445 and savings from cultural and recreation operations of \$206,346 due to the impact of the COVID-19 pandemic.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

The following table provides a comparative summary of capital assets (net of accumulated depreciation) by category:

	Governmental Activities		Business-type Activities		Total	
	2020	2019	2020	2019	2020	2019
Land	\$ 10,536,780	\$ 10,536,780	\$ 305,000	\$ 305,000	\$ 10,841,780	\$ 10,841,780
Buildings and leasehold improvements	6,509,633	6,565,178	565,947	614,339	7,075,580	7,179,517
Improvements other than buildings	1,854,368	1,697,992	-	-	1,854,368	1,697,992
Office furniture and equipment	145,378	254,783	-	-	145,378	254,783
Vehicles and other equipment	913,146	861,301	156,250	134,668	1,069,396	995,969
Infrastructure	4,057,441	3,712,373	12,726,764	13,138,794	16,784,205	16,851,167
Construction in progress	-	-	37,509,863	25,224,705	37,509,863	25,224,705
Total capital assets	\$ 24,016,746	\$ 23,628,407	\$ 51,263,824	\$ 39,417,506	\$ 75,280,570	\$ 63,045,913

THE TOWN OF FORT MYERS BEACH, FLORIDA MANAGEMENT'S DISCUSSION AND ANALYSIS YEAR ENDED SEPTEMBER 30, 2020

Additional information on the Town's capital assets can be found in Note 8 to the financial statements.

Long-Term Debt

As of September 30, 2020 and 2019, the Town had \$32,428,832 and \$22,685,780, respectively, in long-term debt. The following table provides a breakdown:

	Governmental Activities		Business-type Activities		Total	
	2020	2019	2020	2019	2020	2019
Refunding bond payable	\$ -	\$ -	\$ 720,000	\$ 900,000	\$ 720,000	\$ 900,000
State revolving fund loans	-	-	31,668,870	21,737,005	31,668,870	21,737,005
Capital lease payable	39,962	48,775	-	-	39,962	48,775
Total debt	<u>\$ 39,962</u>	<u>\$ 48,775</u>	<u>\$ 32,388,870</u>	<u>\$ 22,637,005</u>	<u>\$ 32,428,832</u>	<u>\$ 22,685,780</u>

Additional information on the Town's long-term debt can be found in Note 7 to the financial statements.

ECONOMIC FACTORS AND NEXT FISCAL YEAR'S BUDGET

The State of Florida operates primarily using sales, gasoline, and corporate income taxes. Local governments (cities, counties, and school boards) primarily rely on property and a limited array of permitted other taxes (sales, gasoline, communication services, etc.) and fees (franchise, occupational licensing, impact, etc.) for funding their governmental activities. There are a number of state-shared revenues and recurring and non-recurring (one-time) grants from both the state and federal governments.

The following factors were considered in preparing the Town's budget for the 2019-2020 fiscal year:

- The Town continued planning significant investment in infrastructure in the water utility as well as the expansion of the stormwater utility, which will provide for dedicated operation and maintenance and future stormwater infrastructure. Pursuant to funding the infrastructure improvements. Ordinance 15-08 established the stormwater utility and Resolution 16-07 adopted February 16, 2016, adopted the user fee to support a dedicated source of funding. The State of Florida Department of Environmental Protection has approved a stormwater loan for the side streets in the Town in the amount of \$13,592,550 and it is anticipated that future state loans will be pursued to complete Towns' stormwater infrastructure program.

The Town has continued to budget for a lobbyist to monitor state legislation for capital projects.

REQUESTS FOR INFORMATION

The financial report is designed to provide a general overview of the Town of Fort Myers Beach, Florida's finances. Questions concerning any information provided in this report or requests for additional financial information should be addressed to:

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

BASIC FINANCIAL STATEMENTS

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TOWN OF FORT MYERS BEACH, FLORIDA

**STATEMENT OF NET POSITION
SEPTEMBER 30, 2020**

	Governmental Activities	Business-type Activities	Total
Assets			
Cash and cash equivalents	\$ 5,467,582	\$ 5,868,127	\$ 11,335,709
Investments	2,017,703	-	2,017,703
Due from other governments	571,330	1,324,774	1,896,104
Accounts receivable, net	19,447	1,445,925	1,465,372
Prepaid expenses	166,651	153,616	320,267
Restricted cash	-	687,670	687,670
Capital assets			
Nondepreciable	10,536,780	37,814,863	48,351,643
Depreciable	13,479,966	13,448,961	26,928,927
Total assets	<u>32,259,459</u>	<u>60,743,936</u>	<u>93,003,395</u>
Deferred outflows of resources			
Deferred outflows - OPEB	<u>28,783</u>	<u>5,843</u>	<u>34,626</u>
Liabilities			
Accounts payable and other accrued liabilities	744,216	2,757,619	3,501,835
Accrued interest payable	-	104,513	104,513
Unearned revenue	12,690	-	12,690
Payable from restricted assets			
Customer deposits	-	299,815	299,815
Noncurrent liabilities			
Due within one year	112,668	934,037	1,046,705
Due in more than one year	359,044	31,512,670	31,871,714
Total liabilities	<u>1,228,618</u>	<u>35,608,654</u>	<u>36,837,272</u>
Deferred inflows of resources			
Deferred inflows - OPEB	<u>84,452</u>	<u>17,143</u>	<u>101,595</u>
Net position			
Net investment in capital assets	23,976,784	18,874,954	42,851,738
Restricted for			
Parks and recreation	46,728	-	46,728
Transportation	1,501,863	-	1,501,863
Unrestricted	5,449,797	6,249,028	11,698,825
Total net position	<u>\$ 30,975,172</u>	<u>\$ 25,123,982</u>	<u>\$ 56,099,154</u>

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

		Program Revenues			Net (Expense) Revenue and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total
Functions/programs	Expenses						
Governmental activities							
General government	\$ 4,182,881	\$ 1,057,361	\$ -	\$ -	\$ (3,125,520)	\$ -	\$ (3,125,520)
Public safety	441,972	1,078	128,062	42,258	(270,574)	-	(270,574)
Physical environment	201,482	-	-	-	(201,482)	-	(201,482)
Transportation	1,826,276	-	-	17,118	(1,809,158)	-	(1,809,158)
Culture/recreation	3,094,364	1,945,602	1,013,740	101,472	(33,550)	-	(33,550)
Interest on long-term debt	2,636	-	-	-	(2,636)	-	(2,636)
Total governmental activities	<u>9,749,611</u>	<u>3,004,041</u>	<u>1,141,802</u>	<u>160,848</u>	<u>(5,442,920)</u>	<u>-</u>	<u>(5,442,920)</u>
Business-type activities							
Water and sewer	3,618,996	5,314,709	-	-	-	1,695,713	1,695,713
Stormwater	357,986	1,298,170	-	940,765	-	1,880,949	1,880,949
Total business-type activities	<u>3,976,982</u>	<u>6,612,879</u>	<u>-</u>	<u>940,765</u>	<u>-</u>	<u>3,576,662</u>	<u>3,576,662</u>
Total primary government	<u>\$ 13,726,593</u>	<u>\$ 9,616,920</u>	<u>\$ 1,141,802</u>	<u>\$ 1,101,613</u>	<u>(5,442,920)</u>	<u>3,576,662</u>	<u>(1,866,258)</u>
General revenues							
Property taxes, levied for general purposes					3,262,934	-	3,262,934
Communication services tax					531,850	-	531,850
Gas taxes					359,248	-	359,248
Franchise fees					1,009,307	-	1,009,307
Business taxes					4,751	-	4,751
Intergovernmental revenues, unrestricted					760,191	-	760,191
Investment earnings					137,844	19,799	157,643
Transfers					(150,000)	150,000	-
Total general revenues and transfers					<u>5,916,125</u>	<u>169,799</u>	<u>6,085,924</u>
Change in net position					<u>473,205</u>	<u>3,746,461</u>	<u>4,219,666</u>
Net position, beginning of year					<u>30,501,967</u>	<u>21,377,521</u>	<u>51,879,488</u>
Net position, end of year					<u>\$ 30,975,172</u>	<u>\$ 25,123,982</u>	<u>\$ 56,099,154</u>

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF FORT MYERS BEACH, FLORIDA
BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2020**

	General	Gas Tax	Building	Beach Access	Capital Projects	Nonmajor Governmental Funds	Total Governmental Funds
Assets							
Cash and cash equivalents	\$ 3,035,552	\$ 147,718	\$ 3,978	\$ 28,213	\$ 1,300,225	\$ 951,896	\$ 5,467,582
Investments	1,621,375	396,328	-	-	-	-	2,017,703
Accounts receivable	19,447	-	-	-	-	-	19,447
Prepaid items	156,552	694	8,730	75	600	-	166,651
Due from other funds	453,546	-	-	-	-	-	453,546
Due from other governments	211,154	54,176	-	306,000	-	-	571,330
Total assets	<u>\$ 5,497,626</u>	<u>\$ 598,916</u>	<u>\$ 12,708</u>	<u>\$ 334,288</u>	<u>\$ 1,300,825</u>	<u>\$ 951,896</u>	<u>\$ 8,696,259</u>
Liabilities, deferred inflows of resources and fund balances							
Liabilities							
Accounts payable and accrued liabilities	\$ 266,281	\$ 1,527	\$ 131,057	\$ 22,011	\$ 323,340	\$ -	\$ 744,216
Due to other funds	-	-	147,545	306,001	-	-	453,546
Unearned revenue	12,690	-	-	-	-	-	12,690
Total liabilities	<u>278,971</u>	<u>1,527</u>	<u>278,602</u>	<u>328,012</u>	<u>323,340</u>	<u>-</u>	<u>1,210,452</u>
Deferred inflows of resources							
Unavailable revenue	<u>-</u>	<u>-</u>	<u>-</u>	<u>305,874</u>	<u>-</u>	<u>-</u>	<u>305,874</u>
Fund balances (deficits)							
Nonspendable							
Prepaid items	156,552	694	8,730	75	600	-	166,651
Restricted							
Parks and recreation	-	-	-	-	-	46,728	46,728
Transportation	-	596,695	-	-	-	905,168	1,501,863
Committed							
Beach renourishment	100,000	-	-	-	-	-	100,000
Capital Projects	-	-	-	-	976,885	-	976,885
Other committed reserves	969,440	-	-	-	-	-	969,440
Compensated absences	111,000	-	-	-	-	-	111,000
Assigned							
Legal, general liability, and grant matching	215,000	-	-	-	-	-	215,000
Emergency	500,000	-	-	-	-	-	500,000
Operating reserve	1,330,000	-	-	-	-	-	1,330,000
Unassigned	1,836,663	-	(274,624)	(299,673)	-	-	1,262,366
Total fund balances (deficits)	<u>5,218,655</u>	<u>597,389</u>	<u>(265,894)</u>	<u>(299,598)</u>	<u>977,485</u>	<u>951,896</u>	<u>7,179,933</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 5,497,626</u>	<u>\$ 598,916</u>	<u>\$ 12,708</u>	<u>\$ 334,288</u>	<u>\$ 1,300,825</u>	<u>\$ 951,896</u>	<u>\$ 8,696,259</u>

The accompanying notes to financial statements are an integral part of this statement.

**TOWN OF FORT MYERS BEACH, FLORIDA
RECONCILIATION OF THE BALANCE SHEET-
GOVERNMENTAL FUNDS TO THE STATEMENT OF NET POSITION
SEPTEMBER 30, 2020**

Fund Balances, Total Governmental Funds	\$ 7,179,933
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Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds.

Governmental nondepreciable capital assets	\$ 10,536,780	
Governmental depreciable capital assets, net	13,479,966	24,016,746

Deferred outflows, deferred inflows, and the total OPEB liability related to the Town's other post-employment benefits plan are not expected to be liquidated with expendable available financial resources and, therefore are not reported in the funds.

Deferred outflows - OPEB	28,783	
Deferred intflows - OPEB	(84,452)	
Total OPEB liability	(118,354)	(174,023)

Certain deferred inflows of resources are not available to pay for current period expenditures and, therefore, are reported as unavailable revenue in the funds.

305,874

Long-term liabilities, including capital leases and compensated absences are not due and payable in the current period and therefore, are not reported in the funds.

Compensated absences	(313,396)	
Capital leases payable	(39,962)	(353,358)

Net Position of Governmental Activities	\$ 30,975,172
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TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES--
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	General	Gas Tax	Building	Beach Access	Capital Projects	Nonmajor Governmental Funds	Total Governmental Funds
Revenues							
Taxes							
Property	\$ 3,001,904	\$ -	\$ -	\$ -	\$ 261,030	\$ -	\$ 3,262,934
Gas	-	359,248	-	-	-	-	359,248
Franchise	1,009,307	-	-	-	-	-	1,009,307
Communication services	531,850	-	-	-	-	-	531,850
Local business	4,751	-	-	-	-	-	4,751
Licenses and permits	472,697	-	468,879	-	-	-	941,576
Intergovernmental	956,294	50,859	-	787,541	-	30,000	1,824,694
Charges for services	1,945,602	-	-	-	-	-	1,945,602
Fines and forfeitures	65,102	-	-	-	-	-	65,102
Special assessments/impact fees	-	-	-	-	-	11,948	11,948
Investment income	99,950	20,784	-	1,046	7,774	8,290	137,844
Miscellaneous	49,333	1,350	1,078	-	-	-	51,761
Total revenues	8,136,790	432,241	469,957	788,587	268,804	50,238	10,146,617
Expenditures							
Current							
General government	2,222,719	-	662,338	-	-	-	2,885,057
Public safety	437,325	-	-	-	-	-	437,325
Transportation	1,582,997	208,286	-	-	-	-	1,791,283
Culture and recreation	1,916,253	-	-	760,037	-	-	2,676,290
Capital outlay	-	355,497	-	344,470	1,364,237	186,005	2,250,209
Debt service:							
Principal	3,635	-	-	-	5,178	-	8,813
Interest	1,136	-	-	-	1,500	-	2,636
Total expenditures	6,164,065	563,783	662,338	1,104,507	1,370,915	186,005	10,051,613
Excess (deficiency) of revenues over (under) expenditures	1,972,725	(131,542)	(192,381)	(315,920)	(1,102,111)	(135,767)	95,004
Other financing sources (uses)							
Transfers in	-	123,000	-	343,043	1,354,805	-	1,820,848
Transfers out	(1,820,848)	(150,000)	-	-	-	-	(1,970,848)
Total other financing sources (uses)	(1,820,848)	(27,000)	-	343,043	1,354,805	-	(150,000)
Change in fund balances	151,877	(158,542)	(192,381)	27,123	252,694	(135,767)	(54,996)
Fund balances (deficits), beginning of year	5,066,778	755,931	(73,513)	(326,721)	724,791	1,087,663	7,234,929
Fund balances (deficits), end of year	\$ 5,218,655	\$ 597,389	\$ (265,894)	\$ (299,598)	\$ 977,485	\$ 951,896	\$ 7,179,933

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

Net Change in Fund Balances, Total Governmental Funds	\$	(54,996)
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Amounts reported for governmental activities in the statement of net position are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of these assets is depreciated over their estimated useful lives.

Capital outlay	\$ 1,518,565		
Less current year depreciation	<u>(1,128,204)</u>		390,361

The net effect of various transactions involving capital assets (i.e. sales, trade-ins, and donations) is to decrease net position.		(2,022)
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Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.		226,199
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The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however has any effect on net position. This amount is the net effect of these differences in the treatment of long-term liabilities.

Principal repayment of long-term debt		8,813
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In the governmental funds, current year expenditures related to OPEB are comprised solely of amounts contributed to the plan for the current year. However, in the statement of activities, expenses related to OPEB include amounts that do not require the use of current financial resources. This amount represents the difference in the required accounting treatment of OPEB and related items.		(14,230)
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Some expenses reported in the statement of activities do not require the use of current financial resources and therefore, are not reported as expenditures in governmental funds.

Change in compensated absences		<u>(80,920)</u>
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Change in Net Position of Governmental Activities	\$	<u>473,205</u>
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TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND
BALANCES-BUDGET AND ACTUAL-GENERAL FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	Budgeted Amounts			Variance With Final Budget- Positive (Negative)
	Original	Final	Actual	
Revenues				
Taxes				
Property	\$ 3,005,275	\$ 3,005,275	\$ 3,001,904	\$ (3,371)
Franchise	892,540	892,540	1,009,307	116,767
Communications services	540,200	540,200	531,850	(8,350)
Local business	4,000	4,000	4,751	751
Licenses and permits	304,850	304,850	472,697	167,847
Intergovernmental	692,000	692,000	956,294	264,294
Charges for services	1,987,500	1,987,500	1,945,602	(41,898)
Fines and forfeitures	54,240	54,240	65,102	10,862
Investment income	67,000	67,000	99,950	32,950
Miscellaneous	42,500	42,500	49,333	6,833
Total revenues	<u>7,590,105</u>	<u>7,590,105</u>	<u>8,136,790</u>	<u>546,685</u>
Expenditures				
Current				
General government	2,591,725	2,591,725	2,222,719	369,006
Public safety	564,770	564,770	437,325	127,445
Transportation	1,564,130	1,564,130	1,582,997	(18,867)
Culture and recreation	2,136,920	2,136,920	1,916,253	220,667
Debt service:				
Principal	-	-	3,635	(3,635)
Interest	-	-	1,136	(1,136)
Total expenditures	<u>6,857,545</u>	<u>6,857,545</u>	<u>6,164,065</u>	<u>693,480</u>
Excess of revenues over expenditures	<u>732,560</u>	<u>732,560</u>	<u>1,972,725</u>	<u>1,240,165</u>
Other financing uses				
Transfers out	(1,788,800)	(1,788,800)	(1,820,848)	(32,048)
Total other financing uses	<u>(1,788,800)</u>	<u>(1,788,800)</u>	<u>(1,820,848)</u>	<u>(32,048)</u>
Change in fund balance	(1,056,240)	(1,056,240)	151,877	1,208,117
Fund balance, beginning of year	<u>5,066,778</u>	<u>5,066,778</u>	<u>5,066,778</u>	<u>-</u>
Fund balance, end of year	<u>\$ 4,010,538</u>	<u>\$ 4,010,538</u>	<u>\$ 5,218,655</u>	<u>\$ 1,208,117</u>

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND
BALANCES-BUDGET AND ACTUAL-GAS TAX FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	Budgeted Amounts			Variance With Final Budget- Positive (Negative)
	Original	Final	Actual	
Revenues				
Taxes				
Gas taxes	\$ 347,865	\$ 347,865	\$ 359,248	\$ 11,383
Intergovernmental	41,000	41,000	50,859	9,859
Interest	-	-	20,784	20,784
Miscellaneous	-	-	1,350	1,350
Total revenues	<u>388,865</u>	<u>388,865</u>	<u>432,241</u>	<u>43,376</u>
Expenditures				
Current				
Transportation	413,865	413,865	208,286	205,579
Capital outlay	212,300	212,300	355,497	(143,197)
Total expenditures	<u>626,165</u>	<u>626,165</u>	<u>563,783</u>	<u>62,382</u>
Deficiency of revenues under expenditures	<u>(237,300)</u>	<u>(237,300)</u>	<u>(131,542)</u>	<u>105,758</u>
Other financing sources (uses)				
Transfers in	123,000	123,000	123,000	-
Transfers out	(150,000)	(150,000)	(150,000)	-
Total other financing uses, net	<u>(27,000)</u>	<u>(27,000)</u>	<u>(27,000)</u>	<u>-</u>
Change in fund balance	(264,300)	(264,300)	(158,542)	105,758
Fund balance, beginning of year	<u>755,931</u>	<u>755,931</u>	<u>755,931</u>	<u>-</u>
Fund balance, end of year	<u>\$ 491,631</u>	<u>\$ 491,631</u>	<u>\$ 597,389</u>	<u>\$ 105,758</u>

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND
BALANCES-BUDGET AND ACTUAL-BUILDING FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	Budgeted Amounts			Variance With Final Budget- Positive (Negative)
	Original	Final	Actual	
Revenues				
Licenses and permits	\$ 952,325	\$ 952,325	\$ 468,879	\$ (483,446)
Miscellaneous	-	-	1,078	1,078
Total revenues	<u>952,325</u>	<u>952,325</u>	<u>469,957</u>	<u>(482,368)</u>
Expenditures				
Current				
General government	952,325	952,325	662,338	289,987
Total expenditures	<u>952,325</u>	<u>952,325</u>	<u>662,338</u>	<u>289,987</u>
Change in fund balance	-	-	(192,381)	(192,381)
Fund balance (deficit), beginning of year	<u>(73,513)</u>	<u>(73,513)</u>	<u>(73,513)</u>	<u>-</u>
Fund balance (deficit), end of year	<u><u>\$ (73,513)</u></u>	<u><u>\$ (73,513)</u></u>	<u><u>\$ (265,894)</u></u>	<u><u>\$ (192,381)</u></u>

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND
BALANCES-BUDGET AND ACTUAL-BEACH ACCESS FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	Budgeted Amounts			Variance With Final Budget- Positive (Negative)
	Original	Final	Actual	
Revenues				
Intergovernmental	\$ 1,135,230	\$ 1,135,230	\$ 787,541	\$ (347,689)
Investment income	-	-	1,046	1,046
Total revenues	<u>1,135,230</u>	<u>1,135,230</u>	<u>788,587</u>	<u>(346,643)</u>
Expenditures				
Current				
Culture and recreation	1,058,730	1,058,730	760,037	298,693
Capital outlay	76,500	76,500	344,470	(267,970)
Total expenditures	<u>1,135,230</u>	<u>1,135,230</u>	<u>1,104,507</u>	<u>30,723</u>
Deficiency of revenues under expenditures	<u>-</u>	<u>-</u>	<u>(315,920)</u>	<u>(315,920)</u>
Other financing sources				
Transfers in	-	-	343,043	343,043
Total other financing sources	<u>-</u>	<u>-</u>	<u>343,043</u>	<u>343,043</u>
Change in fund balance	<u>-</u>	<u>-</u>	<u>27,123</u>	<u>27,123</u>
Fund balance (deficit), beginning of year	<u>(326,721)</u>	<u>(326,721)</u>	<u>(326,721)</u>	<u>-</u>
Fund balance (deficit), end of year	<u>\$ (326,721)</u>	<u>\$ (326,721)</u>	<u>\$ (299,598)</u>	<u>\$ 27,123</u>

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
SEPTEMBER 30, 2020

	Water Fund	Stormwater Fund	Total
Assets			
Current assets			
Cash	\$ 2,343,526	\$ 3,524,601	\$ 5,868,127
Accounts receivable, net	1,195,981	249,944	1,445,925
Due from other governments	576,982	747,792	1,324,774
Prepaid items	152,649	967	153,616
Total current assets	<u>4,269,138</u>	<u>4,523,304</u>	<u>8,792,442</u>
Noncurrent assets			
Restricted cash	687,670	-	687,670
Capital assets, nondepreciable	26,066,116	11,748,747	37,814,863
Capital assets, depreciable, net	10,640,924	2,808,037	13,448,961
Total noncurrent assets	<u>37,394,710</u>	<u>14,556,784</u>	<u>51,951,494</u>
Total assets	<u>41,663,848</u>	<u>19,080,088</u>	<u>60,743,936</u>
Deferred outflows of resources			
Deferred outflow - OPEB	<u>5,223</u>	<u>620</u>	<u>5,843</u>
Liabilities			
Current liabilities			
Payable from current assets			
Accounts payable	2,088,005	669,614	2,757,619
Accrued interest payable	104,513	-	104,513
Compensated absences	15,325	-	15,325
Notes payable, due within one year	918,712	-	918,712
Payable from restricted assets			
Customer deposits	299,815	-	299,815
Total current liabilities	<u>3,426,370</u>	<u>669,614</u>	<u>4,095,984</u>
Long-term liabilities			
Compensated absences	18,487	-	18,487
Notes payable	22,490,686	8,979,472	31,470,158
Total OPEB liability	21,476	2,549	24,025
Total long-term liabilities	<u>22,530,649</u>	<u>8,982,021</u>	<u>31,512,670</u>
Total liabilities	<u>25,957,019</u>	<u>9,651,635</u>	<u>35,608,654</u>
Deferred inflows of resources			
Deferred Inflows - OPEB	<u>15,324</u>	<u>1,819</u>	<u>17,143</u>
Net position			
Net investment in capital assets	13,297,642	5,577,312	18,874,954
Unrestricted	2,399,086	3,849,942	6,249,028
Total net position	<u>\$ 15,696,728</u>	<u>\$ 9,427,254</u>	<u>\$ 25,123,982</u>

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
PROPRIETARY FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	Water Fund	Stormwater Fund	Total
Operating revenues			
Charges for services	\$ 5,299,666	\$ 1,180,219	\$ 6,479,885
Miscellaneous	15,043	117,951	132,994
Total operating revenues	<u>5,314,709</u>	<u>1,298,170</u>	<u>6,612,879</u>
Operating expenses			
Bulk water	1,649,219	-	1,649,219
Depreciation expense	410,270	91,580	501,850
Repairs and maintenance	169,388	189,110	358,498
Salaries and benefits	585,301	-	585,301
Insurance	65,951	-	65,951
Power	44,595	-	44,595
Professional services	32,310	-	32,310
Other operating supplies and expenses	468,793	77,296	546,089
Total operating expenses	<u>3,425,827</u>	<u>357,986</u>	<u>3,783,813</u>
Operating income	<u>1,888,882</u>	<u>940,184</u>	<u>2,829,066</u>
Nonoperating revenues (expenses)			
Interest income	8,331	11,468	19,799
Interest expense	(193,169)	-	(193,169)
Total nonoperating revenues (expenses)	<u>(184,838)</u>	<u>11,468</u>	<u>(173,370)</u>
Income before capital contributions and transfers	<u>1,704,044</u>	<u>951,652</u>	<u>2,655,696</u>
Capital contributions	-	940,765	940,765
Transfers in	<u>-</u>	<u>150,000</u>	<u>150,000</u>
Change in net position	1,704,044	2,042,417	3,746,461
Net position, beginning of year	<u>13,992,684</u>	<u>7,384,837</u>	<u>21,377,521</u>
Net position, end of year	<u><u>\$ 15,696,728</u></u>	<u><u>\$ 9,427,254</u></u>	<u><u>\$ 25,123,982</u></u>

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF FORT MYERS BEACH, FLORIDA
STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	Water Fund	Stormwater Fund	Total
Cash flows from operating activities			
Cash received from customers	\$ 4,907,306	\$ 1,141,327	\$ 6,048,633
Cash paid to suppliers	(4,247,012)	(683,022)	(4,930,034)
Cash paid to employees	(571,375)	(52,489)	(623,864)
Net cash provided by operating activities	<u>88,919</u>	<u>405,816</u>	<u>494,735</u>
Cash flows from noncapital financing activities			
Transfers in	-	150,000	150,000
Net cash provided by noncapital financing activities	<u>-</u>	<u>150,000</u>	<u>150,000</u>
Cash flows from capital and related financing activities			
Principal payment on notes payable and bonds	(1,043,206)	-	(1,043,206)
Proceeds from loan	11,200,853	4,849,854	16,050,707
Interest paid	(133,993)	-	(133,993)
Proceeds from capital grants and contributions	-	940,765	940,765
Acquisition and construction of capital assets	(9,172,719)	(3,175,449)	(12,348,168)
Net cash provided by capital and related financing activities	<u>850,935</u>	<u>2,615,170</u>	<u>3,466,105</u>
Cash flows from investing activities			
Interest received	<u>8,331</u>	<u>11,468</u>	<u>19,799</u>
Net change in cash and cash equivalents	948,185	3,182,454	4,130,639
Cash and cash equivalents, beginning of year	<u>2,083,011</u>	<u>342,147</u>	<u>2,425,158</u>
Cash and cash equivalents, end of year	<u><u>\$ 3,031,196</u></u>	<u><u>\$ 3,524,601</u></u>	<u><u>\$ 6,555,797</u></u>
Reconciliation of cash and cash equivalents to statement of net position			
Cash and cash equivalents	\$ 2,343,526	\$ 3,524,601	\$ 5,868,127
Restricted cash	687,670	-	687,670
Total cash and cash equivalents	<u><u>\$ 3,031,196</u></u>	<u><u>\$ 3,524,601</u></u>	<u><u>\$ 6,555,797</u></u>
Reconciliation of operating income to net cash provided by operating activities			
Operating income	\$ 1,888,882	\$ 940,184	\$ 2,829,066
Adjustment to reconcile operating income to net cash provided by operating activities			
Depreciation expense	410,270	91,580	501,850
Decrease (increase) in assets			
Accounts receivable	(261,274)	(156,843)	(418,117)
Prepaid items	(50,581)	(967)	(51,548)
Due from other governments	(146,129)	-	(146,129)
Deferred outflow - OPEB	(33)	(620)	(653)
Increase (decrease) in liabilities			
Accounts payable	(1,787,710)	(471,886)	(2,259,596)
Customer deposits	21,535	-	21,535
Compensated absences	7,522	-	7,522
Deferred inflow - OPEB	8,303	1,819	10,122
Total OPEB liability	(1,866)	2,549	683
Net cash provided by operating activities	<u><u>\$ 88,919</u></u>	<u><u>\$ 405,816</u></u>	<u><u>\$ 494,735</u></u>

The accompanying notes to financial statements are an integral part of this statement.

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TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Town of Fort Myers Beach, Florida (the “Town”) was incorporated pursuant to Chapter 95-494, *Laws of Florida*. The Town operates under a Town Manager form of government and is governed by an elected five-member Town Council. The Town Manager is appointed by a majority vote of the Council. The Town provides the following services: parks and recreation, public works, streets and roads, planning and zoning, water utility services, museum and cultural, stormwater, and general and administrative services.

The basic financial statements of the Town have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP), applicable to state and local governmental units. The Governmental Accounting Standards Board (GASB) is the standard-setting body for governmental accounting and financial reporting. The GASB periodically updates its codification of the existing Governmental Accounting and Financial Reporting Standards, which along with subsequent GASB pronouncements (statements and interpretations), constitutes GAAP for governmental units.

A. Reporting Entity

In evaluation the Town as a reporting entity, management considered all potential component units in accordance with applicable Governmental Accounting Standards Board Statements (GASBS). A component unit is a legally separate organization for which the elected officials of the primary government are financially accountable. Management reviewed all of the financial accountability concepts and determined that there are no component units required to be included in the Town’s financial statements.

B. Government-wide and Fund Financial Statements

The government-wide and fund financial statements along with the notes to the financial statements comprise the basic financial statements. The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements. Government-wide financial statements do not provide information by fund, but distinguish between the Town’s governmental activities and business-type activities. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of net position includes non-current assets and non-current liabilities. In addition, the government-wide statement of activities reflects depreciation expense on the Town’s capital assets. The statement of activities demonstrates the degree to which the direct expenses of a given function or activity is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: (1) charges to customers or applicants who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment, and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. The reports the following major governmental funds:

The **General Fund** is the Town’s primary operating fund. It accounts for all financial resources, except those required to be accounted for in another fund.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

The **Gas Tax Fund (Special Revenue Fund)** is used to account for gas taxes and other resources dedicated to road related projects.

The **Building Fund (Special Revenue Fund)** is used to account for funds and other resources dedicated to community development.

The **Beach Access Fund (Special Revenue Fund)** is used to account for funds and other resources used for improvements to, and maintenance of, public beach access.

The **Capital Projects Fund** is used to account for funds and other resources used for the acquisition and/or construction of major capital facilities.

The Town reports the following major proprietary funds:

The **Water Fund** is used to account for the activities of the Town's water system.

The **Stormwater Fund** is used to account for funds and resources used for the Town's stormwater system.

C. Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues, except intergovernmental revenues, to be available if they are collected within 60 days of the end of the current fiscal period. Intergovernmental revenues are recognized in the year in which all eligibility requirements have been satisfied. Eligibility requirements include timing requirements, which specify the year when the resources are required to be used or the year when use is first permitted, matching requirements, in which the Town must provide local resources to be used for a specified purpose, and expenditure requirements, in which the resources are provided to the Town on a reimbursement basis. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, expenditures related to long-term debt, compensated absences and claims and judgments are recorded only when payment is due.

Taxes, licenses and permits, intergovernmental revenue, charges for services, and investment earnings associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the government.

In accordance with GASB Statement No. 33, *Accounting and Financial Reporting for Non-exchange Transactions*, the corresponding assets (receivables) in non-exchange transactions are recognized in the period in which the underlying exchange occurs, when an enforceable legal claim has arisen, when all eligibility requirements have been met, or when resources are received, depending on the revenue source.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the Town's water function and various other functions of the Town. Elimination of these charges would distort the direct costs reported for the various functions concerned.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's enterprise funds are charges to customers for sales and services. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

The preparation of basic financial statements in conformity with GAAP requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

D. Assets, Liabilities, Deferred Inflows of Resources, and Fund Balance/Net Position

Cash and Investments

The Town's cash consists of amounts in demand deposits and certificates of deposit. Investments consist of amounts on deposit with the Florida State Board of Administration's Florida Prime pool and with the Florida Municipal Investment Trust.

The Town's investment policy follows Section 218.415 of the Florida Statutes and allows management to invest any surplus funds in its control in the following:

- The Florida State Board of Administration's SBA Florida Prime;
- Florida Municipal Investment Trust (an intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in Florida Statute 163.01);
- Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency;
- Interest-bearing time deposits or savings accounts in qualified public depositories, as defined in Florida Statutes, Chapter 280.02;
- Direct obligations of the United States Treasury.

For accounting and investment purposes, the Town maintains cash and investment pool available for use by all funds except those whose cash and investments must be segregated due to legal or other restrictions. Investments within this pool are treated as a demand deposit account by the various funds of the Town that participate. Interest earned on investments in the pool is allocated to the various funds based upon each fund's equity balance in the pool during the allocation period.

SBA Florida Prime meets the necessary criteria to elect to measure all of the investments in Florida Prime at amortized cost.

For purposes of the statement of cash flows, the Town considers highly liquid investments, including those held as restricted assets, with maturities of three months or less when purchased to be cash equivalents.

Customer deposit resources in the Water Fund are restricted to the payment of customer's deposits as they become due.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Receivables

The accounts receivable of the are recorded net of an allowance for doubtful accounts which generally is equivalent to the receivables that are over 90 days past due. In the Water Fund, revenues and receivables are accrued for services provided to customers through year-end even if the customers have not yet been billed.

Interfund Transactions

During the course of operations, the Town has activity between funds for various purposes. Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are reported as either "due from/to other funds" or "advances to/from other funds," the latter being amounts due in excess of one year. Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances."

Prepaid Items

Payments made to vendors for services that will benefit periods beyond September 30, 2020, are recorded as prepaid items using the consumption method by recording an asset for the prepaid amount and reflecting the expenditure/expense in the year in which services are consumed. At the fund reporting level, an equal amount of fund balance is reported as nonspendable as this amount is not available for general appropriation.

Restricted Assets

Assets are reported as restricted when limitations on their use change the nature or normal understanding of the availability of the asset. Such constraints are either externally imposed by creditors, contributors, grantors or laws of other governments, or are imposed by law through constitutional provisions or enabling legislation. Restricted assets in the enterprise funds represent cash and cash equivalents set aside for the repayment of deposits to utility customers.

Capital Assets

Capital assets include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items) and are reported in the governmental activities column in the government-wide financial statements. As permitted by GASB No. 34, the Town has elected not to report infrastructure assets retroactively.

Capital assets are recorded at cost if purchased or constructed. Donated capital assets are recorded at their acquisition value at the date of donation. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. The Town follows a capitalization policy that calls for the capitalization of all capital assets that have costs of \$1,000 or more and useful lives in excess of one year. Property, plant and equipment are depreciated using the straight-line method over the following estimated useful lives:

Buildings and improvements	10 - 40 years
Leasehold improvements	10 years
Equipment	5 - 10 years
Computer equipment	3 - 10 years
Furniture	3 - 10 years
Vehicles and rolling stock	3 - 10 years
Distribution lines	20 - 25 years
Booster stations	25 years
Generators	10 years
Infrastructure	40 years

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Deferred Outflows/Inflows of Resources

The Town reports deferred inflows and deferred outflows related to the recording of changes in its total OPEB liability. Certain changes in these liabilities are recognized as OPEB expense over time instead of all being recognized in the year of occurrence. Experience gains or losses result from periodic studies by the Town's actuary which adjust the total OPEB liability for actual experience for certain trend information that was previously assumed, for example the assumed dates of retirement of plan members. These experience gains or losses are recorded as deferred outflows of resources or deferred inflows of resources and are amortized into OPEB expense over the expected remaining service life of plan members. Changes in actuarial assumptions which adjust the total OPEB liability are also recorded as deferred outflows of resources or deferred inflows of resources and are amortized into expense over the expected remaining lives of plan members. Additionally, any contributions made by the Town to the OPEB plan before year-end but subsequent to the measurement date of the Town's total OPEB liability are reported as deferred outflows of resources.

In addition to the above OPEB related deferred inflows, the Town also has one other type of these items, which arises only under a modified accrual basis of accounting that qualifies for reporting in this category. Accordingly, the item, *unavailable revenue*, is reported only in the Governmental Funds Balance Sheet. The governmental funds report unavailable revenues from certain charges for services and fines and these amounts are deferred and will be recognized as an inflow of resources in the period in which the amounts become available.

Long-term Obligations

In the government-wide financial statements and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund statement of net position. Debt premiums and discounts are deferred and amortized over the life of the debt using the effective interest method. Debt payable is reported net of the applicable debt premium or discount.

In the fund financial statements, governmental fund types recognize debt premiums and discounts during the current period. The face amount of debt issued and debt premiums are separately reported as other financing sources, while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures when incurred.

Compensated Absences

Full-time employees may accumulate paid time off. The Town's policy allows employees to accumulate up to 560 hours of paid time off. Upon voluntary or involuntary separation from employment, an employee will be paid for all accumulated vacation leave (up to 560 hours). The accumulated compensated absences are accrued when incurred in the government-wide financial statements for both the current and long-term portions.

Fund Balance/Net Position

Fund equity at the governmental fund financial reporting level is classified as "fund balance." Fund equity for all other reporting is classified as "net position."

Fund Balance—Generally, fund balance represents the difference between current assets and current liabilities in fund financial statements using the current financial resources measurement focus. In the fund financial statements, governmental funds report fund balance classifications that comprise a hierarchy based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in those funds can be spent.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Fund Balance/Net Position (Continued)

Fund balances are classified as follows:

Nonspendable—Fund balances are reported as nonspendable when amounts cannot be spent because they are either: (1) not in spendable form (i.e., items that are not expected to be converted to cash such as prepaid items), or (2) legally or contractually required to be maintained intact.

Restricted—Fund balances are reported as restricted when there are limitations imposed on their use either through enabling legislation or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

Committed—Fund balances are reported as committed when they can be used only for specific purposes pursuant to constraints imposed by formal action of the Town Council through the adoption of a resolution or ordinance. Only the Town Council may modify or rescind the commitment. These self-imposed limitations must be set in place prior to the end of the fiscal year.

Assigned—Fund balances are reported as assigned when amounts are constrained by the Town's intent to be used for specific purposes, but are neither restricted nor committed. Intent is stipulated by the Town Council or an official for whom that authority has been given by Town Council. The Town Manager has the authority to assign fund balance.

With the exception of the General Fund, amounts in all other governmental funds that are not *nonspendable, restricted or committed* will be considered to be *assigned*. Also, at fiscal year-end, any appropriation of existing fund balance to eliminate a projected budgetary deficit in the next year's budget is considered to be an assignment of fund balance.

Unassigned—Fund balances reported as unassigned are the residual amount of balances that do not meet any of the above criterion. The Town reports positive unassigned fund balance only in the General Fund. Negative unassigned fund balances may be reported in other funds.

Net Position—Net position represents the difference between assets and liabilities in reporting units using the economic resources measurement focus. Net position reported as net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction or improvement of those assets, adding back unspent proceeds. Net position reported as restricted consists of amounts that have limitations imposed on their use either through enabling legislation or through external restrictions imposed by creditors, grantors or laws or regulations of other governments. Net position not reported as "net investment in capital assets" or "restricted" is reported as unrestricted.

Flow Assumptions—When both restricted and unrestricted amounts of fund balance/net position are available for use for expenditures/expenses incurred, it is the Town's policy to use restricted amounts first and then unrestricted amounts as they are needed.

For unrestricted amounts of fund balance, it is the Town's policy to use fund balance in the following order:

- Committed
- Assigned
- Unassigned

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Property Taxes

The billing and collection of all property taxes is performed for the Town by the Lee County, Florida Tax Collector. Property taxes are levied after formal adoption of the Town's budget and become due and payable on November 1 of each year. Discounts are allowed for payment of property taxes before March 1 of the following year. Taxes are recognized as revenue when levied to the extent that they result in current receivables and meet availability criteria. On April 1, any unpaid taxes become delinquent. If the taxes are still unpaid in May, tax certificates are then offered for sale to the general public. The proceeds collected are remitted to the Town. There were no delinquent taxes or uncollected taxes at year end.

Key dates in the property tax cycle (latest date, where appropriate) are as follows:

July 1	Assessment roll validated
September 30	Millage resolution approved and taxes levied following certificate of assessment roll
October 1	Beginning of fiscal year for which tax is to be levied
November 1	Property taxes due and payable (levy date) with various discount provisions through March 1
April 1	Taxes become delinquent
Prior to June 1	Tax certificates sold by Lee County Tax Collector

NOTE 2 – STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Budgetary Information

The Town follows the procedures enumerated below in establishing the legally adopted budgetary data reflected in the fund financial statements:

1. On or before July 15 of each year, the Town Manager is to submit to the Town Council a proposed operating budget, including a Town Manager's message explaining the budget, for the fiscal year commencing the following October 1. The operating budget will include a complete financial plan of all Town funds and activities for the ensuing fiscal year.
2. The Town Council shall publish in one or more newspapers of general circulation the time and place of public hearings. Public hearings are then conducted to obtain taxpayer comments.
3. Prior to October 1, the budget is legally enacted through passage of a resolution required by Town Charter and as required by the State of Florida.
4. Budgets are adopted on a basis consistent with accounting principles generally accepted in the United States of America.
5. Budget amounts, as shown in the fund financial statements, are as originally adopted and as finally amended by the Town Council. If, during the fiscal year, additional revenues become available for appropriation in excess of those estimated in the budget, the Town Council may make supplemental appropriations by resolution for the year up to the amount of such excess. There were no supplemental appropriations during the year.
6. The annual budgets serve as the legal authorization for expenditures. Expenditures cannot legally exceed the total amount budgeted for each fund. The Town Council must approve all budget amendments, which change the legally adopted total appropriation for a fund. Authority to transfer budget within a fund is delegated to the Town Council. Appropriations lapse at the fiscal year-end.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 2 – STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY (CONTINUED)

Deficit Fund Balance

The Building Fund reported a deficit of \$265,894. The Town expects the deficit to be funded by future permitting fees charged. The Beach Access Fund reported a deficit of \$299,598. The Town expects the deficit to be recovered from subsequent reimbursement requests from the Tourist Development Council.

Excess of Expenditures over Appropriations

For the year ended September 30, 2020, expenditures exceeded appropriations in the transportation department of the General Fund by \$18,867, debt service of the General Fund by \$4,771, capital outlay in the Gas Tax Fund of \$143,197 and capital outlay of the Beach Access Fund by \$267,970.

NOTE 3 – CASH AND INVESTMENTS

Deposits

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. In accordance with its policy, all Town depositories are banks designated by the Florida State Treasurer as qualified public depositories. Chapter 280 of the Florida Statutes, *Florida Security for Public Deposits Act* provides procedures for public depositories to ensure public monies in banks and saving and loans are collateralized with the Treasurer as agent for the public entities. Chapter 280 defines deposits as demand deposit accounts, time deposit accounts, and non-negotiable certificates of deposit.

Financial institutions qualifying as public depositories shall deposit with the Treasurer eligible collateral having a market value equal to or in excess of the average daily balance of public deposits times the depository collateral pledging level required pursuant to Chapter 280 as computed and reported monthly or 125% of the average monthly balance, whichever is greater. The Public Deposit Security Trust Fund has a procedure to allocate and recover losses in the event of a default or insolvency. When public deposits are made in accordance with Chapter 280, no public depositor shall be liable for any loss thereof, and therefore, the Town is not exposed to custodial credit risk.

Investments

As of September 30, 2020, the Town had the following investments:

Investment Type	Percent of Portfolio	Fair Value
Florida Municipal Investment Trust (FMIT)	79.99%	\$ 1,614,040
SBA Florida PRIME	20.01%	403,663
		<u>\$ 2,017,703</u>

The FMIT is an external investment pool. The Town's investment in the FMIT is not evidenced by securities that exist in physical or book form and, therefore, disclosures for concentration of credit risk and custodial credit risk are not applicable. The Town's investment at FMIT is in the Intermediate High Quality Bond Fund. This fund was rated AAAsf/S3 by Fitch Ratings as of September 30, 2020. The Town's investment policy addresses interest rate risk by requiring that the Town's investment portfolio be structured so that securities mature to meet cash requirements for ongoing operations and or long-term debt payments, thereby avoiding the need to sell securities on the open market prior to maturity. The weighted average days to maturity (WAM) of the FMIT Intermediate High Quality Bond Fund at September 30, 2020, was 4.3 years.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 3 – CASH AND INVESTMENTS (CONTINUED)

In accordance with GASBS No. 79, *Certain External Investment Pools and Pool Participants*, the Florida State Board of Administration's (SBA) Florida PRIME meets the necessary criteria to elect to measure all of the investments in Florida PRIME at amortized cost. Therefore, the Town's participant account balance should also be considered the fair value of its investment and exempt from the GASBS No. 72, *Fair Value Measurement and Application*. The WAM of the Florida PRIME at September 30, 2020, was 48 days and the weighted average life (WAL) was 63 days. The Florida PRIME is rated AAAM by *Standards and Poor's*. The Florida PRIME is administered by SBA under the regulatory oversight of the State of Florida, Chapter 19-7, *Florida Administrative Code*.

With regard to redemption gates, Chapter 218.409(8)(a), *Florida Statutes*, states that "The principal, and any part thereof, of each account constituting the trust fund is subject to payment at any time from the moneys in the trust fund. However, the Executive Director may, in good faith, on the occurrence of an event that has a material impact on liquidity or operations of the trust fund, for 48 hours limit contributions to or withdrawals from the trust fund to ensure that the Board can invest moneys entrusted to it in exercising its fiduciary responsibility. Such action must be immediately disclosed to all participants, the Trustees, the Joint Legislative Auditing Committee, the Investment Advisory Council, and the Participant Local Government Advisory Council. The Trustees shall convene an emergency meeting as soon as practicable from the time the Executive Director has instituted such measures and review the necessity of those measures. If the Trustees are unable to convene an emergency meeting before the expiration of the 48-hour moratorium on contributions and withdrawals, the moratorium may be extended by the Executive Director until the Trustees are able to meet to review the necessity for the moratorium. If the Trustees agree with such measures, the Trustees shall vote to continue the measures for up to an additional 15 days. The Trustees must convene and vote to continue any such measures before the expiration of the time limit set, but in no case may the time limit set by the Trustees exceed 15 days."

With regard to liquidity fees, Florida Statute 218.409(4) provides authority for the SBA to impose penalties for early withdrawal, subject to disclosure in the enrollment materials of the amount and purpose of such fees. At present, no such disclosure has been made.

As of September 30, 2020, there were no redemption fees or maximum transaction amounts, or any other requirements that serve to limit a participant's daily access to 100% of their account value. Florida PRIME did not participate in a securities lending program in the period October 1, 2019 through September 30, 2020.

Fair Value Measurements

The Town categorizes its fair value measurements within the fair value hierarchy established by GAAP. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs.

The Town has the following recurring fair value measurements as of September 30, 2020: FMIT (Intermediate High Quality Bond Fund) of \$1.6 million based on market-corroborated date (Level 2).

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 4 – ACCOUNTS RECEIVABLE

Receivables at September 30, 2020, including the applicable allowances for uncollectible accounts, are as follows:

	Accounts Receivable	Due from Other Governments	Less Allowance for Doubtful Accounts	Total
Governmental activities				
General Fund	\$ 19,447	\$ 211,154	\$ -	\$ 230,601
Gas Tax Fund	-	54,176	-	54,176
Beach Access	-	306,000	-	306,000
Governmental activities subtotal	19,447	571,330	-	590,777
Business-type activities				
Water Fund	1,250,733	576,982	(54,752)	1,772,963
Stormwater	249,944	747,792	-	997,736
Business-type activities subtotal	1,500,677	1,324,774	(54,752)	2,770,699
Total	\$ 1,520,124	\$ 1,896,104	\$ (54,752)	\$ 3,361,476

NOTE 5 – INTERFUND RECEIVABLES, PAYABLES, AND TRANSFERS

At September 30, 2020, the Town reported the following due from/to other funds:

	Due from Other Funds	Due to Other Funds
General	\$ 453,546	\$ -
Beach Access	-	306,001
Building	-	147,545
Total	\$ 453,546	\$ 453,546

These balances resulted from the time lag between the dates that: (1) interfund goods and services are provided or reimbursable expenditures occur, and (2) payments between funds are made.

At September 30, 2020, the Town reported the following interfund transfers:

	Transfers In	Transfers Out
General	\$ -	\$ 1,820,848
Gas Tax	123,000	150,000
Beach Access	343,043	-
Capital Projects	1,354,805	-
Stormwater	150,000	-
Total	\$ 1,970,848	\$ 1,970,848

Transfers of resources from a fund to the fund through which resources are to be expended, are recorded as transfers and are reported as other financing sources (uses) in the governmental funds and as transfers in (out) in the proprietary funds.

These transfers from the General Fund and Gas Tax Fund were used to assist other funds in meeting operating requirements and funding capital projects for the year ended September 30, 2020.

TOWN OF FORT MYERS BEACH, FLORIDA

**NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2020**

NOTE 6 – CAPITAL ASSETS

Capital asset activity for the year ended September 30, 2020, was as follows:

	Beginning Balance	Additions	Deletions	Transfers	Ending Balance
Governmental Activities					
Capital assets, not being depreciated					
Land	\$ 10,536,780	\$ -	\$ -	\$ -	\$ 10,536,780
Total capital assets, not being depreciated	<u>10,536,780</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>10,536,780</u>
Capital assets, being depreciated					
Buildings and improvements	8,431,950	241,107	-	-	8,673,057
Improvements other than buildings	2,371,602	369,151	(51,040)	-	2,689,713
Office furniture and equipment	1,048,686	-	-	-	1,048,686
Vehicles and other equipment	2,422,534	360,003	-	-	2,782,537
Infrastructure	5,330,172	548,304	-	-	5,878,476
Total capital assets, being depreciated	<u>19,604,944</u>	<u>1,518,565</u>	<u>(51,040)</u>	<u>-</u>	<u>21,072,469</u>
Less accumulated depreciation for					
Buildings and improvements	(1,866,772)	(296,652)	-	-	(2,163,424)
Improvements other than buildings	(673,610)	(210,753)	49,018	-	(835,345)
Office furniture and equipment	(793,903)	(109,405)	-	-	(903,308)
Vehicles and other equipment	(1,561,233)	(308,158)	-	-	(1,869,391)
Infrastructure	(1,617,799)	(203,236)	-	-	(1,821,035)
Total accumulated depreciation	<u>(6,513,317)</u>	<u>(1,128,204)</u>	<u>49,018</u>	<u>-</u>	<u>(7,592,503)</u>
Total capital assets, being depreciated, net	<u>13,091,627</u>	<u>390,361</u>	<u>(2,022)</u>	<u>-</u>	<u>13,479,966</u>
Governmental activities capital assets, net	<u>\$ 23,628,407</u>	<u>\$ 390,361</u>	<u>\$ (2,022)</u>	<u>\$ -</u>	<u>\$ 24,016,746</u>

TOWN OF FORT MYERS BEACH, FLORIDA

**NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2020**

NOTE 6 – CAPITAL ASSETS (CONTINUED)

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Deletions</u>	<u>Transfers</u>	<u>Ending Balance</u>
Business-type Activities					
Capital assets not being depreciated					
Land	\$ 305,000	\$ -	\$ -	\$ -	\$ 305,000
Construction in progress	25,224,705	12,285,158	-	-	37,509,863
Total capital assets, not being depreciated	<u>25,529,705</u>	<u>12,285,158</u>	<u>-</u>	<u>-</u>	<u>37,814,863</u>
Capital assets being depreciated					
Computer equipment	62,975	-	-	-	62,975
Buildings and leasehold improvements	1,137,739	-	-	-	1,137,739
Vehicles and other equipment	348,739	63,010	-	-	411,749
Infrastructure	17,145,604	-	-	-	17,145,604
Total capital assets, being depreciated	<u>18,695,057</u>	<u>63,010</u>	<u>-</u>	<u>-</u>	<u>18,758,067</u>
Less accumulated depreciation for					
Computer equipment	(62,975)	-	-	-	(62,975)
Buildings and leasehold improvements	(523,400)	(48,392)	-	-	(571,792)
Vehicles and other equipment	(214,071)	(41,428)	-	-	(255,499)
Infrastructure	(4,006,810)	(412,030)	-	-	(4,418,840)
Total accumulated depreciation	<u>(4,807,256)</u>	<u>(501,850)</u>	<u>-</u>	<u>-</u>	<u>(5,309,106)</u>
Total capital assets, being depreciated, net	<u>13,887,801</u>	<u>(438,840)</u>	<u>-</u>	<u>-</u>	<u>13,448,961</u>
Business-type activities capital assets, net	<u>\$ 39,417,506</u>	<u>\$ 11,846,318</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 51,263,824</u>

Depreciation expense was charged to functions/programs as follows:

Governmental Activities

General government	\$ 528,477
Transportation	6,182
Physical environment	201,482
Culture and recreation	392,063
Total depreciation expense, governmental activities	<u>\$ 1,128,204</u>

Business-type Activities

Water	\$ 410,270
Stormwater	91,580
Total depreciation expense, business-type activities	<u>\$ 501,850</u>

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 7 – LONG-TERM OBLIGATIONS

Long-term Obligations

Changes in long-term obligations for the year ended September 30, 2020, are as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental Activities					
Compensated absences	\$ 232,476	\$ 181,845	\$ (100,925)	\$ 313,396	\$ 102,439
Capital lease payable	48,775	-	(8,813)	39,962	10,229
Total OPEB liability	148,167	25,959	(55,772)	118,354	-
	<u>\$ 429,418</u>	<u>\$ 207,804</u>	<u>\$ (165,510)</u>	<u>\$ 471,712</u>	<u>\$ 112,668</u>
Business-type Activities					
Utility revenue refunding bonds	\$ 900,000	\$ -	\$ (180,000)	\$ 720,000	\$ 180,000
Notes payable from direct borrowings:					
State revolving fund loans	21,737,005	10,795,071	(863,206)	31,668,870	738,712
Compensated absences	26,290	22,621	(15,099)	33,812	15,325
Total OPEB liability	23,342	5,317	(4,634)	24,025	-
	<u>\$ 22,686,637</u>	<u>\$ 10,823,009</u>	<u>\$ (1,062,939)</u>	<u>\$ 32,446,707</u>	<u>\$ 934,037</u>

For the governmental activities, compensated absences and other post-employment benefits are generally liquidated by the General Fund.

Business-type Activities

\$1,980,000 Utility Revenue Refunding Bonds, Series 2013 – Issued for the principal purpose of paying off the Town's Public Utility Revenue Note, Series 2010 which was issued to refinance monies expended to acquire the water system of the Town and pay certain capital costs for additions and/or improvements to the water system. The bonds bear interest at 1.81%, and are payable from and secured by a lien upon and pledge of the net revenues of the utility. Additionally, payment of the bonds is secured by a covenant to budget and appropriate non-ad valorem revenues for payment of principal and interest in the event the utility's net revenues are insufficient to make those payments. Annual principal payments of \$180,000 plus interest are due on October 1 through final maturity on October 1, 2023. The outstanding balance as of September 30, 2020, was \$720,000.

Notes Payable from Direct Borrowings:

\$17,148,027 State Revolving Fund Loan – issued for the purpose of funding the water main improvement projects. The loan bears interest ranging from 0.92% to 1.24%, and is collateralized by a subordinated pledge of the net revenues of the utility. Principal and interest is payable in 40 semi-annual payments of \$422,425 commencing May 15, 2020. The outstanding balance as of September 30, 2020, including amounts receivable for eligible expenses was \$13,992,681.

\$11,083,000 State Revolving Fund Loan – issued for the purpose of funding the water main improvement projects. The loan bears interest of 0.98%, and is collateralized by a subordinated pledge of the net revenues of the utility. Principal and interest will be payable in 40 semi-annual payments commencing upon the project completion. The semi-annual payment will be determined upon the last draw at the completion of the project. The outstanding balance as of September 30, 2020, including amounts receivable for eligible expenses was \$8,696,718.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 7 – LONG-TERM OBLIGATIONS (CONTINUED)

\$13,523,051 State Revolving Fund Loan – issued for the purpose of funding the stormwater management system project. The loan bears interest ranging from 0.32% to 0.49%, and is collateralized by a subordinated pledge of the net revenues of the utility. Principal and interest will be payable in 40 semi-annual payments commencing upon the project completion. The semi-annual payment will be determined upon the last draw at the completion of the project. The outstanding balance as of September 30, 2020, including amounts receivable for eligible expenses was \$8,979,471.

The annual debt service requirements to maturity for the business-type activities (excluding the two SRF loans not yet in repayment) as of September 30, 2020, are as follows:

	Principal	Interest	Total
2021	\$ 918,712	\$ 117,541	\$ 1,036,253
2022	862,611	170,385	1,032,996
2023	871,101	158,636	1,029,737
2024	879,697	146,782	1,026,479
2025	708,400	136,450	844,850
2026-2030	3,676,386	547,865	4,224,251
2031-2035	3,910,788	313,463	4,224,251
2036-2039	2,884,986	71,989	2,956,975
	<u>\$ 14,712,681</u>	<u>\$ 1,663,111</u>	<u>\$ 16,375,792</u>

Loan Agreements

The loan agreements contain various covenants, including such items as debt service coverage, reporting requirements, and maintenance of facilities. Management believes that it has complied, in all material respects, with the covenants of the loan agreement for the year ended September 30, 2020.

NOTE 8 – CAPITAL LEASE

The Town has entered into a lease agreement for the financing of various mower equipment. The lease agreement qualifies as a capital lease for accounting purposes and, therefore, have been recorded at the present value of their future minimum lease payments as of the inception date.

The asset acquired through capital lease is as follows:

	Governmental Activities
Mowing equipment	\$ 49,486
Less: accumulated depreciation	(11,555)
Total	<u>\$ 37,931</u>

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 8 – CAPITAL LEASE (CONTINUED)

The future minimum lease obligations and the net present value of these lease payments as of September 30, 2020, for governmental activities are as follows:

<u>Fiscal Year</u>	
2021	\$ 11,449
2022	11,449
2023	11,449
2024	10,494
Total minimum lease payments	<u>44,841</u>
Less: amount representing interest	<u>(4,879)</u>
Present value of minimum lease payments	<u>\$ 39,962</u>

NOTE 9 – RETIREMENT PLAN

The Town sponsors a defined contribution pension plan entitled the Town of Fort Myers Beach Pension Plan (Plan 002) as well as a governmental 457(b) plan entitled the Town of Fort Myers Beach Deferred Compensation Plan (Plan 001). Plan 001 covers eligible regular full-time and part-time employees, while Plan 002 covers only eligible regular full-time employees.

The Plans are being administered by the Town, and administrative services are being provided by a third party under an Administrative Services Agreement. Effective April 1, 2020, the Town switched service providers (from Valic to Massachusetts Mutual Life Insurance Company), while simultaneously adopting restated plan documents and reducing the employer contribution for Plan number 002 from 10% to 4% of an employee's Code §415 Compensation. However, under a "grandfather" provision in Plan number 002, employees who were in full-time status prior to April 1, 2020, and who remain in full-time status onwards without a break in service, will remain eligible for a 10% employer contribution. Plan number 001 is funded only by voluntary employee contributions. Employee and employer contributions vest 100% to the employee upon contribution to the Plans.

For the year ended September 30, 2020, employer contributions to Plan number 002 was \$236,938.

NOTE 10 – SELF-INSURANCE

On October 1, 2018, the Town became a member of the Florida Local Government Health Insurance Consortium ("the Consortium"). The Consortium is a public entity risk pool organized under the provision of the Florida Interlocal Cooperation Act of 1969 with the objective of obtaining preferential pricing on health care services and diversification of self-insurance risk. The Consortium's membership is comprised of county and municipal governments located in Florida.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 10 – SELF-INSURANCE (CONTINUED)

The Consortium is fully funded by its members. Each member funds their claim liability separately. Stop loss insurance levels are set up for each member to cap their claim liability. Each member's rates, as determined by actuarial calculation, are generated based on their own benefits, census, and experience. Additionally, members pledge a percentage of their claim fund surplus towards a cross share arrangement which creates a pool of money used to pay claims on behalf of members whose total claims for the year exceed their maximum claim fund for the year. This arrangement keeps the stop loss costs lower for every member and creates equity within the group by recognizing variations in the size of member communities and their varying risk retention levels (a projected distribution amount of \$116,430 to the Town for the year ended September 30, 2020). In the event of a shortfall, members must fund the difference. For this purpose, the Town has created a budgetary reserve of \$100,000 for the year ended September 30, 2020.

NOTE 11 – OTHER POST-EMPLOYMENT BENEFITS

Plan Description and Funding Policy

The post-employment healthcare benefits plan is a single-employer defined benefit plan administered by the Town. Pursuant to the provisions of Section 112.0801, *Florida Statutes*, former employees and eligible dependents who retire from the Town may continue to participate in the Town's group health insurance plan. The Town subsidizes the premium rates paid by retirees by allowing them to participate in the plan at a reduced or blended group (implicitly subsidized) premium rate. These rates provide an implicit subsidy for retirees because, on an actuarial basis, their current and future claims are expected to result in higher costs to the plan on average than those of active employees. The post-employment healthcare benefits plan does not issue a stand-alone financial report.

As of September 30, 2019, there were 49 active plan members, there were no inactive retirees and eligible dependents receiving post-employment healthcare benefits, and there were no inactive employees entitled to but not yet receiving benefits.

Contribution requirements for the post-employment healthcare benefits of the Town are established and may be amended by Town Council. The Town has not advance funded or established a funding methodology for the annual other post-employment benefit (OPEB) costs or the net OPEB obligation. Currently, retirees pay 100% of the cost of the healthcare insurance premiums. The Town's actuarially required contributions are based on a projected pay-as-you-go basis. Therefore, no assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75.

Total OPEB Liability of the Town

The Town's total OPEB liability was measured as of September 30, 2019, and was determined by an actuarial valuation as of October 1, 2018, with the actuary using standard techniques to roll forward the liability to the measurement date.

Actuarial Assumptions. The total OPEB liability in the October 1, 2018, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation Rate:	2.50%
Salary Increase:	3.00%
Discount Rate:	3.58%
Initial Trend Rate:	7.00%
Ultimate Trend Rate:	5.00%
Years to Ultimate:	4
Participation Rate:	80%

TOWN OF FORT MYERS BEACH, FLORIDA

**NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2020**

NOTE 11 – OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

For general employees, mortality rates were based on the RP-2000 mortality tables. For female lives, 100% of the white-collar table was used. For male lives, a 50% white collar table, 50% blue collar table blend was used. All tables include fully generational adjustments for mortality improvements using improvement scale BB. For disabled lives, mortality rates were based on the RP-2000 sex-distinct disabled mortality tables with female lives set forward two years, male lives set back four years. Disabled mortality has not been adjusted for mortality improvements.

For police and fire employees, mortality rates were also based on various RP-2000 mortality tables. For female lives, 100% of the white-collar table was used. For male lives, a 10% white collar table, 90% blue collar table blend was used. All tables include fully generational adjustments for mortality improvements using improvement scale BB. For disabled female lives, a blend of 60% of the RP-2000 disabled female mortality table set forward two years and 40% of the white-collar table with no setback was used. For disabled male lives, a blend of 60% of the RP-2000 disabled male mortality table set back four years and 40% of the white-collar table with no setback was used. Disabled mortality has not been adjusted for mortality improvements.

Discount Rate:

Given the Town's decision not to fund the program, all future benefit payments were discounted using a high quality municipal bond rate of 3.58%. The high quality municipal bond rate was based on the week closest but not later than the measurement date of the Bond Buyer 20-Bond Index as published by the Federal Reserve. The 20-Bond Index consists of 20 general obligation bonds that mature in 20 years. The average rating of the 20 bonds is roughly equivalent to Moody's Investors Service's Aa2 rating and Standard & Poor's Corp.'s AA.

Changes in the Total OPEB Liability of the Town. The changes in the total OPEB liability of the Town for the year ended September 30, 2020, were as follows:

Total OPEB Liability	
Service Cost	\$ 24,301
Interest	6,975
Change in Benefit Terms	-
Differences Between Expected and Actual Experience	(45,248)
Employer Contributions	-
Changes of Assumptions	(13,164)
Benefit Payments	(1,994)
Net Change in Total OPEB Liability	<u>(29,130)</u>
 Total OPEB Liability - Beginning	 171,509
Total OPEB Liability - Ending	<u>\$ 142,379</u>

Changes in assumptions reflect a change in the discount rate from 3.64% for the reporting period ended September 30, 2019, to 3.58% for the reporting period ended September 30, 2020.

The required schedule of changes in the Town's total OPEB liability and related ratios immediately following the notes to the financial statements presents multi-year trend information about the total OPEB liability.

TOWN OF FORT MYERS BEACH, FLORIDA

**NOTES TO THE FINANCIAL STATEMENTS
SEPTEMBER 30, 2020**

NOTE 11 – OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

Sensitivity of the total OPEB liability to changes in the discount rate. The following presents the total OPEB liability of the Town, as well as what the Town's total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (2.58%) or 1-percentage-point higher (4.58%) than the current discount rate:

	2.58% Discount Rate	3.58% Discount Rate	4.58% Discount Rate
Total OPEB Liability	\$ 158,772	\$ 142,379	\$ 128,127

Sensitivity of the total OPEB liability to changes in the healthcare cost trend rates. The following presents the total OPEB liability of the Town, as well as what the Town's total OPEB liability would be if it were calculated using healthcare cost trend rates that are 1-percentage-point lower or 1-percentage-point higher than the current healthcare cost trend rates:

	Trend Rate Minus 1%	7.00% Graded Down to 5.00%	Trend Rate Plus 1%
Total OPEB Liability	\$ 121,361	\$ 142,379	\$ 168,723

Actuarial valuations involve estimates of the value of reported amounts and assumptions about the probability of events far into the future, and actuarially determined amounts are subject to continual revisions as results are compared to past expectations and new estimates are made about the future. Actuarial calculations reflect a long-term perspective. Calculations are based on the substantive plan in effect as of September 30, 2020, and the current sharing pattern of costs between employer and inactive employees.

OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB. For the year ended September 30, 2020, the Town recognized OPEB expense of \$45,959. At September 30, 2020, the Town reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

Description	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ 71,566
Change of assumptions	34,626	30,029
	<u>\$ 34,626</u>	<u>\$ 101,595</u>

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 11 – OTHER POST-EMPLOYMENT BENEFITS (CONTINUED)

Amounts reported as deferred outflows and inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Fiscal Year Ending	
2021	\$ (4,900)
2022	(4,900)
2023	(4,900)
2024	(4,900)
2025	(4,900)
Thereafter	(47,369)
	<u>\$ (66,969)</u>

NOTE 12 – RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

The Town participates in the public entity risk pool administered by the Florida League of Cities, Inc. for general/professional liability, property and workers compensation. The Town pays an annual premium to Florida League of Cities, Inc. for this insurance program. Participation in this risk pool is non-assessable. There were no significant reductions in insurance coverage in the past three fiscal years. The amount of settlements did not exceed insurance coverage in each of the past three fiscal years.

The Florida League of Cities, Inc. published financial report for the year ended September 30, 2020, can be obtained from the Florida League of Cities, Inc., Public Risk Service, 135 East Colonial Drive, Orlando, Florida 32853-0065.

The Town retains the risk of loss up to a deductible amount (ranging from \$0 to \$250) with the risk of loss in excess of this amount transferred to the pool with limits of liability of \$1,000,000 to \$3,000,000 per occurrence.

The Town carries commercial coverage for all other risks of loss such as for mooring field operations and floor insurance for Town owned buildings. There have been no significant reductions in insurance coverage in the prior year, and claims have not exceeded coverage in any of the past three fiscal years.

NOTE 13 – COMMITMENTS AND CONTINGENCIES

The Town has received federal and state grants for specific purposes that are subject to review and audit by the grantor agencies. Such audits could lead to the disallowance of certain expenditures previously reimbursed by those agencies. Based upon prior experience, management of the Town believes such disallowances, if any, will not be significant.

In fiscal year 2003, the State of Florida and Lee County provided funding toward the purchase of property known as the "Jim and Ellie Newton Property." The Town is required to comply with the terms of the grant agreements as to the use and maintenance of the acquired property. Title to this property would revert to the State of Florida if the Town does not comply with the terms of the grant agreement. In addition, the Town would be required to repay Lee County the original funding amount of \$969,230 plus interest at 12% per annum.

TOWN OF FORT MYERS BEACH, FLORIDA

NOTES TO THE FINANCIAL STATEMENTS SEPTEMBER 30, 2020

NOTE 13 – COMMITMENTS AND CONTINGENCIES (CONTINUED)

The Town is a defendant in various lawsuits. The Town is not in a position at this time to predict the outcome of the lawsuits or the exact amount of costs and/or potential recovery. The Town plans to contest these matters unless settled. The Town believes the outcome of these lawsuits will not have a material effect on the financial statements.

On December 1, 2016, the Town entered into a contract for three years, with two 1-year renewal options, with Estero Bay Hotel Company, dba Matanzas Inn, to provide services for the operation and management of the Town's Municipal Anchorage. Pursuant to the agreement, the Town is to make monthly payments of an amount equal to 55% of the previous month's net revenue. Amounts paid pursuant to this agreement for fiscal year ended September 30, 2020, were \$88,000.

As of year-end the Town has several ongoing construction contracts and commitments relating to various capital projects within the Town. The remaining construction commitments as of September 30, 2020 total approximately \$28.5 million.

During March 2020, the World Health Organization declared the Coronavirus outbreak a global pandemic. Actions taken around the world to help mitigate the spread of the Coronavirus include restrictions on travel, quarantines in certain areas, and forced closures for certain types of public places and businesses. The Coronavirus and actions taken to mitigate it have had, and are expected to continue to have an adverse impact on the local economies. While it is unknown how long these conditions will last and what the complete financial effect will be to the Town. As the economy continues to open throughout the region, management anticipates revenue to return to normal levels. The ultimate impact of the pandemic on the Town's results of operations, financial position, and liquidity cannot be reasonably estimated at this time.

NOTE 14 – ECONOMIC DEPENDENCY

On August 3, 2001, a Bulk Water Agreement was entered into with Lee County, Florida, to provide the Town with potable water. Lee County is currently the only source of the Town's potable water that it supplies to the residents of the Town of Fort Myers Beach. The Bulk Water Agreement is for 25 years. The inter-local agreement provides that the County may, from time to time, increase the rate charged for the cost of bulk water provided to the Effective October 1, 2014, Lee County raised its rate from \$3.20 to \$3.84 per 1,000 gallons. The Town conducted a rate study which recommended adjustments to the Town's rates to cover anticipated costs of the reserve and debt payment for the water relocation project. As a result, the Town revised its base rate effective August 15, 2016, to pass this increase on to its customers.

NOTE 15 – SUBSEQUENT EVENTS

The Town has evaluated all subsequent events through May 26, 2021, the date the financial statements were available to be issued.

REQUIRED SUPPLEMENTARY INFORMATION

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TOWN OF FORT MYERS BEACH, FLORIDA

**SCHEDULE OF CHANGES IN THE TOTAL OPEB LIABILITY
SEPTEMBER 30, 2020**

	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Total OPEB Liability				
Service cost	\$ 24,301	\$ 31,025	\$ 23,443	\$ 21,172
Interest	6,975	5,735	5,008	2,777
Differences between expected and actual experience	(45,248)	(32,437)	(8,725)	-
Employer contributions	-	-	(1,220)	-
Changes of assumptions	(13,164)	41,636	(17,690)	-
Benefit payments	(1,994)	(1,919)	-	(187)
Net change in total OPEB liability	<u>(29,130)</u>	<u>44,040</u>	<u>816</u>	<u>23,762</u>
 Total OPEB liability - beginning	 <u>171,509</u>	 <u>127,469</u>	 <u>126,653</u>	 <u>102,891</u>
Total OPEB liability - ending	<u>\$ 142,379</u>	<u>\$ 171,509</u>	<u>\$ 127,469</u>	<u>\$ 126,653</u>
 Covered-employee payroll	 <u>\$ 2,311,759</u>	 <u>\$ 2,118,269</u>	 <u>\$ 2,002,493</u>	 <u>\$ 2,152,467</u>
 OPEB liability as a percentage of covered-employee payroll	 <u>6.16%</u>	 <u>8.10%</u>	 <u>6.37%</u>	 <u>5.88%</u>

Notes to the Schedule

The schedule will present 10 years of information once it is accumulated.

No assets are accumulated in a trust that meets the criteria of GASBs No. 75, paragraph 4, to pay related benefits.

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OTHER SUPPLEMENTARY INFORMATION

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**TOWN OF FORT MYERS BEACH, FLORIDA
COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
SEPTEMBER 30, 2020**

	Special Revenue Funds		Nonmajor Governmental Funds
	Park Impact	Road Impact	
Assets			
Cash	\$ 46,728	\$ 905,168	\$ 951,896
Total assets	<u>\$ 46,728</u>	<u>\$ 905,168</u>	<u>\$ 951,896</u>
Liabilities and Fund Balances			
Liabilities			
Accounts payable and accrued liabilities	\$ -	\$ -	\$ -
Total liabilities	<u>-</u>	<u>-</u>	<u>-</u>
Fund balances			
Restricted			
Parks and recreation	46,728	-	46,728
Transportation	-	905,168	905,168
Total fund balances	<u>46,728</u>	<u>905,168</u>	<u>951,896</u>
Total liabilities and fund balances	<u>\$ 46,728</u>	<u>\$ 905,168</u>	<u>\$ 951,896</u>

TOWN OF FORT MYERS BEACH, FLORIDA
COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCES – NONMAJOR GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

	Special Revenue Funds		Nonmajor Governmental Funds
	Park Impact	Road Impact	
Revenues			
Impact fees	\$ 3,947	\$ 8,001	\$ 11,948
Intergovernmental	30,000	-	30,000
Investment income	-	8,290	8,290
Total revenues	<u>33,947</u>	<u>16,291</u>	<u>50,238</u>
Expenditures			
Capital outlay	125,293	60,712	186,005
Total expenditures	<u>125,293</u>	<u>60,712</u>	<u>186,005</u>
Change in fund balances	(91,346)	(44,421)	(135,767)
Fund balances, beginning of year	<u>138,074</u>	<u>949,589</u>	<u>1,087,663</u>
Fund balances, end of year	<u>\$ 46,728</u>	<u>\$ 905,168</u>	<u>\$ 951,896</u>

OTHER REPORTS

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INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Honorable Mayor, Town Council and Town Manager
Town of Fort Myers Beach, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Fort Myers Beach, Florida (the "Town"), as of and for the year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements, and have issued our report thereon dated May 26, 2021.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify certain deficiencies in internal control, described in the accompany schedule of findings and questioned costs as items 2020-001 and 2020-002 that we consider to be material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Town's Response to Findings

The Town's response to the findings identified in our audit are described in the accompanying schedule of findings and questioned costs. The Town's responses were not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Bradenton, Florida
May 26, 2021

Mauldin & Jenkins, LLC



**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR
FEDERAL PROGRAM AND STATE PROJECT AND ON INTERNAL CONTROL OVER
COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE AND CHAPTER 10.550,
RULES OF THE AUDITOR GENERAL**

Honorable Mayor, Town Council and Town Manager
Town of Fort Myers Beach, Florida

Report on Compliance for Each Major Federal Program and State Project

We have audited the Town of Fort Myers Beach, Florida's (the "Town") compliance with the types of compliance requirements described in the *OMB Compliance Supplement* and the requirements described in the *Department of Financial Services' State Projects Compliance Supplement*, that could have a direct and material effect on each of the Town's major federal programs and state projects for the year ended September 30, 2020. The Town's major federal programs and state projects are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal and state statutes, regulations, and the terms and conditions of its federal and state awards applicable to its federal programs and state projects.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Town's major federal programs and state projects based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and Chapter 10.550, *Rules of the Auditor General*. Those standards, the Uniform Guidance, and Chapter 10.550, *Rules of the Auditor General* require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program or state project occurred. An audit includes examining, on a test basis, evidence about the Town's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program and state project. However, our audit does not provide a legal determination of the Town's compliance.

Opinion on Each Major Federal Program and State Project

In our opinion, the Town complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs and state projects for the year ended September 30, 2020.

Report on Internal Control Over Compliance

Management of the Town is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Town's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program and state project to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on compliance for each major federal program and state project and to test and report on internal control over compliance in accordance with the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program or state project on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program or state project will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program or state project that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*. Accordingly, this report is not suitable for any other purpose.

Bradenton, Florida
May 26, 2021

Mauldin & Jenkins, LLC

TOWN OF FORT MYERS BEACH, FLORIDA

**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND STATE FINANCIAL ASSISTANCE
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

Federal/State Agency, Pass-through Entity, Federal/State Program	CFDA/ CSFA No.	Grantors No.	Expenditures	Passed Through to Subrecipients
Federal Awards:				
U.S. Department of Environmental Protection				
Passed through Florida Department of Environmental Protection				
Capitalization Grants for Drinking Water SRF	66.468	DW360800 - 140129	\$ 1,065,249	\$ -
Capitalization Grants for Drinking Water SRF	66.468	DW360801 - 140129	6,861,190	-
Total U.S. Department of Environmental Protection			<u>7,926,439</u>	<u>-</u>
U.S. Department of Homeland Security				
Passed through Florida Department of Emergency Management				
Disaster Grants - Public Assistance (Hurricane IRMA)	97.036	DR-4337-FL	470,921	-
Total U.S. Department of Homeland Security			<u>470,921</u>	<u>-</u>
Total Expenditures of Federal Awards			<u>\$ 8,397,360</u>	<u>\$ -</u>
State Awards:				
State of Florida Department of Environmental Protection				
Wastewater Treatment Facility Construction	37.077	SW360830-140131	\$ 2,474,572	\$ -
Statewide Water Quality Restoration Projects	37.039	LP36084	1,000,000	-
Total State of Florida Department of Environmental Protection			<u>3,474,572</u>	<u>-</u>
State of Florida Department of Fish and Wildlife Conservation Commission				
Florida Boating Improvement Program	77.006	Contract #8321	65,500	-
Total State of Florida Department of Emergency Management			<u>65,500</u>	<u>-</u>
State of Florida Department of Emergency Management				
Disaster Grants - Hurricane IRMA	31.067	DR-4337-FL	50,140	-
Total State of Florida Department of Emergency Management			<u>50,140</u>	<u>-</u>
Total Expenditures of State Financial Assistance			<u>\$ 3,590,212</u>	<u>\$ -</u>

TOWN OF FORT MYERS BEACH, FLORIDA
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND
STATE FINANCIAL ASSISTANCE
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020

NOTE 1. BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards and state financial assistance includes the federal and state grant activity of the Town of Fort Myers Beach, Florida (the "Town"), and is presented on the modified accrual basis of accounting.

The information in this schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. Therefore, some amounts presented in the schedule may differ from amounts presented in, or used in the preparation of, the basic financial statements.

NOTE 2. DE MINIMIS INDIRECT COST RATE

The Town chose not to use the ten percent de minimis cost rate for the year ended September 30, 2020.

NOTE 3. NON-CASH AWARDS

The Town did not receive non-cash federal awards during the year ended September 30, 2020.

NOTE 4. CONTINGENCIES

Grant monies received and disbursed by the Town are for specific purposes and are subject to review by the grantor agencies. Such audits may result in disallowed expenditures under the terms of the grants. Based upon prior experience, the Town does not believe that such disallowances, if any, would be material.

NOTE 5. LOANS OUTSTANDING

The Town had \$31,668,870 in State Revolving Fund loans outstanding at September 30, 2020.

**TOWN OF FORT MYERS BEACH, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

**SECTION I
SUMMARY OF AUDIT RESULTS**

Financial Statements

Type of report the auditor issued on whether the financial statements audited were prepared in accordance with GAAP: Unmodified

Internal control over financial reporting:
Material weaknesses identified?

☒ yes ☐ no

Significant deficiencies identified not considered
to be material weaknesses?

☐ yes ☒ none reported

Noncompliance material to financial statements noted?

☐ yes ☒ none reported

Federal Programs

Internal control over major federal programs:
Material weaknesses identified?

☐ yes ☒ no

Significant deficiencies identified not considered
to be material weaknesses?

☐ yes ☒ none reported

Type of auditor's report issued on compliance for
major federal programs

Unmodified

Any audit findings disclosed that are required to
be reported in accordance with the Uniform Guidance?

☐ yes ☒ no

Identification of major federal program:

<u>CFDA Number</u>	<u>Name of Federal Program or Cluster</u>
66.468	U.S. Environmental Protection Agency – Capitalization Grants for Drinking Water-SRF

Identification of major state financial assistance project:

<u>CSFA Number</u>	<u>Name of Federal Program or Cluster</u>
37.077	Florida Department of Environmental Protection – Wastewater Treatment Facility Construction
37.039	Florida Department of Environmental Protection – Statewide Water Quality Restoration Projects

Dollar threshold used to distinguish between
Type A and Type B federal programs:

\$750,000

Auditee qualified as low-risk auditee?

☐ yes ☒ no

**TOWN OF FORT MYERS BEACH, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

**SECTION II
FINANCIAL STATEMENT FINDINGS AND RESPONSES**

2020-001 Proprietary Funds Capital Assets and Project Loans Payable (Material Weakness)

Criteria: Enterprise funds are required to be maintained on the full accrual basis of accounting. As such, capital outlays should be capitalized and depreciated and loans obtained should be recorded as long-term liabilities.

Condition: As of September 30, 2020, the Town did not properly record its capital outlays and loans payable in relation to its ongoing water and stormwater projects.

Context: During our review of the Town's Water and Stormwater trial balances, we noted these activities had been recorded through the income statement instead of properly capitalizing the capital outlays and recorded loans payable.

Effect: Adjustments were needed in both enterprise funds to properly report capital assets and loans payable as of September 30, 2020. These adjustments included reducing deferred inflows by \$462,296; increasing SRF loans payable by \$16,327,816; decreasing revenues by \$15,481,424; increasing capital asset accounts including construction in progress by \$12,348,167; and reducing expenditures by \$11,964,071.

Cause: Town personnel were recording these transactions throughout the year against budgeted revenues and expenses versus in accordance with GAAP.

Recommendation: We recommend the Town adjust these balances at least as of year-end on a GAAP basis versus a budgetary basis to ensure the proper reporting of all capital asset additions as well as debt draw downs

Views of Responsible Officials and Planned Corrective Actions:

The Town acknowledges that the books provided to the auditors included accounting for the capital outlay and loans payable within the proprietary funds on the budgetary basis instead of in accordance with generally accepted accounting principles. Subsequent to its discovery of this finding, the Town has added additional resources and associated training within its Accounting Department to increase the oversight of its fund reporting to correct this moving forward.

**TOWN OF FORT MYERS BEACH, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

**SECTION II
FINANCIAL STATEMENT FINDINGS AND RESPONSES (CONTINUED)**

2020-002 Accounts Payable (Material Weakness)

Criteria: Internal controls should be in place to provide reasonable assurance that all transactions are recorded in accordance with accounting principles generally accepted in the United States of America. As part of the audit process, we identified the need for significant adjustments to accounts payable for the Town to properly obtain an appropriate cutoff as of September 30, 2020.

Condition: We identified several issues with the Town's accounts payable balances as of year-end.

Effect: Adjustments were needed within various funds to correct the Town's accounts payable balances and to properly record all payables where goods had been received or services had been performed by September 30, 2020. These adjustments increased expenses by \$107,729; increased prepaid expenses by \$6,271; and increased accounts payable by \$114,000 as of September 30, 2020.

Cause: Differences were noted by Town personnel who intended on correcting in future periods.

Recommendation: We recommend that responsible Town personnel review and properly record any adjustments to the proper period and review all disbursements at year end and subsequent to ensure a proper cutoff of accounts payable as of year-end. These adjustments and accounts payable postings should then be reviewed by a responsible official to ensure accuracy and appropriateness.

Views of Responsible Officials and Planned Corrective Actions:

The Town acknowledges that it did not possess proper accounting oversight to ensure that its accounts payable process was accurately recording items in the proper period that goods were received or services were performed. Subsequent to its discovery of this finding, the Town has added additional resources to its Accounting Department to increase the oversight of its accounts payable process to ensure more timely and accurate financial reporting. Also, Town personnel who intended on correcting the items in future periods have been educated on recording accounts payable in accordance with accounting principles generally accepted in the United States of America. Finally, the Town is in the process of instituting a month-end closing process that will strengthen the year-end close process to ensure a proper cutoff of accounts payable.

**TOWN OF FORT MYERS BEACH, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

**SECTION III
FEDERAL PROGRAMS FINDINGS AND QUESTIONED COSTS**

None noted.

**SECTION IV
STATE PROJECTS FINDINGS AND QUESTIONED COSTS**

None noted.

**TOWN OF FORT MYERS BEACH, FLORIDA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2020**

**SECTION V
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS**

2019-001 Year-End Close Process (Material Weakness)

Criteria: Town management is responsible for establishing and maintaining internal controls over financial reporting to provide reasonable assurance that reliable financial statements are prepared in accordance with the appropriate accounting standards and in compliance with applicable laws and regulations.

Condition: The financial statement closing process for fiscal year ended September 30, 2019, was ineffective to meet these objectives. The Town was unable to close its books and generate year-end reports in a timely manner. Additionally, the Town provided us with over 60 adjusting journal entries subsequent to the start of our auditing procedures.

Status: Resolved.

2019-002 Compliance with State Statute and Town Investment Policy (Material Noncompliance)

Criteria: Section 218.415(14), *Florida Statutes*, requires the Town's officials responsible for making investment decisions to annually complete eight hours of continuing education in subjects or courses of study related to investment practices and products. The Town's investment policy states either the Town Manager or the Finance Director must complete no less than eight hours of continuing education annually in subjects and courses of study related to investment practices and products.

Condition: Town personnel indicated that they did not complete the required eight hours of continuing education in subjects or courses of study related to investment practices or products during the year ended September 30, 2019.

Status: Resolved.

2020-003 Wire Transfer Policy (Management Letter Comment)

Criteria: Policies and procedures should be reviewed and updated on a timely basis.

Condition: Current operating procedures for wire transfers do not align with the written policy of the Town.

Status: Resolved.

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INDEPENDENT AUDITOR'S MANAGEMENT LETTER

Honorable Mayor, Town Council and Town Manager
Town of Fort Myers Beach, Florida

Report on the Financial Statements

We have audited the financial statements of the Town of Fort Myers Beach, Florida (the "Town"), as of and for the fiscal year ended September 30, 2020, and have issued our report thereon dated May 26, 2021.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the audit requirements of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance); and Chapter 10.550, *Rules of the Auditor General*.

Other Reporting Requirements

We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*; Independent Auditor's Report on Compliance for Each Major Federal Program and State Project and Report on Internal Control over Compliance; Schedule of Findings and Questioned Costs; and Independent Accountant's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, *Rules of the Auditor General*. Disclosures in these reports, which are dated April 13, 2021, should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.554(1)(i)1., *Rules of the Auditor General*, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. The status of findings and recommendations made in the preceding financial audit report is listed within the Schedule of Findings and Questioned Costs, Section V.

Official Title and Legal Authority

Section 10.554(1)(i)4., *Rules of the Auditor General*, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. The Town discloses this information in the notes to the financial statements.

Financial Condition and Management

Sections 10.554(1)(i)5.a. and 10.556(7), *Rules of the Auditor General*, require us to apply appropriate procedures and communicate the results of our determination as to whether or not the Town has met one or more of the conditions described in Section 218.503(1), *Florida Statutes*, and to identify the specific condition(s) met. In connection with our audit, we determined that the Town did not meet any of the conditions described in Section 218.503(1), *Florida Statutes*.

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), *Rules of the Auditor General*, we applied financial condition assessment procedures. It is management's responsibility to monitor the Town's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

Section 10.554(1)(i)2., *Rules of the Auditor General*, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Special District Component Units

Section 10.554(1)(i)5.c, *Rules of the Auditor General*, requires, if appropriate, that we communicate the failure of a special district that is a component unit of a county, municipality, or special district, to provide the financial information necessary for proper reporting of the component unit, within the audited financial statements of the county, municipality, or special district in accordance with Section 218.39(3)(b), *Florida Statutes*. The Town does not have any special district component units.

Additional Matters

Section 10.554(1)(i)3., *Rules of the Auditor General*, require us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not note any such findings.

Purpose of this Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, federal and other granting agencies, the Mayor and Members of the Town Council Members, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

Bradenton, Florida
May 26, 2021

Mauldin & Jenkins, LLC



INDEPENDENT ACCOUNTANT'S REPORT

Honorable Mayor, Town Council and Town Manager
Town of Fort Myers Beach, Florida

We have examined the Town of Fort Myers Beach, Florida's (the "Town") compliance with Section 218.415, *Florida Statutes*, regarding the investment of public funds during the year ended September 30, 2020. Management of the Town is responsible for the Town's compliance with those requirements. Our responsibility is to express an opinion on the Town's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Town complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Town complied with the specified requirements. The nature, timing and extent of the procedures selected depend on our judgement, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

Our examination does not provide a legal determination on the Town's compliance with specified requirements.

In our opinion, the Town complied, in all material respects, with the aforementioned requirements during the year ended September 30, 2020.

This report is intended solely for the information and use of the Town and the Auditor General, State of Florida, and is not intended to be and should not be used by anyone other than these specified parties.

Bradenton, Florida
May 26, 2021

A handwritten signature in black ink that reads 'Mauldin & Jenkins, LLC' in a cursive script.

1. Requested Motion:

Meeting Date: June 7, 2021

Allocate additional funding and approve the purchase of up to \$283,550 of audio and visual equipment upgrades to the Town Council Chambers.

Why the action is necessary:

Town Council has suggested investigating potential upgrades to the Town's audio and visual equipment.

What the action accomplishes:

Provides guidance and funding options for potential equipment and upgrades to the Town Council Chambers.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

4. Submitter of Information:

5. Background:

The Town has consulted with Antonio Correia, who has done previous audio visual work with Estero, Bonita Springs, and the Town, to put together a list of equipment and potential upgrades to the current audio-visual set-up. Antonio, from Bonita Video, is here to discuss and answer any questions the Town Council may have on his proposal for Audio Visual upgrades.

Possible upgrade estimates include:

The entire broadcasting and video system (\$141,050);

Audio and microphones (\$45,000);

Closed captioning system (\$29,000);

Additional Add-On Item estimates include:

Smart Podium (\$25,000)

Bulletin Board (\$5,000)

Playback Operations (\$16,500)

Full HD Video streaming Channel (\$13,000)

The FY21 budget currently has \$75,000 for broadcast system replacement, intended for upgrading the current Tricaster broadcasting system that is now out of warranty and needs to be updated. Any upgrades or equipment purchases from the proposal totaling over the available budget of \$75,000 will need additional funding allocated, up to an additional \$208,550. Most equipment and/or upgrades that Town Council may choose can be cooperatively purchased through multiple different solicitation agreements, including Collier County Public Schools.

The Town plans to conduct any upgrades this summer to the greatest extent possible while the Town Council is not in session, dependent on lead times for equipment and scheduling.

Attachments:

1. Copy of Town of Fort Myers Beach proposal - May 13th 2021
2. 20.057 Technology. Equipment. Software. Services Catalog Discounts Tab Sheet

Financial Impact:

6. Alternative Action

Select a less robust system or maintain the current audio visual set-up and upgrade the Tricaster system as previously budgeted.

7. Management Recommendations:

8. Recommended Approval:

Jason Freeman, Contracts Manager
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/27/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021

CHAMBERS' VIDEO UPGRADES								Option A	Option B
List price								Estimated cost	
5	Panasonic		3CCD HD/SD-SDI PTZ Camera with mounts				7,500.00	39000	39000
1	Panasonic		PTZ & CCU Controller for PTZ Cameras				\$5,000.00	5000	5000
5	Panasonic		Premium Support & Warranty (Cameras)-5yr				\$650.00	3250	3250
1	Panasonic		Premium Support & Warranty (Control)-5yr				\$1,000.00	1000	1000
Option A - 1	Tricaster		NewTek Tricaster Elite 2 - 8-channel SDI				\$29,000.00	29000	
	Tricaster		Physical Control Panel 2S				\$12,000.00	12000	
Option B - 1	Broadcast Pix		8 Input Video Production System w/ In-person 8-hour day training included)				\$25,000.00		25000
1	Broadcast Pix		Physical Control Panel				\$6,000.00		6000
1	Broadcast Pix		Annual Support Contract - 1st Year				\$1,600.00	1600	1600
2	Samsung		32" HD Monitors				\$800.00	1600	1600
1	Viewz		18" HD/SD-SDI Monitor w/ Wave & Vector				\$2,000.00	2000	2000
1	Winsted		Custom Control Room Desk				\$6,100.00	6100	6100
1	Winsted		Ventilated vertical rack to store all electronic component				\$2,500.00	2500	2500
1	Generic		Rack, Monitor Mounts, UPS, Misc Hardware Cables, Connectors & Misc Accessories				\$9,000.00	9000	9000
1	Trendnet		POE+ Network Switch (Cameras and Controller) Sync Generator				\$600.00	600	600
1	AJA		1x8 Program SDI Distribution Amplifier				\$600.00	600	600
2	Ensemble		1x6 Analog Composite DA (Genlock)				\$300.00	600	600
1	Extron		HDMI to SDI Converter w/ Genlock (Podium Feed)				\$1,800.00	1800	1800
1	Extron		DTP HDMI Wall Plate Transmitter (Podium Feed)				\$800.00	800	800
1	Extron		DTP HDMI Receiver (Podium Feed)				\$800.00	800	800
1	BMD		Back Up Recorder (SDHC)				\$800.00	800	800
1	AJA		Frame Sync and Audio Embedder				\$3,000.00	3000	3000
1	Installer		Installation and removal of old equipment				\$20,000.00	20000	20000
TOTALS								141050	131050

* See notes below on power supplies

ADD-ONS TO CONSIDER

A

AUDIO									
As in video there are plenty of options in this area.									
The general recommendation would minimally include the following:									
Chambers (Dais, staff and public)									
	1	Central software control system (ASPEN and QSC are industry standards)							
			12	Microphones (wired and wireless)					
			1	Dedicated amplifier					
			9	ceiling speakers, with zone distribution system					
			1	Dedicated amplifier with feedback control					

			10	Wireless table mics						
			1	Dedicated amplifier						
				Industry standards include Shure, Mackie, Lectronics, Revolabs, Cdi				Expect to spend up to 35000		
				Expect to add installation and removal of old equipment costs.						\$10,000.00

B	SMART PODIUM									
	This is an area which keeps evolving, and needs to be customized to each client's needs.									
	A smart podium should have the ability to perform the minimum following tasks:									
		Video conferencing (Zoom or otherwise)								
		Audio teleconferencing (built-in or served by existent audio system)								
		Able to show presentations through, USB, SD, and internet connections						Expect to spend between 5000 and 25000		

C	CLOSE CAPTIONS									
		ACE 2100 - Linkelectronics		plus annual fee 7500						\$29,000.00
		TELVUE Caption services (with dedicated equipment installed) - to be quoted per monthly or annual service hours								

D	BULLETIN BOARD									
		Tightrope	Carousel Bulletin Board Server w/ SDI Out-3yr Wty							\$3,000.00
		TELVUE	InfoVue		(add a 500 annual license)					\$2,000.00
		Independently of selection, expect to add fees for hardware and software assurance (3-5 years), and on-line training								

E	PLAYBACK OPERATIONS									
		1	Leightronix Ultra-Nexus SDI					Customizable, with prices starting at 7500		
		1	Cablecast							\$9,000.00
		Independently of selection, expect to add tech support fees, and on-line training								

F	FULL HD VIDEOSTREAMING									
		In-house	Telestream's wirecast					Customizable, with prices starting at 6000		
			Broadcastpix system quoted above is also capable							
		3rd party	Earth Channel	Annual costs - full HD with 24/7 support and clerk supporting software						\$7,000.00

ALSO TO TAKE UNDER CONSIDERATION

1- Consider upgrading all dedicated power supplies with smart active units

2- Quoted prices do not include applicable Sales Tax or shipping charges.

Inquire on credit cards 3% convenience fees

3- It may be possible for installers representing certain brands, to obtain percentual reductions on multiple acquisitions from the same manufacturer

Worth inquiring.

April 30th, 2021
Respectfully submitted
Antonio Correia
BonitaVideo, LLC



5775 Osceola Trail | Naples, Florida 34109
 p: 239.377.0047 | f: 239.377.0074
 e: purchasing@collierschools.com
 Visit us online: www.collierschools.com

TABULATION SHEET

# & Title:	Bid #20-057 Technology Equipment, Software & Services Catalog Discounts	Estimated Exposure:	\$2,800,000.00
		Funding:	Capital & General
Location:	Districtwide	Vendors Notified:	287
Opening:	February 11, 2020	Documents Obtained:	27
Term:	July 1, 2020 to June 30, 2022	Submittals:	22

Vendor		Supplies Discount	Equip. Discount	Software Discount	Services Discount	Website	Exceptions	Minium Order	Shipping Terms
Adorama Camera	*	5%	5%	5%	0.00%	www.adorama.com	MAP items	None	
B&H Photo	*	0.5 - 25%	0.5 - 25%	0%	0.00%	www.bhphoto.com	products over 70 lbs, manufacturer unilateral prices	None	
Buyers Point	*	10-35%	10-35%	0%	0.00%	www.buyerspoint.com		None	based on total weight
Camcor Inc	*	3%	3%	3%	0.00%	www.camcor.com	manufacturer price restrictions	None	determined by order
CDW Government	*	0-15%	0-15%	0-15%	0-15%	www.cdwg.com	None	\$50.00	FOB destination; free for orders over \$50
Clutch Solutions	*	12%	12%	15%	3.00%	www.clutchsolutions.com	services that require travel	\$50.00	determined by order
Encore Broadcast	*	12%	15%	10%	15.00%	www.encorebroadcast.com	unilateral prices	\$35.00	determined by order
Form 10 Group Inc	R	0%	0%	0%	0.00%				
Gartner Inc	*	0%	0%	0%	varies		None	None	N/A
Global Equipment Company	*	10%	10%	0%	0.00%	www.globalindustrial.com	special service & hazardous materials	varies	FOB Origin

Vendor	Supplies Discount	Equip. Discount	Software Discount	Services Discount	Website	Exceptions	Minium Order	Shipping Terms
Howard Technology Solutions *	3%	3%	3%	3.00%	www.howardcomputers.com	None	None	
Lakeshore Learning *	5%	5%	5%	0.00%	www.lakeshorelearning.com	None	None	Free
PoweUp Edu *	varies				www.powerupedu.com/ccps	None	\$250.00	FOB Destination
Pyramid School Products *	20%	20%	0%	0.00%	www.pyramidsp.com	None	\$25.00	Free
School Specialty *	34%	14%	0%	0.00%	www.schoolspecialty.com	Net price items	None	Free on order over \$49
Silicon Mountain Memory *	0%	50%	0%	0.00%	www.smmdirect.com/peppm	None	None	Free on order over \$500
Social Studies School Service *	0%	0%	0-10%	0-10%	www.socialstudies.com	None	None	12% plus \$4
Southern Computer Warehouse *	10%	10%	10%	0.00%	www.scw.com	None	None	included on all items less than 100 lbs
Trapeze Software Group *	0%	varies	0%	0.00%	N/A	None	None	N/A
Troxell Communications Inc *	1-77%	1-77%	1-50%	1-77%	www.trox.com/products.htm	None	None	FOB destination except inside delivery, expedited orders, orders over 50 lbs
United Data Technologies *	3%	3%	3%	3.00%	https://shop.udtonline.com		None	additional charges apply on items over 125 lbs or expedited freight
Virtucom Inc R	0%	0%	0%	0.00%	www.virtucom.com			
Wahsega Labs, LLC *	0%	27%	0%	0.00%	www.wahsega.com	None		

Vendor	Supplies Discount	Equip. Discount	Software Discount	Services Discount	Website	Exceptions	Minium Order	Shipping Terms
Shipping Terms: FOB Destination - title to goods passes at destination and vendor pays freight charges FOB Delivered and Prepaid - same as FOB Destination FOB Origin and added to the invoice - title to goods passes at origin and freight is added to the invoice								
* Recommend approval of purchase from approved vendor that offers discounts, variety of products, sufficient inventory and can service the district. Purchases will be made on an as needed basis by sites throughout the district, with the assistance of the Purchasing Department if necessary. R: Rejected (no discounts offered)						Opened By:	Tricia Roberts	
						Witnessed by:	Cynthia Perez	
						Date to Board:	May 12, 2020	

1. Requested Motion:

Meeting Date: June 7, 2021

Presentation of the 5-year Capital Improvement Plan (FY22-26) and inclusion with the proposed Fort Myers Beach Fiscal Year 2022 budget.

Why the action is necessary:

Section 34-120 of the Land Development Code identifies annual review of the capital improvement plan as a responsibility of the LPA to make a recommendation to the Town Council. The 5-year CIP assists the Town Council with developing their annual capital budget.

What the action accomplishes:

Provides the Town Council with a recommendation that assists with the preparation of the next fiscal year budget and future budgets. Annual review is required by the Land Development Code.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Required by Section 34-120 of the Land Development Code.

4. Submitter of Information:

5. Background:

Section 34-120 of the Land Development Code outlines the powers, duties, and responsibilities of the LPA. One of the LPA responsibilities is to recommend annually to the Town Council whether the proposed capital improvement program is consistent with the Comprehensive Plan. The Town Staff prepares a 5-year CIP that identifies year 1 projects that are proposed for the next fiscal year budget, with future years identifying any projected level of service or infrastructure needs. The LPA has provided a recommendation for the updated 5-year CIP.

Attachments:

1. FY22-26 5-year CIP

Financial Impact:

Identifies capital projects that are funded by a variety of sources, including impact fees, grants, loans, special taxes, and general revenue.

6. Alternative Action

7. Management Recommendations:

Approve

8. Recommended Approval:

Jason Green, Community Development Services
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/28/2021
Approved - 5/28/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021

PROJECT DESCRIPTION		FUNDING SOURCE					
Intersection Improvements		2022	2023	2024	2025	2026	5-YR TOTAL
Old San Carlos / Estero		Construct.					
	Impact Fees						\$ -
	Gas Taxes	\$ 5,600					\$ 5,600
	Grants - LAP	\$ 564,173					\$ 564,173
	General Revenue						\$ -
Stormwater Improvements		2022	2023	2024	2025	2026	5-YR TOTAL
Swale Reclamation		Construct.	Construct.	Construct.	Construct.	Construct.	
	Impact Fees						\$ -
	Gas Taxes						\$ -
	Grants						\$ -
	General Revenue						\$ -
	Stormwater Utility	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 750,000
Multi-Purpose Infrastructure		2022	2023	2024	2025	2026	5-YR TOTAL
North Estero Phase II, Part I		Construct.					
	Impact Fees	\$910,300					\$ 910,300
	Gas Taxes						\$ -
	Grants						\$ -
	General Revenue						\$ -
	Water Utility	\$ 3,836,518					\$ 3,836,518
	Stormwater Utility	\$ 1,644,222					\$ 1,644,222
Tier Streets		Construct.	Construct.				
	Impact Fees						\$ -
	Gas Taxes						\$ -
	Grants						\$ -
	General Revenue						\$ -
	Water Utility	\$ 1,000,000	\$ 5,391,200				\$ 6,391,200
	Stormwater Utility	\$ 1,000,000	\$ 2,310,514				\$ 3,310,514
Bayside Park		Construct.					
	Impact Fees						\$ -
	Gas Taxes						\$ -
	Grants						\$ -
	General Revenue						\$ -
	Water Utility						\$ -
	Stormwater Utility						\$ -
Bay Oaks Redevelopment	Bank Loan	\$550,000					\$ 550,000
		Design	Construct.	Construct.			
	Impact Fees						\$ -
	Gas Taxes						\$ -
	Grants						\$ -
	General Revenue						\$ -
	Water Utility						\$ -
Times Square Redevelopment	Stormwater Utility						\$ -
	Bank Loan	\$479,960	\$1,500,000	\$3,500,000			\$ 5,479,960
		Construct.					
	Impact Fees						\$ -
	Gas Taxes						\$ -
	Grants	\$1,000,000					\$ 1,000,000
	General Revenue	\$1,000,000					\$ 1,000,000
	Water Utility						\$ -
	Stormwater Utility						\$ -
	Bank Loan	\$3,500,000					\$ 3,500,000

1. **Requested Motion:**

Meeting Date: June 7, 2021

Approve Resolution 21-27 establishing the Town's Tentative Millage rate for Fiscal Year 2021-2022

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

A Preliminary Millage Rate must be adopted by the Town Council prior to August 1st and submitted to the County Property Appraiser prior to August 4th. Once the preliminary millage rate has been set it cannot be increased, only reduced.

Currently the Town staff is developing the General Fund Operating Budget. The FY2021 millage rate of .95 per \$1,000 of Property Value was based on maintaining the level of services budget of .87 millage rate PLUS .08 millage rate for Town Council approved Community Capital Initiatives in 2020. A FY2022 proposed .95 millage rate will provide an adequate ceiling for the summer budget process that culminates in two public hearings in September 2021.

The county will release the Final Property Values for FY 2021 on or before July 1. The attached Resolution, 21-27, will be updated when we receive the County's Final Property Values as we do not expect any impactful change. Additional budget reports will be distributed electronically or hard copy.

Attachments:

1. 21-27, Tentative FY22 Millage Rate (1)-C
2. Attachment A - 2021 Estimate Tax Roll Values

Financial Impact:

6. **Alternative Action**

Adjust millage rate in accordance with Town Council consensus

7. **Management Recommendations:**

Maintain a .95 millage

8. **Recommended Approval:**

Jason Freeman, Contracts Manager
Craig Steinhoff, Interim Finance Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/28/2021
Approved - 6/1/2021
Approved - 6/2/2021
Approved - 6/2/2021
Final Approval - 6/2/2021

RESOLUTION NUMBER 21-27

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TENTATIVE OPERATING AD VALOREM MILLAGE RATE OF .9500 MILLS FOR FISCAL YEAR 2021-2022 OF THE TOWN OF FORT MYERS BEACH; ESTABLISHING THE DATE, TIME AND PLACE FOR HEARINGS TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE AND BUDGET FOR THE FISCAL YEAR 2021-2022; 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 services, 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, Section 200.065, *Florida Statutes*, establishes the method for determining and levying an ad valorem millage rate and adopting a budget for all taxing authorities in the State of Florida; and

WHEREAS, the Town of Fort Myers Beach, by and through its Town Council, hereby determines it is in the best interest of the Town and orderly governmental process to hold public hearings as required by Section 200.065, *Florida Statutes*; and

WHEREAS, it is in the best interest of the health, safety and welfare of the residents and visitors of Fort Myers Beach that the Town Council set the tentative operating millage rate as set forth herein and take the other actions set forth herein; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within the Town of Fort Myers Beach, Lee County, Florida has been preliminary certified by the Lee County Property Appraiser to the Town of Fort Myers Beach estimated as \$3,848,123,000 as documented on Attachment "A."

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH 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 tentative ad valorem operating millage rate for Fiscal Year 2021-2022, is hereby adopted at .9500 mills, which equals \$950 per \$100,000 dollars of property value.

Section 3. Public meetings and hearings will be held in compliance with Florida Property Tax Truth In Millage (TRIM) Process at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, to consider and adopt the final millage rate and to consider and adopt the Town budget for Fiscal Year 2021-2022 as set forth in Section 200.0654, et seq., *Florida Statutes*.

Section 4. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Hosafros and seconded by Council Member Veach and upon being put to a vote, the result was as follows:

Raymond P. Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Dan Allers, Council Member	_____
Jim Atterholt, Council Member	_____
Bill Veach, Council Member	_____

ADOPTED this 7th day of June 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of June 2021.

LEE COUNTY TAX ROLL VALUES - 2021 ESTIMATE

COUNTYWIDE	Post VAB Final 2020		Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate		
TOTAL JUST:	\$	121,857,664,522	\$	130,998,749,000	\$	9,141,084,478	7.50%
TOTAL ASSESSED:	\$	106,015,521,028	\$	112,413,830,000	\$	6,398,308,972	6.04%
TOTAL TAXABLE:	\$	89,307,891,228	\$	94,932,934,000	\$	5,625,042,772	6.30%
SCHOOL TAXABLE:	\$	96,548,789,447	\$	103,038,285,000	\$	6,489,495,553	6.72%
Total New Construction Just:	\$	2,001,784,569	\$	2,255,854,980			
New Construction Taxable:	\$	1,913,502,002	\$	2,137,646,851			

City of Cape Coral	Post VAB Final 2020		Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate		
TOTAL JUST:	\$	23,884,054,121	\$	26,548,532,000	\$	2,664,477,879	11.16%
TOTAL ASSESSED:	\$	20,375,407,355	\$	22,156,768,000	\$	1,781,360,645	8.74%
TOTAL TAXABLE:	\$	16,578,755,881	\$	18,180,505,000	\$	1,601,749,119	9.66%
Total New Construction Just:	\$	511,760,310	\$	623,470,979			
New Construction Taxable:	\$	494,947,257	\$	611,298,077			

City of Fort Myers	Post VAB Final 2020		Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate		
TOTAL JUST:	\$	11,112,492,447	\$	12,294,070,000	\$	1,181,577,553	10.63%
TOTAL ASSESSED:	\$	9,777,132,008	\$	10,607,758,000	\$	830,625,992	8.50%
TOTAL TAXABLE:	\$	7,807,388,308	\$	8,512,404,000	\$	705,015,692	9.03%
Total New Construction Just:	\$	360,541,343	\$	407,928,457			
New Construction Taxable:	\$	354,983,366	\$	367,249,896			

LEE COUNTY TAX ROLL VALUES - 2021 ESTIMATE

<i>City of Sanibel</i>	Post VAB Final 2020	Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate
TOTAL JUST:	\$ 6,180,245,949	\$ 6,389,153,000	\$ 208,907,051	3.38%
TOTAL ASSESSED:	\$ 5,722,261,142	\$ 5,876,299,000	\$ 154,037,858	2.69%
TOTAL TAXABLE:	\$ 5,413,060,402	\$ 5,552,346,000	\$ 139,285,598	2.57%
Total New Construction Just:	\$ 21,033,454	\$ 15,440,779		
New Construction Taxable:	\$ 20,970,548	\$ 12,146,122		
<i>Town of Fort Myers Beach</i>	Post VAB Final 2020	Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate
TOTAL JUST:	\$ 4,277,026,323	\$ 4,539,916,000	\$ 262,889,677	6.15%
TOTAL ASSESSED:	\$ 3,924,744,412	\$ 4,072,114,000	\$ 147,369,588	3.75%
TOTAL TAXABLE:	\$ 3,713,639,808	\$ 3,848,123,000	\$ 134,483,192	3.62%
Total New Construction Just:	\$ 20,760,799	\$ 7,805,050		
New Construction Taxable:	\$ 20,760,799	\$ 7,805,050		
<i>City of Bonita Springs</i>	Post VAB Final 2020	Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate
TOTAL JUST:	\$ 14,120,984,473	\$ 14,853,758,000	\$ 732,773,527	5.19%
TOTAL ASSESSED:	\$ 12,931,249,068	\$ 13,516,747,000	\$ 585,497,932	4.53%
TOTAL TAXABLE:	\$ 11,779,983,489	\$ 12,328,042,000	\$ 548,058,511	4.65%
Total New Construction Just:	\$ 263,556,744	\$ 256,134,178		
New Construction Taxable:	\$ 255,124,741	\$ 252,263,479		

LEE COUNTY TAX ROLL VALUES - 2021 ESTIMATE

<i>Village of Estero</i>	Post VAB Final 2020	Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate
TOTAL JUST:	\$ 8,362,058,350	\$ 8,733,813,000	\$ 371,754,650	4.45%
TOTAL ASSESSED:	\$ 7,773,446,865	\$ 7,997,555,000	\$ 224,108,135	2.88%
TOTAL TAXABLE:	\$ 6,901,137,756	\$ 7,103,071,000	\$ 201,933,244	2.93%
Total New Construction Just:	\$ 59,732,450	\$ 59,678,073		
New Construction Taxable:	\$ 58,561,485	\$ 59,678,073		

<i>Fire Districts</i>	Post VAB Final 2020	Estimate 2021	Value change from 2020 Post VAB Final to 2021 Estimate	% Change from 2020 Post VAB Final to 2021 Estimate
ALVA FIRE DISTRICT	\$ 361,482,915	\$ 388,500,000	\$ 27,017,085	7.47%
BAYSHORE FIRE DISTRICT	\$ 458,066,646	\$ 486,896,000	\$ 28,829,354	6.29%
BOCA GRANDE FIRE DISTRICT	\$ 2,499,368,932	\$ 2,677,508,000	\$ 178,139,068	7.13%
BONITA SPRINGS FIRE DISTRICT	\$ 12,350,245,713	\$ 12,916,746,000	\$ 566,500,287	4.59%
CAPTIVA FIRE DISTRICT	\$ 1,507,583,922	\$ 1,522,617,000	\$ 15,033,078	1.00%
ESTERO FIRE DISTRICT	\$ 7,806,089,674	\$ 8,169,643,000	\$ 363,553,326	4.66%
FORT MYERS BEACH FIRE DISTRICT	\$ 4,429,345,634	\$ 4,595,437,000	\$ 166,091,366	3.75%
FORT MYERS SHORES FIRE DISTRICT	\$ 2,729,691,571	\$ 2,674,755,000	\$ (54,936,571)	-2.01%
IONA MCGREGOR FIRE DISTRICT	\$ 8,739,511,606	\$ 9,050,656,000	\$ 311,144,394	3.56%
LEHIGH ACRES FIRE DISTRICT	\$ 5,041,946,749	\$ 5,531,360,000	\$ 489,413,251	9.71%
MATLACHA-PINE ISLAND FIRE DIST	\$ 1,789,782,949	\$ 1,861,272,000	\$ 71,489,051	3.99%
NORTH FORT MYERS FIRE DISTRICT	\$ 3,082,478,622	\$ 3,226,159,000	\$ 143,680,378	4.66%
SAN CARLOS FIRE DISTRICT	\$ 5,035,198,558	\$ 5,586,863,000	\$ 551,664,442	10.96%
SANIBEL FIRE DISTRICT	\$ 5,533,636,482	\$ 5,671,491,000	\$ 137,854,518	2.49%
SOUTH TRAIL FIRE DISTRICT	\$ 7,177,072,850	\$ 7,536,907,000	\$ 359,834,150	5.01%
TICE FIRE DISTRICT	\$ 1,095,848,640	\$ 1,164,529,000	\$ 68,680,360	6.27%
UPPER CAPTIVA FIRE DISTRICT	\$ 228,576,911	\$ 238,243,000	\$ 9,666,089	4.23%

1. **Requested Motion:**

Meeting Date: June 7, 2021

Sunset Celebration Recurring Special Event for FY 2022

Why the action is necessary:

Per Ordinance 20-17 Sec.22-6 (5) permit required

What the action accomplishes:

Allows for event to happen

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Ordinance 20-17 Sec.22-6 (5)

4. **Submitter of Information:**

5. **Background:**

The Times Square Merchants are requesting a recurring special event for Sunset Celebration. This event has been approved for the last 8 years. The only change from previous years are they are only requesting Fridays with some holidays.

Times Square Merchants are requesting a waiver/discount on fees.

Fees are : \$100.00 for Permit + 56 days at \$10.00 = \$760.00

\$60.00 per month for use of Town's electric at 13 months = \$780.00

Totaling - \$1540.00

Attachments:

1. Sunset Celebration Application

Financial Impact:

Dependent on Town Council decision of waiver or discount.

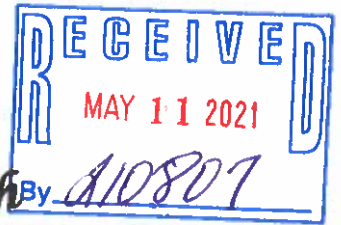
6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Patty Prevost, Building Services Administrative Assistant
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/21/2021
Approved - 5/25/2021
Approved - 5/25/2021
Approved - 6/1/2021
Final Approval - 6/2/2021



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Fax: (239) 765-0909 Email: Specialevents@fmbgov.com

Name of event SUN SET CELEBRATION
Attach separate sheet of paper with detailed description of event

Date(s) and times of event SEE ATTACHED

Address of event TIMES SQUARE URBAN DISTRICT

Expected # of participants/attendees 100-150

Sponsoring Organization TIMES SQUARE MERCHANTS & EVENTS ASS.

Organization address 1001 ESTERO BLVD. FORT MYERS BCH, FL 33931

Contact Person/Phone# STEVE MAILLAKAKIS

E-mail gcstavros@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? N/A How many hours 5-10 5 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 N/A

Letters of Permission to use Parking N/A Parking Plan N/A

Site Plan ☒ 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 Steve Maillakakis

Printed Name STEVE MAILLAKAKIS

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.

(1)

April 27, 2021

Sunset Celebration 2021-2022 Dates

June 11. 18. 25.

July 2. 4. 9. 16. 23. 30.

August 6. 13. 20. 27.

September 3. 10. 17. 24.

October 1. 8. 15. 22. 29.

November 5. 12. 19. 26.

December 3. 10. 17. 24. 31.

Sunset Celebration 2022 Dates

January 7. 14. 21. 28.

February 4. 11. 18. 25.

March 4. 11. 18. 25.

April 1. 8. 15. 22. 29.

May 6. 13. 20. 27.

June 3. 10. 17. 24.

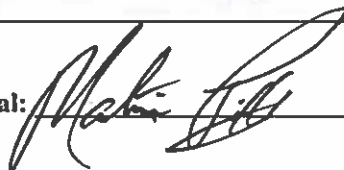
56

60 per mo
13 x 60

(2)

Applicant to Complete:Company managing trash removal: TIMES SQUARE MERCHANTSNo. of dumpsters: 0 Type of dumpsters: N/A

Who is responsible for clean-up and payment: _____

City right-of-way Parking Use: N/A Number of spaces: N/A**To be completed by Town Hall employees:****FMB Public Works:**Public Works remarks: No parking in town right of wayApproval: Date: 5-19-21**FMB Environment Science:** Tel (239)765-0202 Fax (239)765-0909

FMB Environmental Sciences remarks: _____

Approval: Date: 20 May 2021



Permit #: 210807

Permit Date: 05/13/2021

Review Date: 05/13/2021

Review Type: Environmental Review

Target Date: 05/14/2021

Scheduled Time: 00:00

Completed Date: 05/13/2021

Description:

Review Status: Reviewed w/ Conditions

Assigned To: Chadd Chustz

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Notes

05/13/2021

The event shall comply with the Town of Fort Myers Beach Ordinance & Land Development Code.

A 10 foot buffer shall be maintained between any dune vegetation and event activities. In addition, it is prohibited for any person to:

- Harass, molest or disturb wildlife (Land Development Code Sec. 14-3);
- Destroy or harm a dune or remove dune vegetation (Land Development Code Sec. 14-3);
- Discard or leave litter, garbage, trash or refuse, vegetative clippings, or debris (Sec. 14-3);

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. 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 (Sec. 22-12).

No person shall make, continue or cause to be made or continued any noise disturbance in accordance with Land Development Code Sec. 14-23. Noises resulting from a special event

authorized pursuant to chapter 22 of the Land Development Code are excepted; provided, such noises are in compliance with any specific limitations as set forth within the special event permit. If no specific limitations are set forth in the special event permit, the provisions of Land Development Code Sec. 14-23 shall fully apply.

Property Information

Parcel#: ROW TIMES SQUARE
TOWN OF FORT MYERS BEACH
2525 Estero Blvd
Zoning: 1S-1Lot: Block:

TOWN OF FORT MYERS BEACH
2525 Estero Blvd
Fort Myers Beach, FL 33931

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?) N/A

Fee: Refer to invoice

Flammable Vegetation: Not permitted

First Aid Equipment: N/A

Fire Extinguishing Equipment: N/A

Special Arrangements: _____

Approval for 2021 dates Sunset Celebration @ Times Square.

Jennifer Campbell
Print Name

Jennifer Campbell
Approval Signature

5/17/21
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

(3)

April 27, 2021



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931

Tel: (239) 765-0202 ext. 1303 * Fax: (239) 765-0909 Email: Permits@fmbgov.com

Please forward the completed application and site plan along with each individual approval request to each identified agency below. Once completed return to Town Hall.

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

Jennie Cowart Tel (239) 344-5627 Fax (239) 412-0590 E-Mail: Jennifer.cowart@dep.state.fl.us

Comments: _____

Florida DEP Approval: _____ Date: _____

FMB Fire Department

Tel (239) 590-4205

Fax (239) 432-1554

100 Voorhis St. Fort Myers Beach, FL 33931

FMB Fire Comments:

Approval: _____ Date _____

Lee County Sheriff's Department: Tel (239) 477-1830 Fax (239) 432-0268

15650 Pine Ridge Rd Fort Myers, FL 33908

Comments:

All amplified sound must adhere to Town of FMB Noise Ordinance. Any alcohol sold by the surrounding businesses

will remain within the confines of that business. It is understood by this office that this permit is for the

live music set up in Time's Square area.

Approval: Capt. [Signature] # 05-126 Date 5/12/21

Please download the completed application and site plan along with the public hearing notice report to each identified agency before. Please complete this form in order.

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

Florida DEP Beach Uniform Document: <http://www.dep.state.fl.us/beaches/>

FOR BEACH UNIFORM ONLY CONTACT

Kelly Cramer

Tel (239)344-5627 Fax (850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: _____

Check list: Application _____ Site Plan _____ Description _____

Florida DEP approval: _____ Date: _____

Sunset Celebration

Turtle Time Inc.: Eve Haverfield

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

Turtle Season is May 1 through October 31

Turtle Time remarks: Please direct lights away from the beach.
(FHB Lighting Ord). No release of sky lanterns or balloons

Turtle Time approval: E Haverfield Date: 5/12/21

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

4/29/2021

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 have ADDITIONAL INSURED provisions or 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 any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McGriff Insurance Services 13515 Bell Tower Drive Fort Myers, FL 33907	CONTACT NAME: Elisha M. DeLeon, CIC
	PHONE (A/C, No, Ext): 239-433-7157 FAX (A/C, No): 866-802-8680
	E-MAIL ADDRESS: edeleon@mcgriff.com
INSURED The Times Square Merchant and Event Association, Inc. 1001 Estero Blvd Fort Myers Beach, FL 33931	INSURER(S) AFFORDING COVERAGE
	INSURER A: Western World Insurance Company NAIC # 13196
	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	ADOL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER: ☐ AUTOMOBILE LIABILITY ☐ ANY AUTO (OWNED) ☐ AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY	X		NPP8791793	04/23/2021	10/23/2021	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EX' (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS COMP/OP AGG \$INCLUDED COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS MADE ☐ DEF ☐ RETENTION \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXC? UED? ☐ Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						EACH OCCURRENCE \$ AGGREGATE \$ PER STATUTE ☐ OTH-ER ☐ P.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is named as additional insured with interest in insured's operations with respect to General Liability only per Additional Insured Endorsement WW180 (03/10) attached.

CERTIFICATE HOLDER**CANCELLATION**

Town of Fort Myers Beach Attn: Patty Prevost 2525 Estero Blvd Fort Myers Beach, FL 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 <i>Elisha M. DeLeon</i>
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© 1988-2015 ACORD CORPORATION. All rights reserved.

Date 05/09/21

To Property Owner,

Re: Notification of Amplified Sound

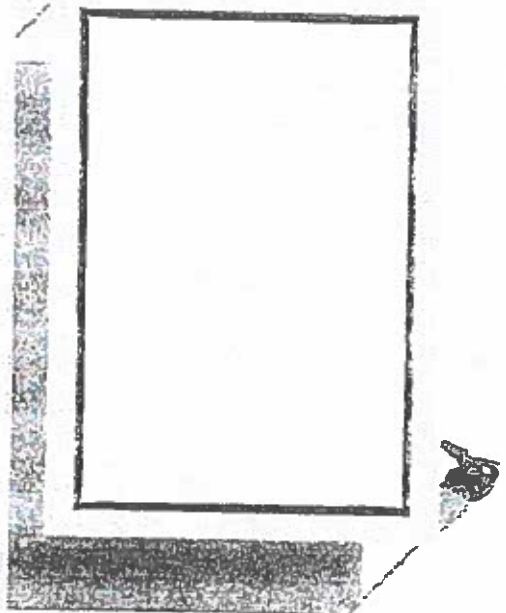
This notice is to inform you of an upcoming reoccurring Special Event held in Times Square in front of the pier and adjacent to Lynn Hall Parking Lot. This event is called "The Sunset Celebration", hosted by the Times Square Merchants and events Association. This event is scheduled for Friday and Saturday evening from 5pm-10pm. See attached schedule for Dates.

"Town Ordinance 16-03 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 special event will take place and for the condominium properties, single written notification to the condominium association shall be sufficient. The notification shall advise the owner(s) of their right to submit a letter of objection to the Town Manager and shall include a date by which any such letter of objection must be submitted."

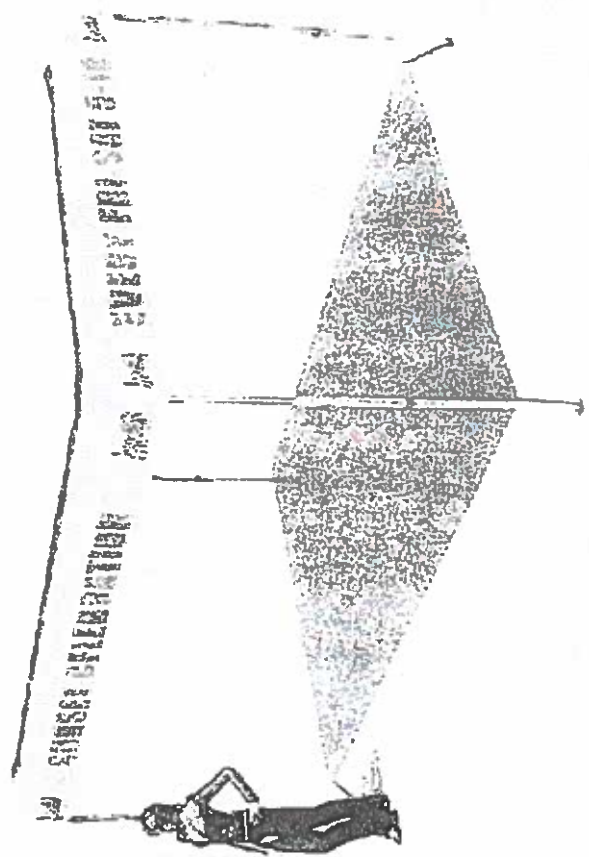
Please should you have comments, questions or objections please submit them in writing no later than 05/09/21

Town Manager
2525 Estero Blvd
FMB, FL 33931

(6)



(E)



PROMOTIONAL
DESIGN GROUP

Sign: _____

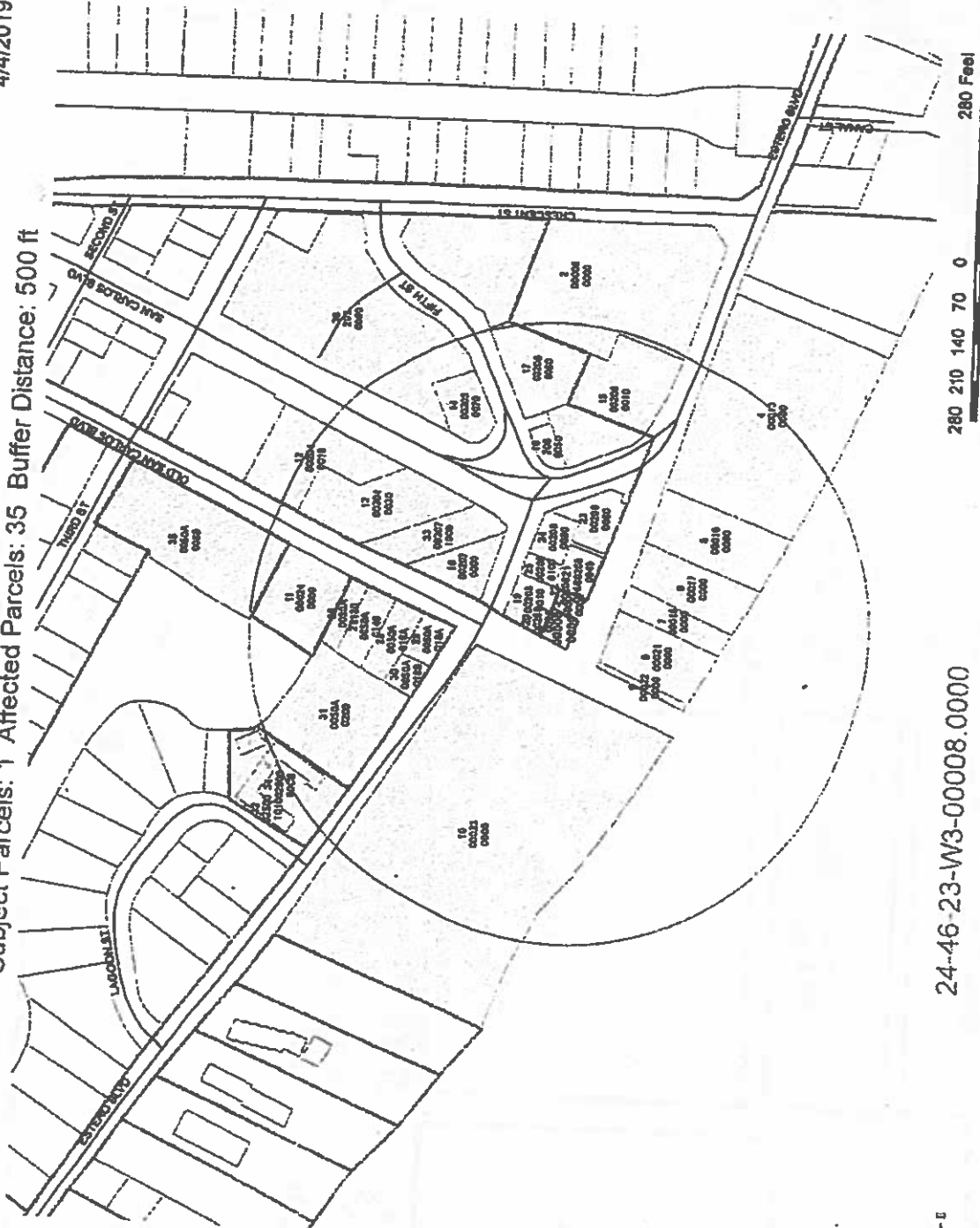
Date: _____

If you have any questions regarding this rendering please contact
Celine P... ..

VARIANCE REPORT

4/4/2019

Subject Parcels: 1 Affected Parcels: 35 Buffer Distance: 500 ft

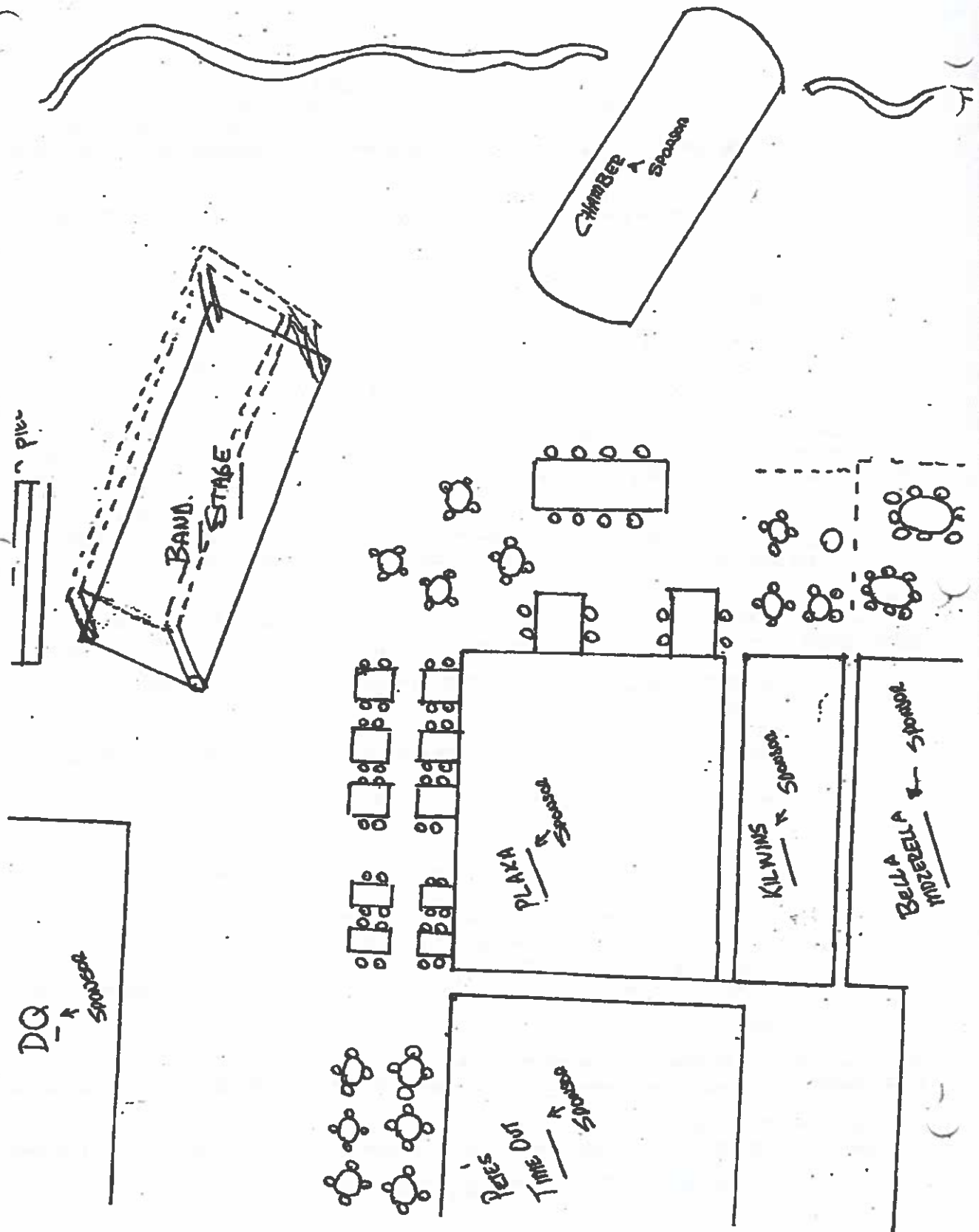


24-46-23-W3-00008.0000

THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY FLORIDA STATUTE 119.071
(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS)



(b)



OUTDOOR FESTIVAL and SPECIAL EVENT GUIDEBOOK

The purpose of this guidebook is to establish responsibilities for event promoters, sponsors, vendors, and the Fort Myers Beach Fire Department (FMBFD).

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 Department – Division of Life Safety, 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 Department'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



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: 5/10/21		Date of Event: SEE ATTACHED
Location: TIMES SQUARE URBAN AREA DOWNTOWN DISTRICT		
Event Start Date/Time: 5 PM		Event End Date/Time: 10 PM
Setup Date: SEE ATTACHED	Setup Time: 4 PM	Inspection Time:
Event Sponsor: TIMES SQUARE MERCHANTS' EVENTS ASSOCIATION		
Sponsor Contact: STEVE MAILLAKAKIS	Sponsor Phone #: 239-225-3882	Sponsor Email: qcstavr@s@gmail.com
Anticipated Number of Attendees: 100	Anticipated Number of Event Workers: 4	
Will there be carnival or mechanical rides: NO	Number of Stages: NONE	
Total Number of Vendors: NONE	Total Number of Hot Food Vendors: NONE	
Number of Tents larger than 20 x 20: 0	Number of 10 x 10 Tents: 4	

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).

TIMES SQUARE MERCHANTS' EVENTS ASS.		Administrative Use Only	
Submitting Party Name (Print)		Date Received:	
		Received By:	
Submitting Party Name (Sign)		Fees Due:	Paid:
Date: 5/10/21		Forwarded for Review:	☐

1. Requested Motion:

Meeting Date: June 7, 2021

Adopt Resolution 21-25 approving a second amendment to the previously approved Interlocal Agreement with the School Board of Lee County for the shared use of Bay Oaks Recreational Campus facilities for the students of Fort Myers Beach Elementary School throughout the school year.

Why the action is necessary:

As a condition to the property transfer for Bay Oaks, the Town and Lee County School Board agreed to enter into a Shared-Use Agreement and now seek to amend the previously adopted Interlocal between the Lee County School Board and the Town for the use of Bay Oaks Recreational Campus once it is redeveloped.

What the action accomplishes:

Amends the interlocal agreement with the Lee County School District for the use of Town's formal Bay Oaks facilities.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Resolution

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

This proposed amendment updates the previously approved shared-use agreement for Fort Myers Beach Elementary to use Bay Oaks throughout the school year.

This item is part of the previous Interlocal Agreement that was approved by both Town Council and the Lee County School Board for the Redevelopment of Bay Oaks. This Agreement is the final step by the Council to approve the property exchange and utilization of Town Properties once Bay Oaks is redeveloped. If approved, this item will go to Lee County School Board for their approval and adoption on December 8th, 2020. Upon both boards approving, staff will finalize required documents.

Attachments:

1. 21-25, Approving LCSB & Town ILA re Shared Use Facilities

Financial Impact:

6. Alternative Action

Do not approve.

7. Management Recommendations:

Adopt the Resolution and the Interlocal Agreement.

8. Recommended Approval:

Chelsea O'Riley, Public Works Director
Chelsea O'Riley, Public Works Director

Created/Initiated - 5/19/2021
Approved - 5/19/2021

John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021

RESOLUTION NUMBER 21-25

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF LEE COUNTY AND THE TOWN OF FORT MYERS BEACH REGARDING THE SHARED USE OF THE CURRENT AND PROPOSED REDEVELOPED BAY OAKS RECREATIONAL FACILITY; AUTHORIZING THE EXECUTION OF THE AGREEMENT BY THE MAYOR AND AUTHORIZING ALL APPROPRIATE TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE INTERLOCAL AGREEMENT; 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, both the School Board and the Town are duly empowered pursuant to Section 163.01, Florida Statutes, to enter into interlocal agreements for the sharing of certain governmental powers and obligations; and

WHEREAS, the School Board and the Town each constitute a “public agency” within the meaning of the Florida Interlocal Cooperation Act of 1969 (the “Interlocal Act”), and each is authorized under the Interlocal Act to enter into interlocal agreements providing for them to jointly exercise any power, privilege, or authority that each of them could exercise separately; and

WHEREAS, the School Board and the Town both serve the people of the Town of Fort Myers Beach; and

WHEREAS, the School Board and the Town previously entered into that certain Interlocal Agreement Relating to Exchange of Real Property and Improvements, dated October 7, 2020 (the “Exchange Agreement”);

WHEREAS, upon consummation of the Exchange Agreement (the “Exchange Closing”), the School Board shall be the owner of that certain real property upon which is located the Fort Myers Beach Elementary School and certain related parking facilities and other recreational improvements adjacent to Bay Oaks Recreational Facility (“School Board Property”); and

WHEREAS, upon the Exchange Closing, the Town shall be the owner of that certain real property commonly known as Bay Oaks Recreational Facility, located adjacent to the School Board Property (the “Town Property”); and

WHEREAS, the School Board Property contains tennis courts, a playground, a portion of a multi-sport field (the other portion of which is located on the Town Property), and certain other recreational facilities; and

WHEREAS, the Town Property contains a playground, baseball field, tennis courts, basketball court, portion of a multi-sport field (the other portion of which is located on the School Board Property), and a recreational center; and

WHEREAS, the School Board and the Town have each determined the need for improvement to its existing facilities and/or for additional facilities; and

WHEREAS, the School Board and the Town have determined that it is in the best interest of the owners, residents, business persons, and visitors of the Town of Fort Myers Beach for the Town and the School Board to share the use of the recreational facilities and other improvements located upon the School Board Property and the Town Property (collectively, the **“Shared Facilities”**); and

WHEREAS, the Exchange Agreement requires the Parties to execute an interlocal agreement at the time of the Exchange Closing which addresses the rights and obligations of the Parties relating to shared use, operation and maintenance of the Shared Facilities.

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

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Agreement attached hereto as Exhibit “A”, between the School Board and Town, regarding the Shared Facilities is approved. The Mayor is authorized to execute the Agreement on behalf of the Town and all appropriate Town officials are authorized to take all necessary steps to implement the Agreement.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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:

Raymond P. Murphy, Mayor
Rexann Hosafros, Vice Mayor
Dan Allers, Council Member
Bill Veach, Council Member
Jim Atterholt, Council Member

ADOPTED this 7th day of June 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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 EXCLUSIVELY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____ 2021.

1. Requested Motion:

Meeting Date: June 7, 2021

Final authorization for the Town Manager to increase the SRF DW360801 funding for North Estero Phase 2 Part 2, North Estero Phase 2 Part 1, and Tier 1 Side Street Projects by \$20,329,458.

Why the action is necessary:

What the action accomplishes:

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

4. Submitter of Information:

5. Background:

Previously the Town Council was informed that the SRF Loan DW360801 was initially drafted to fund the SRF eligible portions of the Estero Blvd Water Main Phase 3B and Estero Blvd Water Main Phase 4 Projects. The Town requested additional SRF funding for the North Estero Phase 2 Part 2, North Estero Phase 2, Part 1, and Tier 1 Side Streets Projects. Amendment #2 increase the disbursable loan amount to \$20,329,458 to include funding for the drinking water eligible portions of the additional 3 projects. ABA and the Town's rate consultant have discussed this increase and agree that the Town will be able to afford repayment of the increased loan amount without increasing rates beyond those recommended in the most recently completed rate study.

Attachments:

1. Fort Myers Beach DW360801 A2 - inc
2. 21-30 DW360801 Amendment #2 (1)-C

Financial Impact:

6. Alternative Action

7. Management Recommendations:

Approve

8. Recommended Approval:

Sarah Lisenko, Administrative Officer
Christy Cory, Utilities Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/28/2021
Approved - 5/28/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021

**STATE REVOLVING FUND
AMENDMENT 2 TO LOAN AGREEMENT DW360801
TOWN OF FORT MYERS BEACH**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the TOWN OF FORT MYERS BEACH, FLORIDA, (Project Sponsor) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Project Sponsor shall be referred to as “Parties” or individually as “Party”.

The Department and the Project Sponsor entered into a Drinking Water State Revolving Fund Loan Agreement, Number DW360801, as amended, authorizing a Loan amount of \$11,083,000, excluding Capitalized Interest; and

The Project Sponsor is entitled to additional financing in the amount of \$9,246,458, excluding Capitalized Interest; and

Certain provisions of the Agreement need revision.

The Parties hereto agree as follows:

1. Subsection 2.03(1) of the Agreement is deleted and replaced as follows:

(1) The financial assistance authorized pursuant to this Loan Agreement consists of the following:

Federal Resources, Including State Match, Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
FS98452218-0	EPA	66.468	Capitalization Grants for Drinking Water State Revolving Fund	\$20,329,458	140129

2. Additional financing in the amount of \$9,246,458, excluding Capitalized Interest, is hereby awarded to the Project Sponsor.

3. An interest rate of 0.98 percent per annum is established for the additional financing amount awarded in this amendment.

4. The estimated principal amount of the Loan is hereby revised to \$20,419,558, which consists of \$20,329,458 authorized for disbursement to the Project Sponsor and \$90,100 of Capitalized Interest. This total consists of the following:

(a) Original Agreement in the amount of \$6,132,400, including \$6,083,000 authorized for disbursement to the Project Sponsor and \$49,400 of Capitalized Interest, at an interest rate of 0.98 percent per annum; and

(b) Amendment 1 in the amount of \$5,031,100, including \$5,000,000 authorized for disbursement to the Project Sponsor and \$31,100 of Capitalized Interest, at an interest rate of 0.98 percent per annum; and

(c) Amendment 2 in the amount of \$9,256,058, including \$9,246,458 authorized for disbursement to the Project Sponsor and \$9,600 of Capitalized Interest, at an interest rate of 0.98 percent per annum.

5. An additional Loan Service Fee in the amount of \$184,929, for a total of \$406,589, is hereby estimated. The fee represents two percent of the Loan amount excluding Capitalized Interest; that is, two percent of \$20,329,458.

6. The Semiannual Loan Payment amount is hereby revised and shall be in the amount of \$574,614. Such payments shall be received by the Department on February 15, 2022 and semiannually thereafter on August 15 and February 15 of each year until all amounts due hereunder have been fully paid. Until this Agreement is further amended, each Semiannual Loan Payment will be proportionally applied, after deduction of the Loan Service Fee is complete, toward repayment of the amounts owed on each incremental Loan amount at the date such payment is due.

The Semiannual Loan Payment amount is based on the total amount owed of \$20,826,147, which consists of the Loan principal plus the estimated Loan Service Fee.

7. The Project Sponsor and the Department acknowledge that the actual cost of the Project has not been determined. Project cost adjustments may be made as a result of mutually agreed upon Project changes. Capitalized Interest will be recalculated based on actual dates and amounts of Loan disbursements. If the Project Sponsor receives other governmental financial assistance for this Project, the costs funded by such other governmental assistance will not be financed by this Loan. The Department shall establish the final Project costs after its final inspection of the Project records. Changes in Project costs may also occur as a result of an audit.

The estimated Project costs are revised as follows:

CATEGORY	PROJECT COSTS (\$)
Construction and Demolition	19,169,424
Contingencies	509,815
Technical Services After Bid Opening	650,219
SUBTOTAL (Disbursable Amount)	20,329,458
Capitalized Interest	90,100
TOTAL (Loan Principal Amount)	20,419,558

8. Subsection 10.07(4) of the Agreement is revised as follows:

(4) The first Semiannual Loan Payment in the amount of \$574,614 shall be due February 15, 2022.

9. Section 10.08 of the Agreement is revised as follows

Prior to this Amendment being executed, the Project Sponsor shall submit a Legal Opinion addressing the full amount of the loan, availability of Pledged Revenues, the right to increase rates, and subordination of the pledge.

10. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 2 to Loan Agreement DW360801 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Project Sponsor has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for
TOWN OF FORT MYERS BEACH

Town Manager

Attest:

Approved as to form and legal sufficiency:

Town Clerk

Town Attorney

SEAL

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Secretary or Designee

Date

RESOLUTION NO. 2021-30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND (SRF) LOAN PROGRAM; APPROVING AMENDMENT #2 TO SRF LOAN AGREEMENT DW360801; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS; PROVIDING FOR CONFLICTS, 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, the Town of Fort Myers Beach entered into SRF Loan Agreement DW360801 with the Florida Department of Environmental Protection to fund necessary drinking water system improvements; and

WHEREAS, the Town of Fort Myers Beach has identified other drinking water system improvements which require additional SRF funding; and,

WHEREAS, the Florida Department of Environmental Protection has approved the additional funding requested and drafted Amendment #2 to SRF Loan Agreement No. DW360801.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH 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. Amendment number two to SRF Loan Agreement No. DW360801 ("Amendment #2) attached as "Exhibit "A" is approved, and the Town Manager is authorized to execute Amendment #2 and expend budgeted funds.

Section 3. All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 4. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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:

Ray Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Dan Allers, Councilmember	_____
Bill Veach, Councilmember	_____
Jim Atterholt, Councilmember	_____

ADOPTED this 7th day of June 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2021.

1. **Requested Motion:**

Meeting Date: June 7, 2021

As a requirement of SRF Loan funding for the stormwater system improvements adopt a Fiscal Sustainability Plan for the Town's Stormwater System

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

The Fiscal Sustainability Plan for the Town's Stormwater System was funded with this loan. FDEP cannot release the final disbursement or close the loan until this requirement is met.

Attachments:

1. FMB Stormwater Fiscal Sustainability Plan
2. Proposed Resolution 21-31, adopting a Fiscal Sustainability Plan

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Sarah Lisenko, Administrative Officer
Christy Cory, Utilities Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/28/2021
Approved - 5/28/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021

TOWN OF FORT MYERS BEACH



STORMWATER SYSTEM

FISCAL SUSTAINABILITY PLAN

JUNE 2021

Prepared by: Angie Brewer & Associates, LC

Introduction

In 2013, the Town of Fort Myers Beach began design and construction of a multi-phased project to construct an island-wide stormwater system. Flooding during heavy rains and major storm events created unsafe conditions for island inhabitants and the potential for property damage. This project was completed to alleviate those conditions.

The Town entered into an agreement with the Florida Department of Environmental Protection (FDEP) for State Revolving Fund (SRF) Loan Program funding to assist with financing construction of the Town's stormwater system. This Fiscal Sustainability Plan (FSP) for the Town of Fort Myers Beach Stormwater System has been drafted to satisfy a requirement of this funding.

Inventory of Critical Assets

The Town of Fort Myers Beach completed construction of the Town's Stormwater System in early 2021. A simplified inventory of the stormwater system critical assets installed during the project include:

DESCRIPTION	QUANTITY	VALUE
12" SD Side Drain	119 LF	\$ 13,328.00
12" x 18" SD Side Drain	16 LF	\$ 2,080.00
15" SD Cross Drain	1144 LF	\$ 131,560.00
15" SD Side Drain	829 LF	\$ 95,335.00
18" SD Side Drain	21 LF	\$ 2,541.00
24" SD Cross Drain	348 LF	\$ 45,588.00
24" SD Side Drain	855 LF	\$ 112,005.00
30" SD Cross Drain	461 LF	\$ 64,309.50
30" SD Side Drain	12412 LF	\$ 1,731,474.00
36" SD Cross Drain	177 LF	\$ 27,081.00
36" SD Side Drain	3291 LF	\$ 503,523.00
48" SD Side Drain	168 LF	\$ 40,320.00
Anchor Straps	43	\$ 60,200.00
Baffle Box (Pipe Diameters 18" and Less)	1	\$ 50,000.00
Baffle Box (Pipe Diameters 24" and 30")	19	\$ 1,195,100.00
Baffle Box (Pipe Diameters 36" and Greater)	2	\$ 156,760.00
Conflict Manhole	8	\$ 141,517.60

Doghouse Manhole	1	\$	18,130.00
Type "J" Manhole	11	\$	191,730.00
Duckbill Backflow Prevention Valve	21	\$	350,070.00
In-Line Backflow Prevention Valve	7	\$	175,000.00
Riprap	51 TN	\$	6,375.00
Type "C" Drainage Inlet	49	\$	157,290.00
Type "E" Drainage Inlet	127	\$	513,080.00
Type "G" Drainage Inlet	20	\$	99,200.00
Type "H" Drainage Inlet	3	\$	20,550.00

System Condition and Performance Evaluation

The Town of Fort Myers Beach Stormwater System was completed in early 2021. As a result, the current condition of the system is excellent and performing as intended. The Town's Utilities Department will perform periodic inspections of the system to monitor its performance and condition to ensure proper functioning.

Water and Energy Conservation Efforts

The Town of Fort Myers Beach Stormwater System operates via gravity flow. As a result, there are no moving parts which would require an energy source for operation.

Maintenance and Repair

Maintenance will be performed by the Town of Fort Myers Beach Utilities Department. Construction of the Town's stormwater system was completed in 2021. As a result, no repairs are anticipated at this time.

The Town of Fort Myers Beach Utilities Department will continue to monitor the system and develop a schedule for any needed maintenance or repairs in the future.

Funding

The Town of Fort Myers Beach has established an Enterprise Fund and stormwater rate structure to be paid by island property owners. Stormwater revenues will be utilized to repay debt obligations incurred to construct the system and to pay system operation, maintenance, and repair expenses.

The Town of Fort Myers Beach regularly conducts financial evaluations and analyses of its rate and revenue system. The Town intends to maximize the use of grants and low-interest loan programs, such as SRF to minimize the financial impact on the citizens while ensuring the system is properly maintained and operated well into the future.

RESOLUTON NO. 21-31

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND LOAN PROGRAM; ADOPTING A FISCAL SUSTAINABILITY PLAN FOR THE TOWN OF FORT MYERS BEACH STORMWATER SYSTEM; 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 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 received funding assistance from the Florida Department of Environmental Protection State Revolving Fund (SRF) Loan Program for construction of the Town of Fort Myers Beach Stormwater System; and,

WHEREAS, the SRF Loan Program requires that the Town prepare and adopt a Fiscal Sustainability Plan for the Town's Stormwater System.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN OF FORT MYERS BEACH 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 Fiscal Sustainability Plan for the Town Stormwater System attached hereto as "Exhibit A" is hereby approved and adopted.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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:

Ray Murphy, Mayor	_____
Rexann Hosafros, Vice Mayor	_____
Dan Allers, Councilmember	_____
Bill Veach, Councilmember	_____
Jim Atterholt, Councilmember	_____

ADOPTED this 7th day of June 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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:**

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this _____ day of June 2021.

1. Requested Motion:

Meeting Date: June 7, 2021

Approve Change Order #2 in the amount of \$14,363.37 with Ajax Paving Industries of Florida, LLC and authorize the Town Manager to execute the associated documents, and allocate, appropriate, and expend funds from the capital budget.

Why the action is necessary:

To approve and authorize the Change Order #2 for Intersection Improvements.

What the action accomplishes:

Approves and authorizes the Town Manager to execute contract documents once approved by FDOT.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Other

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

The Town entered into contract with Ajax Paving Industries of Florida, LLC for Intersection Improvements at Old San Carlos Boulevard and Estero Boulevard as part of a LAP Project. The Town will be reimbursed funding from DOT for the project. The Change Order is to reflect Overhead Signage Costs and Light pole with Amber Wildlife Luminaires requested by Lee County. Town Council approved a previous \$0 change order to clarify the contract language.

Attachments:

1. CO #2 - Old San Carlos & Estero Blvd. Signal w-attachments

Financial Impact:

The funding source for the project is LAP (FDOT.) The Town is advancing \$494,127.50, which will be reimbursed by FDOT. This would increase the amount to \$508,490.87.

6. Alternative Action

Do not approve.

7. Management Recommendations:

Approve and authorize the Town Manager to execute the contract documents pending FDOT approval.

8. Recommended Approval:

Chelsea O'Riley, Public Works Director
Chelsea O'Riley, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/27/2021
Approved - 5/27/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021



PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

No.: 2

(A Change Order requires approval by the Finance Director and Town Manager for expenditures under \$25,000, approval by the Town Council for expenditures over \$25,000).

CONTRACT/PROJECT NAME: Intersection Improvement - Traffic Signalization
 CONTRACTOR: AJAX Paving Industries of FL PROJECT NO.: 444923-1-58-01
 CONTRACT NO.: G1Q10 BID NO.: ITB-20-25-PW
 CHANGE REQUESTED BY: TOWN DATE OF REQUEST: 5/19/2021

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:
(If you need space other than what has been provided, please attach additional sheets.)

Description: Plan revisions 1-5; Various lighting & sign changes

Purpose of Change Order: Incorporation of signalization plan revisions.

Attachments: (List documents supporting change) Entitlement analysis & back-up documents.

CHANGE IN CONTRACT PRICE:

Original Contract Price

\$ 494,172.50Previous Change Order No. 1 to No. 1\$ 0

Contract Price prior to this Change Order

\$ 494,172.50

Net Increase (Decrease) of this Change Order

\$ 14,363.37

Contract Price will all approved Change Orders

\$ 508,535.87**CHANGE IN CONTRACT TIME:**

Original Contract Time

245

Calendar Days

Net Change from previous Change Orders

+21

Calendar Days

Contract Time prior to this Change Order

266

Calendar Days

Net Increase (Decrease) of this Change Order

0

Calendar Days

Contract Time with all approved Change Orders

266

Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:

By: Riddle, Keith
Digitally signed by Riddle, Keith
 DN: cn=Riddle, Keith,
 ou=USVNC1,
 email=keith.riddle@secom.com
 Consultant (If Applicable) Date 2021.05.19 14:23:40

By: _____
 Department Director Date

Contracts Management

APPROVED:

Town Attorney Date

ACCEPTED

By: _____
 Contractor

Date Accepted: _____

(CORPORATE SEAL)

TOWN APPROVAL:

By: _____
 Finance Director (Under \$25,000)

Date Approved: _____

By: _____
 Town Manager (Under \$25,000)

Date Approved: _____

By: _____
 Mayor, Town Council
 (Over \$25,000)

Date Approved: _____

Change Order No. 002
BACK-UP DOCUMENTATION

Contractor: Ajax Paving Industries of Florida, LLC.

Financial Project No.: 444923-1-58-01

LAP Contract No.: G1Q10

FAP No.: D120-077-B

Town Contract No.: ITB-20-25-PW

Issue Amount: \$14,363.37

Issue Time: 0 Days

ADDITIONAL COSTS FOR SIGNALIZATION CHANGES

Summary

Incorporate Signalization Plan Revisions No. 1 through 5 and compensate Contractor for the additional costs associated with the changes and extra work that were made part of the revisions.

I. Entitlement Analysis

- a. **Issue No. 1 – Additional costs for Overhead Signage Size Increase.** The plans include Pay Item 700-3-202 Sign Panel, Furnish & Install, Overhead Mount (3) Each. The plan dimensions for the Old San Carlos Blvd. signs (2) each is 108" X 24". Lee County DOT Traffic has requested the sign dimension to be changed to 120" X 24" to be consistent with this sign type throughout the County. The cost associated with this change have been documented and verified; therefore, the Contractor is entitled to 100% of the costs associated with this change in materials and fabrication.
- b. **Issue No. 2 – Additional costs for Electronic Display Sign.** The plans include Pay Item 700-11-391 Electronic Display Sign, Furnish & Install, Overhead Mount (2) Each. To be consistent with this sign type throughout the County, Lee County DOT Traffic has requested that the County's new January 2021 Specification be utilized for these signs, which requires the sign to be manufactured by TCS. The cost associated with this change have been documented and verified; therefore, the Contractor is entitled to 100% of the costs associated with this change in products.
- c. **Issue No. 3 – Additional costs for new Light Pole w/ Wildlife Luminaire.** After contract award, the Town requested the addition of a new light pole with Wildlife Luminaire independently mounted on a 25' pole on the NE corner of Old San Carlos Blvd. and Estero Blvd. Pay Item 715-4-50 Light Pole Complete, Install (Custom Pole with Pedestrian Button) (1) Each has been added to the Contract Plans. The cost associated with this change have been documented and verified; therefore, the Contractor is entitled to 100% of the costs associated with this directed extra work.
- d. **Issue No. 4 - Additional costs for existing Light Pole removal.** Existing light poles on the NE and SE corners of Old San Carlos Blvd. and Estero Blvd. require removal as part of this Contract. The original plans at the time of bid did not include a pay item for their removal, therefore Pay Item 715-4-70 Light Pole Complete, Remove Pole and Foundation (2) Each has been added to the contract plans. The cost associated with this change have been documented and verified; therefore, the Contractor is entitled to 100% of the costs associated with this directed extra work.
- e. **Issue No. 5 - Additional costs for Amber Wildlife luminaires.** After contract award, it was determined that amber wildlife luminaires would be required for all overhead lights in the intersection due to loggerhead turtle nesting in close proximity to the intersection. The original specified luminaire was a Holophane Mongoose LED, which did not meet the Wildlife conditional requirements. The cost associated with this change have been documented and verified; therefore, the Contractor is entitled to 100% of the costs associated with this change in products.

II. Engineers Estimate

a. Basis of Estimate

Issue No. 1 – Additional costs for Overhead Signage Size Increase. The additional material and fabrication cost will be paid as documented from the Supplier to Contractor at actual cost plus the allowable markups. The original pay item will be paid in full at the original contract rate. Additional cost represent the difference in cost only.

Issue No. 2 – Additional costs for Electronic Display Sign. The additional cost for changing products will be paid as documented from the Supplier to Contractor at actual cost plus the allowable markups. The original pay item will be paid in full at the original contract rate. Additional cost represent the difference in cost only.

Issue No. 3 – Additional costs for new custom Light Pole w/ Wildlife Luminaire. The estimated cost for this work is in close proximity to the FDOT's Statewide Average (SWA) for Pay Item 0715-4-18. No historical cost information was available for Item 715-40-50 , however 715-4-18 item description is accurate to this work and is therefore justifiable. (See Attachment "A" for SWA)

Issue No. 4 - Additional costs for existing Light Pole removal. The estimated cost for this work is in close proximity to the FDOT's Statewide Average (SWA) for this item and is therefore justifiable. (See Attachment "A" for SWA)

Issue No. 5 - Additional costs for Amber Wildlife Luminaires. The additional cost for changing products will be paid as documented from the Supplier to Contractor at actual cost plus the allowable markups. The original pay item will be paid in full at the original contract rate. Additional cost represent the difference in cost only.

b. Contractors Quote

The contractors quote was based on the actual costs associated with the labor, equipment, materials and mark-up needed for this directed extra work. The costs were submitted within the guidelines of Section 4-3 of the Specifications. These rates have been verified and agreed upon by the CEI. See below and Attachment "A".

Issue No. 1 – Additional costs for Overhead Signage Size Increase

Subcontractor (American Infrastructure Services)

Labor Costs (Includes Labor Burden & 17.5% Mark-up)	\$0.00
Material Costs (includes 17.5% Mark-up)	\$105.51
Equipment Costs (17.5% Mark-up)	\$0.00

**Subcontractor Cost of This Change
\$105.51**

Issue No. 2 – Additional costs for Electronic Display Sign.

Subcontractor (American Infrastructure Services)

Labor Costs (Includes Labor Burden & 17.5% Mark-up)	\$0.00
Material Costs (includes 17.5% Mark-up)	\$775.85
Equipment Costs (17.5% Mark-up)	\$0.00

**Subcontractor Cost of This Change
\$775.85**

Issue No. 3 – Additional costs for new custom Light Pole w/ Wildlife Luminaire

Subcontractor (American Infrastructure Services)

Labor Costs (Includes Labor Burden & 17.5% Mark-up)	\$630.89
Material Costs (includes 17.5% Mark-up)	\$6,960.78

Equipment Costs (includes 17.5% Mark-up) \$493.50

Subcontractor Cost of This Change
\$8,085.17

Issue No. 4 - Additional costs for existing Light Pole removal

Subcontractor (American Infrastructure Services)

Labor Costs (Includes Labor Burden & 17.5% Mark-up) \$315.45

Material Costs (17.5% Mark-up) \$0.00

Equipment Costs (Includes 17.5% Mark-up) \$246.75

Subcontractor Cost of This Change
\$562.20

Issue No. 5 - Additional costs for Amber Wildlife Luminaires

Subcontractor (American Infrastructure Services)

Labor Costs (Includes Labor Burden & 17.5% Mark-up) \$0.00

Material Costs (includes 17.5% Mark-up) \$3,528.88

Equipment Costs (17.5% Mark-up) \$0.00

Subcontractor Cost of This Change
\$3,528.88

Issue No. 1 thru No. 5

Subcontractor (American Infrastructure Services) **Sub Total** **\$13,057.61**

Issue No. 1 thru No. 5

Prime Contractor (Ajax Paving Industries of Florida, LLC)

Labor Costs (Includes Labor Burden & 17.5% Mark-up) \$0.00

Material Costs \$0.00

Equipment Costs (17.5% Mark-up) \$0.00

Subcontractor Mark-Up (10%) **\$1,305.76**

Total Cost of Issues 1 thru 5 \$14,363.37

c. Final Disposition

The Town has agreed to pay 100% of the additional costs for this change based on actual and estimated lump sum costs.

**Riddle,
Keith**

Digitally signed by Riddle, Keith
DN: cn=Riddle, Keith,
ou=USVNC1,
email=keith.riddle@secom.com
Date: 2021.05.19 14:25:32 -04'00'

Keith Riddle, Project Administrator

Date

*Attached Back-up Documentation

Attachment "A" – Contractor Actual Costs w/ Mark-Up and supporting back-up



AJAX
PAVING INDUSTRIES, INC.

Cost Change Proposal Various Lighting/Signage
Estimate Price Breakdown Sheet

FIN: 444923-1-58-01	County: Lee
Location: Old San Carlos Blvd & Estero Blvd. Signalization	
Submitted By: Elliott Kresse	
Description of Work: Cost Change Proposal for Various Lighting/Signage	
Proposed Bid Item: N/A	Quantity: 1 LS
Comments: Please call me with any questions.	

Labor with Burden					
	Hourly Rate	Burden	Cost Rate	Hours / Days	Total
					\$ -
					\$ -
					\$ -
				\$	-
Burden = Federal Income Tax, Social Security Tax, Medicare Tax, Workmens Compensation Ins., Federal UnemploymentIns., State Unemployment Ins. Hotel, Per Diem, and Employee Benefits.					
Materials					
	Description:	Quantity	Price		Total
	Material Cost Total: \$				-
Equipment Cost					
	Description:	Rate	QTY		Total
		\$ -			\$ -
		\$ -			\$ -
	Equipment Cost Total: \$				-
Subcontractor Cost - Difference in Material Cost (Original vs. Preferred/Changed)					
	Description:	Quantity	Price		Total
700-3-202 Overhead Signage	(2) 108x24 Interstate Sign (1) 72x30 Interstate Sign	1.00	\$ 105.51	\$	105.51
700-11-391 Electronic Display Signs <i>Delete Astro-Brac</i>	(2) 24"x30" Visble Message Area	1.00	\$ 775.85	\$	775.85
715-4-50 Light Pole (new)	(1) Luminaire (1) Pole (1) Foundation (1) Grounding/Fusing	1.00	\$ 8,085.17	\$	8,085.17
715-4-70 Light Pole, remove (new)	(2) Removal	1.00	\$ 562.20	\$	562.20
715-5-30 Luminaire	(2) Luminaire	1.00	\$ 3,528.00	\$	3,528.00
	Subcontractor Cost Total: \$				13,056.73
Contract Pay Items					
	Description:	Quantity	Price		Total
		0.00	\$ -	\$	-
		0.00	\$ -	\$	-
		0.00	\$ -	\$	-
	Subcontractor Cost Total: \$				-
Breakdown					
	Description:	Cost Totals	Mark-Up %	Mark-Up	Total
	Labor with Burden Cost	\$ -	17.50%	\$ -	\$ -
	Material and Supplies Cost	\$ -	17.50%	\$ -	\$ -
	Equipment Cost	\$ -	17.50%	\$ -	\$ -
	Subcontractor Cost (Ajax Mark-up = 10%)	\$ 13,056.73	10.00%	\$ 1,305.67	\$ 14,362.40
	Subcontractor Cost (Ajax Mark-up >50k = 5%)	\$ -	5.00%	\$ -	\$ -
	Contract Pay Item	\$ -	0.00%	\$ -	\$ -
	Total Cost \$				14,362.40

* Mark-up Based on Current 2021 FDOT Standard Specification for Road and Bridge Construction per Contract

This is an Estimate Proposal

American Infrastructure Services

**700-3-202 | Overhead Signage
Cost Increase; Material Change**

Labor Category	Cost
	\$-
Sub-Total:	
	\$-

Equipment Category	Cost
	\$-
Sub-Total:	
	\$-

Material & Subs Category	Cost
NT Signs: Overhead Signs 'Preferred'	\$1,055.16
NT Signs: Overhead Signs 'Acceptable'	-\$949.65
Sub-Total:	
	\$105.51

Total: \$105.52

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Material Rate



Materials & Subs	Quantity	UM	Unit Cost	Total	Tax	Total	Mark-Up	Mark-Up Amount	Total with Mark-Up
NT Signs: Overhead Signs 'Preferred'	1	LS	\$843.20	\$843.20	\$54.81	\$898.01	17.50%	\$157.15	\$1,055.16
NT Signs: Overhead Signs 'Acceptable'	1	LS	\$(758.88)	\$(758.88)	\$(49.33)	\$(808.21)	17.50%	\$(141.44)	\$(949.65)
Totals:				\$84.32	\$5.48	\$89.80		\$15.72	\$105.52

ATTACHMENT "A"

National Traffic Signs

14521 60th St N
Clearwater, FL 33760

Estimate

Date	Estimate #
4/14/2021	17208

Name / Address
AIS American Infrastructure Services 11341 Lindbergh Blvd Ft Myers, FL 33913 727-460-2317

Ship To
American Infrastructure Services Inc 11341 Lindbergh Blvd Ft Myers, FL 33913 386-315-4597

Rep	Project
BW	

Item	Description	Qty	Cost	Total
	EsteroSan Carlos (Job 2110) - Option 1 This estimate represents our interpretation of the information provided to us. Prior to submitting your proposal, please review the attached estimate for accuracy and double check the quantities, sign codes, general descriptions, sign & item sizes, Bill to & ship to addresses. ***** Pricing Notice. Aluminum Market has become very volatile in early 2021. As a result, pricing in this estimate is budgetary and subject to review and or change both during the issuance of a PO and/ or time of expected sign release. Jobs with an expected immediate release can be confirmed at the time of a prospective PO in order to hold pricing. *****			
		Subtotal		
Phone #	Fax #	Web Site	Sales Tax (6.5%)	
727-446-7983	727-443-1225	WWW.NTSIGNS.COM	Total	

Due to Aluminum volatility, unless otherwise stated all pricing is valid for 15 days from this estimate date. PO's issued but not released will be subject to a price review at the time of release.
Unless otherwise stated all pricing is FOB our plant in Clearwater, FL.

ATTACHMENT "A"

National Traffic Signs

14521 60th St N
Clearwater, FL 33760

Estimate

Date	Estimate #
4/14/2021	17208

Name / Address
AIS American Infrastructure Services 11341 Lindbergh Blvd Ft Myers, FL 33913 727-460-2317

Ship To
American Infrastructure Services Inc 11341 Lindbergh Blvd Ft Myers, FL 33913 386-315-4597

Rep	Project
BW	

Item	Description	Qty	Cost	Total
Interstate Sign-Dg3	120x24x.125 Dg3 Interstate Sign w/ Z-bar attached Old San Carlos Blvd 1. Overhead 2. Cantilever: N 3. What County: Lee 4. Color: green/wht 5. Grade: Dg3 6. Border: Per Plans, edges 7. Holes: FDOT with Z-bars 8. Corner: Per Plans, 3" 9. Material: Alum 10. Gauge: .125 11. Number of Sides: 1 12. Confirmed Sign with proof: Yes; Alan Fontaine, afontaine@ainfraserv.com	2	421.60	843.20T
		Subtotal		
Phone #	Fax #	Web Site	Sales Tax (6.5%)	
727-446-7983	727-443-1225	WWW.NTSIGNS.COM	Total	

Due to Aluminum volatility, unless otherwise stated all pricing is valid for 15 days from this estimate date. PO's issued but not released will be subject to a price review at the time of release.
Unless otherwise stated all pricing is FOB our plant in Clearwater, FL.

ATTACHMENT "A"

National Traffic Signs

14521 60th St N
Clearwater, FL 33760

Estimate

Date	Estimate #
4/14/2021	17208

Name / Address
AIS American Infrastructure Services 11341 Lindbergh Blvd Ft Myers, FL 33913 727-460-2317

Ship To
American Infrastructure Services Inc 11341 Lindbergh Blvd Ft Myers, FL 33913 386-315-4597

Rep	Project
BW	

Item	Description	Qty	Cost	Total
Interstate Sign-Dg3	72x30x.125 Dg3 Interstate Sign w/ Z-bar attached <-- Fifth St Estero Blvd --> 1. Overhead 2. Cantilever: N 3. What County: Lee 4. Color: green/wht 5. Grade: Dg3 6. Border: Per Plans, edges 7. Holes: FDOT with Z-bars 8. Corner: Per Plans, 3" 9. Material: Alum 10. Gauge: .125 11. Number of Sides: 1 12. Confirmed Sign with proof: Yes; Alan Fontaine. afontaine@ainfraserv.com	1	300.88	300.88T
Ship	Shipping & Handling	1	309.00	309.00
Contact	Contact: Alan Fontaine ph# (239)206-4411 email: afontaine@ainfraserv.com		0.00	0.00
Subtotal				\$1,453.08
Phone #	Fax #	Web Site	Sales Tax (6.5%)	\$74.37
727-446-7983	727-443-1225	WWW.NTSIGNS.COM	Total	\$1,527.45

Due to Aluminum volatility, unless otherwise stated all pricing is valid for 15 days from this estimate date. PO's issued but not released will be subject to a price review at the time of release.
Unless otherwise stated all pricing is FOB our plant in Clearwater, FL.

National Traffic Signs

14521 60th St N
Clearwater, FL 33760

Estimate

Date	Estimate #
4/14/2021	17209

Name / Address
AIS American Infrastructure Services 11341 Lindbergh Blvd Ft Myers, FL 33913 727-460-2317

Ship To
American Infrastructure Services Inc 11341 Lindbergh Blvd Ft Myers, FL 33913 386-315-4597

Rep	Project
BW	

Item	Description	Qty	Cost	Total
	EsteroSan Carlos (Job 2110) - Option 2 This estimate represents our interpretation of the information provided to us. Prior to submitting your proposal, please review the attached estimate for accuracy and double check the quantities, sign codes, general descriptions, sign & item sizes, Bill to & ship to addresses. ***** Pricing Notice. Aluminum Market has become very volatile in early 2021. As a result, pricing in this estimate is budgetary and subject to review and or change both during the issuance of a PO and/ or time of expected sign release. Jobs with an expected immediate release can be confirmed at the time of a prospective PO in order to hold pricing. *****			
		Subtotal		
Phone #	Fax #	Web Site	Sales Tax (6.5%)	
727-446-7983	727-443-1225	WWW.NTSIGNS.COM	Total	

Due to Aluminum volatility, unless otherwise stated all pricing is valid for 15 days from this estimate date. PO's issued but not released will be subject to a price review at the time of release.
Unless otherwise stated all pricing is FOB our plant in Clearwater, FL.

National Traffic Signs

14521 60th St N
Clearwater, FL 33760

Estimate

Date	Estimate #
4/14/2021	17209

Name / Address
AIS American Infrastructure Services 11341 Lindbergh Blvd Ft Myers, FL 33913 727-460-2317

Ship To
American Infrastructure Services Inc 11341 Lindbergh Blvd Ft Myers, FL 33913 386-315-4597

Rep	Project
BW	

Item	Description	Qty	Cost	Total
Interstate Sign-Dg3	108x24x.125 Dg3 Interstate Sign w/ Z-bar attached Old San Carlos Blvd 1. Overhead 2. Cantilever: N 3. What County: Lee 4. Color: green/wht 5. Grade: Dg3 6. Border: Per Plans, edges 7. Holes: FDOT with Z-bars 8. Corner: Per Plans, 3" 9. Material: Alum 10. Gauge: .125 11. Number of Sides: 1 12. Confirmed Sign with proof: Yes: Alan Fontaine, afontaine@ainfraserv.com	2	379.44	758.88T ✓
		Subtotal		
Phone #	Fax #	Web Site	Sales Tax (6.5%)	
727-446-7983	727-443-1225	WWW.NTSIGNS.COM	Total	

Due to Aluminum volatility, unless otherwise stated all pricing is valid for 15 days from this estimate date. PO's issued but not released will be subject to a price review at the time of release.
Unless otherwise stated all pricing is FOB our plant in Clearwater, FL.

National Traffic Signs

14521 60th St N
Clearwater, FL 33760

Estimate

Date	Estimate #
4/14/2021	17209

Name / Address
AIS American Infrastructure Services 11341 Lindbergh Blvd Ft Myers, FL 33913 727-460-2317

Ship To
American Infrastructure Services Inc 11341 Lindbergh Blvd Ft Myers, FL 33913 386-315-4597

Rep	Project
BW	

Item	Description	Qty	Cost	Total
Interstate Sign-Dg3	72x30x.125 Dg3 Interstate Sign w/ Z-bar attached <-- Fifth St Estero Blvd --> 1. Overhead 2. Cantilever: N 3. What County: Lee 4. Color: green/wht 5. Grade: Dg3 6. Border: Per Plans, edges 7. Holes: FDOT with Z-bars 8. Corner: Per Plans, 3" 9. Material: Alum 10. Gauge: .125 11. Number of Sides: 1 12. Confirmed Sign with proof: Yes; Alan Fontaine, afontaine@ainfraserv.com	1	300.88	300.88T
Ship	Shipping & Handling	1	309.00	309.00
Contact	Contact: Alan Fontaine ph# (239)206-4411 email: afontaine@ainfraserv.com		0.00	0.00
Subtotal			\$1,368.76	
Phone #	Fax #	Web Site	Sales Tax (6.5%)	
727-446-7983	727-443-1225	WWW.NTSIGNS.COM	Total	
			\$1,437.64	

Due to Aluminum volatility, unless otherwise stated all pricing is valid for 15 days from this estimate date. PO's issued but not released will be subject to a price review at the time of release.
Unless otherwise stated all pricing is FOB our plant in Clearwater, FL.

American Infrastructure Services**700-11-391 | Electronic Display Sign
Cost Increase; Material Change**

Labor Category	Cost
	\$-

Sub-Total: \$-

Equipment Category	Cost
	\$-

Sub-Total: \$-

Material & Subs Category	Cost
TCS: Electronic Display Sign	\$6,707.37
Southern: Electronic Display Sign	-\$5,931.52

Sub-Total: \$775.85**Total: \$775.85**

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Material Rate



Materials & Subs	Quantity	UM	Unit Cost	Total	Tax	Total	Mark-Up	Mark-Up Amount	Total with Mark-Up
TCS: Electronic Display Sign	1	LS	\$5,360.00	\$5,360.00	\$348.40	\$5,708.40	17.50%	\$998.97	\$6,707.37
Southern: Electronic Display Sign	1	LS	\$(4,740.00)	\$(4,740.00)	\$(308.10)	\$(5,048.10)	17.50%	\$(883.42)	\$5,931.52
Totals:				\$620.00	\$40.30	\$660.30		\$115.55	\$775.85



TRANSPORTATION CONTROL SYSTEMS
1030 South 86th Street | Tampa, Florida 33619 | 800.886.2735 | 813.630.2800
www.tcstraffic.com

SALES QUOTE #: 14314

QUOTE DATE: 03/26/21 1:01AM

Print Date: 03/26/21 11:12AM PAGE 1 OF 2

Quoted To

AMERICAN INFRASTRUCTURE SERVICES

COD ACCOUNT

New Sign

QUOTATION INFORMATION

Customer Code AME100 Doc Owner
Document Date 03/26/21
Project References: LEE, FT. MYERS BEACH, 444923-, OLD SAN CARLOS BLVD @ ESTERO BLVD

Item No.	Item Description	Qty Ord	Unit Price	Ext. Price
700-11-391.	ELECTRONIC DISPLAY SIGN (BLANK OUT) OVHD MOUNT C/O	2		
BO-24X30-1	BLANK OUT SIGN, 24X30, SINGLE MESSAGE W/ HARDWARE C/O	2	\$ 2,680.0000 ✓	\$ 5,360.00
BO005(24X30)A1SS	NO TURN ON RED, VERBIAGE	2		
SP-1131-FL-24-120-PNC	AB 24" TUBE 120" CABLE MIL	2		

Quotation Totals And Terms On Next Page



**TERMS & CONDITIONS FOR TRANSPORTATION CONTROL SYSTEMS, INC.
QUOTATIONS**

- ALL ITEMS ARE QUOTED FOB WAREHOUSE.
- SHIPPING CHARGES:
ORDERS DELIVERED TO FLORIDA AND TENNESSEE - ORDERS GREATER THAN \$ 500 ARE FREIGHT ALLOWED.
ORDERS DELIVERED TO GA, AL, NC, SC, LA, MS - ORDERS GREATER THAN \$ 1,000 ARE FREIGHT ALLOWED.
- LEAD TIMES:
STANDARD LEAD TIME: APPROXIMATELY 4 WEEKS AFTER RELEASE BY CUSTOMER.
PRODUCTION: 1 TO 2 WEEKS FOR DRAWINGS. SCHEDULE IS DETERMINED AFTER RECEIPT OF APPROVED DRAWINGS AND RELEASE BY CUSTOMER. ABOVE SCHEDULES ARE SOLELY THOSE IN EFFECT AT TIME OF QUOTATION. ACTUAL SCHEDULES ARE SUBJECT TO CHANGE DUE TO CIRCUMSTANCES AND/OR CONDITIONS EXISTING AT THE TIME ORDER IS RELEASED BY CUSTOMER.
- ALL ORDERS ARE SUBJECT TO ACCEPTANCE BY TRANSPORTATION CONTROL SYSTEMS, INC. UPON RECEIPT OF PURCHASE ORDER.
- PLEASE REFERENCE TCS QUOTE NUMBERS ON ALL PURCHASE ORDERS.
- TERMS ARE NET 30 DAYS FOR ESTABLISHED ACCOUNTS.
- TAX CALCULATIONS ARE FOR ESTIMATE PURPOSES ONLY. ACTUAL SALES TAX WILL BE CHARGED BASED ON SHIP TO ADDRESS.
- QUOTES ARE VALID FOR 90 DAYS.

Quotation Totals

Sub-Total		\$ 5,360.00
Freight	\$	0.00
Tax	\$	346.60
Total Amount		\$ 5,706.60

Signature

Date



03/25/21

Quote #: 34852**Attention:** Alan Fontaine

American Infrastructure Services
11341 Lindbergh Blvd
Fort Myers, FL 33913

PHONE: 239-206-4411

Original Sign

City of Ft Meyers Beach, FL
FPN: 444923-1-58-01
NO TURN ON RED Blank Out Signs

Prices are Valid Until Saturday, April 24, 2021

Line	Part ID	Description								
1	BOT2430BBNYAAYR10-11-FL	24" x 30" Blank-Out LED Sign, NTOR								
<table><tr><th>Quantity</th><th>U/M</th><th>Unit Price</th><th>Total Price</th></tr><tr><td>2.00</td><td>EA</td><td>\$2,180.00 ✓</td><td>\$4,360.00</td></tr></table>			Quantity	U/M	Unit Price	Total Price	2.00	EA	\$2,180.00 ✓	\$4,360.00
Quantity	U/M	Unit Price	Total Price							
2.00	EA	\$2,180.00 ✓	\$4,360.00							
24" x 30" Visible Message Area (30" x 36" Overall) Rigid Mount Top and Bottom, Tri-Stud 6, Bracket Separate, Photocell Included in PCB, Powder Coated Black, Tapered Sun Shields and Dimmer MUTCD Code: R10-11A = NO TURN ON RED (LED Letters - 4 Lines) SMB3024W-A499MW (43219)										
2	PELCO-SP-1006-FL-3-120-PNC	ASTRO-BRAC 30" AB-0300 120" CABLE								
<table><tr><th>Quantity</th><th>U/M</th><th>Unit Price</th><th>Total Price</th></tr><tr><td>2.00</td><td>EA</td><td>\$190.00 ✓</td><td>\$380.00</td></tr></table>			Quantity	U/M	Unit Price	Total Price	2.00	EA	\$190.00 ✓	\$380.00
Quantity	U/M	Unit Price	Total Price							
2.00	EA	\$190.00 ✓	\$380.00							
ASTRO-BRAC 30" AB-0300 120" CABLE, CABLE MOUNT ASSEMBLY WITH STAINLESS CABLE & HARDWARE (1 per sign)										



Standard Lead Times:

- Sign Layouts: 5-15 business days after receipt of approved Purchase Order
- Delivery: 8-10 weeks after receipt of approved drawings

Please note that these lead times are subject to change based on backlog at time of order.

Terms:

- Payment terms are **Net 30 days (With Account) Check or Credit Card.**
- Freight charges are prepaid and added. **Freight charges are FOB (Origin)**
- Southern Manufacturing standard terms & conditions of sale apply
- Warranty as per Project Specification requirements.
- Pricing is effective for orders placed within (90) days from the date of quotation when they are scheduled and released for delivery within one-hundred-twenty (120) days of the receipt of order.
- Orders scheduled for release and delivery "after" one-hundred-twenty (120) days are subject to price adjustment at time of scheduling.
- Completed orders must be picked up or released within 30 days of the ship date unless other arrangements are made by the customer.

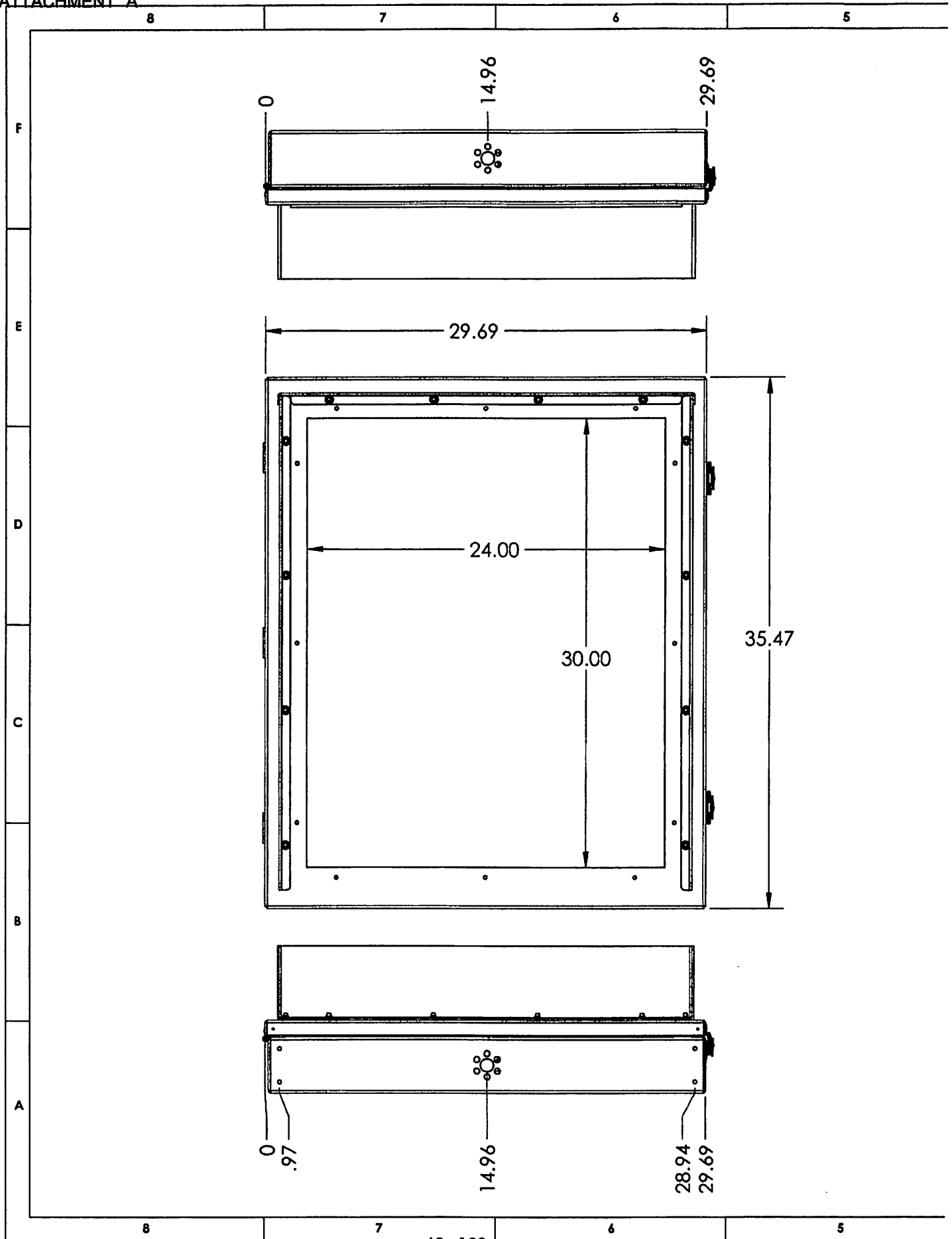
We hope this merits your favorable review. Please send all Purchase orders and requests to orders@southernmfg.com. Should you have any additional questions or need further clarification, please do not hesitate to contact me.

Best regards,

Jennie Johnson-Niven

Customer Service
Southern Manufacturing
407-894-8851

jniven@southernmfg.com <<mailto:jniven@southernmfg.com>>





PH: 405-340-3434
FAX: 405-340-3435
Edmond, OK 73013
www.pelcoinc.com

This drawing is for reference only. It is the property of Pelco and is not to be used in whole or in part without Pelco's written permission.

ASSEMBLY SHEET

REF:

State of Florida

TITLE:

Astro-Brac Stellar Assy, 1-Way, Stainless
Cable, Alum, Cert# 659-031-011

PART NO.:

SP-1006-FL

PART NO

SP-1006-FL-3-62-PNC

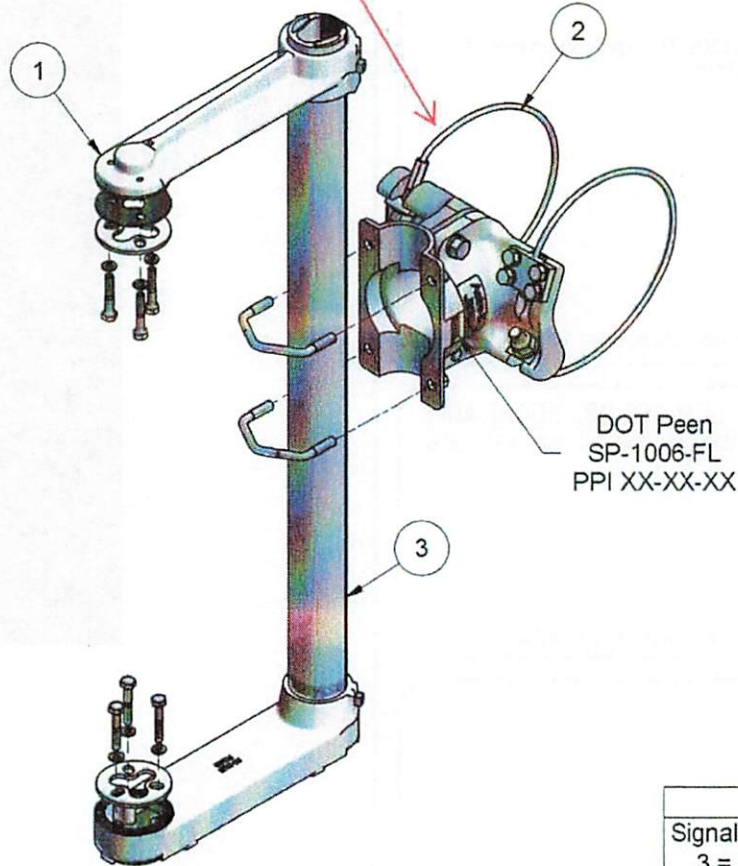
This can be rotated to go onto a vertical
pole arm (Sign 2)

Signal Section

Cable length

Process No Color=PNC

Paint=PXX



OPTIONS

Signal Section:

3 = 46" Tube

4 = 58" Tube

5 = 74" Tube

Cable Length:

62" Fits 4"-8.6" Pole Dia.

84" Fits 4"-11.6" Pole Dia.

96" Fits 4"-14.6" Pole Dia.

120" Fits 4"-18" Pole Dia.

Paint

ITEM	PART NUMBER	DESCRIPTION	QTY
1	AB-4005-PXX	Astro-Brac Arm Kit, 1-Way, 8-1/2" CTC, Stainless Slotted Washer, Alum	1
2	SP-1079-FL-L-1006-PXX	Astro-Brac Stellar Clamp Kit, Cable Mount w/ SP-1006-FL Florida Marking, Stainless Cable and Hardware, Alum	1
3	AB-2003-L-PXX	Gusseted Tube w/ PVC Insert, 1-1/2" TOE x Length, Alum	1

PelcoVertical.kaw 9/12/2013

L Acord	4/15/1994	KBM	6/14/2006	KAK	6/30/2014	RKV	2/3/2015	R	01/21/15 CBJ	JDC	1/26/2015	SHEET 1 OF 1
DRAWN	DATE	CHECKED	DATE	MFG ENG	DATE	DATE	DATE	REV	DATE	REV	DATE	

PRODUCT ID: 41966

Southern Mfg Board

MODEL

SMB3630W-A499-MW

DIMENSIONS

36" H x 30" W x 5" D (est. 6.698 lbs)

CONSTRUCTION

Faces: Single Faced Sign

ELECTRICAL

Input Voltage: 100-240 VAC (100-240 VAC)

Photodimming: (3) Redundant fail-safe photocells for auto photodimming

Power Supplies: (2) Redundant power supplies per message

MESSAGE

Illumination: Super bright direct view LEDs. Message blanks out when off.

Sign Messages: See message table below

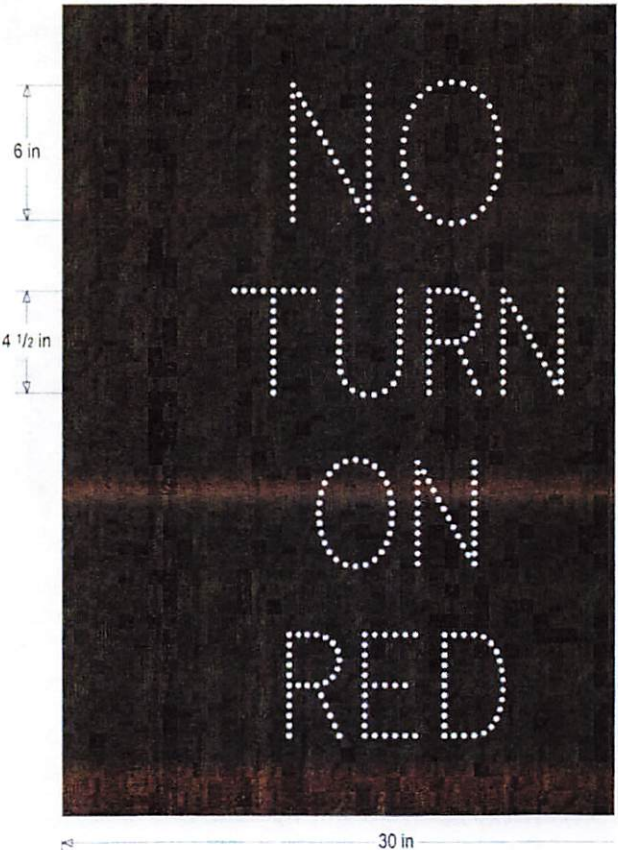
NOTE: Other LED colors, voltages, cabinet sizes, styles, and colors available.

MESSAGE	LED/COLOR	HEIGHT	AMPS
NO TURN ON RED	White Wide Angle LED	6.0", 4.5"	0.229-0.056

NOTE: Above messages are independently controlled.

Product View

NOTE: Sign image may not exactly represent



REV 0 | 08092016 | amv

American Infrastructure Services

715-4-50 | Light Pole Cost Increase; New Pay Item

Labor Category	Cost
Electrician	\$272.98 ✓
Operator	\$127.39 ✓
Laborer	\$230.52 ✓
Sub-Total:	\$630.89 ✓

Equipment Category	Cost
Crew Truck	\$235.00 ✓
Crane Truck	\$258.50 ✓
Sub-Total:	\$493.50 ✓

Material & Subs Category	Cost
TAG: 25' Light Pole	\$2,208.68 ✓
Hansen: Luminaire (BLX-II-8)	\$3,072.13 ✓
SemSales: Foundation	\$1,196.31 ✓
CED: Fusing/Grounding	\$483.66 ✓
Sub-Total:	\$6,960.78 ✓

Total: \$8,085.17 ✓

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Labor Rates



Crew	Hourly Rate Reg.	Hourly Rate OT	Regular Hrs.	OT Hrs.		Burden Rate	Burden Total	Total	Mark-Up	Mark-Up Total	Daily Total
Electrician	\$45.00	\$67.50	4.00		\$180.00	29.07%	\$52.33	\$232.33	17.50%	\$40.66	\$272.98
Operator	\$21.00	\$31.50	4.00		\$84.00	29.07%	\$24.42	\$108.42	17.50%	\$18.97	\$127.39
Laborer	\$19.00	\$28.50	8.00		\$152.00	29.07%	\$44.19	\$196.19	17.50%	\$34.33	\$230.52
Totals:					\$416.00		\$120.93	\$536.93		\$93.96	\$630.89

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Equipment Rates


Equipment	Regular Hours	Rate	Hourly Total	Idle Hours	Idle Rate	Idle Total	Total	Mark-Up	Mark-Up Total	Total
Crew Truck	8	\$25.00	\$200.00		\$12.50	\$-	\$200.00	17.50%	\$35.00	\$235.00
Crane Truck	4	\$55.00	\$220.00		\$27.50	\$-	\$220.00	17.50%	\$38.50	\$258.50
Totals:							\$420.00		\$73.50	\$493.50

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Material Rate



Materials & Subs	Quantity	UM	Unit Cost	Total	Tax	Total	Mark-Up	Mark-Up Amount	Total with Mark-Up
TAG: 25' Light Pole	1	EA	\$1,765.00	\$1,765.00	\$114.73	\$1,879.73	17.50%	\$328.95	\$2,208.68
Hansen: Luminaire (BLX-II-8)	1	EA	\$2,455.00	\$2,455.00	\$159.58	\$2,614.58	17.50%	\$457.55	\$3,072.13
SemSales: Foundation	1	EA	\$956.00	\$956.00	\$62.14	\$1,018.14	17.50%	\$178.17	\$1,196.31
CED: Fusing/Grounding	1	LS	\$386.50	\$386.50	\$25.12	\$411.62	17.50%	\$72.03	\$483.66
Totals:				\$5,562.50	\$361.56	\$5,924.06		\$1,036.71	\$6,960.77

ATTACHMENT "A"



PO: 2110-21033001-AF

Date Issued: 3/30/2021
Date Required:

Job #: 2110
Name: Estero/San Carlos

Bill & Ship To: American Infrastructure Services
11341 Lindbergh Blvd.
Fort Myers, FL, 33913

Vendor: The Arnold Group of Florida, Inc.
Address: 170 Sunport Lane, Suite 800
City, State, Zip: Orlando, FL, 32809
Phone: (423) 727-4040 Fax:

Part #	Description	Manufacturer	Unit price	Units	Total
715-4-50	Custom Light Pole (Pole Only)		\$1,765.00	1	\$1,765.00
	Per Snip attached below.				
	TAX NOT INCLUDED				
Total: \$					1,765.00

Special Instructions: Per Snip attached below.

Note: Please reference the AIS PO number with all correspondence.

Authorized AIS Purchasing Agent:

Alan Fontaine

Julie K. Colon

Mar 26 2021, 3:35 PM (4 days ago)



to Doug, me, Justin, Anthony, Bill

Pole alone is \$1,765/EA, plus tax.

Thank you.

Julie K. Colon

Sales / Project Manager

The Arnold Group of Florida, Inc.
170 Sunport Lane #800
Orlando, FL 32809

QUOTE # SQ052115

TOWN OF FORT MYERS BEACH INTERSECTION IMPROVEMENTS -
ESTERO BLVD. @ OLD SAN CARLOS BLVD.

Date: 5/10/2021 3:27 PM



ATTN: ALAN

S E S C O
L I G H T I N G

FT LAUDERDALE

737 Shotgun Rd

Ft Lauderdale FL 33326

P 954-474-9888 | F: 954-474-9773

"If there is a problem with a SESCO product that
you specified or we supplied, we will fix it... PERIOD"

To:
HANSEN
3784 EXCHANGE AVE
NAPLES FL 34104

Job/Project Name:
TOWN OF FORT MYERS BEACH INTERSECTION
IMPROVEMENTS - ESTERO BLVD. @ OLD SAN
CARLOS BLVD.

Contractor:	Bid Date:	Location:
American Infrastructure Services - Ft.	11/17/2020	FORT MYERS BEACH, FL
Specifiers:	Contact Name:	Type:
Trebilcock		
Remarks:		
PRICING VALID FOR 30 DAYS. LEAD-TIME = 8-10 WEEKS ARO (SUBJECT TO CHANGE)		
Qty	Type	Mfg Description Price
3	VISION	BLX-II-8-T4-256LC-5-UNV-MA-GY-DIM-7PINPER-LS (3 SIDED SHIELD)
SUBTOTAL		
FREIGHT INCLUDED WITH QUANTITIES QUOTED		
LEAD-TIME = 8-10 WEEKS ARO		
SALES TAX NOT INCLUDED WHERE APPLICABLE		
TOTAL:		

Prices Firm for Entry By:	Shipment By:	Lead Time:
30 Days	4/20/2021	Varies by Mfg
Printed By:	Email:	Date:
Armas, Damian	darmas@sescollighting.com	5/10/2021

- > Price per BOM only
- > Complete quote must be used; no partials
- > Spare material, allowances, dimmers and sales tax NOT included unless noted
- > Prices include standard finishes only unless noted
- > Lamps are not included unless noted (This does not apply to fixtures with internal LED diodes)
- > Pole wind load calculations do not include structural base engineering
- > Project may include SESCO start-up services which consist of programming, testing, end user training and system configuration back up. These services are required for manufacturers warranty. To ensure this warranty, SESCO start-up costs are non-refundable
- > All warranties as per manufacturers terms
- > All shipments FOB origin
- > Deposits may be required as noted at time of breakdown
- > Quotation valid 30 days
- > Hold for Release orders do not secure project pricing but may be required for factory drawings
- > Additional costs will be charged to ship the Anchor Bolts and Template out ahead of time

7365.00 / 3 = \$2455 + TAX

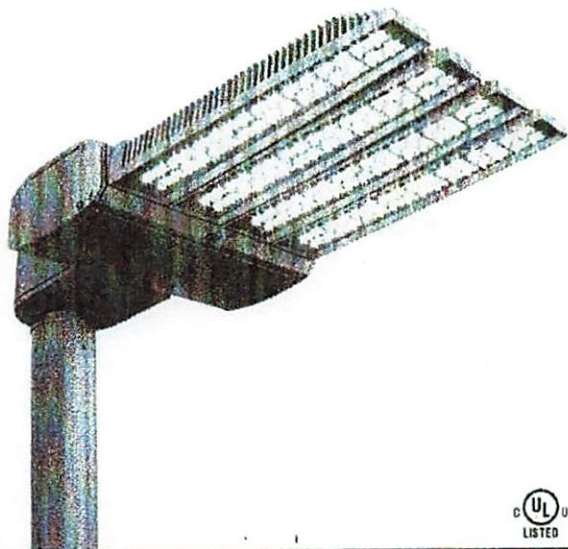
LOT 4 7365.00

PLUS TAX

Rod Hansen

BLX-II Wildlife Certified LED Specifications

BLX-II-4 Post Top Mount Shown



Project Name:

Old San Carlos & Estero Blvd Signal

Catalog Number:

~~BLX-II-4-128LC-5-TS-UNV-MA-GY-7-PINPER-LS~~
 BLX-II-8 T4 256LC 5 TS UNV MA GY 7PINPER LS

Type:

Mast Arm Mount

The new **BOW LX-II LED** Series continues the unique contemporary design inspired by the sleek styling of the BOW family. Separating the extruded aluminum driver housing and the individual die-cast aluminum linear LED engines: optimize the life of the LEDs and the Driver(s); and maximizes the lumen output of the fixture. The adjustable knuckle allows for up to 90° degrees of vertical adjustment for putting the light exactly where you need it.

Each of the individual LED light engines come with 32 LEDs; for a max total of 256 LEDs. Ten optical distribution patterns are available.

A unique Type 4-A automotive distribution pattern is available for the front rows of Auto Dealerships. 590 nm diode supplied as standard.

A durable polyester powder coat finish is guaranteed for five years; and is available in standard or custom colors.

The **BOW LX-II LED** series is an exceptional choice for auto dealerships, shopping centers, commercial parking lots and general area lighting.

Ordering Information

MODEL	OPTICS	LEDS	CURRENT	KELVIN	VOLTAGE	MOUNTING	FINISH	OPTIONS	OPTIONS
BLX-II-8	T4	256LC	5	TS	UNV	MA	GY	7PINPER	LS
BLX-II-3	FM Flood Medium	96LC	3 350mA	TS 590 nm	UNV 120-277V	MA Mast Arm Fitter	GY Gray	PCR-120 Protocol & Receptacle	RPP Round Pole Plate Adaptor For 3" x 5" x 3" Pole
BLX-II-4	FN Flood Narrow	128LC	5 530mA		8 347V	BOA Bolt-On Arm	SL Silver Metallic	PCR-208 Protocol & Receptacle	UPMA-S Universal Square Pole Mount Adaptor Not available with BLX-II-8
BLX-II-6	T1 Type 1	192LC			5 480V	AM Arm Mount Extended arm is needed for the BLX-6 & BLX-8 in 08, 19, 1120 & Q1 configurations	BK Black	PCR-240 Protocol & Receptacle	UPMA-R Universal Round Pole Mount Adaptor Not available with BLX-II-8
BLX-II-8	T2 Type 2	256LC				WM Wall Mount BLX-II-3 & BLX-II-4 Only	SBK Smooth Black	PCR-277 Protocol & Receptacle	DS Decorative Shroud
	T3 Type 3					BAWP Bolt-On Arm Wall Plate BLX-3 & BLX-4 only	WH White	PCR-480 Protocol & Receptacle	ROT-R Rotated Optics Right Side
	T4 Type 4					BAWP-XL Bolt-On Arm Wall Plate-XL BLX-6 & BLX-8 only	SWH Smooth White	PER 3 Pin Photo Receptacle w/shorting cap	ROT-L Rotated Optics Left Side
	T4A Type 4 Automotive							5PINPER 5 Pin Photo Receptacle w/shorting cap Requires Dimming Driver	LS Light Shield
	T5 Type 5							7PINPER 7 Pin Photo Receptacle w/shorting cap Requires Dimming Driver	
	T5W Type 5 Wide							DIM 0-10V Dimming Driver No Controls	
	T5WR Type 5 Wide Round							WSC-8 Motion Sensor 8" Mounting Height	
								WSC-20 Motion Sensor 9-20" Mounting Height	
								WSC-40 Motion Sensor 21-40" Mounting Height	
								The WSC option will require (1) PSR 100 module for programming	
								VWC Variable Wireless Controls Consult Factory	
								CC Custom Color	

Good Morning Alan,

pricing as follows:

- 1) 30" x 84" Light Pole Base – Including Anchor Bolts = \$956.00 ✓
- 1) Truck to deliver to Lee County = \$580.00

lease Note:

Due to rising material costs, this quote is only valid for acceptance within 5 days past 5/17/21. After 5 days, material costs will have to be quoted.

Freight Charges are Estimated at current rates. Prevailing Rates at time of shipment will be applied.

Thanks!

Jim

Jim Mamo

Seminole Sales, Inc.

DBE Certified & M/WBE Certified Company

Phone: 407-814-0797

ATTACHMENT "A"

**CONSOLIDATED ELECTRICAL
DISTRIBUTORS INC6200
METROPLEX DRFORT MYERS FL
33966 USATEL: (239)334-4581
FAX: (239)332-5139
CONTACT: DAVID
GRANT **

QUOTATION			PAGE 1
QUOTE # 1053412	DATE 05/17/2021	REV # 2	REV DATE 05/17/2021
QUOTE EXPIRES 06/16/2021		PREPARED BY DG	
SLS 2366		INSL 2366	

QUOTE FOR: AMERICAN
INFRASTRUCTURE SERVICES
ACCT: EF-20943 *2092*US 92 SR
600 HILLSBOROUGH AVE

*2092*US 92 SR 600
HILLSBOROUGH AVE11341
LINDBERGH BLVDFORT MYERS,
FL 33913TEL: (239)206-4411

**FOB
SHIPPING POINT**

**FREIGHT
PREPAID**

CUST PO #
2110
JOB NAME
CSTERO/SAN CARLOS

LN	QTY	PRODUCT CODE	DESCRIPTION	PRICE	PER	EXT AMT
01	2	MISC	GR5810/CU/SEC 5/8" X 10' SECTION CU GROUND ROD	20.63	E	41.26
02	1	BOCH	58C 5/8" THREADED BRONZE COUPLING	5.43	E	5.43
03	1	CADDY	GRC161H #6 CABLE TO 5/8GRD ROD	12.67	E	12.67
04	10	WIRE	THHN6STRGN-CUT THHN 6 STRANDED GREEN-2500' REEL	1214.42	M	12.14
05	1	MISC	PCDS CORD SET	315.00	E	315.00
06	1	MISC	SHIPPING & HANDLING	0.00	E	0.00

	MDSE:	386.50 *
	TAX:	25.12
 	TOTAL:	411.62** /

PLEASE NOTE: This is not an offer to contract, but merely a quotation of current prices for your convenience and information. Orders based on this quotation are subject to your acceptance of the terms and conditions located at sales.our-terms.com, which we may change from time to time without prior notice. We make no representation with respect to compliance with job specifications.

ATTACHMENT "A"



Florida Department of Transportation

Item Average Unit Cost

From 2020/04/01 to 2021/03/31

Statewide

Contract Type: CC

Displaying: VALID ITEMS WITH HITS

From: 0102 1 To: 9999999

Item	No. of Conts	Weighted Average	Total Amount	Total Quantity	Unit Meas	Obs?	Description
0715 1 60	39	\$4.46	\$228,660.91	495,400.000	LF	N	LIGHTING CONDUCTORS, REMOVE & DISPOSE, CONTRACTOR OWNS
0715 4 11	15	\$5,787.99	\$405,159.16	70.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE STANDARD FOUNDATION, 30' MOUNTING HEIGHT
0715 4 12	18	\$6,193.40	\$427,344.33	69.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE STANDARD FOUNDATION, 35' MOUNTING HEIGHT
0715 4 13	30	\$5,751.05	\$3,841,704.35	668.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE STANDARD FOUNDATION, 40' MOUNTING HEIGHT
0715 4 14	20	\$5,726.68	\$1,981,430.43	346.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE STANDARD FOUNDATION, 45' MOUNTING HEIGHT
0715 4 15	6	\$7,201.14	\$345,654.75	48.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE STANDARD FOUNDATION, 50' MOUNTING HEIGHT
0715 4 18	1	\$7,492.11	\$14,984.22	2.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE STANDARDFOUND, WILDLIFE SENSITIVE LUMINAIRE 25' MOUNTING HEIGHT
0715 4 21	3	\$6,851.15	\$27,404.61	4.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE SPECIAL FOUNDATION, 30' MOUNTING HEIGHT
0715 4 22	4	\$5,301.79	\$84,828.66	16.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE SPECIAL FOUNDATION, 35' MOUNTING HEIGHT
0715 4 23	9	\$7,510.95	\$653,452.57	87.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE SPECIAL FOUNDATION, 40' MOUNTING HEIGHT
0715 4 24	2	\$8,267.50	\$16,535.00	2.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE SPECIAL

04/26/2021

Page: 75

American Infrastructure Services

715-4-70 | Light Pole; Removal
Cost Increase; New Pay Item

Labor Category	Cost
Electrician	\$136.49
Operator	\$63.70
Laborer	\$115.26
Sub-Total:	\$315.45

Equipment Category	Cost
Crew Truck	\$117.50
Crane Truck	\$129.25
Sub-Total:	\$246.75

Material & Subs Category	Cost
	\$-
Sub-Total:	\$-

Total: \$562.20

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Labor Rates



Crew	Hourly Rate Reg.	Hourly Rate OT	Regular Hrs.	OT Hrs.		Burden Rate	Burden Total	Total	Mark-Up	Mark-Up Total	Daily Total
Electrician	\$45.00	\$67.50	2.00		\$90.00	29.07%	\$26.16	\$116.16	17.50%	\$20.33	\$136.49
Operator	\$21.00	\$31.50	2.00		\$42.00	29.07%	\$12.21	\$54.21	17.50%	\$9.49	\$63.70
Laborer	\$19.00	\$28.50	4.00		\$76.00	29.07%	\$22.09	\$98.09	17.50%	\$17.17	\$115.26
Totals:					\$208.00		\$60.47	\$268.47		\$46.98	\$315.45

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Equipment Rates



Equipment	Regular Hours	Rate	Hourly Total	Idle Hours	Idle Rate	Idle Total	Total	Mark-Up	Mark-Up Total	Total
Crew Truck	4	\$25.00	\$100.00		\$12.50	\$-	\$100.00	17.50%	\$17.50	\$117.50
Crane Truck	2	\$55.00	\$110.00		\$27.50	\$-	\$110.00	17.50%	\$19.25	\$129.25
Totals:							\$210.00		\$36.75	\$246.75

ATTACHMENT "A"



Florida Department of Transportation

Item Average Unit Cost

From 2020/04/01 to 2021/03/31

Statewide

Contract Type: CC

Displaying: VALID ITEMS WITH HITS

From: 0102 1 To: 9999999

Item	No. of Conts	Weighted Average	Total Amount	Total Quantity	Unit Meas	Obs?	Description
0715 4 24							FOUNDATION, 45' MOUNTING HEIGHT
0715 4 25	1	\$6,103.00	\$18,309.00	3.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL STANDARD POLE SPECIAL FOUNDATION, 50' MOUNTING HEIGHT
0715 4 60	13	\$3,095.54	\$179,541.43	58.000	EA	N	LIGHT POLE COMPLETE, RELOCATE
0715 4 70	35	\$681.70	\$546,045.69	801.000	EA	N	LIGHT POLE COMPLETE, REMOVE POLE AND FOUNDATION
0715 4 71	3	\$406.88	\$9,765.00	24.000	EA	N	LIGHT POLE COMPLETE, REMOVE POLE, FOUNDATION REMAINS
0715 4822	1	\$4,411.50	\$35,292.00	8.000	EA	N	LIGHT POLE COMPLETE, FURNISH & INSTALL UTILITY CONFLICT POLE, INDEX 715-002 FOUND, 35' HT, PROJECT 438059-1-52-01, ETC
0715 5 21	3	\$1,845.00	\$7,380.00	4.000	EA	N	LUMINAIRE & BRACKET ARM, REPLACE LUMINAIRE AND ARM ON EXISTING POLE
0715 5 31	10	\$2,309.77	\$106,249.42	46.000	EA	N	LUMINAIRE & BRACKET ARM- ALUMINUM, FURNISH & INSTALL NEW LUMINAIRE AND ARM ON NEW/EXISTING POLE
0715 5 32	1	\$1,350.00	\$2,700.00	2.000	EA	N	LUMINAIRE & BRACKET ARM- GALV STEEL, FURNISH & INSTALL NEW LUMINAIRE AND ARM ON NEW/EXISTING POLE
0715 5 51	3	\$518.46	\$3,629.20	7.000	EA	N	LUMINAIRE & BRACKET ARM, REMOVE LUMINAIRE AND ARM; POLE REMAINS
0715 7 11	30	\$12,927.10	\$762,699.09	59.000	EA	N	LOAD CENTER, F&I, SECONDARY VOLTAGE
0715 7 12	1	\$10,750.00	\$43,000.00	4.000	EA	N	LOAD CENTER, F&I, PRIMARY VOLTAGE
0715 7 21	15	\$2,522.51	\$68,107.65	27.000	EA	N	LOAD CENTER, REWORK, SECONDARY VOLTAGE
0715 7 31	1	\$5,000.00	\$10,000.00	2.000	EA	N	LOAD CENTER, RELOCATE, SECONDARY VOLTAGE
0715 7 41	7	\$604.21	\$8,458.94	14.000	EA	N	LOAD CENTER, REMOVE, SECONDARY VOLTAGE

American Infrastructure Services

715-5-30 | Luminaire
Cost Increase; Material Change

Labor Category	Cost
Sub-Total:	
	\$-

Equipment Category	Cost
Sub-Total:	
	\$-

Material & Subs Category	Cost
Hansen: Luminaire (Visionaire BLX-II-8)	\$6,144.25
TAG: Luminaire (Synergy)	-\$2,615.37
Sub-Total:	
	\$3,528.88

Total: \$3,528.88

ATTACHMENT "A"

Estero/San Carlos (Job 2110)
Material Rate



Materials & Subs	Quantity	UM	Unit Cost	Total	Tax	Total	Mark-Up	Mark-Up Amount	Total with Mark-Up
Hansen Luminaire (Visionaire BLX-II-8)	2	EA	\$2,455.00	\$4,910.00	\$319.15	\$5,229.15	17.50%	\$915.10	\$6,144.25
TAG Luminaire (Synergy)	2	EA	\$1,045.00	\$2,090.00	\$135.85	\$2,225.85	17.50%	\$389.52	\$2,615.37
Totals:				\$2,820.00	\$183.30	\$3,003.30		\$525.58	\$3,528.88



The Arnold Group of Florida, Inc.

170 Sunport Lane, Suite 800
Orlando, FL 32809

Phone: (423) 727-4040

Quote Date:

Bid Date:

Prepared By:

TAG Quote No.:

03/26/21

03/26/21

Julie K. Colon

TAGQ6595

Quotation Prepared For:

American Infrastructure
11341 Lindbergh Blvd
Fort Myers, FL 33913
Attn: Doug McIntyre
dmcintyre@ainfraserv.com
Fax No.: 239-206-4412

Project Data:

Project #: 444923-1-58-01
Name: OLD SAN CARLOS @ ESTERO
Location: LEE COUNTY

Here is the quote you requested.

Qty	U o f M	Bid Item	Description	Unit Price	Extended Price
1	EACH		25' MH, LIGHT POLE COMPLETE W/ 4' ARM, SPECIFIED SYNERGY LED FIXTURE & ANCHOR BOLTS [PED SIGNAL, VIDEO DETECTION CAMERA & PUSH BUTTON NOT INCLUDED]	\$2,795.00	\$2,795.00
2	EACH		SYNERGY LED FIXTURE W/ SINGLE SHIELD [ARM NOT INCLUDED]	\$1,045.00	\$2,090.00
1	LOT		ESTIMATED FREIGHT	\$70.00	\$70.00
Total					\$4,955.00

original luminaire

LEAD TIME IS 12-14 WEEKS FROM APPROVAL.
POLE FINISH IS SATIN.
FIXTURES ARE GRAY.

Quote is valid for 30 days.

Sales tax is NOT included.

Terms are Net 30.

Items not specifically listed are NOT included.

Pole I. D. tags are NOT included.

Pole cable systems are NOT included, unless quoted as separate pay item.

Freight for pre-shipment of anchor bolts is NOT included.

Foundation designs NOT included.

Sign arms NOT included, unless quoted as a separate line item or if noted within product description.

Luminaires for mast arms NOT included unless stated to be so within product description.

Please contact me if I can be of further assistance.

The Arnold Group standard terms and conditions apply.

QUOTE # SQ052115

TOWN OF FORT MYERS BEACH INTERSECTION IMPROVEMENTS -
ESTERO BLVD. @ OLD SAN CARLOS BLVD.

Date: 5/10/2021 3:27 PM



ATTN: ALAN

SESCO
LIGHTING

FT LAUDERDALE

737 Shotgun Rd

Ft Lauderdale FL 33326

P 954-474-9888 | F: 954-474-9773

"If there is a problem with a SESCO product that
you specified or we supplied, we will fix it... PERIOD"

To:
HANSEN
3784 EXCHANGE AVE
NAPLES FL 34104

Job/Project Name:
**TOWN OF FORT MYERS BEACH INTERSECTION
IMPROVEMENTS - ESTERO BLVD. @ OLD SAN
CARLOS BLVD.**

Contractor:	Bid Date:	Location:
American Infrastructure Services - Ft.	11/17/2020	FORT MYERS BEACH, FL
Specifiers:	Contact Name:	Type:
Treiblcock		

Remarks:

PRICING VALID FOR 30 DAYS. LEAD-TIME = 8-10 WEEKS ARO (SUBJECT TO CHANGE)

Qty	Type	Mfg	Description	Price
3	VISION	BLX-II-8-T4-256LC-5-UNV-MA-GY-DIM-7PINPER-LS	(3 SIDED SHIELD)	
SUBTOTAL				
FREIGHT INCLUDED WITH QUANTITIES QUOTED				
LEAD-TIME = 8-10 WEEKS ARO				
SALES TAX NOT INCLUDED WHERE APPLICABLE				
TOTAL:				<i>LOT # 7365.00</i>

Prices Firm for Entry By:	Shipment By:	Lead Time:
30 Days	4/20/2021	Varies by Mfg
Printed By:	Email:	Date:
Armas, Damian	darmas@sescollighting.com	5/10/2021

- > Price per BOM only
- > Complete quote must be used; no partials
- > Spare material, allowances, dimmers and sales tax NOT included unless noted
- > Prices include standard finishes only unless noted
- > Lamps are not included unless noted (This does not apply to fixtures with internal LED diodes)
- > Pole wind load calculations do not include structural base engineering
- > Project may include SESCO start-up services which consist of programming, testing, end user training and system configuration back up. These services are required for manufacturers warranty. To ensure this warranty, SESCO start-up costs are non-refundable
- > All warranties as per manufacturers terms
- > All shipments FOB origin
- > Deposits may be required as noted at time of breakdown
- > Quotation valid 30 days
- > Hold for Release orders do not secure project pricing but may be required for factory drawings
- > Additional costs will be charged to ship the Anchor Bolts and Template out ahead of time

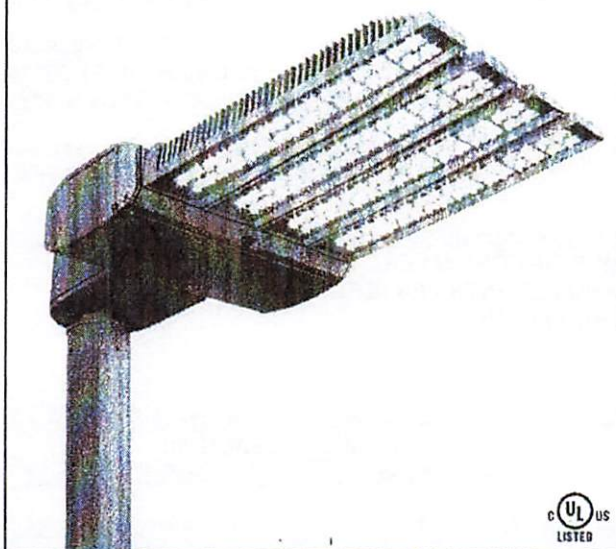
1-7365.00/3 = \$2455 + TAX
(new Luminaires)

PLUS TAX

Rod Hansen

BLX-II Wildlife Certified LED Specifications

BLX-II-4 Post Top Mount Shown



Project Name:

Old San Carlos & Estero Blvd Signal

Catalog Number:

BLX-II-4-128LC-5-TS-UNV-MA-GY-7-PINNER-LS
 BLX-II-8 T4 256LC 5 TS UNV MA GY 7PINPER LS

Type:

Mast Arm Mount

The new **BOW LX-II LED** Series continues the unique contemporary design inspired by the sleek styling of the BOW family. Separating the extruded aluminum driver housing and the individual die-cast aluminum linear LED engines optimize the life of the LEDs and the Driver(s); and maximizes the lumen output of the fixture. The adjustable knuckle allows for up to 90° degrees of vertical adjustment for putting the light exactly where you need it.

Each of the individual LED light engines come with 32 LEDs; for a max total of 256 LEDs. Ten optical distribution patterns are available.

A unique Type 4-A automotive distribution pattern is available for the front rows of Auto Dealerships. 590 nm diode supplied as standard.

A durable polyester powder coat finish is guaranteed for five years; and is available in standard or custom colors.

The **BOW LX-II LED** series is an exceptional choice for auto dealerships, shopping centers, commercial parking lots and general area lighting.

Ordering Information

MODEL	OPTICS	LEDS	CURRENT	KELVIN	VOLTAGE	MOUNTING	FINISH	OPTIONS	OPTIONS
BLX-II-8	T4	256LC	5	TS	UNV	MA	GY	7PINPER	LS
BLX-II-3	FM Flood Medium	96LC	3 350mA	TS 590 nm	UNV 120-277V	MA Mast Arm Fitter	GY Gray	PCR-120 PhotoCell & Receptacle	RPP Round Pole Plate Adaptor For 3" - 5" Pole
BLX-II-4	FN Flood Narrow	128LC	5 530mA		8 347V	BOA Bolt-On Arm	SL Silver Metallic	PCR-208 PhotoCell & Receptacle	UPMA-S Universal Square Pole Mount Adaptor Not available with BLX-II-8
BLX-II-6	T1 Type 1	192LC			5 480V	AM Arm Mount Extended arm is needed for the BLX-II-6 & BLX-II-8 in UB, TR, T120 & GU configurations	BK Black	PCR-240 PhotoCell & Receptacle	UPMA-R Universal Round Pole Mount Adaptor Not available with BLX-II-8
BLX-II-8	T2 Type 2	256LC				WM Wall Mount BLX-II-3 & BLX-II-4 Only	SBK Smooth Black	PCR-277 PhotoCell & Receptacle	DS Decorative Shroud
	T3 Type 3					BAWP Bolt-On Arm Wall Plate BLX-II-3 & BLX-II-4 only	WH White	PCR-480 PhotoCell & Receptacle	ROT-R Rotated Optics Right Side
	T4 Type 4					BAWP-XL Bolt-On Arm Wall Plate-XL BLX-II-6 & BLX-II-8 only	SWH Smooth White	7PINPER 7 Pin Photo Receptacle w/shorting cap Requires Dimming Driver	ROT-L Rotated Optics Left Side
	T4A Type 4 Automotive							DIM 0-10v Dimming Driver No Controls	LS Light Shield
	T5 Type 5						BZ Bronze	WSC-8 Motion Sensor 8" Mounting Height	
	T5W Type 5 Wide						GP Graphite	WSC-20 Motion Sensor 9-20" Mounting Height	
	T5WR Type 5 Wide Round						CC Custom Color	WSC-40 Motion Sensor 21-40" Mounting Height	
								The WSC option will require (1) PSIR 100 remote for programming	
								VWC Visionaire Wireless Controls Contact Factory	

VISIONAIRE LIGHTING



11341 Lindbergh Blvd
Ft Myers, FL 33913
239-206-4411

February 5, 2020

To whom it may concern:

I certify the labor burden rate as listed below:

FICA & Medicare	7.65%
SUTA	.27%
FUTA	.80%
General Liability Ins.	8.30%
Worker's Comp. Ins.	6.90%
Health Insurance	1.30%
Vacation & Holiday	3.85%
 Total Labor Burden	 29.07%

A handwritten signature in blue ink, appearing to read "Doug McIntyre", is written over a horizontal line.

Doug McIntyre
President

1. Requested Motion:

Meeting Date: June 7, 2021

Approve Resolution 21-26 for Interlocal for Traffic Signal Maintenance with Lee County for the traffic signal being installed at Old San Carlos Boulevard and Estero Boulevard and authorize the execution of contract documents.

Why the action is necessary:

To provide an agreement between Lee County and the Town of Fort Myers Beach for the traffic signal maintenance and compensation for the Old San Carlos Boulevard and Estero Boulevard Signal.

What the action accomplishes:

Provides a mutual agreement between Lee County and the Town of Fort Myers Beach.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Resolution

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

The Town of Fort Myers Beach has received Local Agency Program certification. The certification provides for the Town to oversee federally funded and approved projects and request reimbursement through the Florida Department of Transportation. The traffic signal installation at Old San Carlos Boulevard and Estero Boulevard is the Town's first LAP project. Upon completion, the signal's hardware, maintenance as well as maintenance and repair will be turned over to Lee County to be connected to their traffic signal system.

Attachments:

1. Town of Fort Myers Beach Traffic Signal ILA
2. 21-XX, Lee County Signal Maintenance Interlocal

Financial Impact:

The Town will cover the cost of the electricity to operate the signal. The Town will pay Lee County \$5,255.00 + CPI annual maintenance per the contract agreement.

6. Alternative Action

Do not approve the Interlocal for Traffic Signal Maintenance & Compensation.

7. Management Recommendations:

Approve the Interlocal.

8. Recommended Approval:

Chelsea O'Riley, Public Works Director
Chelsea O'Riley, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 5/21/2021
Approved - 5/21/2021
Approved - 5/31/2021
Approved - 6/1/2021
Final Approval - 6/2/2021

INTERLOCAL AGREEMENT
BY AND BETWEEN
LEE COUNTY AND THE TOWN OF FORT MYERS BEACH
(TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION)

THIS INTERLOCAL AGREEMENT is made and entered into this ____ day of _____, 2021, by and between **LEE COUNTY**, a political subdivision and charter county of the State of Florida ("County"), and the **TOWN OF FORT MYERS BEACH**, a municipal corporation of the State of Florida ("Town"), collectively the Parties hereto.

WHEREAS, the Town Council is the governing body in and for the Town of Fort Myers Beach and the Board of County Commissioners (the "Board") is the governing body in and for Lee County; and

WHEREAS, the Town is authorized to enter into this Agreement; and,

WHEREAS, the Parties agree that it is in the public's interest to enter into an Agreement regarding the rights, duties and obligations which apply to the maintenance of certain Traffic Signals and Devices within the boundaries of the Town of Fort Myers Beach; and,

WHEREAS, the Florida Interlocal Cooperation Act of 1969 (the "Act") set forth in Florida Statutes Section 163.01 et seq. contemplates Interlocal Agreements between governmental entities; and,

WHEREAS, the purpose of the Act is to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and,

WHEREAS, the Parties hereto find that entering into this Interlocal Agreement serves a public purpose and is to the public's benefit.

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the COUNTY and the TOWN hereby agree as follows:

SECTION I. PURPOSE AND INTENT.

It is the purpose and intent of this Interlocal Agreement to define the terms and conditions under which the County will maintain and receive compensation for certain Traffic Signals and Devices within the jurisdictional boundaries of the Town. All terms

and conditions of this Interlocal Agreement shall be interpreted in a manner consistent with, and in furtherance of, the purposes as set forth above.

SECTION II. AUTHORITY FOR AGREEMENT.

The Town represents to the County that the execution and delivery of this Agreement has been duly authorized by all appropriate actions of the governing body of the Town and constitutes a legal, valid and binding obligation of the Town. The County represents to the Town that the execution and delivery of this Agreement has been duly authorized by all appropriate actions of the Board of County Commissioners and constitutes a legal, valid and binding obligation of the County.

SECTION III. DEFINITIONS.

Control Devices is defined as intersection control beacons, traffic warning beacons, illuminated street name signs, pedestrian flashing beacons (i.e., school zone flashing beacons, pedestrian crossing beacons, and Rectangular Rapid Flashing Beacons).

Interconnected and Monitored Traffic Signals ("IMTS") is defined as signals that are interconnected with telecommunications and are monitored at a central location.

Traffic Signals and Devices is defined as follows: all traffic signals, IMTS, Traffic Signal Systems, Control Devices, blank-out signs, travel time detectors, emergency/fire Town of Fort Myers Beach signals, speed activated warning displays, and other types of traffic signals and devices specifically identified within Exhibit A, which are located on the Town Roadway network within the jurisdictional boundaries of Lee County.

Traffic Signal Systems is defined as central computer, cameras, message signs, communications devices, interconnect / network, vehicle, bicycle & pedestrian detection devices, traffic signal hardware and software, preemption devices, and Uninterruptible Power Supplies ("UPS").

SECTION IV. COUNTY OBLIGATIONS.

1. The County agrees to the annual maintenance and operation of Traffic Signals and Devices specifically identified within Exhibit A, which are located on the Town's Roadway network within the jurisdictional boundaries of Lee County, excluding the costs for electricity to the devices.
2. The County may remove any component of the installed equipment for repair or testing; however, it shall only make permanent modifications or equipment replacements only if the equipment provided is capable of performing at minimum the same functions as the equipment being replaced. The Town shall not make any modifications or equipment replacements without prior written notice to and consultation with the County.

3. The County shall maintain and operate the Traffic Signals and Devices in a manner that is consistent with maintenance practices prescribed by the International Municipal Signal Association (IMSA) and operational requirements of the Manual on Uniform Traffic Control Devices (MUTCD), as amended. Any and all work performed by the County must conform to the current FDOT Standard Specifications for Road and Bridge Construction as applicable.

4. Lee County's maintenance responsibilities include, but are not limited to, locates, preventive maintenance (periodic inspection, service, and routine repairs), restoration of services, and emergency maintenance (troubleshooting in the event of equipment malfunction or failure). Restoration of services may include temporary poles and/or signals, stop signs or other methods to maintain traffic. The County shall record its maintenance activities in a traffic signal maintenance log, as they occur, and include this as part of the annual report, highlighting the time it took to restore the normal service and number of times such events occurred.

5. The County shall implement and maintain the timing and phasing of the traffic signals in accordance with the Town's timing and phasing plans, specifications, special provisions, Town re-timing projects, and the Town's Traffic Engineering Manual (if any). Traffic Signal Systems timings (cycle length, split, offsets) are considered operational changes and may be changed by the County to accommodate changing needs of traffic. The County may make changes in the signal timing provided these changes are made under the direction of a qualified Professional Engineer registered in the State of Florida. The County shall make available a copy of the timings to the Town upon request. The Town reserves the right to examine equipment, timing and phasing at any time and, after consultation with the County, may request modifications. If the Town requests modification in timing or phasing, implementation of such approved modifications will be coordinated with, or made by, the County. All signal timing and phasing records shall be retained by the County for at least three (3) years, and will be made available to the Town upon request. Any modifications to phasing or timing requested by the Town will be billable to the Town.

6. The County will note in the maintenance log any changes in timings and phasing, and keep a copy of the timings and phasing, and any approval documentation in a file. A copy of the log shall be provided to the Town upon request.

7. Lee County shall submit an annual Report to the Town prior to September 30 of each year.

SECTION V. TOWN OBLIGATIONS.

1. The Town agrees to provide payment of electricity and electrical charges incurred in connection with operation of Traffic Signals and Devices upon completion of installation of each of the Traffic Signals and Devices.

2. The Town agrees to pay the County an annual compensation amount based on the Town's fiscal year. The compensation amount consists of the cost of the maintenance and continuous operation of the Traffic Signals and Devices as identified in Exhibit A, which is attached and incorporated into this Agreement. Compensation will also be made for costs incurred for the repair and/or replacement of damaged Traffic Signals and Devices on a time and material basis. Payments by the Town will be made in accordance with Exhibit B. In the case of construction contracts, the Town shall be responsible for the payment of electricity and electrical charges incurred in connection with the operation of the Traffic Signals and Devices, and shall undertake the maintenance and continuous operation of these Traffic Signals and Devices upon final acceptance of the installation by the Town. Prior to any final acceptance of the installation by the Town, the County will have the opportunity to inspect and request modifications or corrections to the installation(s) and the Town agrees to undertake those modifications or corrections prior to final acceptance so long as the modifications or corrections comply with the Agreement, signal plans, and specifications previously approved by both the Town and the County.

3. Mast arms that the Town determines to be at the end of their useful life cycle will be replaced by the Town at their cost. The Mast arm structures are the sole responsibility of the Town and not part of the County's maintenance responsibility. In the case of a total paint failure, as determined by the Town; the Town may repaint or replace with a galvanized mast arm. The aforementioned requirement does not apply to any mast arm that was installed under a separate mast arm paint finish agreement; in such case, the terms of that agreement shall govern. If the Town request painted and/or decorated poles, the Town will be responsible for all cost associated with maintaining the paint and decorative pole.

4. The Town shall reimburse the County for the actual costs incurred by the County for repairs and/or replacement of Traffic Signals and Devices that are damaged in accordance with Exhibit C, once the following occurs:

- a. The Town has approved a properly completed invoice for reimbursement that was provided to the Town outlining the details of the requested reimbursements; and
- b. Evidence of the costs incurred are included as an attachment to the invoice.

SECTION VI. TERMINATION.

To terminate this Agreement a minimum notice period of two (2) years plus the remaining months of the Town's fiscal year shall be provided to the other party in writing. Should either Party provide its written notice of termination, the notice shall be endorsed by the County Commission or Town Council (respectively).

SECTION VII. MISCELLANEOUS.

1. This Agreement may not be assigned or transferred by Lee County in whole or in part without prior written consent of the Town.

2. Neither the County nor the Town shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by a Force Majeure Event and provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimated duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible. A "Force Majeure Event" means the occurrence of:

(a) an act of war, hostilities, invasion, act of foreign enemies, riot, terrorism or civil disorder;

(b) act of God (such as, but not limited to, fires, explosions, earthquakes, drought, hurricanes, storms, lightning, tornados, tidal waves, floods, extreme weather or environmental conditions, and other natural calamities);

(c) or another event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence.

3. Annual Update. The County and the Town shall update Exhibit A on an annual basis through an annual exhibit update of this Agreement. The County designates the Director of Transportation and the Town designates the Town Manager as their authorized representatives or their designees, who are delegated the authority to execute any and all updates and amendments to Exhibit A of this Agreement on behalf of Lee County and the Town of Fort Myers Beach (Exhibit A contains a list of Traffic Signals and Devices that identifies their location and type).

No changes or modifications may be made to Exhibit A during the Town's fiscal year for compensation. Traffic Signals and Devices added by the Town during its fiscal year must be maintained and operated by Lee County upon the Town's final acceptance of installation of the new Traffic Signals and Devices. Lee County and the Town shall amend Exhibit A prior to the start of each new fiscal year of the Town to reflect the addition or removal of Traffic Signals and Devices. Lee County will begin receiving compensation for new Traffic Signals and Devices that were added to Exhibit A by amendment of this Agreement in the Town's fiscal year occurring after the Traffic Signals and Devices are installed and final acceptance of such installation is given by the Town. In the event that no change has been made to the previous year's Exhibit A, notice from the County shall be provided to the Town providing that no change has been made to Exhibit A in the Town's previous fiscal year.

The annual compensation will be a lump sum payment as set forth in Exhibit B. Future payments will be based on the information provided in Exhibit A, in accordance with the

provisions as set forth in Exhibit B, attached to and incorporated in this Agreement. Some of the Traffic Signals and Devices may not be listed in Exhibit A because the cost of operating and maintaining such devices is relatively small. The County has factored in these costs and the compensation provided through this Agreement also covers the cost of operation and maintenance for Traffic Signals and Devices that are not listed in Exhibit A.

4. The terms and conditions of this Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of the County and the Town.

5. The drafting of this Agreement has been a joint endeavor between the Parties and shall not, solely as a matter of judicial construction, be interpreted more strictly against one Party than the other.

6. In no case shall either Party be liable to the other for either consequential or special damages of any kind whatsoever, including, but not limited to, lost revenues, or any other damages of any kind.

SECTION VIII. MODIFICATION.

This Agreement may not be modified unless such modifications are in the form of a written amendment, executed by both Parties.

SECTION IX. APPLICABLE LAW.

This Agreement shall be construed and interpreted according to the laws, rules and regulations of the City, the County and the State of Florida.

SECTION X. ENTIRE AGREEMENT.

This Agreement, including any incorporated exhibits or amendments, constitutes the entire Agreement between the Parties and shall supersede and control over any or all prior Agreements or understandings, either written or oral, relating to the matters herein.

SECTION XI. NOTICES.

All notices or demands are deemed to have been given or made when delivered in person or delivered by certified or registered mail, return receipt requested, postage prepaid, United States mail, and addressed to the respective Parties as follows:

Lee County:

Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, Florida 33902-0398
Attention: County Manager

Town of Fort Myers Beach: Town of Fort Myers Beach Council
2525 Estero Blvd
Fort Myers Beach, Florida 33931
Attention: Town Manager

The address to which any notice or demand may be given to either party may be changed in writing.

SECTION XII. EFFECTIVE DATE.

This Agreement will be effective on the last date signed by the Chair or Vice-Chair of the Board of County Commissioners of Lee County, Florida, or City Council.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed on the day and year first written above.

ATTEST:

TOWN OF FORT MYERS BEACH

By: _____
Clerk, Town of Fort Myers Beach

By: _____
Ray Murphy, Mayor

APPROVED AS TO FORM:

By: _____
Town Attorney

ATTEST: LINDA DOGGETT
CLERK OF THE COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Brian Hamman, Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: _____
Office of the County Attorney

EXHIBIT A

Compensation for Maintaining Traffic Signals and Devices for Fiscal Year

Effective Date:		10/01/2021		
Traffic Signal Location	Traffic Signal - Interconnected and Monitored (IMTS)	Uninterruptible Power Supply	Total cost	Prorated for 2021
Estero Blvd / Fifth Street and Old San Carlos Blvd	\$5,139.00	\$116.00	\$5,255.00	0.00%

**Note: 2022 / 2023 fiscal year cost will be \$5,255.00 plus the Consumer Price Index (CPI); See Exhibit B.*

Actual dollars come from FDOT agreement with Lee County. Lee County charges the same amount that FDOT pays Lee County to maintain their signals. The Prorated amount will be determined by the date the County takes over maintenance of the signal.

EXHIBIT B

TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

1. **PURPOSE:** This exhibit defines the method and limits of compensation to be made to Lee County for the services described in this Agreement and in Exhibit A and method by which payments will be made.
2. **COMPENSATION FOR MAINTENANCE AND OPERATION:** For the completion of all services related to maintenance and operation detailed in this Agreement and Exhibit A of this Agreement, the Town will pay the County the Total Lump Sum in Exhibit A. Lee County will receive one lump sum at the end of each fiscal year for completion of service.
3. **Total Lump Sum Amount for each fiscal year is calculated by adding all of the individual intersection amounts. Pedestrian Flashing Beacon:** includes school zone beacons, pedestrian crossing beacons, and rectangular rapid flashing beacons (RRFB). School zones, crosswalks and warning sign locations shall not be grouped together and shall be paid at a per unit rate as shown in Exhibit A.

Unit Compensation Rates per Intersection

Compensation pro-rata based on intersection approaches or legs.

Based on the Consumer Price Index (CPI), the Unit Rate for the following fiscal year will be adjusted accordingly, unless otherwise specified in an amendment to this Agreement. However, if CPI is negative, there shall be no reduction from the previous year's compensation.

4. **COMPENSATION FOR REPAIR AND/OR REPLACEMENT OF DAMAGED TRAFFIC SIGNALS AND DEVICES:** For the completion of all services related to repair and/or replacement of damaged Traffic Signals and Devices detailed in this Agreement, the Town will pay Lee County a Lump Sum amount of the actual costs incurred for the replacement and/or repair of the damaged Traffic Signals and Devices as set forth in the invoice submitted to the Town. For the purposes of reimbursement, a damaged traffic signal or device is a traffic signal or device that has completely failed to operate or is causing a hazardous safety condition as a result of an event that is outside of the County's control. The invoice for the costs incurred for the replacement and/or repair of Damaged Traffic Signals and Devices shall contain the information required in Exhibit C and any other additional information requested by the Town of Fort Myers Beach.
5. **PAYMENT PROCESSING:** For regular maintenance costs, Lee County shall invoice the Town in a format acceptable to the Town, on an annual basis for the

reimbursement costs incurred by Lee County for the previous year prior to September 30th of each year.

For costs incurred for repair and/or replacement of damaged Traffic Signals and Devices, applicable reimbursements will be processed after the Town receives a properly completed invoice from the County. The County shall submit invoices for repair and/or replacement costs due to damaged Traffic Signals and Devices at least on an annual basis; but, Lee County may also submit such invoices to the Town on a quarterly basis.

EXHIBIT C

Reimbursement for Replacement and/or Repair of Damaged

Traffic Signals and Devices

The Town will reimburse the County a Lump Sum amount for costs incurred for the replacement and/or repair of Traffic Signals and Devices damaged as a result of third parties or as a result of other causes that were not caused by the County.

The County is not required to provide a police report in situations where damage is caused to Traffic Signals and Devices by a Force Majeure Event or as a result of other causes beyond the control of the County that do not necessarily prevent performance, which includes but is not limited to: storms, winds, lightning, flooding and other natural and weather related causes. The County must provide a police report in all situations where a traffic accident, theft, or vandalism causes damage to Traffic Signals and Devices to the extent the County has the ability and opportunity to obtain a police report.

Applicable reimbursements will be processed after the Town receives a properly completed invoice from the County. The following information shall be provided by Lee County to be eligible for the reimbursement payment:

Lee County hereby certifies that it has replaced and repaired all the Traffic Signals and Devices at the location or signalized intersection referenced above. Henceforth, this document is Lee County's request for reimbursement to the Town of Fort Myers Beach for the services of restoring the Traffic Signals and Devices to their original operating condition.

The Parties agree to the Total Lump Sum Reimbursement Amount set forth above, a detail report on Labor and Materials expended for the repair will be provided.

RESOLUTION NUMBER 21-XX

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY FLORIDA, APPROVING THE TRAFFIC SIGNAL MAINTENANCE AGREEMENT WITH LEE COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE SAME; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council is the governing body in and for the Town of Fort Myers Beach and the Board of County Commissioners (the “Board”) is the governing body in and for Lee County; and

WHEREAS, the Town is authorized to enter into this Agreement; and,

WHEREAS, the Parties agree that it is in the public’s interest to enter into an Agreement regarding the rights, duties and obligations which apply to the maintenance of certain Traffic Signals and Devices within the boundaries of the Town of Fort Myers Beach; and,

WHEREAS, the Florida Interlocal Cooperation Act of 1969 (the "Act") set forth in Florida Statutes Section 163.01 et seq. contemplates Interlocal Agreements between governmental entities; and,

WHEREAS, the purpose of the Act is to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and,

WHEREAS, the Parties hereto find that entering into this Interlocal Agreement serves a public purpose and is to the public’s benefit and;

WHEREAS, the County will maintain and receive compensation for certain Traffic Signals and Devices within the jurisdictional boundaries of the Town and;

IT IS HEREBY RESOLVED by the Town of Fort Myers Beach as follows:

Section 1. Adoption of Recitals. The above recitals as set forth in the various “Whereas” clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. Approval and Authorization for Mayor to execute same. The Town Council of the Town of Fort Myers Beach hereby approves the attached Agreement, authorizes the Mayor to execute same on behalf of the Town.

Section 3. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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

Raymond P. Murphy, Mayor
Rexann Hosafros, Vice Mayor
Dan Allers, Council Member
Jim Atterholt, Council Member
Bill Veach, Council Member

ADOPTED this 7th day of June, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, 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 Resolution was filed in the Office of the Town Clerk on this ____ day of June 2021.