



Fort Myers Beach Town Council

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

Agenda

Thursday, September 16, 2021

5:01 PM

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**
- IX. CONSENT AGENDA**
 - A. Updated Town Council Policies and Procedures
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING UPDATED TOWN COUNCIL POLICIES AND PROCEDURES MANUAL; AND PROVIDING AN EFFECTIVE DATE
 - B. RFQ-19-17-AD; Ongoing Miscellaneous Professional Services Renewals
Authorize the Town Manager to execute the final one-year renewals for existing miscellaneous professional services agreements under RFQ-19-17-AD.
- X. ADMINISTRATIVE AGENDA**
 - A. Legal Services Contract Renewal
Authorize the Mayor and Town Manager to execute a renewal agreement for Legal Services with John R. Herin Jr. for an additional one year.

XI. PUBLIC HEARINGS

- A. Resolution 21-47, Setting Final Millage Rate for FY 21-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE FINAL AD VALOREM MILLAGE RATE FOR THE TOWN OF FORT MYERS BEACH, FLORIDA FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE.

- B. Resolution 21-48; Final FY 2021-2022 Budget

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022, AND PROVIDING FOR AN EFFECTIVE DATE.

- C. VAR20210043 2842 Seaview St. Variance to Pool Location and Street Setback

Approve/Approve with Conditions/Deny VAR20210043 2842 Seaview St a Variance to Pool Location and Street Setback

- D. VAR20210058 506/508 Carlos Circle Variance for Pool Location and Street Setback

Approve/Approve with Conditions/Deny of VAR20210058 506/508 Carlos Circle Variance for Pool Location and Street Setback

- E. SEZ20210050 Special Exception for Consumption on Premises and Video Arcade for Adults

Approve/Approve with Conditions/Deny of SEZ20210050, a Special Exception for Consumption on Premises (2COP) and Video Arcade for Adults

XII. FINAL PUBLIC COMMENT**XIII. TOWN MANAGER'S ITEMS****XIV. TOWN ATTORNEY'S ITEMS****XV. COUNCILMEMBERS ITEMS AND REPORTS**

- A. Affordable Housing / Workforce Housing

XVI. ADJOURNMENT

NOTE: THIS MEETING IS TELEVISED LIVE ON YOUTUBE AND 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.

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.

1. Requested Motion:

Meeting Date: September 16, 2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING UPDATED TOWN COUNCIL POLICIES AND PROCEDURES MANUAL; AND PROVIDING AN EFFECTIVE DATE

Why the action is necessary:

Town Council approval is required to approve an updated Town Council Policies and Procedures Manual.

What the action accomplishes:

Adopts an updated Town Council Policies and Procedures Manual

2. Agenda:

CONSENT AGENDA

3. Requirement/Purpose:

Resolution

4. Submitter of Information:

5. Background:

At the Town Council's last M&P meeting, it was the consensus of the Town Council to further modify and update the Town Council's Policies and Procedures Manual and bring forth the updated Manual for Town Council approval at its first meeting in September. Town Council then agreed to move this item from their September 9th, 2021 meeting to the September 16th, 2021 consent agenda.

Attachments:

1. 21-43, Town Council Policies and Procedures Manual JRH DRAFT(124774375.1)-C (002)
2. Redline RESOLUTION NUMBER 21-43(126137756.1)-C

Financial Impact:

6. Alternative Action

7. Management Recommendations:

Approve Resolution 21-43

8. Recommended Approval:

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

Created/Initiated - 9/10/2021
Approved - 9/13/2021
Approved - 9/13/2021
Final Approval - 9/13/2021

RESOLUTION NUMBER 21-43

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF FORT MYERS BEACH, FLORIDA, APPROVING
UPDATED TOWN COUNCIL POLICIES AND
PROCEDURES MANUAL; 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, 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 previously adopted a Policies and Procedures Manual for Town Council and has revised such Manual from time to time; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Fort Myers Beach to update the existing Policies and Procedures Manual for Town Council.

**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 incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Policies and Procedures Manual of Town Council, as amended and attached hereto as Exhibit "A", is hereby adopted by the Town Council of the Town of Fort Myers Beach.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by Council Member _____, 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 9th day of September 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 September 2021.

EXHIBIT “A”

**Town of Fort Myers Beach Town Council
Policies and Procedures Manual
Table of Contents**

1. Introduction.....	1
2. Mission and Job Description.....	1
3. How Town Council Will Operate.....	2
– Code of Conduct	
– Code of Ethics	
– Assignment of a Town Council Representative	
– Sunshine Issues	
– Email Policy	
– Public Records	
4. Training Materials and First Meeting.....	6
– Training Materials	
– Training Recommendations	
– Election of Officers	
– Outside Committee Representation	
5. Town Advisory Committees, Board and Agencies.....	8
– Standing Advisory Committees	
– Ad Hoc Committees	
6. Meeting Preparation and Planning.....	10
– Meeting Schedule	
– Source of Items	
– Timetable and Preparation Process	
– Length of Agenda Items	
– Continued Hearings and Legislative Issues	
– Attendance Policy	
– Participation by Videoconference	
7. Procedures.....	Meeting 12

–	Order of Agenda Items	
–	Conduct of Council Meetings	
–	Rules of Civility for Public Participation	
–	Minutes	
–	Council Members Items and Reports	
–	Agenda Management	
–	Action List	
–	How Voting Order is Established for Roll Call Votes	
–	Voting Conflicts	
–	Guidelines for Legislative Hearing Procedures Guidelines for Quasi-Judicial Land Use Hearings	
8.	Reimbursement Procedures.....	15
–	Travel Expenses	
–	Business Expenses	
–	Educational Reimbursement	
9.	Council Communications Policy and Processing Procedures.....	16
–	Council Communications Policy	
–	Mail Processing Procedures	
–	Communications with Potential Applicants for Zoning	
–	Communications with Vendors or Service Providers	
10.	Interview/Selection Process for Legal Services.....	16
11.	Interview/Selection Process for Town Manager.....	21

1. Introduction

This Town Council Policies and Procedures Manual is for the purpose of helping the Council Members in the discharge of their duties. They are intended to be guidelines, not “rules” on how to conduct business. Town Council may vary from these policies and procedures on a case by case basis by a majority vote. As the Town Council continues to discover situations that are unique to Fort Myers Beach, it will want to update and amend this manual. Experience may show that some of these policies and procedures need to be modified or eliminated and new ones adopted.

By adopting this manual, members of Council will find in one handy reference, answers to policy and procedure questions that come up from time to time. By having an agreed-upon guide, members of Council also may develop common expectations on proper conduct of Council meetings, dealings with the public, and the roles of Town staff and committees.

This manual should be used in conjunction with the Town Charter, Comprehensive Land Use Plan (Comp Plan), Land Development Code (LDC), Code of Ordinances, and the annual budget as necessary. In the event of a conflict between this document and Florida statutes, Town Charter or other Town guiding documents, such other document shall prevail over the language in the Policies and Procedures manual.

2. Town Council Mission and Job Description

Mission:

To legislate and police the powers of the Town, including establishing boards, commissions and committees; to perform all duties and obligations imposed on the municipality by law; to insure by strategic planning and clear policies that the unique and natural characteristics of the island are preserved; to supervise the Town Manager and Town Attorney; to perform all actions for the welfare of the residents, owners, businesspersons, and guests of the Island in adherence to the Town Charter, State and Federal Law.

Functions, Powers and Duties:

- Review and interpret the Comprehensive Plan and conduct public hearings as needed to make changes.
- Review and interpret the Land Development Code and conduct public hearings as needed to make changes.
- Conduct hearings regarding land use matters.
- Introduce and approve Charter Amendments for adoption by referendum.
- Appoint a Town Manager.
- Appoint a Town Attorney.
- Introduce and enact ordinances.
- Introduce and adopt resolutions.

- Review and adopt the Operations and Capital Improvement budgets.
- Review and approve budget amendments.
- Create Special Assessment Districts as may be needed.
- Establish advisory committees as needed.
- Review and approve inter-local agreements.
- Review and approve contracts with the Town above the threshold limit allowed to Town Manager.
- Elect a Mayor and Vice Mayor.
- Perform any other duties that are lawfully defined by the Charter and Florida statutes.

Council Member Requirements:

- File a Statement of Financial Interests and Ethics Training (Form 1) with the Lee County Supervisor of Elections every year.
- Complete and file Form 1F – Final Statement of Financial Interest, within 60 days of leaving office.

3. How Town Council Will Operate

Code of Conduct:

Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Town Council pledges to adhere to the following CODE OF CONDUCT:

1. Regularly attend all scheduled meetings of the Town Council as well as special or called meetings relevant to the office.
2. Regularly attend all scheduled meetings of outside committees of which they are a member of.
3. Prepare for each meeting.
4. Create a positive environment in meetings of Town Council.
5. Maintain an attitude of courtesy and consideration toward business owners, residents, visitors, colleagues, and staff during all discussions and deliberations.
6. Allow business owners, residents, visitors, colleagues, and staff sufficient opportunity to present their views within the prescribed rules for conduct of meetings of Town Council.
7. Avoid the use of abusive, threatening, or intimidating language or gestures directed at business owners, residents, visitors, colleagues, or staff.
8. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
9. Respect all local, state, and federal laws, rules, and other regulations.

10. Submit completed financial disclosure forms to the Lee County Supervisor of Elections by the specified deadline.
11. Publicly acknowledge the adopted position when asked about a decision of Town Council.
12. Read the Town Comprehensive Plan and follow its directives in all decision-making processes for the Town.
13. Follow the procedural and substantive requirements of the LDC.

Code of Ethics:

Members should ethically serve the public interest by making decisions and taking actions that will enhance the public health, safety and welfare of the region and the residents served by the Town Council and by promoting public confidence in the integrity, independence, ability and impartiality of Town Council.

1. Members shall not convey the impression that they can influence the outcome of a decision of Town Council and shall not attempt to use their office to influence or sway the professional staff recommendation.
2. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members should not allow personal or business relationships to impact upon their conduct or decisions in connection with Town Council business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates.
3. Members shall avoid creating the appearance of impropriety by refraining from engaging in private discussions with an applicant – or their representatives about specific upcoming Town Council quasi-judicial agenda items without declaring ex parte communication. If a member receives a private written, telephonic, electronic and/or digital communication about an agenda item, the member will promptly forward the information to the Town Manager and the Town Clerk, or to the member's Town e-mail account so that it may be shared with all other members and filed with the Town official records to comply with the Public Records Law requirement. Any private written, telephonic, electronic, and/or digital communication about an agenda item, must be submitted to the Town Clerk prior to the commencement of the Town Council meeting at which the agenda item is discussed or it cannot be mentioned or read by any member unless it pertains to an emergency situation (example: audio or video feed of Council meeting not working properly).
4. Members shall refrain from any private discussion of Town Council business with other members per the requirements of Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.
5. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Members during Town Council proceedings. Florida law prohibits the spouse or

minor child of that member from soliciting or accepting these as well, and the Member shall be vigilant in ensuring compliance from those family members.

6. Members shall refrain from participation in any proceeding in which their impartiality may reasonably be questioned. A member whose personal employment or business relationship with a person or entity that is subject to a recommendation of Town Council shall seek the advice and counsel of the Town Attorney, if such relationship could conceivably influence the members' impartiality during Town Council discussion of the subject. The provisions of Chapter 112, Florida Statutes and the Code of Ethics for Public Officers and Employees, shall govern conflict of interest determination.
7. Members shall remain vigilant against deviations from Town Council policies and procedures.

As a legislative and quasi-judicial body, Town Council must be ever cognizant of the important legal requirements of due process and equal protection. These principles are derived from the United States Constitution, the Constitution of the State of Florida, and Florida Statutes, the Town Charter, Town code and LDC, and apply to legislative and quasi-judicial actions. The legal requirement for due process is separated into two prongs: substantive due process and procedural due process. The principle of substantive due process requires the benefits of a given regulation be within the scope of governmental authority, i.e., health, safety, morals, or general welfare, and that the regulations be accomplished in a rational manner, i.e., not be arbitrary or capricious. This is a principle of fundamental fairness in the substance of a given regulatory scheme or provision.

The other due process prong, procedural due process, requires a fair method of adjudicating the rights of property owners, requiring notice and an opportunity to be heard by an impartial decision maker. In legislative matters, this requirement is derived from Florida Statutes, the Town Code and LDC that provide the type and period of notice depending on the nature of the property interest subject to regulation at a public hearing. Quasi-judicial decisions have an underlying Constitutional requirement for procedural due process.

Equal protection limits governmental regulation from establishing irrational classifications, protects the rights of suspect and quasi-suspect classes, and assures against the exercise of fundamental or important rights of persons in ways different from others. Key overarching principles to keep in mind are that every person must be treated equally and reasonably by the quasi-judicial or legislative substance and process and that decisions and recommendations be deliberated in an open process with adequate notice and allowance for participation of affected parties. Reasonable, consistent, and timely notifications in quasi-judicial matters to be heard by the Town Council provide an applicant and other parties potentially affected by a requested decision these fundamental protections.

Assignment of a Town Council Representative:

Town Council may choose to assign a member to lead a project or assess an issue. The Town Council Representative, or often called a "Point Person" may be assigned to do fact-finding and/or research, recommend a course of action and report back to Town Council for direction. Final decisions are made by a majority of Town Council.

Sunshine Issues:

Members of Town Council and all Town advisory committees, boards and agencies are subject to the Sunshine Law (F.S. 286.011). This means that any gathering of two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action taken by communication through a spouse or other go-between.

Town Council members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or civic groups regarding any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met. These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions. The process of investigation of Sunshine violations is always unpleasant, embarrassing, and expensive, even if the person is ultimately cleared.

Email and Texting Policy:

Email and texting are convenient ways to communicate with staff, Town Council, residents, and others. However, it presents unique legal and ethical challenges. All email and texts regarding Town business must be properly retained as a public record. Furthermore, any email or text regarding an issue that will come before Council in a quasi-judicial hearing must be properly disclosed as an ex-parte communication as appropriate. Council members must be vigilant to not accidentally violate Sunshine Law requirements. Emailing or texting anyone stating a position on an issue that will come before Town Council is particularly risky. Email and text actions to avoid include:

1. Sending an email to another Council member with anything that could be construed as a position.
2. Copying another Council member on a response to an email sent by a resident, staff member or other person.
3. If another Town Council member's email is inadvertently forwarded to you, respond to the sender recognizing its inadvertent nature, the fact that it is a Sunshine issue and retain a copy of your response.

Florida has a very broad public records law. Most written communications to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email and text communications and email address and mobile phone number may

be subject to public disclosure. (This statement must be included in the closing of any email regarding Town business).

Public Records:

It is the policy of the State of Florida that municipal records shall be open for personal inspection by any person (s. 119.01, F.S.). To that end, the Legislature has enacted the Public Records Law (Ch. 119, F.S.), which contains requirements that public records, as defined in s. 119.011, F.S., be made available for public inspection, they be kept in usable condition, they be kept in safe places, they be kept in convenient places, and copying of records be provided at reasonable costs. A public record is “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”

Council members’ responsibility is to ensure their own public records are properly handled and preserved, and to see that the law is adhered to by all employees of the Town. The Town Clerk has been assigned the responsibility of being the custodian of public records. Council members must further understand that their public record must be retained even after leaving office.

Any use of personal email accounts for government business is allowed, but for a council member’s own protection, it is suggested that these be copied to their Town email account for proper retention. Materials prepared for Town Council meetings, hearings, minutes, and workshop will already be managed by the custodian of public records and do not need to be retained by the Council member. If there are any questions on retention of a particular document, consult with the custodian of public records and/or the Town Attorney before destroying.

4. Training Materials and First Meeting

Training Materials:

The Town Clerk will provide each new member of the Town Council with copies of:

- Town Charter.
- Comprehensive Plan.
- Land Development Code.
- Code of Ordinances.
- Florida Code of Ethics.
- Florida Sunshine and Public Records Laws.
- Emergency Operations Plan.
- Town Council Policies and Procedures Manual.
- Local Planning Agency Policies and Procedures Manual.
- Town Personnel Manual.
- Town Purchasing and Procurement Manual.
- Other materials as determined by the Town Attorney, Town Manager and Town Council members.

As part of a Council member's orientation, they will be provided a tour of the Town facilities with introductions with all staff members. Pursuant to state law, all Council members must complete 4 hours of ethics training each calendar year, which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of the State of Florida.

Training Recommendations:

- Successful completion of all courses required by the National Incident Management System (NIMS).
- Florida League of Cities, Inc., Institute of Elected Municipal Officials (IEMO) Basic Course.
- Making Good Planning Decisions.
- Hands-on Emergency Operations Training.
- Other courses as determined by the Town Attorney, Town Manager and Town Council members.

Election of Officers:

At the first meeting after the second Tuesday in November, the Council's Mayor and Vice Mayor will be chosen. Each Council member may nominate a person for each of these positions. A second is not required. The voting procedure will be agreed upon in advance.

Outside Committee Representation:

Coastal Heartland National Estuary Program – www.chnep.org

Meetings: The Policy Committee meets the third Monday every other month at 9:30 am*.
Mission: The CHNEP is a partnership that protects the estuaries and watersheds from Venice to Bonita Springs to Winter Haven. This partnership gives citizens, elected officials, resource managers, and commercial and recreational resource users in the 4,700-square mile study area a voice to address diverse resource management concerns including fish and wildlife habitat loss, water quality and water flow. The watershed in the study area includes all or parts of Lee, Charlotte, Sarasota, Manatee, Polk, Hardee and DeSoto counties.

Coastal Advisory Committee – www.lee-county.com

Meetings: Last Monday of each month at 9:30 am.*
Mission: The Council's charge is to advise the Board of County Commissioners, staff and the various related advisory boards when proceeding with a project affecting beach and shoreline preservation regarding the proper methods in helping to conserve the Beaches of Lee County.

Horizon Council – www.lee-county.com/business

Meetings: First Friday of each month*

Mission: The Horizon Council is the advisory board to the county commission on economic development issues. This unique public-private partnership is made up of 62 members from government, education, business, and community organizations. Established in 1991, the mission of the Horizon Council is to:

- Work toward improving the business environment in Lee County; and
- Retain and encourage the expansion of existing businesses; and
- Attract new and diversified employment to the area

Human Services Council – www.lee-county.com

Meetings: Third Tuesday of each month*

Mission: The Council will ensure the efficient delivery of community health and human services through:

- Communication
- Coordination
- Strategic Planning
- Innovation
- Integration and collaboration
- Measurable Outcomes

Metropolitan Planning Organization – www.mpo-swfl.org

Meetings: Third Friday of each month at 9 am*

Mission: The MPO is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process for all of Lee County. It must plan for the movement of both people and goods within the county by all modes of travel – including highways, public transportation, bicycles, and foot. It also plans for the connections (such as airports, seaports, or bus, railroad, and pipeline terminals) linking these modes or tying us to the rest of the world.

The MPO sets priorities among surface transportation improvement projects within Lee County for state or federal funding. To be eligible for federal funds, federal law requires that the MPO endorse a transportation improvement program identifying the projects to be done over the next few years.

Southwest Florida Regional Planning Council – www.swfrpc.org

Meetings: Third Thursday of each month at 9 am*

Mission: The Southwest Florida Regional Planning Council is a locally formed regional planning agency serving six counties: Charlotte, Collier, Glades, Hendry, Lee, and Sarasota. Its mission is to protect and improve the region's physical, economic, and social environment. The agency is directed by a thirty-four-member Council composed of local elected officials and gubernatorial appointees. The activities of the Southwest Florida RPC can be classified into three major areas: long range planning, tactical planning, and transportation planning.

Estero Bay Agency on Bay Management – www.swfrpc.org/abm.shtuil

Meetings: Second Monday of each month at 9:30 am*

Mission: Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed

*Meeting times are subject to change.

5. Town Advisory Committees, Boards and Agencies Standing Advisory Committees

Council Selection of Advisory Board, Agency, and Committee Members:

Residency: Except as required by Town Charter, Town Ordinance or Florida statute, residency on Fort Myers Beach will not be a requirement for nomination or election to a committee, commission, or board of the Town.

Advertising: All advisory committees are listed on the Town website. Information included will be the committee mission, current projects, when the committee meets and current members on the committee and whether submission of an annual Form 1 (Financial Disclosure) is required by the Florida Commission on Ethics.

Openings: In the event of an opening for an advisory board or committee, Town staff will list the opening on the website with a date when applications must be submitted to the Town Clerk for consideration by Town Council. Whenever possible, committee selection will be scheduled 30 days after proper notification. Advertising in local newspapers can be considered if approved by the Town Manager. Committee candidates will be encouraged to appear for interviews during the selection process.

Preliminary matters: The Council should decide how to go about voting prior to any voting taking place and decide the number of members on a committee ahead of time.

Voting:

1. Each Council member picks his selections, marking no more than the total number of seats available (or writes the names down), and initials his ballot.
2. Those receiving the most votes are selected to seats available.
3. If there is a tie for any number of seats still left open, there will be a runoff consisting only of the persons who are tied. A variation on this method of voting is that after the first ballot, if there is a tie which prevents all of the seats from being filled, the runoff would consist of all of the un-selected candidates, not just the ones involved in the tie.
4. The ballots are given to the Town Clerk, who conducts the tallying and announces the results.
5. Once all selections are made, Council adopts a motion containing the new members' names.

Effective Date of Appointment and Follow Up:

Newly appointed advisory board, agency and committee members who are required to file a Financial Disclosure Statement, will be notified of the disclosure requirements no later than the date of appointment. The Town Manager or designee is responsible for such notification. These appointments should be made effective as of some future date, so that there is sufficient time to provide the required notification. For convenience, the notice could be accompanied by a copy of the required disclosure forms, which are available from the Supervisor of Elections or on-line from the Florida Commission on Ethics (<http://www.ethics.state.fl.us/>)

Ad Hoc Committees:

Town Council has the authority to form ad hoc committees requesting participation by volunteers. Ad hoc Committees can be used at Town Council's discretion to address specialized and or short-term Town issues.

The mission, specific objectives, expected products, membership and timelines of an ad hoc committee should be clearly stated and agreed to by Town Council. One Town Council member will be an ex-officio member of each ad hoc committee. Where possible, an attempt will be made to have a balanced committee membership. Minutes or verbal reports will keep Town Council informed on a regular basis. A final report will document findings and recommendations and will be presented at a Town Council meeting or workshop.

Ad hoc committees are subject to the public records laws, sunshine laws, quorum, and statutory ethical requirements. It is the Town's responsibility to ensure that each committee member is educated on these issues.

Outline of Committee Orientation Material:

- Meeting Requirements
 - Notice
 - Location Requirements, such as ADA compliance
 - Agendas
 - Quorum
- Sunshine Requirements
- Public Records Requirements
- Statutory Ethical Requirements

6. Meeting Preparation and Planning

Meeting Schedule:

Regular meetings of Town Council may be found on the website calendar. Management and Planning meetings (M&Ps) are work sessions and are scheduled to discuss financial issues for the Town. Workshops special, continued, or rescheduled meetings will be determined by consensus of the Town Council members, the Town Manager and Town Attorney.

Source of Items:

Items for Town Council agendas are generated by requests and/or legislation (ordinances or resolutions) from members of Town Council prepared by the Town Attorney, requests and actions from the Local Planning Agency, continuations from previous council meetings, in addition to anything Council members, the Town Manager or Town Attorney may wish to have included. Some of these inquiries are routine and can be handled by staff because Town Council policy and procedures have been previously approved which apply.

When an item arises that requires Town Council action either to make a decision or to direct staff or the Town Attorney how to proceed it will appear on the agenda identified as a Council member's request or as an item under the Town Manager's section of the agenda which is the "catch all" for miscellaneous items, or Town Attorney's section, as appropriate. For an item to appear on an agenda, at least two Council members must agree and shall direct the Town Manager to do so, provided time schedules allow. (Note the agenda preparation timetable below).

Whenever possible, any material written and distributed by Council members as part of the agenda should be included in Council members' packets – allowing ample time for review. This preserves the integrity of the seated Council, conforms to the Florida Public Records law, and lessens the opportunity for misunderstandings and miscommunication. No significant Town staff or Town Attorney time will be spent on an agenda item requested by an individual Council member without advance approval by a majority of the Council. Written requests to be placed on a Council agenda from the public should be submitted directly to the Town Manager. Agenda Management is reviewed at each Town Council meeting.

Timetable and Preparation Process:

A draft agenda will be sent to Town Council for review and comment within 24 hours. The Town Council chair may modify the order of the agenda subject to the approval of the Town Council. Absent an emergency or pressing need, by close of business on the Wednesday prior to the next regular Council meeting, a packet including the finalized agenda and supporting material will be placed in the Council members' mailboxes and placed on the Town website.

The Council members' packets include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.). A sincere effort is made to see that Council packets are complete; if something is not available, a written explanation will be provided. Generally, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete.

The agenda is posted at Town Hall and on the Town website. Meetings may be announced in local newspapers. Hearing notices will be advertised as required by law and may be provided as a service to local newspapers. Occasionally an item comes up late and may be placed on an amended agenda, or as an "add on" (added too late to be included on the published agenda). Such additions should be an exception.

Continued Hearings and Legislative Issues:

It is the goal of the Town Council to complete a hearing during the scheduled meeting. If additional time is required and the hearing must be continued to a later date, any Town Council member who missed the initial hearing should attempt to review the DVD prior to participating in the continued hearing or legislative discussion and resolution. If the applicant submits new information or modification(s) to previously submitted information at the hearing, or immediately prior to the hearing, the Town Council shall consult with the Town Manager and the Town Attorney to determine if a continuance of the hearing is appropriate and proceed accordingly. Nothing contained in this section shall be construed to limit the Director's discretion to defer or continue the public hearing as set forth in LDC Section 34-213(3).

Attendance Policy:

The Charter states "A member of Council may forfeit the office, if the member: (d) Misses three consecutive regularly scheduled council meetings without an excused absence." This statement recognizes that because of the significant meeting preparation required by staff, applicants, and other supporting personnel, it is important that a quorum of the Town Council members be present for all noticed meetings. The Town Manager should be notified of a planned Council member's absence as soon as known. The Town Manager or designee will notify the Town Attorney and Mayor. It is important that the Town Council know that it will have a quorum of its members prior to notification of a meeting/hearing. Work session attendance is equally important because they are where information is shared, and issues resolved before putting the item on an agenda of a regular meeting for a vote.

Participation by Videoconference:

A Council member may participate in a Town Council meeting via videoconference if one of the following conditions is met:

1. There is a medical reason for unavailability, or
2. Permission is granted from the Council for an "extraordinary circumstance."
3. An emergency order or executive order authorizes the use of communications media technology, as provided in s. 120.54(5)(b)2, F.S.

A quorum of Town Council members must be met without the missing Council member(s) in attendance unless this requirement is suspended by emergency order or executive order.

7. Meeting Procedures

Generally, the Order of Agenda Items:

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Final Agenda

5. Proclamations, Recognitions and Awards
6. Public Comment (Any issue can be discussed, but if an agenda item is addressed, the speaker cannot comment at the time such agenda item comes up. For testimony to be considered for a public hearing, it must be made during the hearing).
7. Approval of Minutes
8. Consent Agenda
9. Advisory Committee Items and Reports
10. Public Hearings of proposed ordinances (At conclusion of hearing, requires motion and roll call vote)
11. Administrative Agenda
 - a. Introduction of proposed ordinances (Requires a motion and a majority vote for scheduling the hearing).
 - b. Resolutions (Requires a motion and vote for passage)
 - c. Unfinished business (Items from previous agendas scheduled by Town Manager – should be listed separately on the agenda)
12. New business (Scheduled by the Town Manager, should be listed separately)
13. Final Public Comment (not limited to agenda items)
14. Town Manager's Items and Reports
15. Town Attorney's Items and Reports
16. Council Members Items and Reports
17. Agenda Management (generally addressed during Council work sessions)
 - a. Topics for upcoming regularly scheduled meetings
 - b. Planning and scheduling of Management and Planning, and other work sessions
18. Review New Actions from Meeting
19. Adjournment (Requires a motion and vote – no second is required. It is a privileged motion allowing no discussion before vote)

Conduct of Council Meetings:

- The Mayor will conduct Council meetings, and in the Mayor's absence the Vice Mayor will do so.
- The Town Clerk shall deliver a nondenominational invocation.
- Robert's Rules of Order shall be the reference for parliamentary procedure governing the conduct of Town Council meetings when not in conflict with the Town Charter, Town Ordinances, Florida Statutes or these Policies and Procedures. It is not intended that Council meetings be unnecessarily formalistic, but rather that parliamentary procedure will be invoked only when necessary to facilitate the business of the meeting.
- All participants and audiences at Town Council meetings are expected to exhibit common courtesy and proper decorum. No personal attacks will be tolerated. The Chair may request that someone who is being disruptive be removed from chambers.

- Individuals wishing to speak during the Public Comment times are requested to (1) fill out an index card (available in the meeting room) indicating their name and the topic they will address and (2) give that card to the Clerk prior to the start of the meeting. When recognized by the Chair, the speakers will advance to the podium and state their name for the public record.
- Public Comments will generally be limited to three minutes per speaker. The Chair may modify the three-minute limit with approval by vote of the Council. The Public Comment times are intended as opportunities for interested parties to present their viewpoints to the Council members. They are not intended as question-and-answer sessions or as dialog with the Council. Response to questions and/or clarifications requested during public comment may, with the approval of Town Council, be answered immediately if there is a straight-forward, short answer, directed to the appropriate person for response at a later time or placed on an agenda for a future Council meeting.
- After a proper motion and second, discussion by the Council members shall be limited to agenda items with expression of ideas, facts, and conclusions. No member will speak twice on the item until all others who want to speak have spoken.
- The discussion by Council members is intended as an opportunity for Council members to share their viewpoints with each other. Since this opportunity does not exist outside of Council meetings under the Florida Sunshine Law, this is the primary purpose of this time and it generally should not be used to obtain information from the Town Manager or Town Attorney, which could be obtained outside of the Council meeting. While there is no time limit or censorship on comments, Council members should take into consideration the total time available in the meeting for the published agenda and the time allocated for the specific item in the agenda.

Any Council member may present resolutions. They are reviewed by the Town Attorney and require a motion and a vote.

Rules of Civility:

The Town of Fort Myers Beach Town Council recognizes that public discourse is essential to the democratic system of government. It also embraces civility in public deliberations. Rules for Council discussion and public participation while conducting meetings and workshops are as follows:

1. Speakers are permitted to deliver his or her comments without interruption, absent inappropriate language, conduct or personal attacks.
2. Speakers and debates should focus on issues, not on persons or personalities.
3. Persons are encouraged to participate in the governmental process.
4. To allow time to hear all points of view, speakers are allotted 3 minutes.
5. Sidebar discussions while others are speaking are discouraged in Council Chambers. These discussions are to be removed from the chambers so as not to be disruptive to those conducting and following Council business.

6. Only the speaker recognized by the Chairperson has the floor. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.
7. We seek to understand one another's points of view.
8. Anger, rudeness, ridicule, impatience, and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing, or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.
9. We should all take initiative to make things better. Our goal is to foster an environment which encourages a fair discussion and exchange of ideas without fear of personal attacks.
10. No use of profanity will be tolerated.
11. Any email or other digital or internet platform used to communicate with the Town Council, individual members of the Town Council, Town Manager, Town Attorney, or Town staff that contain personal attacks, offensive language or slurs; that are belligerent, sarcastic, accusatory or unsigned shall be deemed non-compliant with these "Rules of Civility." Such communications place absolutely no obligation upon Town Council Members, the Town Manager, the Town Attorney or Town staff to respond.

Minutes:

Notes will be taken of all meetings and work sessions. The notes are then transcribed into summary minutes that become the written record of subjects discussed, conclusions reached, actions taken, and assignments given. The minutes include the names of all those participating in the meeting including Council members, staff, the Town Attorney, applicants, their attorneys and witnesses, and people who offer public comments. The minutes also serve as a record of motions and votes on all Council decisions.

Once completed, the minutes are provided to Council members for approval at their next meeting. The approval of the minutes is intended for Council members to accurately document the proceedings of the Town Council. Before moving approval, the minutes should be amended, if necessary, to portray more accurately what occurred at a Council meeting. This time is not intended for comment or discussion on what should have or should not have been done, but rather to document what was done. Once approved by Council, the original is filed in a secure file and a copy is placed on the Town's web page.

Video and/or audio recordings when made are available at the request of the public or anyone who wishes to listen to the meeting or a portion of the meeting. The original video and audio recordings are stored in a secured area for safekeeping. Any request for production of a verbatim transcript, in whole or in part, of any meeting, workshop or other function of the Town Council or any Town committee thereof by Town staff or paid for by the Town shall require prior consent of the Town Council, except for such requests as are initiated by a court of competent jurisdiction or quasi-judicial officer in the proper exercise of its powers. Video and audio recordings are only the legal record in the absence of approved minutes.

Council Members Items and Reports:

Items and Reports time is set aside for Council Members to report on activities of interest to fellow members, staff, and the public. Council Members are encouraged to send as much information as possible prior to the meeting. Unless an issue is time sensitive, the item will be placed on a future agenda if a vote is required.

Agenda Management:

The Town Manager is responsible for compiling and distributing a schedule of future meetings and work sessions.

Action List:

The Town Manager is responsible for compiling and distributing a list of action items that includes a short status and expected date of completion.

How Voting Order is Established for Roll Call Votes:

The voting order for calling the roll on Town Council votes shall be conducted at the direction of the Town Clerk. Votes on ordinances require a roll call vote; any Council member may call for a roll call vote on any motion before the Council.

Voting Conflicts:

Florida Statute has very specific rules regarding voting conflicts. If a Town Council member has a voting conflict, he/she must disclose that conflict in writing prior to the meeting in question and this disclosure must be publicly read. A form is available from the Town Clerk. The rules also contain an exception for disclosure at the meeting itself. A Town Council member is permitted to participate in the discussion but cannot vote on the subject. The specific rules are set out in s. 112.3143(3)(a), F.S. as amended, quoted below:

“(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.”

NOTE: s. 112.3143(b) F.S. defines “relative” as follows: “any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

Guidelines for Legislative Hearing Procedures:

1. The Chair opens the hearing.
2. Staff presents Affidavit of Publication or copy of the legal advertisement from the newspaper of record when available, which shall become an exhibit to the hearing's resulting ordinance or resolution.
3. The Chair or Town Attorney reads the ordinance or resolution title.
4. Staff and/or the Town Attorney present(s) a brief overview of the ordinance or resolution.
5. Public input is taken. Unless otherwise specified by state law, Code of Ordinances, or LDC only ordinances require public input.
6. Public input is closed
7. Town Council members ask questions, if any, of staff/Town Attorney
8. Town Council members discuss ordinance or resolution, including changes, deletions, etc.
9. A motion is made and seconded to either pass the ordinance or resolution as is, or with modifications, or to take some other action.
10. The motion is discussed and voted upon, with roll call voting as appropriate. Upon consideration and passage of all appropriate motions, the Chair declares the hearing on the ordinance or resolution to be concluded, continued, tabled, or other action in conformity with the motion.

Notes: There is no ex parte disclosure for legislative hearings.

Members of the public are not sworn in.

Generally, there is no discussion between Town Council and public.

The above is intended as a guide and the Council may conduct the legislative hearing utilizing another procedure, so long as due process requirements are met.

Guidelines for Quasi-Judicial Land Use Hearing:

1. The Chair opens the hearing.
2. Staff present Affidavit of Publication or copy of the legal advertisement from the newspaper of record when available, which shall become an exhibit to the hearing's resulting resolution.
3. The Chair asks if any Council member has had an ex parte communication regarding this matter. This includes any site visit, receipt of expert opinion, conducting of investigations, discussions with any person, or any direct or indirect communication in any form with any person outside a public hearing and not on the record. See section 34-52 of the Land Development Code.
4. All witnesses are sworn in. This includes Town staff, applicant and applicant's representatives, and anyone who wishes to make public sworn testimony on this case. All persons are requested to state their name and address for the record when they address the Council.

5. The applicant presents its case. Town Council may ask clarification questions of the applicant. *
6. Town staff presents its report and recommendation. Town Council may ask clarification questions of staff. *
7. Local Planning Agency representative, if available, presents LPA recommendation. Town Council may ask clarification questions of the LPA representative.
8. Public sworn testimony is opened. At its conclusion, the Chair closes the public sworn testimony portion of the hearing.
9. Applicant presents rebuttal, if any. Town Council may ask detailed informational questions of applicant. **
10. Staff presents rebuttal, if any. Town Council may ask detailed informational questions of staff. **
11. The testimony portion of the hearing is closed, and Council discussion starts.
12. Council votes on a resolution or takes other action.
13. The hearing is closed or continued, or other action is taken in conformity with the successful motion, and the time of closure is verbally noted for the record.

*Council has determined that these Council questions are to clarify the applicant's and staff's presentations of information and are intended to be short Qs and As.

**Council has determined that these Council questions are to discuss detailed, substantive matters involving the application.

NOTE: The above is intended as a guide and the Council may conduct the quasi-judicial hearing utilizing another procedure, so long as due process requirements are met.

If new evidence is submitted prior to or at a Town Council hearing for a quasi-judicial matter after the final LPA hearing, Town Council can choose to:

1. Send the matter back to the LPA for review and recommendation.
2. To continue the hearing to provide sufficient time for the staff and Town Attorney to make recommendations; or
3. To complete the hearing if agreeable to the staff and Town Attorney.

8. Reimbursement Procedures

Travel Expenses:

It is the desire of the Town of Fort Myers Beach that Town Council members be reimbursed for certain expenses incurred while traveling on Town business. Appropriate allowances, forms and procedures are documented in the Town Personnel Manual.

Business Expenses:

From time to time it may be necessary for members of Town Council to entertain various Federal, State and County officials while transacting official Town business. Such business expenses would normally include lunches and/or dinners. A Direct Expense Voucher may be submitted for reimbursement and must be signed by the person requesting reimbursement, and the Town Manager. Invoices must be attached as supporting documentary evidence.

Educational Reimbursement:

The Educational Reimbursement Program is used to encourage Town Council members to improve their knowledge and skills needed for the Town's effectiveness. Reimbursement conditions, forms and procedures are documented in the Town Personnel Manual.

9. Council Communications Policy and Processing Procedures

Council Communications Policy:

Any communication by individual Council members to the media, other governmental agencies, or in public forums should, as clearly as possible, distinguish between personal opinions and actions or direction taken by Town Council. This policy in no way means to censor viewpoints or restrict individual rights but is solely suggested to preserve the integrity of the Council, staff, and the Town.

Mail Processing Procedures:

Mail for the Town should be addressed to the current address. All mail is opened stamped and distributed (it is all public record). Council mail is given to the Administrative Assistant to log and process. Any Council mail that needs a prompt or detailed answer is pulled, copied, and a draft response is prepared for review, usually by the Mayor. The original is distributed, along with other mail; with a note stating a draft response is being prepared. When the response is finalized, it is copied and distributed to all Council members for reading at their leisure.

Communications with Potential Applicants for Zoning and Communications with Vendors or Service Providers:

Section 34-52 of the LDC specifies regulations regarding communications with public officials in non-quasi-judicial matters and ex parte communications with public officials in quasi-judicial matters.

10. Non-Discrimination and Harassment

Policies:

These policies are documented in the Town Personnel Manual

11. Interview/Selection Process for Town Attorney

The following applicant form, and ranking sheet shall be used in the selection of Legal Services candidates.

INTERVIEW PROCESS FOR LEGAL SERVICES

Individual 30-minute blocks for private interviews by each Councilor with each applicant.

RFP#: _____ . Interview date: _____

	9:00-9:30	9:30 – 10:00	10:00-10:30	10:30-11:00	11:00-11:30	11:30-12:00	12:00-1:00
Councilor 1	Coffee/muffins	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Lunch
Councilor 2	Coffee/muffins	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Lunch
Councilor 3	Coffee/muffins	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Lunch
Councilor 4	Coffee/muffins	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Lunch
Councilor 5	Coffee/muffins	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Lunch

Applicant 1: _____
Applicant 2: _____
Applicant 3: _____
Applicant 4: _____
Applicant 5: _____

NOTE: Chart for town councilor and applicant names shall be in alphabetical order for impartiality.

AFTERNOON SCHEDULE: Each applicant has 15-minute question and answer session in town hall chambers with all five Town Councilors present (5-minute transition between applicants in schedule). Applicants will address Council in alphabetical order.

TIME	Applicant Name
1:00 – 1:15	Applicant 1
1:20 – 1:35	Applicant 2
1:40 – 1:55	Applicant 3
2:00 – 2:15	Applicant 4
2:20 – 2:35	Applicant 5
2:40 – 3:00	Break
3:00	Town Councilors have open discussion. Each Councilmember uses RANKING SHEET to list order of selection, with 1 being the top choice. The Town Clerk will tally the votes and announce each applicant's combined ranking score with the lowest score being the candidate selected. In case of a tie, Town Council will have a head-to-head discussion of only the tied candidates and use

	another RANKING SHEET to list their order for only the tied candidates. Ranking scores are tallied and announced by Town Clerk. Contract negotiator from Town Council is selected. Transition period of legal services, if necessary, is discussed including assignment of representation for ongoing municipal litigation cases.
FIRST AVAILABLE COUNCIL MEETING AFTER INTERVIEW PROCESS	When contract negotiations are complete, contract is presented to Town Council for approval. Transition period, if necessary, is approved.
IF SELECTED APPLICANT DOES NOT COME TO AGREEMENT WITH TOWN ON CONTRACT	Town Council shall vote to negotiate with second ranked candidate or resolicit for applications and repeat interview process if necessary. Town Council shall vote at the first Town Council meeting following opening of applications to rank the applicants using the RANKING SHEET.

TOWN COUNCIL RANKING SHEET FOR LEGAL SERVICES

RFP# _____

DATE: _____

Councilor Name:

Councilor Signature:

Ranking (#1 is top choice)

1. _____
2. _____
3. _____
4. _____
5. _____

12. Interview/Selection Process for Town Manager

The following applicant form, and ranking sheet shall be used in the selection of Town Manager candidates.

INTERVIEW PROCESS FOR TOWN MANAGER

Councilors rank top 5 candidates from applications. Top 5 overall are invited and scheduled for individual 30-minute blocks for private interviews by each Councilor with each applicant.

RFP# _____ Interview date: _____

	9:00-9:30	9:30 – 10:00	10:00-10:30	10:30-11:00	11:00-11:30	11:30-12:00	12:00-1:00
Councilor 1	Coffee/muffins	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Lunch
Councilor 2	Coffee/muffins	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Lunch
Councilor 3	Coffee/muffins	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Lunch
Councilor 4	Coffee/muffins	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Lunch
Councilor 5	Coffee/muffins	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Lunch

Applicant

1: _____

Applicant

2: _____

Applicant

3: _____

Applicant

4: _____

Applicant

5: _____

NOTE: Chart for town councilor and applicant names shall be in alphabetical order for impartiality.

AFTERNOON SCHEDULE: Each applicant has 15-minute question and answer session in town hall chambers with all five Town Councilors present (5-minute transition between applicants in schedule). Applicants will address Council in alphabetical order.

TIME	Applicant Name
1:00 – 1:15	Applicant 1
1:20 – 1:35	Applicant 2
1:40 – 1:55	Applicant 3
2:00 – 2:15	Applicant 4
2:20 – 2:35	Applicant 5
2:40 – 3:00	Break

3:00	Town Councilors have open discussion. Each Councilmember uses RANKING SHEET to list order of selection, with 1 being the top choice. The Town Clerk will tally the votes and announce each applicant's combined ranking score with the lowest score being the candidate selected. In case of a tie, Town Council will have a head-to-head discussion of only the tied candidates and use another RANKING SHEET to list their order for only the tied candidates. Ranking scores are tallied and announced by Town Clerk. Contract negotiator from Town Council is selected. Transition period, if necessary, is discussed.
FIRST AVAILABLE COUNCIL MEETING AFTER INTERVIEW PROCESS	When contract negotiations are complete, contract is presented to Town Council for approval. Transition period, if necessary, is approved.
IF SELECTED APPLICANT DOES NOT COME TO AGREEMENT WITH TOWN ON CONTRACT	Town Council shall vote to negotiate with second ranked candidate or resolicit for applications and repeat interview process if necessary. Town Council shall vote at the first Town Council meeting following opening of applications to rank the applicants using the RANKING SHEET.

TOWN COUNCIL RANKING SHEET FOR TOWN MANAGER

RFP# _____

DATE: _____

Councilor Name: _____

Councilor Signature: _____

Ranking (#1 is top choice)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

RESOLUTION NUMBER 21-43

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF FORT MYERS BEACH, FLORIDA, APPROVING
UPDATED TOWN COUNCIL POLICIES AND
PROCEDURES MANUAL; 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, 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 previously adopted a Policies and Procedures Manual for Town Council and has revised such Manual from time to time; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Fort Myers Beach to update the existing Policies and Procedures Manual for Town Council.

**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 incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Policies and Procedures Manual of Town Council, as amended and attached hereto as Exhibit "A", is hereby adopted by the Town Council of the Town of Fort Myers Beach.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ and seconded by Council Member _____, 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 9th day of ~~August~~September 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 ~~August~~September 2021.

EXHIBIT “A”

**Town of Fort Myers Beach Town Council
Policies and Procedures Manual
Table of Contents**

1. Introduction.....	1
2. Mission and Job Description.....	1
3. How Town Council Will Operate.....	2
– Code of Conduct	
– Code of Ethics	
– Assignment of a Town Council Representative	
– Sunshine Issues	
– Email Policy	
– Public Records	
4. Training Materials and First Meeting.....	6
– Training Materials	
– Training Recommendations	
– Election of Officers	
– Outside Committee Representation	
5. Town Advisory Committees, Board and Agencies.....	8
– Standing Advisory Committees	
– Ad Hoc Committees	
6. Meeting Preparation and Planning.....	10
– Meeting Schedule	
– Source of Items	
– Timetable and Preparation Process	
– Length of Agenda Items	
– Continued Hearings and Legislative Issues	
– Attendance Policy	
– Participation by Videoconference	
7. Procedures.....	Meeting 12

–	Order of Agenda Items	
–	Conduct of Council Meetings	
–	Rules of Civility for Public Participation	
–	Minutes	
–	Council Members Items and Reports	
–	Agenda Management	
–	Action List	
–	How Voting Order is Established for Roll Call Votes	
–	Voting Conflicts	
–	Guidelines for Legislative Hearing Procedures Guidelines for Quasi-Judicial Land Use Hearings	
8.	Reimbursement Procedures.....	15
–	Travel Expenses	
–	Business Expenses	
–	Educational Reimbursement	
9.	Council Communications Policy and Processing Procedures.....	16
–	Council Communications Policy	
–	Mail Processing Procedures	
–	Communications with Potential Applicants for Zoning	
–	Communications with Vendors or Service Providers	
10.	Interview/Selection Process for Legal Services.....	16
11.	Interview/Selection Process for Town Manager.....	21

1. Introduction

This Town Council Policies and Procedures Manual is for the purpose of helping the Council Members in the discharge of their duties. They are intended to be guidelines, not “rules” on how to conduct business. Town Council may vary from these policies and procedures on a case by case basis by a majority vote. As the Town Council continues to discover situations that are unique to Fort Myers Beach, it will want to update and amend this manual. Experience may show that some of these policies and procedures need to be modified or eliminated and new ones adopted.

By adopting this manual, members of Council will find in one handy reference, answers to policy and procedure questions that come up from time to time. By having an agreed-upon guide, members of Council also may develop common expectations on proper conduct of Council meetings, dealings with the public, and the roles of Town staff and committees.

This manual should be used in conjunction with the Town Charter, Comprehensive Land Use Plan (Comp Plan), Land Development Code (LDC), Code of Ordinances, and the annual budget as necessary. In the event of a conflict between this document and Florida statutes, Town Charter or other Town guiding documents, such other document shall prevail over the language in the Policies and Procedures manual.

2. Town Council Mission and Job Description

Mission:

To legislate and police the powers of the Town, including establishing boards, commissions and committees; to perform all duties and obligations imposed on the municipality by law; to insure by strategic planning and clear policies that the unique and natural characteristics of the island are preserved; to supervise the Town Manager and Town Attorney; to perform all actions for the welfare of the residents, owners, businesspersons, and guests of the Island in adherence to the Town Charter, State and Federal Law.

Functions, Powers and Duties:

- Review and interpret the Comprehensive Plan and conduct public hearings as needed to make changes.
- Review and interpret the Land Development Code and conduct public hearings as needed to make changes.
- Conduct hearings regarding land use matters.
- Introduce and approve Charter Amendments for adoption by referendum.
- Appoint a Town Manager.
- Appoint a Town Attorney.
- Introduce and enact ordinances.
- Introduce and adopt resolutions.

- Review and adopt the Operations and Capital Improvement budgets.
- Review and approve budget amendments.
- Create Special Assessment Districts as may be needed.
- Establish advisory committees as needed.
- Review and approve inter-local agreements.
- Review and approve contracts with the Town above the threshold limit allowed to Town Manager.
- Elect a Mayor and Vice Mayor.
- Perform any other duties that are lawfully defined by the Charter and Florida statutes.

Council Member Requirements:

- File a Statement of Financial Interests and Ethics Training (Form 1) with the Lee County Supervisor of Elections every year.
- Complete and file Form 1F – Final Statement of Financial Interest, within 60 days of leaving office.

3. How Town Council Will Operate

Code of Conduct:

Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Town Council pledges to adhere to the following CODE OF CONDUCT:

1. Regularly attend all scheduled meetings of the Town Council as well as special or called meetings relevant to the office.
2. Regularly attend all scheduled meetings of outside committees of which they are a member of.
3. Prepare for each meeting.
4. Create a positive environment in meetings of Town Council.
5. Maintain an attitude of courtesy and consideration toward ~~colleagues~~business owners, residents, visitors, colleagues, and staff during all discussions and deliberations.
6. Allow business owners, residents, visitors, colleagues, and staff sufficient opportunity to present their views within the prescribed rules for conduct of meetings of Town Council.
7. Avoid the use of abusive, threatening, or intimidating language or gestures directed at ~~colleagues~~business owners, residents, visitors, colleagues, or staff.
8. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
9. Respect all local, state, and federal laws, rules, and other regulations.

10. Submit completed financial disclosure forms to the Lee County Supervisor of Elections by the specified deadline.
11. Publicly acknowledge the adopted position when asked about a decision of Town Council.
12. Read the Town Comprehensive Plan and follow its directives in all decision-making processes for the Town.
13. Follow the procedural and substantive requirements of the LDC.

Code of Ethics:

Members should ethically serve the public interest by making decisions and taking actions that will enhance the public health, safety and welfare of the region and the residents served by the Town Council and by promoting public confidence in the integrity, independence, ability and impartiality of Town Council.

1. Members shall not convey the impression that they can influence the outcome of a decision of Town Council and shall not attempt to use their office to influence or sway the professional staff recommendation.
2. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members should not allow personal or business relationships to impact upon their conduct or decisions in connection with Town Council business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates.
3. Members shall avoid creating the appearance of impropriety by refraining from engaging in private discussions with an applicant – or their representatives about specific upcoming Town Council quasi-judicial agenda items without declaring ex parte communication. If a member receives a private written, telephonic-~~or~~, electronic and/or digital communication about an agenda item, the member will promptly forward the information to the Town Manager and the Town Clerk, or to the member's Town e-mail account so that it may be shared with all other members and filed with the Town official records to comply with the Public Records Law requirement. Any private written, telephonic, ~~or~~ electronic, and/or digital communication about an agenda item, must be submitted to the Town Clerk prior to the commencement of the Town Council meeting at which the agenda item is discussed or it cannot be mentioned or read by any member.
- ~~4.3.~~ ~~No member shall communicate, receive, send, or solicit any private written, telephonic, or electronic communication during a Town Council meeting,~~ unless it pertains to an emergency situation (example: audio or video feed of Council meeting not working properly).
- ~~5.4.~~ Members shall refrain from any private discussion of Town Council business with other members per the requirements of Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.
- ~~6.5.~~ Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such

thing is given with the understanding or possibility that it will influence the official action of the Members during Town Council proceedings. Florida law prohibits the spouse or minor child of that member from soliciting or accepting these as well, and the Member shall be vigilant in ensuring compliance from those family members.

~~7.6.~~ Members shall refrain from participation in any proceeding in which their impartiality may reasonably be questioned. A member whose personal employment or business relationship with a person or entity that is subject to a recommendation of Town Council shall seek the advice and counsel of the Town Attorney, if such relationship could conceivably influence the members' impartiality during Town Council discussion of the subject. The provisions of Chapter 112, Florida Statutes and the Code of Ethics for Public Officers and Employees, shall govern conflict of interest determination.

~~8.7.~~ Members shall remain vigilant against deviations from Town Council policies and procedures.

As a legislative and quasi-judicial body, Town Council must be ever cognizant of the important legal requirements of due process and equal protection. These principles are derived from the United States Constitution, the Constitution of the State of Florida, and Florida Statutes, the Town Charter, Town code and LDC, and apply to legislative and quasi-judicial actions. The legal requirement for due process is separated into two prongs: substantive due process and procedural due process. The principle of substantive due process requires the benefits of a given regulation be within the scope of governmental authority, i.e., health, safety, morals, or general welfare, and that the regulations be accomplished in a rational manner, i.e., not be arbitrary or capricious. This is a principle of fundamental fairness in the substance of a given regulatory scheme or provision.

The other due process prong, procedural due process, requires a fair method of adjudicating the rights of property owners, requiring notice and an opportunity to be heard by an impartial decision maker. In legislative matters, this requirement is derived from Florida Statutes, the Town Code and LDC that provide the type and period of notice depending on the nature of the property interest subject to regulation at a public hearing. Quasi-judicial decisions have an underlying Constitutional requirement for procedural due process.

Equal protection limits governmental regulation from establishing irrational classifications, protects the rights of suspect and quasi-suspect classes, and assures against the exercise of fundamental or important rights of persons in ways different from others. Key overarching principles to keep in mind are that every person must be treated equally and reasonably by the quasi-judicial or legislative substance and process and that decisions and recommendations be deliberated in an open process with adequate notice and allowance for participation of affected parties. Reasonable, consistent, and timely notifications in quasi-judicial matters to be heard by the Town Council provide an applicant and other parties potentially affected by a requested decision these fundamental protections.

Assignment of a Town Council Representative:

Town Council may choose to assign a member to lead a project or assess an issue. The Town Council Representative, or often called a "Point Person" may be assigned to do fact-finding and/or

research, recommend a course of action and report back to Town Council for direction. Final decisions are made by a majority of Town Council.

Sunshine Issues:

Members of Town Council and all Town advisory committees, boards and agencies are subject to the Sunshine Law (F.S. 286.011). This means that any gathering of two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action taken by communication through a spouse or other go-between.

Town Council members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or civic groups regarding any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met. These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions. The process of investigation of Sunshine violations is always unpleasant, embarrassing, and expensive, even if the person is ultimately cleared.

Email and Texting Policy:

Email and texting are convenient ways to communicate with staff, Town Council, residents, and others. However, it presents unique legal and ethical challenges. All email and texts regarding Town business must be properly retained as a public record. Furthermore, any email or text regarding an issue that will come before Council in a quasi-judicial hearing must be properly disclosed as an ex-parte communication as appropriate. Council members must be vigilant to not accidentally violate Sunshine Law requirements. Emailing or texting anyone stating a position on an issue that will come before Town Council is particularly risky. Email and text actions to avoid include:

1. Sending an email to another Council member with anything that could be construed as a position.
2. Copying another Council member on a response to an email sent by a resident, staff member or other person.
3. If another Town Council member's email is inadvertently forwarded to you, respond to the sender recognizing its ~~accidental~~inadvertent nature, the fact that it is a Sunshine issue and retain a copy of your response.

Florida has a very broad public records law. Most written communications to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email and text communications and email address and mobile phone number may be subject to public disclosure. (This statement must be included in the closing of any email regarding Town business).

Public Records:

It is the policy of the State of Florida that municipal records shall be open for personal inspection by any person (s. 119.01, F.S.). To that end, the Legislature has enacted the Public Records Law (Ch. 119, F.S.), which contains requirements that public records, as defined in s. 119.011, F.S., be made available for public inspection, they be kept in usable condition, they be kept in safe places, they be kept in convenient places, and copying of records be provided at reasonable costs. A public record is “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”

Council members’ responsibility is to ensure their own public records are properly handled and preserved, and to see that the law is adhered to by all employees of the Town. The Town Clerk has been assigned the responsibility of being the custodian of public records. Council members must further understand that their public record must be retained even after leaving office.

Any use of personal email accounts for government business is allowed, but for a council member’s own protection, it is suggested that these be copied to their Town email account for proper retention. Materials prepared for Town Council meetings, hearings, minutes, and workshop will already be managed by the custodian of public records and do not need to be retained by the Council member. If there are any questions on retention of a particular document, consult with the custodian of public records and/or the Town Attorney before destroying.

4. Training Materials and First Meeting

Training Materials:

The Town Clerk will provide each new member of the Town Council with copies of:

- Town Charter.
- Comprehensive Plan.
- Land Development Code.
- Code of Ordinances.
- Florida Code of Ethics.
- Florida Sunshine and Public Records Laws.
- Emergency Operations Plan.
- Town Council Policies and Procedures Manual.
- Local Planning Agency Policies and Procedures Manual.
- Town Personnel Manual.

- Town Purchasing and Procurement Manual.
- Other materials as determined by the Town Attorney, Town Manager and Town Council members.

As part of a Council member's orientation, they will be provided a tour of the Town facilities with introductions with all staff members. Pursuant to state law, all Council members must complete 4 hours of ethics training each calendar year, which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of the State of Florida.

Training Recommendations:

- Successful completion of all courses required by the National Incident Management System (NIMS).
- Florida League of Cities, Inc., Institute of Elected Municipal Officials (IEMO) Basic Course.
- Making Good Planning Decisions.
- Hands-on Emergency Operations Training.
- Other courses as determined by the Town Attorney, Town Manager and Town Council members.

Election of Officers:

At the first meeting after the second Tuesday in November, the Council's Mayor and Vice Mayor will be chosen. Each Council member may nominate a person for each of these positions. A second is not required. The voting procedure will be agreed upon in advance.

Outside Committee Representation:

~~Charlotte Harbor~~ Coastal Heartland National Estuary Program – www.chnep.org

Meetings: The Policy Committee meets the third Monday every other month at 9:30 am*.
 Mission: The CHNEP is a partnership that protects the estuaries and watersheds from Venice to Bonita Springs to Winter Haven. This partnership gives citizens, elected officials, resource managers, and commercial and recreational resource users in the 4,700-square mile study area a voice to address diverse resource management concerns including fish and wildlife habitat loss, water quality and water flow. The watershed in the study area includes all or parts of Lee, Charlotte, Sarasota, Manatee, Polk, Hardee and DeSoto counties.

Coastal Advisory Committee – www.lee-county.com

Meetings: Last Monday of each month at 9:30 am.*
 Mission: The Council's charge is to advise the Board of County Commissioners, staff and the various related advisory boards when proceeding with a project affecting beach and shoreline preservation regarding the proper methods in helping to conserve the Beaches of Lee County.

Horizon Council – www.lee-county.com/business

Meetings: First Friday of each month*

Mission: The Horizon Council is the advisory board to the county commission on economic development issues. This unique public-private partnership is made up of 62 members from government, education, business, and community organizations. Established in 1991, the mission of the Horizon Council is to:

- Work toward improving the business environment in Lee County; and
- Retain and encourage the expansion of existing businesses; and
- Attract new and diversified employment to the area

Human Services Council – www.lee-county.com

Meetings: Third Tuesday of each month*

Mission: The Council will ensure the efficient delivery of community health and human services through:

- Communication
- Coordination
- Strategic Planning
- Innovation
- Integration and collaboration
- Measurable Outcomes

Metropolitan Planning Organization – www.mpo-swfl.org

Meetings: Third Friday of each month at 9 am*

Mission: The MPO is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process for all of Lee County. It must plan for the movement of both people and goods within the county by all modes of travel – including highways, public transportation, bicycles, and foot. It also plans for the connections (such as airports, seaports, or bus, railroad, and pipeline terminals) linking these modes or tying us to the rest of the world.

The MPO sets priorities among surface transportation improvement projects within Lee County for state or federal funding. To be eligible for federal funds, federal law requires that the MPO endorse a transportation improvement program identifying the projects to be done over the next few years.

Southwest Florida Regional Planning Council – www.swfrpc.org

Meetings: Third Thursday of each month at 9 am*

Mission: The Southwest Florida Regional Planning Council is a locally formed regional planning agency serving six counties: Charlotte, Collier, Glades, Hendry, Lee, and Sarasota. Its mission is to protect and improve the region's physical, economic, and social environment. The agency is directed by a thirty-four-member Council composed of local elected officials and gubernatorial appointees. The activities of the Southwest Florida RPC can be classified into three major areas: long range planning, tactical planning, and transportation planning.

Estero Bay Agency on Bay Management – www.swfrpc.org/abm.shtuil

Meetings: Second Monday of each month at 9:30 am*

Mission: Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM collects and maintains data and it reviews and comments to regulatory agencies on issues affecting the watershed

*Meeting times are subject to change.

5. Town Advisory Committees, Boards and Agencies Standing Advisory Committees

Council Selection of Advisory Board, Agency, and Committee Members:

Residency: Except as required by Town Charter, Town Ordinance or Florida statute, residency on Fort Myers Beach will not be a requirement for nomination or election to a committee, commission, or board of the Town.

Advertising: All advisory committees are listed on the Town website. Information included will be the committee mission, current projects, when the committee meets and current members on the committee and whether submission of an annual Form 1 (Financial Disclosure) is required by the Florida Commission on Ethics.

Openings: In the event of an opening for an advisory board or committee, Town staff will list the opening on the website with a date when applications must be submitted to the Town Clerk for consideration by Town Council. Whenever possible, committee selection will be scheduled 30 days after proper notification. Advertising in local newspapers can be considered if approved by the Town Manager. Committee candidates will be encouraged to appear for interviews during the selection process.

Preliminary matters: The Council should decide how to go about voting prior to any voting taking place and decide the number of members on a committee ahead of time.

Voting:

1. Each Council member picks his selections, marking no more than the total number of seats available (or writes the names down), and initials his ballot.
2. Those receiving the most votes are selected to seats available.
3. If there is a tie for any number of seats still left open, there will be a runoff consisting only of the persons who are tied.

~~Examples of voting procedure:~~

~~First Ballot:~~
~~Seats available 9~~
~~Candidates 15~~
~~Votes on First Ballot: Results of First Ballot~~
~~3 get 5 votes apiece 3 are elected~~

~~_____ 3 get 4 votes apiece 3 are elected~~
~~_____ 4 get 3 votes apiece 4 go on a second ballot~~
~~_____ 3 get 2 votes apiece 3 are eliminated~~
~~_____ 2 get 0 votes apiece 2 are eliminated~~
~~_____~~

3. ~~There would be a second ballot containing only the names of the four candidates who got three votes. Council would vote for three candidates. This process would be repeated in case of a tie until all seats are filled.~~ A variation on this method of voting is that after the first ballot, if there is a tie which prevents all of the seats from being filled, the runoff would consist of all of the un-selected candidates, not just the ones involved in the tie.

4. The ballots are given to the Town Clerk, who conducts the tallying and announces the results.
5. Once all selections are made, Council adopts a motion containing the new members' names.

Effective Date of Appointment and Follow Up:

Newly appointed advisory board, agency and committee members who are required to file a Financial Disclosure Statement, will be notified of the disclosure requirements no later than the date of appointment. The Town Manager or designee is responsible for such notification. These appointments should be made effective as of some future date, so that there is sufficient time to provide the required notification. For convenience, the notice could be accompanied by a copy of the required disclosure forms, which are available from the Supervisor of Elections or on-line from the Florida Commission on Ethics (<http://www.ethics.state.fl.us/>)

Ad Hoc Committees:

Town Council has the authority to form ad hoc committees requesting participation by volunteers. Ad hoc Committees can be used at Town Council's discretion to address specialized and or short-term Town issues.

The mission, specific objectives, expected products, membership and timelines of an ad hoc committee should be clearly stated and agreed to by Town Council. One Town Council member will be an ex-officio member of each ad hoc committee. Where possible, an attempt will be made to have a balanced committee membership. Minutes or verbal reports will keep Town Council informed on a regular basis. A final report will document findings and recommendations and will be presented at a Town Council meeting or workshop.

Ad hoc committees are subject to the public records laws, sunshine laws, quorum, and statutory ethical requirements. It is the Town's responsibility to ensure that each committee member is educated on these issues.

Outline of Committee Orientation Material:

- Meeting Requirements
 - Notice
 - Location Requirements, such as ADA compliance
 - Agendas
 - Quorum
- Sunshine Requirements
- Public Records Requirements
- Statutory Ethical Requirements

6. Meeting Preparation and Planning

Meeting Schedule:

Regular meetings of Town Council may be found on the website calendar. Management and Planning meetings (M&Ps) are work sessions and are scheduled to discuss financial issues for the Town. Workshops special, continued, or rescheduled meetings will be determined by consensus of the Town Council members, the Town Manager and Town Attorney.

Source of Items:

Items for Town Council agendas are generated by requests and/or legislation (ordinances or resolutions) from members of Town Council prepared by the Town Attorney, requests and actions from the Local Planning Agency, continuations from previous council meetings, in addition to anything Council members, the Town Manager or Town Attorney may wish to have included. Some of these inquiries are routine and can be handled by staff because Town Council policy and procedures have been previously approved which apply.

When an item arises that requires Town Council action either to make a decision or to direct staff or the Town Attorney how to proceed it will appear on the agenda identified as a Council member's request or as an item under the Town Manager's section of the agenda which is the "catch all" for miscellaneous items, or Town Attorney's section, as appropriate. For an item to appear on an agenda, at least two Council members must agree and shall direct the Town Manager to do so, provided time schedules allow. (Note the agenda preparation timetable below).

Whenever possible, any material written and distributed by Council members as part of the agenda should be included in Council members' packets – allowing ample time for review. This preserves the integrity of the seated Council, conforms to the Florida Public Records law, and lessens the opportunity for misunderstandings and miscommunication. No significant Town staff or Town Attorney time will be spent on an agenda item requested by an individual Council member without advance approval by a majority of the Council. Written requests to be placed on a Council agenda from the public should be submitted directly to the Town Manager. Agenda Management is reviewed at each Town Council meeting.

Timetable and Preparation Process:

A draft agenda will be sent to Town Council for review and comment within 24 hours. The Town Council chair may modify the order of the agenda subject to the approval of the Town Council. Absent an emergency or pressing need, by close of business on the Wednesday prior to the next regular Council meeting, a packet including the finalized agenda and supporting material will be placed in the Council members' mailboxes and placed on the Town website.

The Council members' packets include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.). A sincere effort is made to see that Council packets are complete; if something is not available, a written explanation will be provided. Generally, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete.

The agenda is posted at Town Hall and on the Town website. Meetings may be announced in local newspapers. Hearing notices will be advertised as required by law and may be provided as a service to local newspapers. Occasionally an item comes up late and may be placed on an amended agenda, or as an "add on" (added too late to be included on the published agenda). Such additions should be an exception.

Continued Hearings and Legislative Issues:

It is the goal of the Town Council to complete a hearing during the scheduled meeting. If additional time is required and the hearing must be continued to a later date, any Town Council member who missed the initial hearing should attempt to review the DVD prior to participating in the continued hearing or legislative discussion and resolution. If the applicant submits new information or modification(s) to previously submitted information at the hearing, or immediately prior to the hearing, the Town Council shall consult with the Town Manager and the Town Attorney to determine if a continuance of the hearing is appropriate and proceed accordingly. Nothing contained in this section shall be construed to limit the Director's discretion to defer or continue the public hearing as set forth in LDC Section 34-213(3).

Attendance Policy:

The Charter states "A member of Council may forfeit the office, if the member: (d) Misses three consecutive regularly scheduled council meetings without an excused absence." This statement recognizes that because of the significant meeting preparation required by staff, applicants, and other supporting personnel, it is important that a quorum of the Town Council members be present for all noticed meetings. The Town Manager should be notified of a planned Council member's absence as soon as known. The Town Manager or designee will notify the Town Attorney and Mayor. It is important that the Town Council know that it will have a quorum of its members prior to notification of a meeting/hearing. Work session attendance is equally important because they are where information is shared, and issues resolved before putting the item on an agenda of a regular meeting for a vote.

Participation by Videoconference:

A Council member may participate in a Town Council meeting via videoconference if one of the following conditions is met:

1. There is a medical reason for unavailability, or
2. Permission is granted from the Council for an "extraordinary circumstance."
3. An emergency order or executive order authorizes the use of communications media technology, as provided in s. 120.54(5)(b)2, F.S.

A quorum of Town Council members must be met without the missing Council member(s) in attendance unless this requirement is suspended by emergency order or executive order.

7. Meeting Procedures

Generally, the Order of Agenda Items:

1. Call to Order
2. Invocation
3. Pledge of Allegiance

4. Approval of Final Agenda
5. Proclamations, Recognitions and Awards
6. Public Comment (Any issue can be discussed, but if an agenda item is addressed, the speaker cannot comment at the time such agenda item comes up. For testimony to be considered for a public hearing, it must be made during the hearing).
7. Approval of Minutes
8. Consent Agenda
9. Advisory Committee Items and Reports
10. Public Hearings of proposed ordinances (At conclusion of hearing, requires motion and roll call vote)
11. Administrative Agenda
 - a. Introduction of proposed ordinances (Requires a motion and a majority vote for scheduling the hearing).
 - b. Resolutions (Requires a motion and vote for passage)
 - c. Unfinished business (Items from previous agendas scheduled by Town Manager – should be listed separately on the agenda)
12. New business (Scheduled by the Town Manager, should be listed separately)
13. Final Public Comment (not limited to agenda items)
14. Town Manager's Items and Reports
15. Town Attorney's Items and Reports
16. Council Members Items and Reports
17. Agenda Management (generally addressed during Council work sessions)
 - a. Topics for upcoming regularly scheduled meetings
 - b. Planning and scheduling of Management and Planning, and other work sessions
18. Review New Actions from Meeting
19. Adjournment (Requires a motion and vote – no second is required. It is a privileged motion allowing no discussion before vote)

Conduct of Council Meetings:

- The Mayor will conduct Council meetings, and in the Mayor's absence the Vice Mayor will do so.
- The Town Clerk shall deliver a nondenominational invocation.
- Robert's Rules of Order shall be the reference for parliamentary procedure governing the conduct of Town Council meetings when not in conflict with the Town Charter, Town Ordinances, Florida Statutes or these Policies and Procedures. It is not intended that Council meetings be unnecessarily formalistic, but rather that parliamentary procedure will be invoked only when necessary to facilitate the business of the meeting.
- All participants and audiences at Town Council meetings are expected to exhibit common courtesy and proper decorum. No personal attacks will be tolerated. The Chair may request that someone who is being disruptive be removed from chambers.

- Individuals wishing to speak during the Public Comment times are requested to (1) fill out an index card (available in the meeting room) indicating their name and the topic they will address and (2) give that card to the Clerk prior to the start of the meeting. When recognized by the Chair, the speakers will advance to the podium and state their name for the public record.
- Public Comments will generally be limited to three minutes per speaker. The Chair may modify the three-minute limit with approval by vote of the Council. The Public Comment times are intended as opportunities for interested parties to present their viewpoints to the Council members. They are not intended as question-and-answer sessions or as dialog with the Council. Response to questions and/or clarifications requested during public comment may, with the approval of Town Council, be answered immediately if there is a straight-forward, short answer, directed to the appropriate person for response at a later time or placed on an agenda for a future Council meeting.
- After a proper motion and second, discussion by the Council members shall be limited to agenda items with expression of ideas, facts, and conclusions. No member will speak twice on the item until all others who want to speak have spoken.
- The discussion by Council members is intended as an opportunity for Council members to share their viewpoints with each other. Since this opportunity does not exist outside of Council meetings under the Florida Sunshine Law, this is the primary purpose of this time and it generally should not be used to obtain information from the Town Manager or Town Attorney, which could be obtained outside of the Council meeting. While there is no time limit or censorship on comments, Council members should take into consideration the total time available in the meeting for the published agenda and the time allocated for the specific item in the agenda.

Any Council member may present resolutions. They are reviewed by the Town Attorney and require a motion and a vote.

Rules of Civility:

The Town of Fort Myers Beach Town Council recognizes that public discourse is essential to the democratic system of government. It also embraces civility in public deliberations. Rules for Council discussion and public participation while conducting meetings and workshops are as follows:

1. Speakers are permitted to deliver his or her comments without interruption, absent inappropriate language, conduct or personal attacks.
2. Speakers and debates should focus on issues, not on persons or personalities.
3. Persons are encouraged to participate in the governmental process.
4. To allow time to hear all points of view, speakers are allotted 3 minutes.
5. Sidebar discussions while others are speaking are discouraged in Council Chambers. These discussions are to be removed from the chambers so as not to be disruptive to those conducting and following Council business.

6. Only the speaker recognized by the Chairperson has the floor. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.
7. We seek to understand one another's points of view.
8. Anger, rudeness, ridicule, impatience, and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing, or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.
9. We should all take initiative to make things better. Our goal is to foster an environment which encourages a fair discussion and exchange of ideas without fear of personal attacks.
10. No use of profanity will be tolerated.
11. Any email or other digital or internet platform used to communicate with the Town Council, individual members of the Town Council, Town Manager, Town Attorney, or Town staff that contain personal attacks, offensive language or slurs; that are belligerent, sarcastic, accusatory or unsigned shall be deemed non-compliant with these "Rules of Civility." Such communications place absolutely no obligation upon Town Council Members, the Town Manager, the Town Attorney or Town staff to respond.

Minutes:

Notes will be taken of all meetings and work sessions. The notes are then transcribed into summary minutes that become the written record of subjects discussed, conclusions reached, actions taken, and assignments given. The minutes include the names of all those participating in the meeting including Council members, staff, the Town Attorney, applicants, their attorneys and witnesses, and people who offer public comments. The minutes also serve as a record of motions and votes on all Council decisions.

Once completed, the minutes are provided to Council members for approval at their next meeting. The approval of the minutes is intended for Council members to accurately document the proceedings of the Town Council. Before moving approval, the minutes should be amended, if necessary, to portray more accurately what occurred at a Council meeting. This time is not intended for comment or discussion on what should have or should not have been done, but rather to document what was done. Once approved by Council, the original is filed in a secure file and a copy is placed on the Town's web page.

Video and/or audio recordings when made are available at the request of the public or anyone who wishes to listen to the meeting or a portion of the meeting. The original video and audio recordings are stored in a secured area for safekeeping. Any request for production of a verbatim transcript, in whole or in part, of any meeting, workshop or other function of the Town Council or any Town committee thereof by Town staff or paid for by the Town shall require prior consent of the Town Council, except for such requests as are initiated by a court of competent jurisdiction or quasi-judicial officer in the proper exercise of its powers. Video and audio recordings are only the legal record in the absence of approved minutes.

Council Members Items and Reports:

Items and Reports time is set aside for Council Members to report on activities of interest to fellow members, staff, and the public. Council Members are encouraged to send as much information as possible prior to the meeting. Unless an issue is time sensitive, the item will be placed on a future agenda if a vote is required.

Agenda Management:

The Town Manager is responsible for compiling and distributing a schedule of future meetings and work sessions.

Action List:

The Town Manager is responsible for compiling and distributing a list of action items that includes a short status and expected date of completion.

How Voting Order is Established for Roll Call Votes:

The voting order for calling the roll on Town Council votes shall be conducted at the direction of the Town Clerk. Votes on ordinances require a roll call vote; any Council member may call for a roll call vote on any motion before the Council.

Voting Conflicts:

Florida Statute has very specific rules regarding voting conflicts. If a Town Council member has a voting conflict, he/she must disclose that conflict in writing prior to the meeting in question and this disclosure must be publicly read. A form is available from the Town Clerk. The rules also contain an exception for disclosure at the meeting itself. A Town Council member is permitted to participate in the discussion but cannot vote on the subject. The specific rules are set out in s. 112.3143(3)(a), F.S. as amended, quoted below:

“(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.”

NOTE: s. 112.3143(b) F.S. defines “relative” as follows: “any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

Guidelines for Legislative Hearing Procedures:

1. The Chair opens the hearing.
2. Staff presents Affidavit of Publication or copy of the legal advertisement from the newspaper of record when available, which shall become an exhibit to the hearing's resulting ordinance or resolution.
3. The Chair or Town Attorney reads the ordinance or resolution title.
4. Staff and/or the Town Attorney present(s) a brief overview of the ordinance or resolution.
5. Public input is taken. Unless otherwise specified by state law, Code of Ordinances, or LDC only ordinances require public input.
6. Public input is closed
7. Town Council members ask questions, if any, of staff/Town Attorney
8. Town Council members discuss ordinance or resolution, including changes, deletions, etc.
9. A motion is made and seconded to either pass the ordinance or resolution as is, or with modifications, or to take some other action.
10. The motion is discussed and voted upon, with roll call voting as appropriate. Upon consideration and passage of all appropriate motions, the Chair declares the hearing on the ordinance or resolution to be concluded, continued, tabled, or other action in conformity with the motion.

Notes: There is no ex parte disclosure for legislative hearings.

Members of the public are not sworn in.

Generally, there is no discussion between Town Council and public.

The above is intended as a guide and the Council may conduct the legislative hearing utilizing another procedure, so long as due process requirements are met.

Guidelines for Quasi-Judicial Land Use Hearing:

1. The Chair opens the hearing.
2. Staff present Affidavit of Publication or copy of the legal advertisement from the newspaper of record when available, which shall become an exhibit to the hearing's resulting resolution.
3. The Chair asks if any Council member has had an ex parte communication regarding this matter. This includes any site visit, receipt of expert opinion, conducting of investigations, discussions with any person, or any direct or indirect communication in any form with any person outside a public hearing and not on the record. See section 34-52 of the Land Development Code.
4. All witnesses are sworn in. This includes Town staff, applicant and applicant's representatives, and anyone who wishes to make public sworn testimony on this case. All

persons are requested to state their name [and address](#) for the record when they address the Council.

5. The applicant presents its case. Town Council may ask clarification questions of the applicant. *
6. Town staff presents its report and recommendation. Town Council may ask clarification questions of staff. *
7. Local Planning Agency representative, if available, presents LPA recommendation. Town Council may ask clarification questions of the LPA representative.
8. Public sworn testimony is opened. At its conclusion, the Chair closes the public sworn testimony portion of the hearing.
9. Applicant presents rebuttal, if any. Town Council may ask detailed informational questions of applicant. **
10. Staff presents rebuttal, if any. Town Council may ask detailed informational questions of staff. **
11. The testimony portion of the hearing is closed, and Council discussion starts.
12. Council votes on a resolution or takes other action.
13. The hearing is closed or continued, or other action is taken in conformity with the successful motion, and the time of closure is verbally noted for the record.

*Council has determined that these Council questions are to clarify the applicant's and staff's presentations of information and are intended to be short Qs and As.

**Council has determined that these Council questions are to discuss detailed, substantive matters involving the application.

NOTE: The above is intended as a guide and the Council may conduct the quasi-judicial hearing utilizing another procedure, so long as due process requirements are met.

If new evidence is submitted prior to or at a Town Council hearing for a quasi-judicial matter after the final LPA hearing, Town Council can choose to:

1. Send the matter back to the LPA for review and recommendation.
2. To continue the hearing to provide sufficient time for the staff and Town Attorney to make recommendations; or
3. To complete the hearing if agreeable to the staff and Town Attorney.

8. Reimbursement Procedures

Travel Expenses:

It is the desire of the Town of Fort Myers Beach that Town Council members be reimbursed for certain expenses incurred while traveling on Town business. Appropriate allowances, forms and procedures are documented in the Town Personnel Manual.

Business Expenses:

From time to time it may be necessary for members of Town Council to entertain various Federal, State and County officials while transacting official Town business. Such business expenses would normally include lunches and/or dinners. A Direct Expense Voucher may be submitted for reimbursement and must be signed by the person requesting reimbursement, and the Town Manager. Invoices must be attached as supporting documentary evidence.

Educational Reimbursement:

The Educational Reimbursement Program is used to encourage Town Council members to improve their knowledge and skills needed for the Town's effectiveness. Reimbursement conditions, forms and procedures are documented in the Town Personnel Manual.

9. Council Communications Policy and Processing Procedures

Council Communications Policy:

Any communication by individual Council members to the media, other governmental agencies, or in public forums should, as clearly as possible, distinguish between personal opinions and actions or direction taken by Town Council. This policy in no way means to censor viewpoints or restrict individual rights but is solely suggested to preserve the integrity of the Council, staff, and the Town.

Mail Processing Procedures:

Mail for the Town should be addressed to the current address. All mail is opened stamped and distributed (it is all public record). Council mail is given to the Administrative Assistant to log and process. Any Council mail that needs a prompt or detailed answer is pulled, copied, and a draft response is prepared for review, usually by the Mayor. The original is distributed, along with other mail; with a note stating a draft response is being prepared. When the response is finalized, it is copied and distributed to all Council members for reading at their leisure.

Communications with Potential Applicants for Zoning and Communications with Vendors or Service Providers:

Section 34-52 of the LDC specifies regulations regarding communications with public officials in non-quasi-judicial matters and ex parte communications with public officials in quasi-judicial matters.

10. Non-Discrimination and Harassment

Policies:

These policies are documented in the Town Personnel Manual

11. Interview/Selection Process for ~~Legal Services~~Town Attorney

The following applicant form, and ranking sheet shall be used in the selection of Legal Services candidates.

INTERVIEW PROCESS FOR LEGAL SERVICES

Individual 30-minute blocks for private interviews by each Councilor with each applicant.

RFP#: _____. Interview date: _____

	9:00-9:30	9:30 – 10:00	10:00-10:30	10:30-11:00	11:00-11:30	11:30-12:00	12:00-1:00
Councilor 1	Coffee/muffins	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Lunch
Councilor 2	Coffee/muffins	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Lunch
Councilor 3	Coffee/muffins	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Lunch
Councilor 4	Coffee/muffins	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Lunch
Councilor 5	Coffee/muffins	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Lunch

Applicant 1: _____
 Applicant 2: _____
 Applicant 3: _____
 Applicant 4: _____
 Applicant 5: _____

NOTE: Chart for town councilor and applicant names shall be in alphabetical order for impartiality.

AFTERNOON SCHEDULE: Each applicant has 15-minute question and answer session in town hall chambers with all five Town Councilors present (5-minute transition between applicants in schedule). Applicants will address Council in alphabetical order.

TIME	Applicant Name
1:00 – 1:15	Applicant 1
1:20 – 1:35	Applicant 2
1:40 – 1:55	Applicant 3
2:00 – 2:15	Applicant 4
2:20 – 2:35	Applicant 5
2:40 – 3:00	Break
3:00	Town Councilors have open discussion. Each Councilmember uses RANKING SHEET to list order of selection, with 1 being the top choice. The Town Clerk will tally the votes and announce each applicant's combined ranking score with the lowest score being the candidate selected. In case of a tie, Town Council will have a head-to-head discussion of only the tied candidates and use

	another RANKING SHEET to list their order for only the tied candidates. Ranking scores are tallied and announced by Town Clerk. Contract negotiator from Town Council is selected. Transition period of legal services, if necessary, is discussed including assignment of representation for ongoing municipal litigation cases.
FIRST AVAILABLE COUNCIL MEETING AFTER INTERVIEW PROCESS	When contract negotiations are complete, contract is presented to Town Council for approval. Transition period, if necessary, is approved.
IF SELECTED APPLICANT DOES NOT COME TO AGREEMENT WITH TOWN ON CONTRACT	Town Council shall vote to negotiate with second ranked candidate or resolicit for applications and repeat interview process if necessary. Town Council shall vote at the first Town Council meeting following opening of applications to rank the applicants using the RANKING SHEET.

TOWN COUNCIL RANKING SHEET FOR LEGAL SERVICES

RFP# _____

DATE: _____

Councilor Name:

Councilor Signature:

Ranking (#1 is top choice)

1. _____
2. _____
3. _____
4. _____
5. _____

12. Interview/Selection Process for Town Manager

The following applicant form, and ranking sheet shall be used in the selection of Town Manager candidates.

INTERVIEW PROCESS FOR TOWN MANAGER

Councilors rank top 5 candidates from applications. Top 5 overall are invited and scheduled for individual 30-minute blocks for private interviews by each Councilor with each applicant.

RFP# _____ Interview date: _____

	9:00-9:30	9:30 – 10:00	10:00- 10:30	10:30- 11:00	11:00- 11:30	11:30- 12:00	12:00 -1:00
Councilor 1	Coffee/muffins	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Lunch
Councilor 2	Coffee/muffins	Applicant 2	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Lunch
Councilor 3	Coffee/muffins	Applicant 3	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Lunch
Councilor 4	Coffee/muffins	Applicant 4	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Lunch
Councilor 5	Coffee/muffins	Applicant 5	Applicant 1	Applicant 2	Applicant 3	Applicant 4	Lunch

Applicant

1: _____

Applicant

2: _____

Applicant

3: _____

Applicant

4: _____

Applicant

5: _____

NOTE: Chart for town councilor and applicant names shall be in alphabetical order for impartiality.

AFTERNOON SCHEDULE: Each applicant has 15-minute question and answer session in town hall chambers with all five Town Councilors present (5-minute transition between applicants in schedule). Applicants will address Council in alphabetical order.

TIME	Applicant Name
1:00 – 1:15	Applicant 1
1:20 – 1:35	Applicant 2
1:40 – 1:55	Applicant 3
2:00 – 2:15	Applicant 4
2:20 – 2:35	Applicant 5
2:40 – 3:00	Break

3:00	Town Councilors have open discussion. Each Councilmember uses RANKING SHEET to list order of selection, with 1 being the top choice. The Town Clerk will tally the votes and announce each applicant's combined ranking score with the lowest score being the candidate selected. In case of a tie, Town Council will have a head-to-head discussion of only the tied candidates and use another RANKING SHEET to list their order for only the tied candidates. Ranking scores are tallied and announced by Town Clerk. Contract negotiator from Town Council is selected. Transition period, if necessary, is discussed.
FIRST AVAILABLE COUNCIL MEETING AFTER INTERVIEW PROCESS	When contract negotiations are complete, contract is presented to Town Council for approval. Transition period, if necessary, is approved.
IF SELECTED APPLICANT DOES NOT COME TO AGREEMENT WITH TOWN ON CONTRACT	Town Council shall vote to negotiate with second ranked candidate or resolicit for applications and repeat interview process if necessary. Town Council shall vote at the first Town Council meeting following opening of applications to rank the applicants using the RANKING SHEET.

TOWN COUNCIL RANKING SHEET FOR TOWN MANAGER

RFP# _____

DATE: _____

Councilor Name: _____

Councilor Signature: _____

Ranking (#1 is top choice)

1. _____

2. _____

3. _____

4. _____

5. _____

1. **Requested Motion:**

Meeting Date: September 16, 2021

Authorize the Town Manager to execute the final one-year renewals for existing miscellaneous professional services agreements under RFQ-19-17-AD.

Why the action is necessary:

What the action accomplishes:

Provides additional miscellaneous professional services to the Town for another year.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

RFQ-19-17-AD

Attached is a list of the firms to date that have had a Professional Services Agreement with the Town under RFQ-19-17-AD. Upon mutual consent, there is one additional one year renewal under RFQ-19-17-AD available for the firms who currently have an agreement. If the extension is granted by the Town Council, the recommended renewals and contracts will effectively expire September 30, 2022, with no additional renewals remaining. The services will need to be re-bid in 2022.

Proposals are available for review upon request

Attachments:

1. RFQ-19-17-AD Original Category Spreadsheet

Financial Impact:

6. **Alternative Action**

Do not execute the renewals and only use the firms under RFQ-20-22-AD; Ongoing Miscellaneous Professional Services.

7. **Management Recommendations:**

8. **Recommended Approval:**

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

Created/Initiated - 9/10/2021
Approved - 9/10/2021
Approved - 9/10/2021
Final Approval - 9/10/2021

RFQ-19-17-AD
Ongoing Misc. Professional Services
Proposing Firm

		101 - Water Resource	102 - Architectural Design	103 - Stormwater	104 - Water Distribution, Including Lift and Pump Station Design	105 - Surveying Services	106 - Landscape Architect	107 - Community & Neighborhood Improvements	108 - Electrical Systems	109 - Structural Systems	110 - Geo Technical Analysis	111 - Civil Engineering	112 - Development and Building Services	113 - Transportation Planning & Traffic Engineering Services	114 - Planning /Zoning	115 - Historical Restoration	116 - Archaeological Services	117 - Environmental Assessments	118-Marine Engineering	119 - Geographical Information Systems
ADG Architecture, LLC			X																	
American Structure Point		X		X	X							X		X				X		
Caltran Engineering Group														X						
Calvin, Giordano & Associates																				X
CES Inc.						X				X		X						X		
Corradino Group, The												X		X	X					
CW3 Inc.				X	X							X								
DRMP, Inc.				X	X	X				X		X		X				X		X
GMA Architects & Planners			X					X												
hbk Engineering				X	X	X			X	X	X	X								X
Hole Montes		X		X	X	X		X				X			X					
Latawish, Victor J., Architect PA			X			X	X	X	X	X	X	X								
Matern Professional Engineering									X											
MK Architecture			X																	
RWA Consulting		X		X	X	X		X				X			X					
Studio AD Architect			X																	
StudioPlus, LLC			X																	
SWFL Env, LLC																		X		

1. Requested Motion:

Meeting Date: September 16, 2021

Authorize the Mayor and Town Manager to execute a renewal agreement for Legal Services with John R. Herin Jr. for an additional one year.

Why the action is necessary:

Legal Services Agreement is in need of renewal.

What the action accomplishes:

Provides the Town with Legal Services for an additional year.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

4. Submitter of Information:

5. Background:

Attached is a draft renewal for the continued services of Town Attorney John R. Herin, Jr. Town Council was provided a legal services performance evaluation form for their use.

Attorney Herin has met or will be meeting individually with members of Council for their performance comments and reviews. Attached for review and approval is the proposed Fourth Amendment to Legal Services Agreement.

The current legal services agreement with Attorney John R. Herin, Jr. will expire September 30, 2021. This agreement will provide legal services for the Town for an additional year, expiring on September 30, 2022.

Attachments:

1. Fourth Amendment to Legal Services Agreement - FMB & Fox Rothschild(126205656.1)-C

Financial Impact:

6. Alternative Action

Do not authorize the contract renewal and seek an alternative for legal services.

7. Management Recommendations:

Authorize Town Manager to sign/execute the Legal Services Agreement renewal with John R. Herin Jr.

8. Recommended Approval:

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

Created/Initiated - 9/10/2021
Approved - 9/13/2021
Approved - 9/13/2021
Final Approval - 9/13/2021

FOURTH AMENDMENT TO TOWN ATTORNEY LEGAL SERVICES AGREEMENT

THIS FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT (“First Amendment”) is made and entered into this 16th day of September 2021 by and between the TOWN OF FORT MYERS BEACH (“Town”), and FOX ROTHSCHILD LLP (“Firm”).

WITNESSETH:

WHEREAS, pursuant to a public procurement process, on December 18, 2018, the Town selected, appointed and entered into a Legal Services Agreement (“Agreement”) with the law firm of GrayRobinson, P.A., (“GrayRobinson”) to provide legal services to the Town. A copy of the Agreement is attached hereto as Exhibit “A” and made a part hereof by this reference; and

WHEREAS, the Agreement designated John R. Herin, Jr., Esq., as the primary attorney to serve as the Town Attorney as set forth in Section 8.01 of the Town Charter (“Designated Town Attorney”); and

WHEREAS, on February 11, 2019, Designated Town Attorney voluntarily left GrayRobinson and joined Firm; and

WHEREAS, Town and Designated Town Attorney entered into a First Amendment to the Agreement (“First Amendment”) to continue the professional relationship between the parties and assign the Agreement to Firm; and

WHEREAS, the term of the Agreement was retroactively extended from October 1, 2020 to September 30, 2021 (“Third Amendment”), and the parties desire to renew the Agreement as extended and modified by the First Amendment, Second Amendment, and Third Amendment as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Town and Firm agree to the following amendments to the Agreement as follows:¹

1. Amendment to Section 5 of the Agreement.
5. Duration and Termination. This Agreement is ~~retroactively~~ effective as of October 1, ~~2020~~ 2021. Designated Attorneys through the Firm shall provide Town Attorneys legal services as required by this Agreement and may be substituted without the consent of the Town. The term of this Agreement shall be for 365 calendar days, expiring on September 30, ~~2024~~ 2021, and thereafter may be renewed for additional one (1) year term(s) upon written agreement of the Town and Firm. Notwithstanding the foregoing or any other provision set forth herein, this Agreement may be terminated at the will of the Town or by the Firm upon

1/ Additions to existing text are shown by underline, and deletions are shown as ~~striketrough~~.
126205656.1

giving no less than thirty (30) calendar days prior written notice of the termination of this Agreement.

2. Remaining Provisions of the Agreement. All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Town and Firm have executed this Third Amendment this 16th day of September 2021.

Firm:

Town of Fort Myers Beach:

John R. Herin, Jr, Partner

Raymond P. Murphy, Mayor

Attest:

Amy Baker, Town Clerk

1. **Requested Motion:**

Meeting Date: September 16, 2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE FINAL AD VALOREM MILLAGE RATE FOR THE TOWN OF FORT MYERS BEACH, FLORIDA FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE.

Why the action is necessary:

Florida Statute and the Town Charter establish the procedure for setting both the Town millage rate and Town budget for the operating year.

What the action accomplishes:

Complies with Florida state law and provides a basis for adoption of a final millage rate by Town Council.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

A Proposed Millage Rate must be adopted by the Town Council prior to August 1st each year, and submitted to the County Property Appraiser prior to August 4th. Fiscal Year 2021-2022 Ad Valorem is being tentatively proposed at .9900 mills. Once the millage rate has been set it cannot be increased, only reduced.

Florida Statute 12D-17.003 *Truth in Millage ("TRIM")* compliance as well as the Town Charter establishes the procedures for setting the Town's millage rate and adoption.

Attachments:

1. 21-47, Final 2021-2022 Millage
2. 05 - DR-420 Completed

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

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

Created/Initiated - 9/10/2021
Approved - 9/13/2021
Approved - 9/13/2021
Final Approval - 9/13/2021

RESOLUTION NUMBER 21-47

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE FINAL AD VALOREM MILLAGE RATE FOR THE TOWN OF FORT MYERS BEACH, FLORIDA FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the 2021 Tax Assessment Roll for the Town has been prepared, equalized, and certified, showing a total taxable value of real and personal property in the amount of \$3,816,376,785.00; and

WHEREAS, Section 200.065, *Fla. Stat.* requires rolled-back data to be presented in aggregate for the Town; and

WHEREAS, Section 200.065, *Fla. Stat.* establishes the method of determining and levying an ad valorem millage rate and adopting a budget for all taxing authorities in the State of Florida; and

WHEREAS, following proper notice, on September 16, 2021, the Town Council held the required public hearing to consider any adjustments to the tentative millage rate adopted on June 7, 2021 and, following public input, adopted a final ad valorem millage rate and tentative budget for fiscal year 2021-2022.

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, correct, and incorporated herein by this reference.

Section 2. The Town Council does hereby adopt the final operating ad valorem millage rate for fiscal year 2021-2022 at .9900 mills, which is .9900 for each \$1,000 of assessed valuation. The current year rolled-back rate is .9096 mills. The final operating millage rate is 3.67% GREATER THAN the rolled-back rate.

Section 3. A public meeting and hearing was held on September 16, 2021 at 5:01 PM

at the Town Hall of the Town of Fort Myers Beach, Florida located at 2525 Estero Boulevard, Fort Myers Beach, Florida to consider and adopt the final millage rate for fiscal year 2021-2022.

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:

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

ADOPTED this 16th day of September 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 September 2021.



CERTIFICATION OF TAXABLE VALUE

[Reset Form](#)
[Print Form](#)

DR-420
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2021	County : LEE
Principal Authority : TOWN OF FORT MYERS BEACH	Taxing Authority : TOWN OF FORT MYERS BEACH

SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$ 3,861,376,785	(1)
2.	Current year taxable value of personal property for operating purposes	\$ 27,722,554	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$ 0	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$ 3,889,099,339	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$ 10,316,673	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$ 3,878,782,666	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$ 3,713,639,808	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	☐ YES ☒ NO	Number 0 (8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	☐ YES ☒ NO	Number 0 (9)
SIGN HERE	Property Appraiser Certification I certify the taxable values above are correct to the best of my knowledge.		
	Signature of Property Appraiser:		Date :
	Electronically Certified by Property Appraiser		7/1/2021 12:09 PM

SECTION II : COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.			
10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>	0.9500	per \$1,000 (10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$ 3,527,958	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$ 0	(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$ 3,527,958	(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$ 0	(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$ 3,878,782,666	(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>	0.9096	per \$1000 (16)
17.	Current year proposed operating millage rate	0.9900	per \$1000 (17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$ 3,850,208	(18)

19.	TYPE of principal authority (check one)		☐ County	☐ Independent Special District	(19)
			☒ Municipality	☐ Water Management District	
20.	Applicable taxing authority (check one)		☒ Principal Authority	☐ Dependent Special District	(20)
			☐ MSTU	☐ Water Management District Basin	
21.	Is millage levied in more than one county? (check one)				(21)
	☐ Yes ☒ No				
DEPENDENT SPECIAL DISTRICTS AND MSTUs				STOP HERE - SIGN AND SUBMIT	
22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>			\$ 3,527,958	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>			0.9096 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>			\$ 3,537,525	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>			\$ 3,850,208	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>			0.9900 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>			8.84 %	(27)
First public budget hearing		Date : 9/9/2021	Time : 5:01 PM EST	Place : Fort Myers Beach Town Hall, 2525 Estero Blvd., Fort Myers Beach, FL 33931	
S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :				Date :
	Title : ROGER T. HERNSTADT, TOWN MANAGER		Contact Name and Contact Title : Cheri Russ, Budget Manager		
	Mailing Address : 2525 ESTERO BLVD		Physical Address : 2525 ESTERO BLVD		
	City, State, Zip : FORT MYERS BEACH, FL 33931		Phone Number : 2397650202		Fax Number : 2397650909

Instructions on page 3

CERTIFICATION OF TAXABLE VALUE INSTRUCTIONS

“Principal Authority” is a county, municipality, or independent special district (including water management districts).

“Taxing Authority” is the entity levying the millage. This includes the principal authority, any special district dependent to the principal authority, any county municipal service taxing unit (MSTU), and water management district basins.

Each taxing authority must submit to their property appraiser a DR-420 and the following forms, as applicable:

- DR-420TIF, Tax Increment Adjustment Worksheet
- DR-420DEBT, Certification of Voted Debt Millage
- DR-420MM-P, Maximum Millage Levy Calculation - Preliminary Disclosure

Section I: Property Appraiser

Use this DR-420 form for all taxing authorities except school districts. Complete Section I, Lines 1 through 9, for each county, municipality, independent special district, dependent special district, MSTU, and multicounty taxing authority. Enter only taxable values that apply to the taxing authority indicated. Use a separate form for the principal authority and each dependent district, MSTU and water management district basin.

Line 8

Complete a DR-420TIF for each taxing authority making payments to a redevelopment trust fund under Section 163.387 (2)(a), Florida Statutes or by an ordinance, resolution or agreement to fund a project or to finance essential infrastructure.

Check “Yes” if the taxing authority makes payments to a redevelopment trust fund. Enter the number of DR-420TIF forms attached for the taxing authority on Line 8. Enter 0 if none.

Line 9

Complete a DR-420DEBT for each taxing authority levying either a voted debt service millage (s.12, Article VII, State Constitution) or a levy voted for two years or less (s. 9(b), Article VII, State Constitution).

Check “Yes” if the taxing authority levies either a voted debt service millage or a levy voted for 2 years or less (s. 9(b), Article VII, State Constitution). These levies do not include levies approved by a voter referendum not required by the State Constitution. Complete and attach DR-420DEBT. Do not complete a separate DR-420 for these levies.

Send a copy to each taxing authority and keep a copy. When the taxing authority returns the DR-420 and the accompanying forms, immediately send the original to:

Florida Department of Revenue
Property Tax Oversight - TRIM Section
P. O. Box 3000
Tallahassee, Florida 32315-3000

Section II: Taxing Authority

Complete Section II. Keep one copy, return the original and one copy to your property appraiser with the applicable DR-420TIF, DR-420DEBT, and DR-420MM-P within 35 days of certification. Send one copy to the tax collector. “Dependent special district” (ss. 200.001(8)(d) and 189.403(2), F.S.) means a special district that meets at least one of the following criteria:

- The membership of its governing body is identical to that of the governing body of a single county or a single municipality.
- All members of its governing body are appointed by the governing body of a single county or a single municipality.
- During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.
- The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

“Independent special district” (ss. 200.001(8)(e) and 189.403 (3), F.S.) means a special district that is not a dependent special district as defined above. A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

“Non-voted millage” is any millage not defined as a “voted millage” in s. 200.001(8)(f), F.S.

Lines 12 and 14

Adjust the calculation of the rolled-back rate for tax increment values and payment amounts. See the instructions for DR-420TIF. On Lines 12 and 14, carry forward values from the DR-420TIF forms.

Line 24

Include only those levies derived from millage rates.

1. Requested Motion:

Meeting Date: September 16, 2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022, AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Florida Statute requires the Town to hold two hearings to adopt an operating budget and capital budget as part of the annual budget process.

What the action accomplishes:

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

4. Submitter of Information:

5. Background:

Attachments:

1. 21-48, Setting FY21-22 Final Budget
2. Change Memorandum FY21-22 Annual Budget
3. FY21-22 Proposed Budget

Financial Impact:

6. Alternative Action

7. Management Recommendations:

8. Recommended Approval:

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

Created/Initiated - 9/10/2021
Approved - 9/13/2021
Approved - 9/13/2021
Final Approval - 9/13/2021

RESOLUTION NO. 21-48

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2021-2022 COMMENCING OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022; 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 (“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, Section 200.065, *Florida Statutes* establishes the method of determining and levying an ad valorem millage rate and adopting a budget for all taxing authorities in the State of Florida; and

WHEREAS, following proper notice, on September 16, 2021, the Town Council held the required public hearing to consider any adjustments to the tentative millage rate adopted on June 7, 2021 and, following public input, adopted a final ad valorem millage rate and final budget for fiscal year 2021-2022.

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

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. The Town Council does hereby adopt the final annual budget for fiscal year 2021-2022, attached hereto and incorporated herein as Exhibit “A”.

Section 3. The Town Council does hereby adopt the capital improvement plan for fiscal year 2021-2022, attached hereto and incorporated herein as Exhibit “A” at page 82.

Section 4. The Town Council does hereby adopt the fee schedule for fiscal year 2021-2022, attached hereto and incorporated herein as Exhibit “A” at page 95.

Section 5. A public meeting and hearing was held on September 16, 2021 at 5:01 PM at the Town Hall of the Town of Fort Myers Beach, Florida located at 2525 Estero Boulevard, Fort Myers Beach, Florida to consider and adopt the final Town budget, capital improvement plan and fee schedule for fiscal year 2021-2022.

Section 6. 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	_____
Jim Atterholt, Council Member	_____
Bill Veach, Council Member	_____

ADOPTED this 16th day of September 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 September 2021.



CHANGE MEMORANDUM

DATE: September 13, 2021

TO: The Honorable Mayor and members of the Town Council

FROM: Roger T. Hernstadt

SUBJECT: FY 2021-2022 Town of Fort Myers Beach Annual Budget

On September 9, 2021 the Town Council of the Town of Fort Myers Beach, Florida held its first of two public hearings on the FY 2022 budget. The second and final public budget hearing is scheduled for 5:01 pm on September 16, 2021.

At the September 9th meeting, NO changes were made to the proposed budget by Town Council.

However, several proposals were debated.

- Funding the installation and use of public safety cameras in the Town (currently the FY 2022 budget does not have a funded line item or amount).
- Raising parking fees from \$3 per hour to \$5 per hour. The FY 2022 budget revenue is \$1,400,000. Assuming a portion drop off and an average of the last three years parking space utilization would increase revenues by approximately \$605,000. The revenue could be utilized for any general purpose including a parking app; however project cost over-runs and affordable housing were mentioned as needing additional funding. Council should be aware that the current positive parking revenue stream (after parking operating expenses) is utilized to offset property taxes.
- Raising vacation rental registration fees from \$50 renewal rate to \$300. Current budget revenue is \$105,000 assuming a 5% drop off and FY 2021 utilization would increase revenues by \$493,500 after paying for program operating expenses of \$101,000. The increase revenue was proposed to be utilized to initiate a work force housing because the increase in vacation rentals island-wide have impacted the availability of annual rentals.
- Town Council debated whether to start a community policing program.

FORT MYERS BEACH ESTERO ISLAND

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

TO: The Honorable Mayor and members of the Town Council

DATE: September 13, 2021

Page 2 of 2

- Town Council also discussed returning the millage from .99 to .95 a difference of \$149,341.
- A roll back rate of .9096 which would be a difference of (\$149,263) was also discussed. In the case of rollback proposal, specific expenditures would need to be identified for elimination or reduction to balance the budget OR new revenues to balance the difference.
- As previously reported, the FY 2022 general fund expenditures are projected to have a savings of \$216,000. Although departments such as Town Clerk and Finance will overspend their FY 2021 budget; the total expenditure savings of \$216,000 will not be adversely affected.

FORT MYERS BEACH ESTERO ISLAND

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



Annual Budget

2021-2022



Prepared By:

TOWN OF FORT MYERS BEACH FINANCE DEPARTMENT

PRINCIPAL OFFICIALS

***RAY MURPHY
MAYOR***

***REXANN HOSAFROS
VICE MAYOR***

***DAN ALLERS
COUNCIL MEMBER***

***JIM ATTERHOLT
COUNCIL MEMBER***

***BILL VEACH
COUNCIL MEMBER***

***ROGER T. HERNSTADT
TOWN MANAGER***

***JOHN R. HERIN JR.
TOWN ATTORNEY***

***AMY BAKER
TOWN CLERK***

***ALISON GIESEN
RECREATION & CULTURE DIRECTOR***

***CHELSEA O'RILEY
PUBLIC WORKS DIRECTOR***

***CHRISTY CORY
WATER UTILITY DIRECTOR***



**TOWN OF FORT MYERS BEACH
FY 2021-2022 ADD-ON LIST
BUDGET UTILIZING .95 MILLAGE RATE**

Tax Information:

Current Year Millage & Revenue - @ 96% - Information Only	0.9500	\$	3,546,858		
Proposed Millage & Revenue - @ 96% - Information Only	0.9900	\$	3,696,200	\$	149,341

Revenues - Informational

Ad Valorem Taxes	\$	3,546,858
Parking	\$	1,400,000
Public Service Tax	\$	900,000
Building Permits	\$	677,000
Half Cent Sales Tax	\$	610,000
Communication Svc Tax	\$	585,000
Administrative Charges	\$	240,000
State Revenue Sharing	\$	200,000
Local Option Gas Tax	\$	190,000
New Local Option Gas Tax	\$	140,000
All Others	\$	5,662,270

Total Operating Revenues \$ 14,151,128

Loan Project Exp from General Reimburse	\$	172,200
Carry Forward Fund Balance	\$	1,836,700
Projected Savings from FY21	\$	1,048,100
Total	\$	3,057,000

Informational Only

Reserves - Funded in Budget

GFOA	\$	1,330,000
Emergency	\$	500,000
Legal	\$	215,000
Compensated Absences	\$	110,000
Beach	\$	100,000
Grant Matches	\$	372,000
Total	\$	2,627,000

Other - Funded in Budget

Insurance Premium Increase	\$	91,000
Health Premium Increase	\$	47,000
\$1/Hr FT Longevity Pay Plan Adj	\$	100,000
Annual Employee Bonus	\$	100,000
FT Finance Director Adjustment	\$	45,000
Public Safety Committee	\$	2,500
Anchorage Advisory Comm	\$	2,500
CELCAB	\$	10,000
MRTF Projects (includes bags)	\$	10,000
 Annual Debt Service (\$10M Loan)	 \$	 581,400

Town Hall Maintenance (Approved last year)

- Contracted Svcs (Plumbing/Security)	\$	7,000
- Other Svcs (Cameras/Carpet)	\$	4,500
- Storage Rentals	\$	2,400
- Electric	\$	1,000
- Repairs & Maint.	\$	2,300
- Operating Supplies	\$	5,000
Total	\$	22,200

Revenues Available

Revenues	\$	14,151,100
Carry Forward & Savings	\$	3,057,000
Total	\$	17,208,100

Expenses

Proposed Budgeted Expenses	\$	13,956,400
R&R - Capital	\$	730,000
Total	\$	14,686,400

Net Available \$ 2,521,700

Recurring Operating Expenses

Cultural Services - additional requests

- Bay Oaks	\$	31,000
- Bay Oaks Pool	\$	23,500
- Mound House	\$	24,000
- Newton Park	\$	2,200
	\$	(80,700)

Add On Items

Community Policing	\$	230,000
Times Square/Shades	\$	1,100,000
Laguna Shores Dredging (1,000,000)	\$	500,000
Landscaping	\$	100,000
Bayside Dock	\$	100,000
Mooring Field	\$	100,000
Lighting Project	\$	100,000
Generator	\$	76,700
Mound House Museum Restoration	\$	48,000
TH Ducts	\$	23,000
Pilot Project - Rodent Control	\$	20,000
Leadership Conference	\$	8,000
Streetside Exotic Plant Removal	\$	5,000
Sekonic Spectrometer C-7000	\$	2,500
Sea Turtle Annual Notice	\$	1,500
FBSPA Conf/Mmbrshp	\$	1,500
Total Add On Requests	\$	(2,416,200)
		\$ (2,496,900)

Unencumbered Balance \$ 24,800



The Honorable Mayor and member of the Town Council
Town of Fort Myers Beach
2525 Estero Blvd
Fort Myers Beach, Florida 33931

Councilors:

On behalf of the staff of the Town of Fort Myers Beach, I am pleased to submit the proposed Fiscal Year 2021-2022 budget for the General Fund and the Town's Utility operations.

The Town staff is committed to being cost wise, efficient and effective with the Town's revenues. To that end our general operating budget remains funded at .87 mills per \$1000 of property value. The Town staff has achieved "carry forward savings" of unanticipated revenues combined with spending below the authorized budget each year since 2017. And while it is true that we have experienced statutorily capped property value roll growth, we have also experienced inflation and in 2021 alone it is estimated in excess of 5%.

As you may recall, Town Council has raised the millage to .95 as a strategy to fund the financing of the redevelopment of Bay Oaks Recreational Center Bayside Park and Times Square at an estimated \$10 million in construction. This fiscal year Town Council is considering an increase to .99 mills for public safety related initiatives. Our cash position continues to strengthen and our reserves are growing so that we are in a better position to address unforeseen challenges. We continue to renew and replace existing Town assets and implement new strategic improvements to our Town and its facilities at the direction of Town Council.

The Town, with the Councils support, has steadfastly continued to implement its water and stormwater improvements funded by the rate adjustments recommended by an independent rate consultant. This collaboration has allowed us to progress beyond the joint project with Lee County to complete our downtown streets and move on to our most needy of upgrades local roads in 2022. Our project costs are below initial estimates and financed through the State Revolving Funding program. Our stormwater maintenance efforts have been enhanced and are now self-funded without further contributions from the general fund or gas taxes.

We have experienced and fought through red tide, blue/green algae, hurricanes and Covid-19 shutdowns due to our sound emergency strategies and financial reserves all while our rates and fees remain stable and "low" by comparison to our municipal peers.

FORT MYERS BEACH ESTERO ISLAND

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



I believe and have shared with you that good government is best achieved by teamwork of the Council and your committees (representing the property owners), the manager and the attorney and most importantly staff. We still have much more ahead of us to accomplish. While we are well ahead of most other municipalities, we must continue to improve to stay ahead. I am extremely appreciative of the opportunity to work collaboratively with all of you to achieve these goals.

Sincerely,

Roger T. Hernstadt
Town Manager



FY 2021-2022 ANNUAL BUDGET

TABLE OF CONTENTS

Ad Valormen Tax Information	1
Personnel Information	9
Budget Reports	17
Capital Improvement Plan Schedule	83
Utilities	86
Town Wide Fee Schedules	96
Building Permit Fee Schedule	109
Index	114



Ad Valorem Tax Information



FMB PROPERTY TAX BURDEN



Home Value \$500,000

Millage rate	1.00	500
Millage rate	0.99	495
Millage rate	0.95	475
Millage rate	0.90	450

Example: xxx Carolina Ave - 2020 Assessed Value \$538,613; Total Tax Bill \$8,180.54; Town of FMB receives \$511.68 or .06%

TAXABLE VALUE AND REVENUE GENERATED BY MILLAGE

2021 TAXABLE VALUE \$ 3,889,099

MILL	100%	96%
0.10	\$384,812	\$369,420
0.20	\$769,625	\$738,840
0.30	\$1,154,437	\$1,108,259
0.40	\$1,539,249	\$1,477,679
0.50	\$1,924,062	\$1,847,099
0.60	\$2,308,874	\$2,216,519
0.70	\$2,693,686	\$2,585,939
0.80	\$3,078,498	\$2,955,358
0.87	\$3,347,867	\$3,213,952
0.90	\$3,463,311	\$3,324,778
Current → 0.95	\$3,655,717	\$3,509,488
Proposed → 0.99	\$3,809,642	\$3,657,256
1.00	\$3,889,099	\$3,733,535

Historical Tax Rates & Proceeds

Taxable value, Millage Rates, and Taxes levied since incorporation

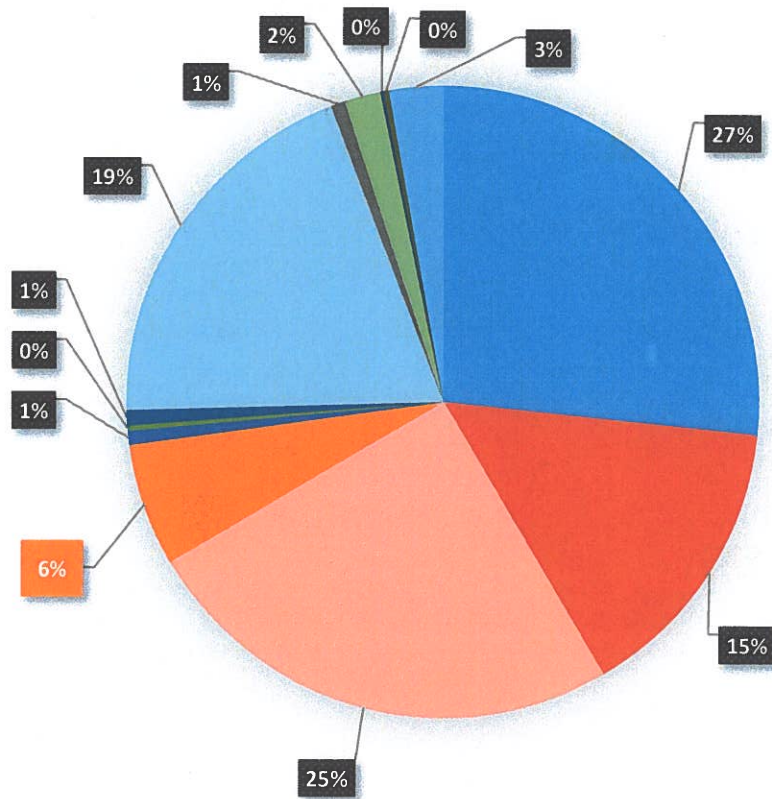
Fiscal Year	Final Taxable Value	Millage	Taxes Levied (100%)
1996	1,097,507,100	1.0604	1,163,797
1997	1,149,535,220	1.0961	1,260,006
1998	1,192,180,910	1.0961	1,306,749
1999	1,289,215,850	1.0961	1,413,109
2000	1,387,116,900	1.0961	1,520,419
2001	1,616,283,120	1.0400	1,680,934
2002	1,888,027,310	1.0400	1,963,548
2003	2,291,140,270	1.0000	2,291,140
2004	2,665,675,540	0.8500	2,265,824
2005	3,063,418,220	0.7498	2,296,951
2006	3,780,475,940	0.6096	2,304,578
2007	3,910,189,400	0.6053	2,366,838
2008	3,422,119,910	0.7093	2,427,310
2009	3,003,712,140	0.8187	2,459,139
2010	2,639,001,882	0.9144	2,413,103
2011	2,526,745,775	0.8144	2,057,782
2012	2,472,045,775	0.7687	1,900,262
2013	2,523,669,687	0.7687	1,939,945
2014	2,669,949,004	0.7687	2,052,390
2015	2,821,651,000	0.7687	2,169,003
2016	3,121,463,874	0.8000	2,497,171
2017	3,076,325,000	0.8000	2,461,060
2018	3,324,763,223	0.8700	2,892,544
2019	3,561,171,592	0.8700	3,098,219
2020*	3,690,694,551	0.9500	3,506,160

*Increased by Town Council to fund \$10 million loan



Tax Percentage to Taxing Authority

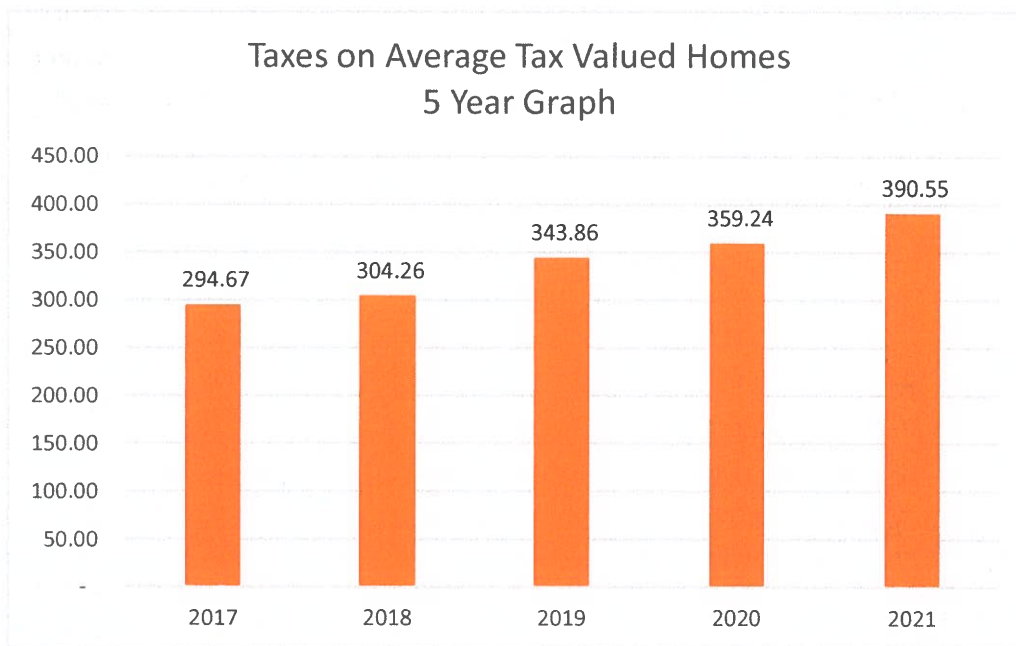
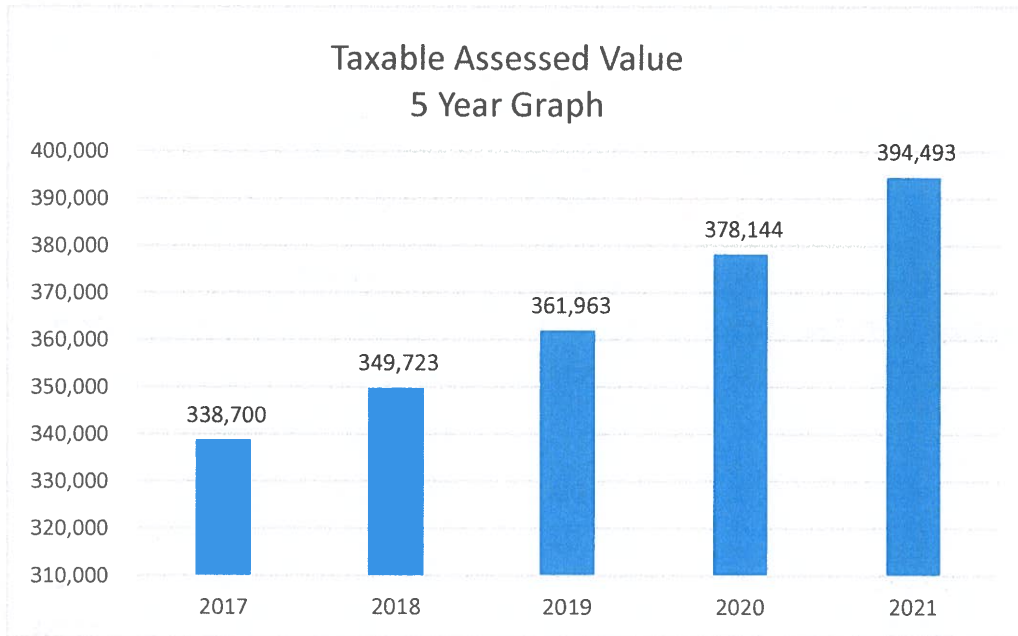
Based on a home on FMB assessed at \$538,000 the Town of Fort Myers Beach receives 6% of the total tax bill



Lee County General Revenue - 27% - \$2181.71	Public School - By Local Board -15% - \$1210.80
Public School - By State Law - 25% - \$2052.12	Town of Ft Myers Beach - 6% - \$511.68
SFL Water Mgmt District Levy- 1% - \$59.41	SFL Water Mgmt Everglade Const - 0% - \$20.47
SFL Water Mgmt Okeechobee Levy - 1% - \$64.20	Ft Myers Beach Fire District - 20% - \$1607.81
Ft Myers Beach Mosquito - 1% - \$60.49	Ft Myers Beach Library - 2% - \$152.91
Lee County Hyacinth Control - 0% - \$11.90	West Coast Inland Navigation District - 0% - \$21.22
Lee County Solid Waste Assmt - 3% - \$225.82	



Town of Fort Myers Beach 5 Years Average Taxable Value of Residential Property





CERTIFICATION OF TAXABLE VALUE

[Reset Form](#)
[Print Form](#)

DR-420
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year: 2021	County: LEE
Principal Authority: TOWN OF FORT MYERS BEACH	Taxing Authority: TOWN OF FORT MYERS BEACH

SECTION I: COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	3,861,376,785	(1)
2.	Current year taxable value of personal property for operating purposes	\$	27,722,554	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	0	(3)
4.	Current year gross taxable value for operating purposes (Line 1 plus Line 2 plus Line 3)	\$	3,889,099,339	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	10,316,673	(5)
6.	Current year adjusted taxable value (Line 4 minus Line 5)	\$	3,878,782,666	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	3,713,639,808	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	☐ YES	☒ NO	Number 0 (8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, Certification of Voted Debt Millage forms attached. If none, enter 0	☐ YES	☒ NO	Number 0 (9)
SIGN HERE	Property Appraiser Certification		I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser:		Date:	
	Electronically Certified by Property Appraiser		7/1/2021 12:09 PM	

SECTION II: COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.				
10.	Prior year operating millage levy (If prior year millage was adjusted then use adjusted millage from Form DR-422)	0.9500	per \$1,000	(10)
11.	Prior year ad valorem proceeds (Line 7 multiplied by Line 10, divided by 1,000)	\$	3,527,958	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value (Sum of either Lines 6c or Line 7a for all DR-420TIF forms)	\$	0	(12)
13.	Adjusted prior year ad valorem proceeds (Line 11 minus Line 12)	\$	3,527,958	(13)
14.	Dedicated increment value, if any (Sum of either Line 6b or Line 7e for all DR-420TIF forms)	\$	0	(14)
15.	Adjusted current year taxable value (Line 6 minus Line 14)	\$	3,878,782,666	(15)
16.	Current year rolled-back rate (Line 13 divided by Line 15, multiplied by 1,000)	0.9096	per \$1000	(16)
17.	Current year proposed operating millage rate	0.9900	per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate (Line 17 multiplied by Line 4, divided by 1,000)	\$	3,850,208	(18)

Continued on page 2

19.	TYPE of principal authority (check one)	☐ County	☐ Independent Special District	(19)
		☒ Municipality	☐ Water Management District	
20.	Applicable taxing authority (check one)	☒ Principal Authority	☐ Dependent Special District	(20)
		☐ MSTU	☐ Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	☐ Yes	☒ No	(21)
DEPENDENT SPECIAL DISTRICTS AND MSTUs  STOP HERE - SIGN AND SUBMIT				
22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>	\$	3,527,958	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>	0.9096	per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>	\$	3,537,525	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>	\$	3,850,208	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>	0.9900	per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>		8.84 %	(27)
First public budget hearing		Date : 9/9/2021	Time : 5:01 PM EST	Place : Fort Myers Beach Town Hall, 2525 Estero Blvd., Fort Myers Beach, FL 33931
SIGN HERE	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.	
	Signature of Chief Administrative Officer :			Date :
	Title : ROGER T. HERNSTADT, TOWN MANAGER		Contact Name and Contact Title : Cheri Russ, Budget Manager	
	Mailing Address : 2525 ESTERO BLVD		Physical Address : 2525 ESTERO BLVD	
	City, State, Zip : FORT MYERS BEACH, FL 33931		Phone Number : 2397650202	Fax Number : 2397650909



MAXIMUM MILLAGE LEVY CALCULATION
PRELIMINARY DISCLOSURE
For municipal governments, counties, and special districts

Reset Form

Print Form

DR-420MM-P
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year: 2021		County: LEE	
Principal Authority : TOWN OF FORT MYERS BEACH		Taxing Authority: TOWN OF FORT MYERS BEACH	
1.	Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	☐ Yes	☒ No (1)
IF YES, STOP STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.			
2.	Current year rolled-back rate from Current Year Form DR-420, Line 16	0.9096 per \$1,000	(2)
3.	Prior year maximum millage rate with a majority vote from 2020 Form DR-420MM, Line 13	0.9446 per \$1,000	(3)
4.	Prior year operating millage rate from Current Year Form DR-420, Line 10	0.9500 per \$1,000	(4)
If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.			
Adjust rolled-back rate based on prior year majority-vote maximum millage rate			
5.	Prior year final gross taxable value from Current Year Form DR-420, Line 7	\$ 0	(5)
6.	Prior year maximum ad valorem proceeds with majority vote (Line 3 multiplied by Line 5 divided by 1,000)	\$ 0	(6)
7.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	\$ 0	(7)
8.	Adjusted prior year ad valorem proceeds with majority vote (Line 6 minus Line 7)	\$ 0	(8)
9.	Adjusted current year taxable value from Current Year form DR-420 Line 15	\$ 0	(9)
10.	Adjusted current year rolled-back rate (Line 8 divided by Line 9, multiplied by 1,000)	0.0000 per \$1,000	(10)
Calculate maximum millage levy			
11.	Rolled-back rate to be used for maximum millage levy calculation (Enter Line 10 if adjusted or else enter Line 2)	0.9096 per \$1,000	(11)
12.	Adjustment for change in per capita Florida personal income (See Line 12 Instructions)	1.0443	(12)
13.	Majority vote maximum millage rate allowed (Line 11 multiplied by Line 12)	0.9499 per \$1,000	(13)
14.	Two-thirds vote maximum millage rate allowed (Multiply Line 13 by 1.10)	1.0449 per \$1,000	(14)
15.	Current year proposed millage rate	0.9900 per \$1,000	(15)
16.	Minimum vote required to levy proposed millage: (Check one)		(16)
☐	a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. Enter Line 13 on Line 17.		
☒	b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to proposed rate. Enter Line 15 on Line 17.		
☐	c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
☐	d. Referendum: The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
17.	The selection on Line 16 allows a maximum millage rate of (Enter rate indicated by choice on Line 16)	0.9900 per \$1,000	(17)
18.	Current year gross taxable value from Current Year Form DR-420, Line 4	\$ 3,889,099,339	(18)

Continued on page 2

Taxing Authority : TOWN OF FORT MYERS BEACH		DR-420MM-P R. 5/12 Page 2	
19.	Current year proposed taxes <i>(Line 15 multiplied by Line 18, divided by 1,000)</i>	\$ 3,850,208	(19)
20.	Total taxes levied at the maximum millage rate <i>(Line 17 multiplied by Line 18, divided by 1,000)</i>	\$ 3,850,208	(20)
DEPENDENT SPECIAL DISTRICTS AND MSTUs		STOP HERE. SIGN AND SUBMIT.	
21.	Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage. <i>(The sum of all Lines 19 from each district's Form DR-420MM-P)</i>	\$ 0	(21)
22.	Total current year proposed taxes <i>(Line 19 plus Line 21)</i>	\$ 3,850,208	(22)
Total Maximum Taxes			
23.	Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 20 from each district's Form DR-420MM-P)</i>	\$ 0	(23)
24.	Total taxes at maximum millage rate <i>(Line 20 plus Line 23)</i>	\$ 3,850,208	(24)
Total Maximum Versus Total Taxes Levied			
25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	☒ YES ☐ NO	(25)
SIGN HERE	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.
	Signature of Chief Administrative Officer :		Date :
	Title : ROGER T. HERNSTADT, TOWN MANAGER	Contact Name and Contact Title : Cheri Russ, Budget Manager	
	Mailing Address : 2525 ESTERO BLVD	Physical Address : 2525 ESTERO BLVD	
	City, State, Zip : FORT MYERS BEACH, FL 33931	Phone Number : 2397650202	Fax Number : 2397650909

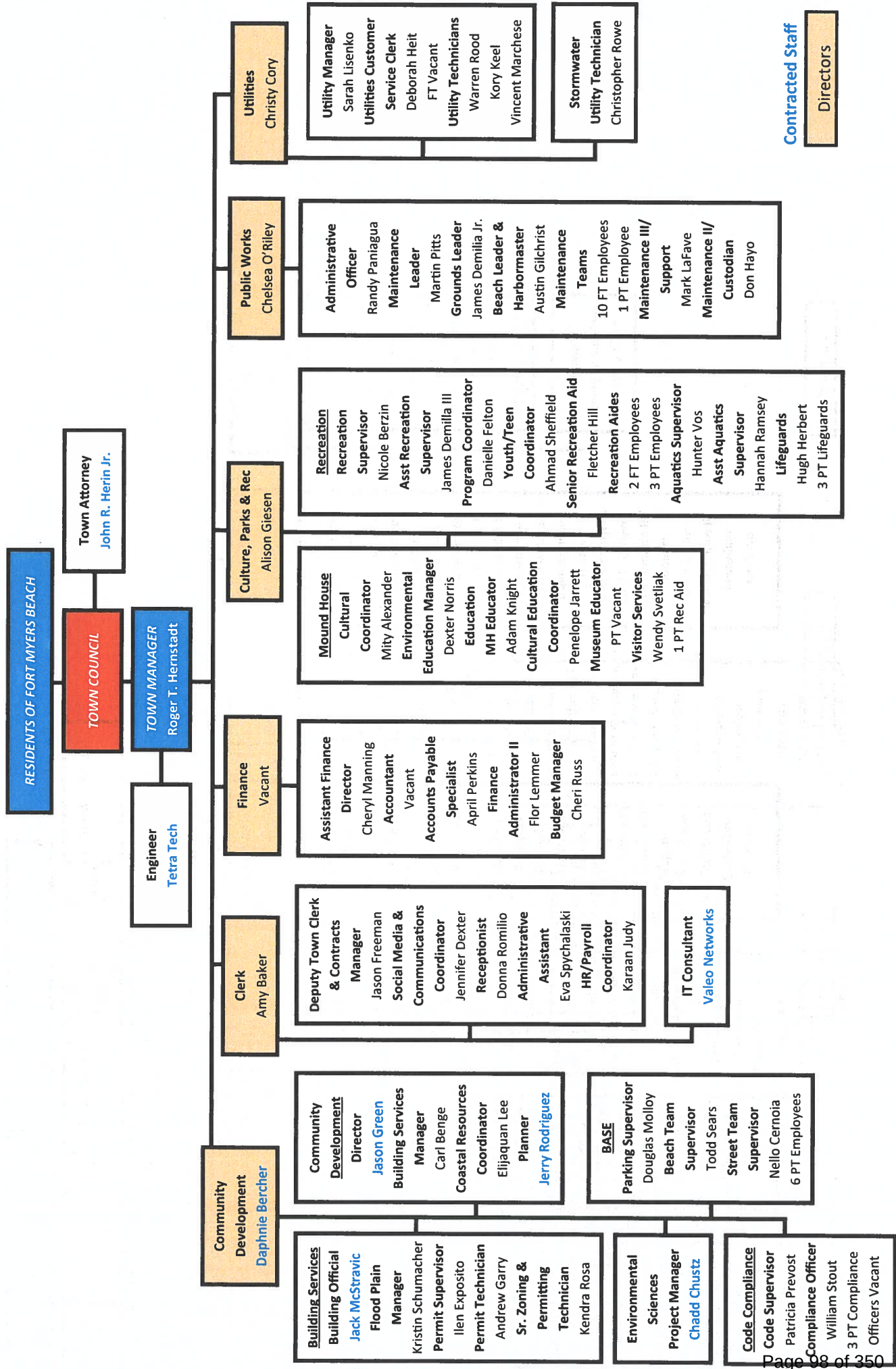
Complete and submit this form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure, to your property appraiser with the form DR-420, Certification of Taxable Value.



Personnel Information



ORGANIZATIONAL CHART





CURRENT PERSONNEL CONTROL

Fund/Department	Position Title		FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22
Fund 10							
Executive	Town Manager	1	1	1	1	1	1
	Executive Assistant		1	0	0	0	0
Town Clerk	Town Clerk		1	1	1	1	1
	Receptionist		0	0	1	1	1
	Contracts Manager/Deputy Clerk		0	0	1	0.5	1
	Communications Coordinator		0	0	0	1	1
	Administrative Assistant		0	0	0	0.5	1
	HR/Payroll Coordinator	6	0	0	0	0	1
Finance	Finance Director		0.5	0.5	0.5	0.5	1
	Assistant Finance Director		0	0	0	0	1
	Director of Admin Services		1	1	0	0	0
	Administrative Officer		0	1	0	0	0
	Budget/Accounting Manager		0	0	0	0	1
	Accounts Payable Specialist		1	1	1	1	1
	Accounting Administrator II		0	0	0	0	1
	HR/Finance Coordinator		1	1	1	1	0
	Senior Accountant		1	1	1.5	0.5	0
	Accountant II	6	0	0	0	0	1
Community Development	Director of Community Development		1	0	0	0	0
	Building Services Manager/Assistant						
	Community Development Director		0	1	1	0	1
	Principal Planner		1	1	0	0	0
	Environmental Tech		1	1	1	1	0
	Zoning & Permit Tech (Moved to Bldg)		1	1	1	0	0
	Permit Tech (Moved to Bldg)		2	2	2	0	0
	Administrative Assistant	2	1	1	1	1	1
Code Compliance	Code Compliance Officer - Full Time		0	0	0	0	0
	Code Compliance Officer - Part Time		2	2	2	1.5	2
	Administrative Assistant	3	0	0	0	1	1
Public Works - Administration	Public Works Director		1	0	0	1	1
	Administrative Officer I		0	0	0	1	1
	Public Works Manager		0	1	1	0	0
	Administrative Assistant	2	1	0.5	1	0	0
Public Works - Maintenance	Maintenance Leader - Grounds		1	1	1	1	1
	Maintenance Leader - Public Works		1	1	1	1	1
	Maintenance Supervisor		1	0	0	0	0
	Maintenance - Custodial		1	1	1	1	1
	Maintenance Support		1	1	1	1	1
	Maintenance Worker - Full Time	9	5	6	5	5	5
Parking	Compliance Supervisor		2	2	2	3	2
	Compliance Team Leader		0	0	0	0	1
	Compliance Ambassador	6	4	4	4	3	3
Bay Oak Recreation Center	Recreation Director		1	1	0	0	0.5
	Recreation Campus Manager		0	0	1	1	0
	Recreation Supervisor		0	0	1	1	1
	Assistant Recreation Supervisor		0	0	0	0	1
	Program Coordinator Lead		1	1	0	0	0
	Senior Recreation Aide		0	0	0	0	1



CURRENT PERSONNEL CONTROL

Fund/Department	Position Title	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22
Fund 10 (Continued)						
Bay Oak Recreation Center (cont'd)	Program Coordinator Senior	2	2	2	2	1
	Programs/Active Lifestyle Coordinator	1	1	1	1	1
	Program Coordinator Youth	1	1	0	0	2
	Recreation Aide - Full Time	0.5	0.5	0	0	0
	Lead Recreation Aide	3	2.5	3.5	3.5	1.5
	Recreation Aide - Part Time	0	0.5	0.5	0	0
Bay Oaks Pool	Recreation Aide/Maintenance	1	1	1	1	1
	Aquatics Supervisor	0	0	1	1	1
	Assistant Aquatics Supervisor	1	5	0	0	1
	Head Lifeguard	5	2.5	3	3	1
	Recreation Lifeguard - Full Time	0	0	0	0	0.5
Mound House	Recreation Lifeguard - Part Time	1	1	1	1	0.5
	Cultural Affairs Director	1	1	1	1	1
	Environmental Educator	1	1	1	1	1
	Cultural Resources Coordinator	0	0	1	1	1
	Educator	0.5	0.5	0.5	0.5	0.5
	Education Coordinator	0	0	0	0	1
	Museum Educator	0	0	0	0	0.5
	PT Recreation Aide	0.5	0.5	1	0.5	0.5
	Museum Interpreter	0.5	0.5	1	0.5	0.5
	Visitor Services Associate (Seasonal)	0.5	0.5	1	0.5	0.5
Fund 21						
Storm Water Maintenance	Storm Water Technician	0	0	0	1	0
	Storm Water Technician II	0	0	0	0	1
Fund 22						
TDC Beach Maintenance	Maintenance Crew Lead/Harbor Master	1	1	1	1	1
	Maintenance Worker - Full Time	4	4	4	4	4
	Maintenance Worker - Part Time	0	0	0	1.5	1
	Compliance Ambassador - Parking	0	0	0	0	1
	Compliance Ambassador	0	0	0	1	0
TDC Mound House	Maintenance Worker 1	0	0	0	0	2
Fund 24						
Building Services	Building Services Manager (Moved to Community Development)	0	0	0	1	0
	Coastal Resource Coordinator	0	0	0	0	1
	Zoning & Permit Tech	0	0	0	1	1
	Permit Tech	0	0	0	3	2
Fund 50						
Water Services	Utility Director	1	1	1	1	1
	Assistant Finance Director (Water Utility)	1	1	1	1	0
	Customer Service Clerk - Full Time	1	1	1	1	2
	Billing Clerk	1	1	1	1	0
	Utility Manager	0	0	0	0	1
	Utility Technician II	0	0	0	0	1
	Water Utility Tech	2	3	3	3	2
	TOTAL:	76	66.5	68.5	65.5	76



CURRENT PERSONNEL COST

Title	Hourly Rate	Base Annual	2% Benefits		Total Benefit	Total Cost
		Salary	Allow	SSI @ 0.0765		
Town Manager	82.16	170,893	3,418	13,073	42,951	230,335
Town Clerk	36.00	74,880	1,498	5,728	20,928	103,034
Front Desk Receptionist	17.00	35,360	707	2,705	22,481	61,253
Contract Manager/Deputy Town Clerk	27.00	56,160	1,123	4,296	17,780	79,359
Social Media & Comm Coordinator	36.06	75,005	1,500	5,738	16,733	98,976
HR/Payroll Coordinator	28.00	58,240	1,165	4,455	15,968	79,828
Administrative Assistant	17.00	35,360	707	2,705	13,562	52,334
Finance Director	36.00	37,440	749	2,864	13,936	54,989
Assistant Finance Director	35.00	72,800	1,456	5,569	19,718	99,543
Accounts Payable Specialist	17.00	35,360	707	2,705	11,308	50,080
Accountant II	23.00	47,840	957	3,660	14,424	66,881
Budget Manager	29.81	62,005	1,240	4,743	14,918	82,906
Finance Admin II	18.00	37,440	749	2,864	15,542	56,595
Building Services Manager (Planner)	33.00	68,640	1,373	5,251	19,392	94,655
Coastal Resources Coordinator	22.00	45,760	915	3,501	13,771	63,947
Code Supervisor	24.00	49,920	998	3,819	17,455	72,192
Code Compliance Officer	20.00	31,200	0	2,387	0	33,587
Code Compliance/BASE Officers	18.00	28,080	0	2,148	0	30,228
Code Compliance/BASE Officers	17.00	26,520	0	2,029	0	28,549
Code Compliance/BASE Officers	17.00	26,520	0	2,029	0	28,549
Flood Plain Coordinator	21.00	43,680	874	3,342	13,928	61,823
Zoning & Permitting Technician	25.00	52,000	1,040	3,978	27,181	84,199
Permit Tech II	20.00	41,600	832	3,182	15,982	61,597
Permit Tech I	18.00	37,440	749	2,864	13,773	54,826
Public Works Director	39.00	81,120	1,622	6,206	20,817	109,765
Administrative Officer I	20.00	41,600	832	3,182	13,538	59,152
Maintenance Worker III (Lead)	25.00	52,000	1,040	3,978	21,717	78,735
Maintenance Worker II	22.00	45,760	915	3,501	17,299	67,475
Maintenance Worker I	17.00	35,360	707	2,705	12,935	51,707
Maintenance Worker II	22.00	45,760	915	3,501	17,369	67,545
Maintenance Worker I	15.00	31,200	624	2,387	13,001	47,212
Maintenance Worker III (Lead)	25.00	52,000	1,040	3,978	17,442	74,460
Maintenance Worker I	17.00	35,360	707	2,705	13,428	52,200
Maintenance Worker I	19.00	39,520	790	3,023	16,448	59,782
Maintenance Worker I	15.00	31,200	624	2,387	14,109	48,320
Harbormaster/Maintenance Worker III	25.00	26,000	520	1,989	4,678	33,187
Beach and Street Supervisor I	19.00	39,520	790	3,023	21,389	64,722
Beach and Street Supervisor II	25.00	52,000	1,040	3,978	22,047	79,065
Beach and Street Supervisor I	22.00	45,760	915	3,501	14,678	64,853
Beach Ambassador	16.00	24,960	0	1,909	0	26,869
Beach Ambassador	16.00	24,960	0	1,909	0	26,869
Beach Ambassador	16.00	24,960	0	1,909	0	26,869
Beach Ambassador	16.00	24,960	0	1,909	0	26,869
Beach Ambassador	16.00	24,960	0	1,909	0	26,869
Beach Ambassador	16.00	24,960	0	1,909	0	26,869
Utility Director	39.00	81,120	1,622	6,206	26,306	115,254
Utilities Customer Service Clerk	19.00	39,520	790	3,023	14,019	57,352
Utilities Customer Service Clerk	19.00	39,520	790	3,023	14,019	57,352
Water Utility Tech	19.00	39,520	790	3,023	14,019	57,352
Water Utility Tech	18.00	37,440	749	2,864	13,445	54,497
Water Utility Tech	23.00	47,840	957	3,660	16,929	69,385
Utility Manager	24.00	49,920	998	3,819	16,954	71,691
Director of Culture/Parks & Recreation	52.16	54,246	1,085	4,150	11,636	71,117
Recreation Supervisor	21.00	43,680	874	3,342	13,787	61,682
Assistant Recreation Supervisor	19.00	39,520	790	3,023	14,660	57,993
Program Coordinator-Youth and Teen	18.00	37,440	749	2,864	13,960	55,013
Program Coordinator	21.00	43,680	874	3,342	16,457	64,352
Senior Recreation Aide	18.00	37,440	749	2,864	16,066	57,119
Recreation Aid	16.00	33,280	666	2,546	15,662	52,154
Recreation Aid	18.00	37,440	749	2,864	16,090	57,143
Recreation Aid	13.00	20,280	0	1,551	0	21,831
Recreation Aid	13.00	20,280	0	1,551	0	21,831
Recreation Aid	13.00	20,280	0	1,551	0	21,831
Aquatics Supervisor	21.00	43,680	874	3,342	13,725	61,620
Assistant Aquatics Supervisor	17.00	35,360	707	2,705	13,248	52,020
Lifeguard	13.00	20,280	0	1,551	0	21,831
Lifeguard II	16.00	33,280	666	2,546	15,184	51,676
Lifeguard	13.00	13,520	0	1,034	0	14,554



CURRENT PERSONNEL COST

Title	Hourly Rate	Base Annual	2% Benefits		Total Benefit	Total Cost
		Salary	Allow	SSI @ 0.0765		
Lifeguard	13.00	14,040	0	1,074	0	15,114
Lifeguard	13.00	13,520	0	1,034	0	14,554
Lifeguard	13.00	13,520	0	1,034	0	14,554
Director of Culture/Parks & Recreation	52.16	54,246	1,085	4,150	11,636	71,117
Environmental Educator	23.00	47,840	957	3,660	16,937	69,394
Cultural Coordinator	22.00	45,760	915	3,501	17,008	67,184
Mound House Educator	21.00	43,680	874	3,342	10,976	58,871
Museum Educator	23.00	47,840	957	3,660	11,156	63,613
Cultural - Education Coordinator	23.00	23,920	0	1,830	0	25,750
Part Time Rec Aide	13.00	13,520	0	1,034	0	14,554
Museum Interpreter	16.00	16,640	0	1,273	0	17,913
Visitor Services	16.00	16,640	0	1,273	0	17,913
Beach Ambassador	17.50	27,300	0	2,088	0	29,388
Beach Ambassador	15.00	23,400	0	1,790	0	25,190
Harbormaster/Maintenance Worker III	25.00	26,000	520	1,989	4,678	33,187
Maintenance Worker I	17.00	35,360	707	2,705	15,415	54,188
Maintenance Worker I	19.00	39,520	790	3,023	15,993	59,327
Maintenance Worker I	17.00	35,360	707	2,705	15,354	54,126
Maintenance Worker I	19.00	39,520	790	3,023	16,452	59,785
Maintenance Worker I	15.00	23,400	0	1,790	0	25,190
Maintenance Worker I	15.00	23,400	0	1,790	0	25,190
Stormwater Utility Tech	21.00	43,680	874	3,342	13,479	61,374
Maintenance Worker I - Mound House	16.00	33,280	666	2,546	15,882	52,374
Maintenance Worker I - Mound House	19.00	39,520	790	3,023	15,962	59,295
Total		3,663,535	73,271	280,260	1,059,718	5,076,784

FTE Total: 76



Vehicle Inventory Information



Motorized Vehicle and Trailer Inventory Master

As of May 6, 2021

% BA	VIN Number	Year	Make	Type	Title #	Color	Plate #	#	Lee County Fleet #
Town Hall - Public Works									
	NOVIN0200662899	2007		80 KW Generator		Brown	241348	1	TFB07001
	NOVIN0200662900	2007		150KW Generator		Brown	241349	2	TFB07002
	NOVIN0200662902	2007		150KW Generator		Brown	XA4149	3	TFB07003
	ASKD2GDBJKG033331	2019	Kubota	RTVX-1140	137419073	Orange	XH6581	5	TFB19005
	ASKB2FDBJG056674	2019	Kubota	RTV-X900 utility	135906334	Orange	XG9673	6	TFB19006
	ASKD2GDBPKG033858	2019	Kubota	RTVX 1140	138363316	Orange	XH6583	7	TFB19007
	ASKD2GDBAJG026396	2018	Kubota	RTV1140XT		Orange	XG4053	8	TFB18008
	ASKB2FDBCLG062378	2020	Kubota	RTV 900X Utility Dump	140079145	Orange	XH9044	9	TFB20009
	ASKB2FDBJUG049695	2019	Kubota	RTV900XT		Orange	XE5916	11	TFB19011
	1FVXCDT9GHR3679	2016	Freightliner	Elgin Whirlwind St/Swpr	12253235	White	XD0631	12	TFB16012
100	ZGELE51954	2017	New Holland	T4.110	Bill of Sale	blue		15	TFB17015
	1FTMF1CM5EFC97050	2014	Ford	F-150 W/Liftgate	116017996	White	XD6368	16	TFB14016
	54DC4W1B4LS804892	2020	Isuzu	NPR (Gasoline Eng)	140133620	White	XH9045	20	TFB20020
25	JALE5164E7903104	2014	Isuzu	NPR (Diesel Eng/dump)	116602794	White	XD6374	21	TFB14021
SW	CAT3035EKUWY04400*	2018	CAT	CAT 303.5E2 - CR	Bill of Sale	Yellow		22	TFB18022
100	ASKB2FDBHHG041558	2017	Kubota	RTV - 900 Utility Dump	130501201	Orange	XG1865	25	TFB17025
100	B3BT13711*	2018	BOBCAT	S - 740 Skidsteer	Bill of Sale	White		27	TFB18027
	s/n 530-6633	2014	Tennant	Sweeper model S30	Bill of Sale	Aqua		31	TFB14031
	1FTRF3C6XKED86200	2019	Ford	F-350 Superduty Utility	134817252	White	XG9671	37	TFB19037
100	1FTBW3DT0GED00321	2016	Ford	F350 Crew Cab Dual Wh	123267263	white	228609	38	TFB16038
	16VDX162KX5095933	2019	Big Tex	14 Ft Dump Trailer	1333596867	Black	XG6496	39	TFB19039
	16VDX1622K5091746	2019	Big Tex	14 Ft Dump Trailer	133597210	Black	XG6497	40	TFB19040
SW	5FTBE2529K1005037	2019	Felling	16Ft. HD Lowboy Trailer	133950860	Black	XG6498	41	TFB19041
	5GLBE24268C000346	2008	(ECC) MBF	Communication Trailer	100972069	White	XA4154	47	TFB08047
100	1WC200E1X95001390		Wells Cargo WC-12	BathroomTrailer/Hndcp		White		48	
	4Y3U5121745014044	2004	Carry On	5X12 small Utility trailer		Black	Missing	57	TFB04057
	16VPX2026K2089396	2019	Big Tex 20 Ft Trlr	10P1-20BK4HDIR	133463019	Black	XG6491	61	TFB19061
	ASKB2FDBCMG065520	2021	Kubota	RTV-X900 Utility dump		Orange		29	TFB21029
	405635754	2020	Toro	74504 Zero Turn Stdup	Bill of Sale	Red		74	TFB20074
	1FDRF3GT8FEC72231	2015	Ford	F350 Aerial Lift Truck	119062818	White	XE2435	91	TFB15091
100	ASKB2FDBJEG018690	2015	Kubota	RTV 900X	119220335	Orange	XE2438	92	TFB15092
100	16VGX3023G6070889	2016	Big Tex	22GN-30BK+SMR	Bill of Sale	Black		99	TFB16099
	1FM5K7B84FGA57051	2015	Ford	Explorer	116263915	White	XD6372	112	TFB15112
Mooring Field									
	OPQ26074H617	2016	OPQ 26Ft	Pumpout Boat	929513205	White	FL0717SK	45	TFB16045
	FLZGC539F020	2020	FLZ	Pontoon Boat	138707506	Silver	FL9993SR	46	TFB20046
	4YBG82720LF008795	2020	Rocket Intl. 1st Load	Pontoon Trailer Scis/T		Grey/Silver		49	TFB20049
	420BB252461TD1149	2016	Quickload Dual Axle	Pumpout Boat Trailer	929514130	Silver	XE5914	54	TFB16054
Mound House									
100	52CG6A6A3H0015826	2017	Polaris	GEM-6 Golf Cart	126187023		XF1420	14	TFB17014
100	1G9AE43G2JA493123	2018	MOTO Electric	EBB-2PUDLX	130934907	White	XG4045	28	TFB18028
	ASKB2FDBCKG057616	2019	Kubota	RTV-XWHL Hydro dump	140208235	Orange	XH9046	36	TFB19036
	406991805	2020	TORO	TITAN 54" lawnmower	Bill of Sale	Red		63	TFB20063
Central Parking - BASE									
	LCELV1225L6000246	2020	LCE	Low Speed Vehicle 2 P	138614592	Blue/Black	XH9040	23	TFB20023
	ASKB2FDBLKG058107	2019	Kubota	RTV-X900 G-H	137419220	Blue/Black	XH6580	24	TFB19024
	ASKH1PGNCMG023574	2021	Kubota	RTV-XG850	141824775	Blue/Black	XH9043	35	TFB21035
	1GCH5BEAXK1124333	2019	Chevy	Colorado	132629157	White	XG4050	33	TFB19033
	LCELV1220M6000477	2021	LCE	Low Speed Vehicle 2 P	140457721	Blue/Black	XH9047	34	TFB21034
BAY OAKS REC CENTER									
	ASKB2FDBHJG051321	2018	Kubota	RTV X900	133523751	Orange	XG6492	30	TFB18030
	404533320	2018	Toro (Id # 74915)	Z 5000	Bill of sale	Red		53	TFB18053
	405366393	2019	Toro (Id # 08703)	GroundPro 3040	Lease	Red		72	TFB19072
	405365287	2019	Toro (Id # 30849)	Groundmaster 3505 D	Lease	Red		73	TFB19073
	1FBNE38L88DB11248	2011	Ford	350 XL Van	106755799	White	XC1657	79	TFB11079
	1FBAX2X82LKB61356	2020	Ford	Van 15 Passenger	140838149	White	XG9534	77	TFB20077
Community Development									
	1FTMF1CM9EFC97049	2015	Ford	F-150	116018083	White	XD6369	19	TFB14019
	EKHD74781516	2016	Carolina Skiff	Carolina Skiff/Boat	121038720	White		43	TFB16043
	4YBG82720LF008795	2019	Rocket Intl 1st Load	20ft Boat Trailer		Silver	IS1 3KL	44	TFB19044
	1FTMF1CM5EFC97047	2014	Ford	F-150	116018360	White	XD6371	17	TFB14017
Water Department									
	1294E4CA3LT551519	2020	ICON	Low Speed Vehicle 4 P	137460809	Black/White		13	TFB20013
	NMOLS7E21K1405305	2019	Ford	Transit Connect Van	138071542	White	XH8345	32	TFB19032
	1FTMF1CM7EFC97048	2014	Ford	F-150	116018225	White	XD6370	18	TFB14018
	NMOLS7E73F1211277	2015	Ford	Transit Connect Van	120331737	White	XE2439	26	TFB15026
	NMOLS7E7XK1222406	2015	Ford	Transit Connect Van	120332251	White	XE2440	55	TFB15026

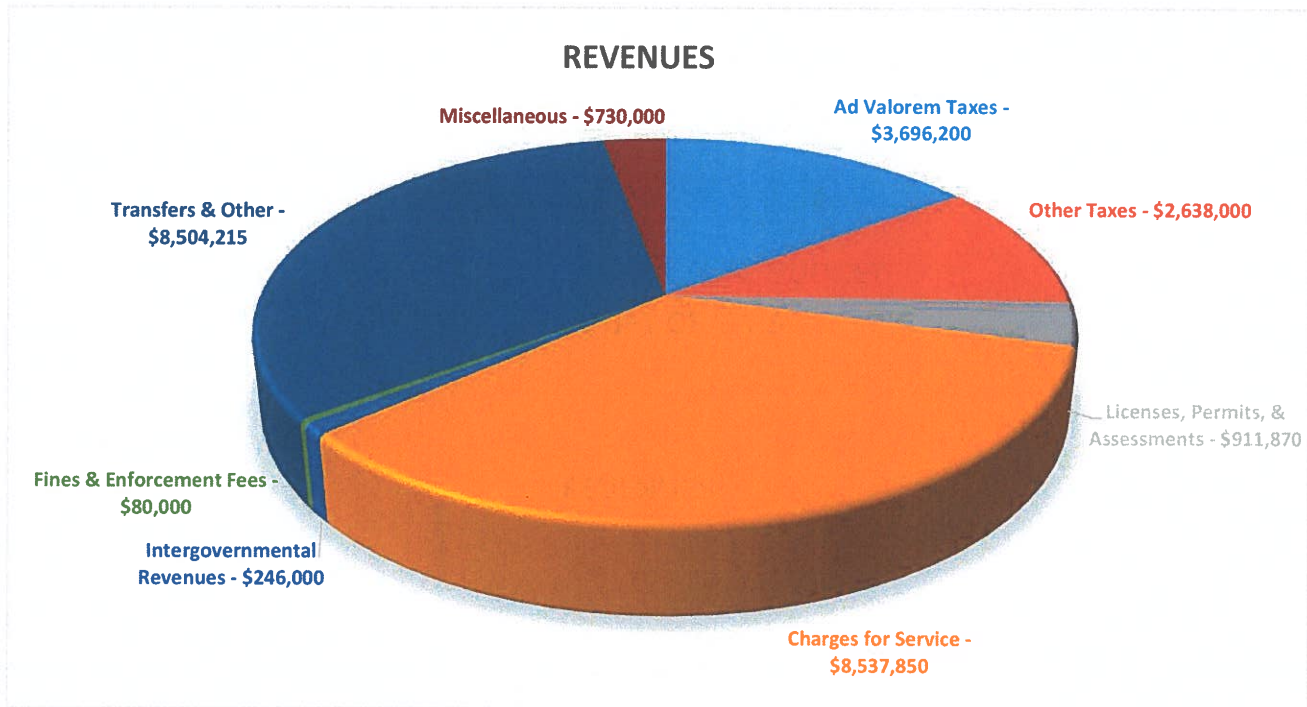


Budget Reports

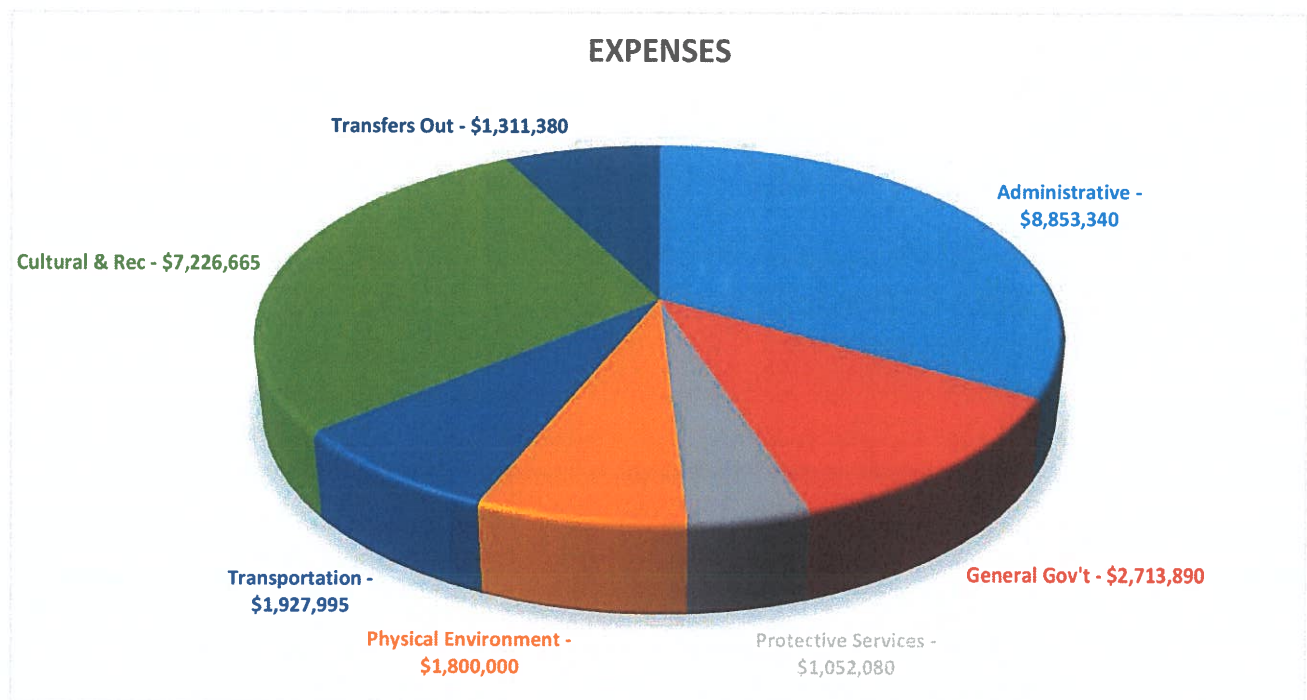


FY 2021-2022 ANNUAL BUDGET BUDGET GRAPHS

WHERE THE MONEY COMES FROM



WHERE THE MONEY GOES





ALL FUNDS - BUDGET BY DEPARTMENT FY 2021-2022

FUNDS	NUMBER OF POSITIONS		TOTAL PERSONNEL COST	OPERATING	TRANSFERS/OTHERS	CAPITAL	TOTAL PROPOSED BUDGET
GENERAL	FT	PT					
Legislative	0	0	\$ 93,010	\$ 104,390	\$ 18,000	\$ -	\$ 215,400
Executive	1	0	\$ 237,610	\$ 35,580	\$ 51,105	\$ -	\$ 324,295
Legal	0	0	\$ -	\$ 250,000	\$ -	\$ -	\$ 250,000
Town Clerk	6	0	\$ 474,700	\$ 92,656	\$ -	\$ -	\$ 567,356
Finance	6	0	\$ 410,900	\$ 97,705	\$ -	\$ -	\$ 508,605
General Services	0	0	\$ -	\$ 650,500	\$ 2,495,550	\$ -	\$ 3,146,050
Code Compliance	1	4	\$ 193,100	\$ 106,310	\$ -	\$ -	\$ 299,410
Short Term Rental	0	0	\$ -	\$ 49,250	\$ -	\$ -	\$ 49,250
Public Works - Admin	2	0	\$ 169,000	\$ 84,842	\$ -	\$ -	\$ 253,842
Public Works - Maint	9	0	\$ 547,600	\$ 302,930	\$ -	\$ -	\$ 850,530
Times Square	0	0	\$ -	\$ 37,300	\$ -	\$ -	\$ 37,300
Maritime	0	0	\$ -	\$ 21,250	\$ -	\$ -	\$ 21,250
Mooring Operations	1	0	\$ 33,200	\$ 164,965	\$ -	\$ -	\$ 198,165
Town Hall Maint	0	0	\$ -	\$ 95,690	\$ -	\$ -	\$ 95,690
Parking & BASE	3	6	\$ 369,900	\$ 180,965	\$ -	\$ -	\$ 550,865
Community Development	2	0	\$ 158,700	\$ 518,045	\$ -	\$ -	\$ 676,745
Bay Oaks	6	5	\$ 542,100	\$ 325,305	\$ -	\$ -	\$ 867,405
Bay Oaks Pool	3	5	\$ 245,900	\$ 126,995	\$ -	\$ -	\$ 372,895
Mound House	4	4	\$ 406,400	\$ 140,730	\$ -	\$ -	\$ 547,130
Newton Park	0	0	\$ -	\$ 44,600	\$ -	\$ -	\$ 44,600
Totals	44	24	\$ 3,882,120	\$ 3,430,008	\$ 2,564,655	\$ -	\$ 9,876,783
BEACH WATER UTILITY FUND	7	0	\$ 482,900	\$ 3,273,040	\$ 2,351,224	\$ 302,300	\$ 6,409,464
BUILDING SERVICES	4	0	\$ 263,000	\$ 489,670	\$ -	\$ -	\$ 752,670
BEACH ACCESS & SHORELINE	7	2	\$ 484,500	\$ 311,875	\$ -	\$ 66,500	\$ 862,875
GAS TAX	0	0	\$ -	\$ 206,000	\$ 124,000	\$ -	\$ 330,000
CAPITAL IMPROVEMENTS	0	0	\$ -	\$ -	\$ -	\$ 730,000	\$ 730,000
COMMUNITY ENHANCEMENT FUND	0	0	\$ -	\$ -	\$ -	\$ 4,529,960	\$ 4,529,960
GENERAL DEBT SERVICE	0	0	\$ -	\$ -	\$ -	\$ 581,380	\$ 581,380
STORMWATER FUND	1	0	\$ 61,400	\$ 792,960	\$ 948,140	\$ -	\$ 1,802,500
ALL FUNDS TOTAL	63	26	\$ 5,173,920	\$ 8,503,553	\$ 5,988,019	\$ 6,210,140	\$ 25,875,632

Town of Fort Myers Beach
Annual Budget
All Funds Summary
From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
General	10	7,958,325	6,813,801	8,251,897	9,283,945	9,876,783
Road Impact	11	61,348	12,732	47,164	0	0
Parks Impact	12	12,461	32,528	11,352	0	0
Emergency	13	939,560	73,747	53,277	0	0
Gas Tax	20	566,091	354,124	307,085	388,865	330,000
Storm Water	21	2,077,634	5,060,842	2,019,921	1,130,000	1,802,500
Beach Access	22	1,089,804	935,532	274,368	978,070	862,875
Building	24	610,764	360,576	745,027	752,215	752,670
General Debt Service Fund	30	0	0	233,160	581,380	581,380
Capital	40	910,698	975,360	1,070,389	1,363,245	730,000
Community Enhancement Projects	41	0	260,962	708,090	3,500,000	4,529,960
Water Utility	50	5,224,097	12,544,780	7,039,751	5,935,815	6,409,464
Fixed Assests	90	(2,100)	(2,022)	0	0	0
Total Revenues		19,448,682	27,422,961	20,761,482	23,913,535	25,875,632
Expenses						
General	10	6,859,272	5,552,931	6,222,558	9,283,945	9,876,783
Road Impact	11	23,968	19,580	0	0	0
Parks Impact	12	0	124,800	0	0	0
Emergency	13	107,620	4,121	0	0	0
Gas Tax	20	776,116	525,609	162,160	388,865	330,000
Storm Water	21	92,060	3,486,067	2,302,434	1,130,000	1,802,500
Beach Access	22	1,192,085	890,744	665,680	978,070	862,875
Building	24	719,484	503,422	453,587	752,215	752,670
General Debt Service Fund	30	0	0	234,012	581,380	581,380
Capital	40	779,569	651,062	420,148	1,363,245	730,000
Community Enhancement Projects	41	0	0	697,931	3,500,000	4,529,960
Water Utility	50	3,607,892	11,820,947	7,150,790	5,935,815	6,409,464
Fixed Assests	90	1,100,480	851,521	0	0	0
Total Expenses		15,258,546	24,430,804	18,309,299	23,913,535	25,875,632
Total Revenue over Expenses		4,190,136	2,992,158	2,452,182	0	0

Town of Fort Myers Beach
Annual Budget
General Fund Revenue and Expenditures by Department
From 10/01/2020 to 7/15/2021

				Current Year	Current Year	
Revenues		FY 2019 Actual	FY 2020 Actual	Actual	Budget	FY 2022 Budget
NA	10.00	84,887	(81,816)	0	0	0
Town Council	10.10	458	0	0	0	0
Town Manager	10.12	134	0	0	0	0
Town Clerk	10.14	0	0	0	0	0
Finance	10.16	5,615,436	4,814,268	5,346,377	7,138,795	7,424,733
Short Term Rental	10.17	151,172	134,250	135,982	100,000	122,000
Legal	10.18	0	0	0	0	0
General Government	10.19	218,941	159,463	170,702	0	0
Community Development	10.20	145,719	90,787	117,407	272,800	187,950
Code Enforcement	10.21	116,884	384,664	96,585	103,450	90,000
Town Hall Maintenance	10.29		0	0	0	0
Public Works Admin	10.30	0	3,046	5,930	0	15,000
Public Works Maintenance	10.31	12,143	581	822,086	35,000	0
Times Square	10.32	76,407	69,730	1,711	0	75,000
Maritime	10.33	31,568	86,806	24,276	0	0
Parking	10.34	1,209,710	873,426	1,248,534	1,190,000	1,452,000
Mooring Operations	10.36	9,205	135,049	157,440	170,000	235,200
Bay Oaks	10.50	90,800	49,833	35,121	68,000	68,000
Bay Oaks Pool	10.51	62,957	14,422	9,225	62,000	64,000
Mound House	10.70	128,901	77,174	80,441	138,500	138,500
Newton Park	10.71	3,479	2,119	80	5,400	4,400
Total Revenues		7,958,801	6,813,801	8,251,897	9,283,945	9,876,783
Expenses						
General	10.00	0	0	0	0	0
Town Council	10.10	188,055	151,681	117,481	231,400	215,400
Town Manager	10.12	230,745	195,533	201,135	324,295	324,295
Town Clerk	10.14	236,635	267,715	403,261	473,550	567,356
Finance	10.16	460,224	324,569	377,961	448,155	508,605
Short Term Rental	10.17	38,908	57,010	35,028	49,250	49,250
Legal	10.18	252,426	142,803	245,925	250,000	250,000
General Government	10.19	1,498,550	1,483,113	1,934,172	2,857,625	3,146,050
Community Development	10.20	391,097	341,752	223,066	674,930	676,745
Code Enforcement	10.21	218,237	155,902	155,680	263,485	299,410
Town Hall Maintenance	10.29	0	0	36,379	73,490	95,690
Public Works Admin	10.30	201,159	172,891	152,885	263,165	253,842
Public Works Maintenance	10.31	717,826	577,205	618,088	828,115	850,530
Times Square	10.32	99,040	29,704	30,123	37,300	37,300
Maritime	10.33	194,741	72,140	58,436	74,750	21,250
Parking	10.34	427,352	394,437	395,732	566,610	550,865
Mooring Operations	10.36	109,299	115,539	103,591	194,665	198,165
Bay Oaks	10.50	758,229	485,309	556,396	779,285	867,405
Bay Oaks Pool	10.51	269,290	180,572	190,774	318,220	372,895
Mound House	10.70	518,105	376,783	351,221	529,950	547,130
Newton Park	10.71	48,840	28,274	35,225	45,705	44,600
Total Expenses		6,858,758	5,552,931	6,222,558	9,283,945	9,876,783
Total Revenue over Expenses		1,100,043	1,260,869	2,029,339	0	0

Town of Fort Myers Beach
Annual Budget
General Fund Detail Revenues
From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
Ad Valorem Taxes	31100	2,881,811	3,001,904	3,357,668	3,389,680	3,546,858
Public Service Tax	31410	937,124	927,085	705,546	850,000	900,000
Gas Utility Tax	31440	11,096	11,249	11,132	10,500	11,000
Communication Service Tax	31500	554,993	531,851	410,698	540,000	595,000
Local Business Tax	31600	4,202	3,701	2,097	4,000	2,000
Building Permit Fees	32200	(25)	25,013	9,128	75,600	70,200
Building Permits	32201	(75)	0	0	0	0
Plans Review Fee	32202	(250)	0	0	0	0
Plans Review Fee	32210	0	0	3,046	0	15,000
Lee County Interlocal Agreements	32211	(250)	0	820,000	0	0
Other Licenses & Permits	32220	0	4,485	13,006	19,740	53,000
Solid Waste Franchise	32370	94,264	70,973	72,225	83,000	83,000
Fire Impact Fees	32411	1,532	0	0	0	0
School Impact Fee	32463	2,468	0	0	0	0
Zoning Fees	32900	102,025	70,233	37,386	105,000	50,100
Election Qualifying Fees	32901	1,008	4,852	0	0	0
Sign Fees	32910	0	0	325	0	150
Original Short Term Rental Fees	32920	3,625	0	100	2,200	0
Code Case Fees	32930	3,725	3,650	1,325	2,000	2,000
Code Enforcement Liens Release	32931	1,000	400	33,260	400	0
Special Events Permits	32940	12,433	2,590	920	5,000	4,000
FEMA Reimbursement	33150	0	0	31,043	100,000	0
Mound House Grant	33410	0	2,025	0	0	0
WCIND Grant - Law Enforcement	33420	30,030	40,360	24,276	35,000	0
Safety Grant	33430	0	1,898	250	0	0
FDEP Grant	33436	0	0	12,326	0	54,000
FDOT GRANTS	33443	9,177	0	2,953	0	0
State Revenue Sharing Proceeds	33512	193,606	139,746	127,856	160,000	200,000
Mobile Home License	33514	15,933	14,182	12,152	11,000	11,000
Alcoholic Beverages License	33515	22,937	25,776	26,111	21,000	21,000
Half Cent Sales Tax	33518	560,227	538,745	405,720	495,000	600,000
FBIP Grant	33740	0	65,500	0	0	0
CDBG Grant	33772	17,520	0	0	0	0
Recording Fees	34110	2,428	(50)	0	0	0
Administrative Charge	34130	166,941	242,354	203,493	240,000	246,000
Estopple Fees	34191	3,200	10,134	10,175	0	3,000
Registration Fees	34192	4,184	100	24,950	5,000	25,000
New Short Term Rental	34193	171,617	142,650	115,532	100,000	105,000
Tables/Right of Way	34194	95,572	108,623	87,540	85,000	127,000
Solid Waste Fees	34340	0	(1,269)	1,108	0	0
Garbage Collection Times Square	34341	19,999	0	0	0	0
Late Fees	34360	0	81	0	0	0
Enviromental Restoration	34370	420	805	840	0	1,000
Flood Plain Review Fees	34390	43,079	21,247	0	0	0

Town of Fort Myers Beach
Annual Budget
General Fund Detail Revenues
From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Harborage User Fees	34420	155,958	162,229	153,780	170,000	180,000
Pump Out Services	34425	1,520	1,125	860	0	1,200
Parking Facilities Revenue	34450	1,190,560	1,136,399	1,224,221	1,190,000	1,400,000
Mound House Programs & Tours	34710	33,785	18,977	17,559	25,000	25,000
Pool Revenue	34720	62,963	14,411	9,225	62,000	62,000
Newton Classes	34731	2,174	1,509	0	1,400	1,400
Mound House Admissions	34733	48,477	27,352	21,351	50,000	50,000
Mound House Memberships	34734	8,010	8,733	7,997	15,000	15,000
BORC Revenue	34750	71,359	52,680	24,521	65,000	65,000
Code Citation	35400	300	61,265	7,425	50,000	35,000
Code Enforcement Fees	35410	108,189	329,404	44,300	46,050	45,000
Other Fines & Forfeiture	35910	0	3,837	17,974	0	0
Merchandise	36001	32,685	21,607	22,664	32,000	32,000
Interest Income	36110	129,268	96,288	3,194	90,000	90,000
Newton Park Rentals	36200	2,733	823	80	4,000	3,000
Mound House Rentals	36201	1,625	400	0	5,000	5,000
Sponsorship Donations	36601	0	281	311	0	2,000
Mound House Donations	36602	9,907	2,453	12,205	11,500	11,500
BORC Donations	36603	1,590	2,550	2,100	3,000	3,000
Fireworks Donations	36605	15,000	15,000	0	0	0
Street Performers License	36700	3,750	1,200	0	0	0
Miscellaneous	36900	110,572	13,072	26,803	30,000	30,500
Miscellaneous - Claims / Premium Reimb	36901	0	16,541	117,822	0	0
Other Misc. Revenue	36902	0	1	0	0	0
Refunds & Reimbursements	36904	74	486	0	0	0
Transfers In from Reserves	38190	0	0	0	1,094,875	1,094,875
Total Revenues		7,958,075	7,999,513	8,278,577	9,283,945	9,876,783

Town of Fort Myers Beach
Annual Budget
10 - General
10 - Town Council
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Executive Salaries	51000		86,400	86,546	64,800	86,400	86,400
FICA	52100		6,610	6,621	4,957	6,610	6,610
Life and Health	52300		2,268	10	0	0	0
Workers Compensation	52400		0	1,859	1,781	2,045	2,045
Lobbyist	53102		43,425	49,603	28,421	60,000	60,000
Studies and Agreements	53405		0	2,066	0	0	0
Publication Advertisement	53408		10,324	13,089	16,926	24,000	18,700
Stenographic Services	53409		6,708	10,086	0	11,000	0
Other Contractual Services	53420		451	300	0	0	0
Travel and Per Diem	54000		850	100	408	10,000	10,000
Cell Phone & Electronic Devices	54102		4,650	4,506	3,139	4,345	4,345
Freight and Postage Services	54200		28	71	0	0	0
Printing and Binding	54700		0	0	40	0	0
Other Current Charges and Obligations	54900		9,750	19,363	2,633	6,500	6,500
Election Fees	54902		13,873	142	0	0	0
Office Supplies	55100		0	0	141	0	200
Uniforms	55201		95	0	0	0	0
Memberships	55400		2,625	2,475	2,511	2,500	2,600
Training	55500		0	0	300	0	0
Contingency	58100		0	0	0	18,000	18,000
Total Expenses			188,057	196,837	126,057	231,400	215,400

Town of Fort Myers Beach
Annual Budget
10 - General
12 - Town Manager
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Executive Salaries	51000	187,898	214,913	154,819	170,890	170,890
Personnel Benefits	51600	6,600	7,200	5,400	7,200	7,200
Benefit Allowance	51700	0	0	0	3,420	3,420
FICA	52100	10,929	11,593	8,817	13,885	13,100
Retirement	52200	0	0	0	17,430	17,100
Life and Health	52300	14,654	14,811	13,830	25,890	25,900
Workers Compensation	52400	1,007	277	265	300	300
Travel and Per Diem	54000	2,931	40	633	3,150	2,550
Cell Phone & Electronic Devices	54102	1,559	1,838	689	1,500	1,500
Insurance	54500	2,038	33,734	24,437	28,080	28,080
Office Supplies	55100	198	(18)	57	200	200
Operating Supplies	55200	(7)	38	93	0	0
Uniforms	55201	466	347	264	250	500
Books, Publications, Subscriptions and	55400	2,022	2,259	2,299	2,100	2,450
Training	55500	450	0	500	0	0
Contingency	58100	0	0	0	50,000	51,105
Total Expenses		230,745	287,032	212,103	324,295	324,295

Town of Fort Myers Beach
Annual Budget
10 - General
14 - Town Clerk
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Regular Wages	51200	163,726	286,027	282,081	285,600	335,000
Overtime	51400	0	0	137	0	0
Benefit Allowance	51700	0	0	0	5,245	6,700
FICA	52100	12,523	21,787	21,570	22,250	25,600
Retirement	52200	14,308	21,033	21,575	18,720	23,400
Life and Health	52300	23,225	39,539	58,053	59,670	84,000
Workers Compensation	52400	1,068	562	538	620	620
Technological Services	53107	0	0	298	5,000	0
Professional Services	53108	65	156	45	0	0
Other Services	53400	2,061	0	0	0	0
Publication Advertisement	53408	681	740	0	13,000	18,000
Stenographic Services	53409	2,085	0	0	11,950	12,636
Travel and Per Diem	54000	0	0	670	4,250	9,350
Cell Phone & Electronic Devices	54102	936	2,200	1,813	2,195	3,440
Freight and Postage Services	54200	0	4	0	0	0
Insurance	54500	3,875	25,842	26,052	30,710	29,000
Other Current Charges and Obligations	54900	6,846	0	156	160	300
Office Supplies	55100	235	84	499	500	500
Books, Publications, Subscriptions and Memberships	55400	5,001	1,623	6,947	13,680	18,810
Total Expenses		236,635	399,597	420,434	473,550	567,356

Town of Fort Myers Beach
Annual Budget
10 - General
16 - Finance
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		227,364	223,105	162,975	268,840	292,900
Overtime	51400		371	53	5,921	0	0
Benefit Allowance	51700		0	0	0	2,790	5,800
FICA	52100		16,754	16,710	12,501	20,780	22,400
Retirement	52200		10,186	7,252	4,892	8,870	18,300
Life and Health	52300		28,939	26,342	32,858	36,155	71,500
Workers Compensation	52400		3,144	572	405	465	465
Professional Services	53108		112	343	31,380	0	0
Accounting and Auditing	53200		49,022	35,310	30,260	30,000	30,000
Accounting Services	53201		20,734	19,110	27,836	16,600	18,000
Contracted Services	53401		2,050	4,492	0	10,000	4,000
Contracted Labor	53402		59,821	69,123	38,498	0	0
Publication Advertisement	53408		0	2,850	0	0	0
Other Contractual Services	53420		215	0	0	0	0
Travel and Per Diem	54000		390	1,768	0	2,900	0
Cell Phone & Electronic Devices	54102		1,062	749	1,308	1,000	1,000
Information Technology Services	54105		510	660	233	2,400	2,400
Freight and Postage Services	54200		6	68	0	0	0
Insurance	54500		24,603	31,245	25,849	28,690	28,690
Printing and Binding	54700		0	0	70	0	0
Other Current Charges and Obligations	54900		6,613	0	85	0	0
Bank Charges	54901		1,963	8,344	5,750	10,200	0
Merchant Credit Card Fees	54916		5,159	3,740	1,992	5,615	5,000
Office Supplies	55100		839	290	2,635	0	1,900
Operating Supplies	55200		208	0	260	0	0
Uniforms	55201		0	0	430	0	0
Books, Publications, Subscriptions and	55400		159	514	489	1,250	1,250
Training	55500		0	2,395	2,887	1,600	5,000
Total Expenses			460,224	455,035	389,514	448,155	508,605

Town of Fort Myers Beach
Annual Budget
10 - General
17 - Short Term Rentals
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Executive Salaries	51000	795	0	0	0	0
Regular Wages	51200	741	0	0	0	0
FICA	52100	111	0	0	0	0
Workers Compensation	52400	0	32	31	0	0
Professional Services	53108	56	0	0	0	0
Other Services	53400	0	37,045	35,000	35,000	35,000
Contracted Services	53401	27,552	0	0	13,950	13,950
Contracted Labor	53402	7,497	17,896	0	0	0
Cell Phone & Electronic Devices	54102	16	0	0	0	0
Office Supplies	55100	94	0	0	300	300
Books, Publications, Subscriptions and Memberships	55400					
		2,045	2,045	0	0	0
Total Expenses		38,907	57,018	35,031	49,250	49,250

Town of Fort Myers Beach
Annual Budget
10 - General
18 - Legal
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Legal	53101	252,734	220,380	208,267	150,000	150,000
Other Services	53400	(308)	0	37,558	100,000	100,000
Books, Publications, Subscriptions and Memberships	55400	0	95	100	0	0
Total Expenses		252,426	220,475	245,925	250,000	250,000

Town of Fort Myers Beach
Annual Budget
10 - General
19 - General Government
From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Life and Health	52300	(271)	1,342	41,376	0	48,000
Unemployment	52500	2,965	0	11,404	0	0
Other Post Employment Benefits	52600	0	(8,720)	0	0	0
Professional Services	53100	69	65,000	0	0	0
Technological Services	53107	0	0	3,022	0	5,000
Professional Services	53108	0	270	0	0	0
Accounting Services	53201	(39)	39	1,203	0	1,500
Other Services	53400	84,343	18,072	33,326	124,000	124,000
Contracted Services	53401	20,443	20,343	17,038	17,700	17,700
Contracted Labor	53402	(2,322)	0	0	0	0
Janitorial Services	53403	2,517	0	0	0	0
Pest Control	53407	1,140	1,140	0	0	0
Publication Advertisement	53408	70	430	0	0	0
Stenographic Services	53409	576	0	6,444	0	8,000
Other Contractual Services	53420	8,355	20,000	850	0	0
Travel and Per Diem	54000	1,593	15	0	0	0
Telephone Service	54101	30,844	69,839	24,049	75,600	75,600
Cell Phone & Electronic Devices	54102	397	457	1,378	120	120
Web Service	54103	12,370	17,942	26,188	15,480	15,480
Internet Service	54104	7,941	9,063	31,545	7,500	7,500
Information Technology Services	54105	128,932	177,320	128,263	189,820	189,820
Emergency Communications Services	54107	2,316	2,218	60	1,380	1,380
Freight and Postage Services	54200	13,374	19,684	10,035	14,400	14,400
Utility Services	54300	7,869	7,669	4,640	0	7,000
Electricity	54301	15,239	13,982	10,430	0	15,000
Recycling	54303	40	0	0	0	0
Storage Facility Rental	54401	9,243	12,222	0	0	0
Copier Rental	54402	14,705	23,459	12,340	20,400	20,400
Insurance	54500	48,982	40,585	9,873	33,775	33,775
Repairs & Maintenance Building	54601	8,228	11,233	147	0	0
Repairs & Maintenance Equipment	54603	1,224	272	0	0	0
Repairs & Maintenance Facilities	54605	2,378	8,218	1,750	0	3,000
Keep Lee County Beautiful	54801	1,500	1,500	1,500	1,500	1,500
Horizon Council & Charlotte Harbor	54803	5,000	5,000	5,000	5,000	5,000
Other Current Charges and Obligations	54900	56,485	5,596	2,046	8,570	8,570
Bank Charges	54901	38	148	685	0	0
Election Fees	54902	0	1,176	0	1,200	1,200
After School Program	54903	6,401	2,254	0	23,000	23,000
Licenses, Permits and Fees	54906	1,609	1,382	392	550	550
Street Performers	54907	894	578	238	0	0
Merchandise for Resale	54908	221	490	0	0	0
Other Contract Services - Special Events	54915	500	20,001	0	0	0
Merchant Credit Card Fees	54916	932	569	708	900	900
Coronavirus - 19	54962	0	0	6,549	0	0
Office Supplies	55100	14,817	18,917	8,383	16,200	16,505
Operating Supplies	55200	4,817	8,317	2,076	0	0
Emergency Supplies	55202	3,752	0	1,200	0	0
Drinking Water	55203	0	588	483	600	600
Small Tools & Equipment	55204	0	0	86	0	0

Town of Fort Myers Beach
Annual Budget
10 - General
19 - General Government
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Books, Publications, Subscriptions and Memberships	55400	5,286	3,619	3,008	5,000	5,000
Contingency	58100	0	0	0	350,000	1,184,170
Transfer Out to Capital	59102	846,825	0	0	0	0
Transfer Out to Stormwater	59103	25,000	0	0	0	0
Transfer Out to Gas Tax Fund	59105	100,000	23,000	0	0	0
Transfer Out to Capital	59112	0	1,354,805	1,022,434	1,363,245	730,000
Transfer Out to Gas	59115	0	100,000	0	0	0
Transfers Out to General Debt Service	59117	0	0	436,035	581,380	581,380
Transfer Out to Beach Access Fund	59118	0	343,043	0	0	0
Debt Principal	71000	711	0	0	0	0
Debt Interest	72000	243	0	56	0	0
Total Expenses		1,498,552	2,423,077	1,866,240	2,857,320	3,146,050

Town of Fort Myers Beach
Annual Budget
10 - General
20 - Community Development
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		0	45,888	36,084	110,240	114,400
Overtime	51400		0	33	8	0	0
Benefit Allowance	51700		0	0	0	2,205	2,300
FICA	52100		0	3,499	2,761	8,605	8,800
Retirement	52200		0	1,650	1,459	4,500	4,600
Life and Health	52300		0	15,406	20,832	30,400	28,600
Workers Compensation	52400		0	1,577	1,510	1,735	1,700
Professional Services	53100		10,412	0	0	0	0
Planning Services	53106		3,018	32,019	0	0	0
Professional Services	53108		0	269	7,825	0	0
Other Services	53400		(240)	1,885	0	0	0
Contracted Services	53401		232,550	273,894	132,976	305,700	305,700
Contracted Labor	53402		60,703	4,250	0	0	0
Flood Plain Services	53404		0	0	165	0	0
Studies and Agreements	53405		45,308	0	0	166,000	166,000
Publication Advertisement	53408		485	0	0	1,200	1,200
Other Contractual Services	53420		22,596	36,469	11,560	28,000	27,100
Travel and Per Diem	54000		0	883	0	1,000	1,000
Cell Phone & Electronic Devices	54102		153	821	714	1,495	1,495
Information Technology Services	54105		0	5,112	0	0	0
GIS Services	54106		0	0	0	800	800
Freight and Postage Services	54200		232	74	43	1,200	1,200
Insurance	54500		2,850	1,703	4,978	5,475	5,475
Repairs & Maintenance Landscape Etc	54602		90	0	0	0	0
Repairs & Maintenance Vehicles	54604		0	150	289	200	200
Printing and Binding	54700		0	499	45	600	600
Other Current Charges and Obligations	54900		0	7,725	0	0	0
Licenses, Permits and Fees	54906		0	259	100	125	125
Merchandise for Resale	54908		3,251	2,488	457	1,000	1,000
Merchant Credit Card Fees	54916		932	569	708	650	650
Office Supplies	55100		545	732	338	1,100	1,100
Operating Supplies	55200		530	1,111	3,240	900	900
Emergency Supplies	55202		0	0	77	0	0
Small Tools & Equipment	55204		385	0	0	0	0
Fuel	55206		0	615	166	1,000	1,000
Books, Publications, Subscriptions and Memberships	55400		5,192	4,808	529	800	800
Training	55500		2,105	455	100	0	0
Total Expenses			391,097	444,843	226,964	674,930	676,745

Town of Fort Myers Beach
Annual Budget
10 - General
21 - Code Enforcement
 From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		94,759	102,950	86,897	113,360	162,200
Overtime	51400		1,270	171	71	0	0
Benefit Allowance	51700		0	0	0	1,625	1,000
FICA	52100		7,217	7,549	6,442	8,675	12,400
Retirement	52200		8,217	2,870	2,629	3,310	5,000
Life and Health	52300		20,374	23,102	25,506	30,005	12,500
Workers Compensation	52400		2,011	2,554	2,447	2,810	2,810
Professional Services	53100		3,517	0	0	0	0
Special Master	53105		5,081	10,488	2,109	10,000	10,000
Professional Services	53108		56	0	0	0	0
Contracted Services	53401		56,100	40,720	21,263	23,920	23,920
Contracted Labor	53402		9,703	0	0	0	0
Travel and Per Diem	54000		0	0	0	300	0
Cell Phone & Electronic Devices	54102		1,712	2,171	1,416	1,495	1,495
Freight and Postage Services	54200		500	1,131	691	1,135	1,135
Insurance	54500		2,850	14,111	10,191	12,000	12,000
Repairs & Maintenance Vehicles	54604		165	831	246	0	0
Printing and Binding	54700		1,471	0	0	600	600
Other Current Charges and Obligations	54900		68	1,013	0	0	0
Merchandise for Resale	54908		789	0	0	0	0
Nuisance Abatement Program	54930		0	0	0	50,000	50,000
Office Supplies	55100		143	2,445	0	1,000	1,000
Operating Supplies	55200		236	0	175	600	600
Uniforms	55201		0	0	314	250	250
Fuel	55206		1,191	295	1,310	600	700
Books, Publications, Subscriptions and Memberships	55400		809	1,811	50	600	600
Training	55500		0	100	200	1,200	1,200
Total Expenses			218,239	214,312	161,957	263,485	299,410

Town of Fort Myers Beach
Annual Budget
10 - General
29 - Town Hall Maintenance
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Contracted Services	53401	0	0	890	11,000	11,700
Janitorial Services	53403	0	0	3,667	4,600	4,600
Pest Control	53407	0	0	855	1,200	1,200
Other Contractual Services	53420	0	0	4,641	4,090	8,590
Telephone Service	54101	0	0	1,242	0	0
Utility Services	54300	0	0	0	8,250	8,250
Electricity	54301	0	0	0	15,000	16,000
Storage Facility Rental	54401	0	0	17,886	10,300	20,000
Repairs & Maintenance Building	54601	0	0	1,688	9,300	7,000
Repairs & Maintenance Landscape Etc	54602	0	0	255	2,500	4,800
Repairs & Maintenance Equipment	54603	0	0	1,029	0	0
Repairs & Maintenance Facilities	54605	0	0	1,637	0	1,300
Licenses, Permits and Fees	54906	0	0	0	250	250
Operating Supplies	55200	0	0	2,635	7,000	12,000
Total Expenses		0	0	36,425	73,490	95,690

Town of Fort Myers Beach
Annual Budget
10 - General
30 - Public Works Administration
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	FY 2022 Budget
		FY 2019 Actual	FY 2020 Actual		
Expenses					
Regular Wages	51200	113,747	125,437	95,732	122,700
Overtime	51400	260	218	23	500
Benefit Allowance	51700	0	0	0	2,540
FICA	52100	8,753	9,644	7,160	9,900
Retirement	52200	10,639	12,855	6,078	12,940
Life and Health	52300	16,200	23,234	19,046	26,010
Workers Compensation	52400	1,133	205	197	225
Professional Services	53100	0	8,316	0	0
Engineering Services	53104	32,135	31,798	6,173	52,500
Professional Services	53108	1,400	0	0	0
Other Services	53400	4,268	0	70	0
Contracted Services	53401	(5)	495	0	500
Other Services - Administrative Charges	53410	0	922	(922)	0
Travel and Per Diem	54000	0	0	266	1,000
Communications Services	54100	402	411	6,568	8,200
Cell Phone & Electronic Devices	54102	934	697	405	1,215
Web Service	54103	7	12	12	15
Freight and Postage Services	54200	0	0	64	0
Insurance	54500	6,109	18,355	15,081	17,730
Licenses, Permits and Fees	54906	80	832	0	500
Office Supplies	55100	442	553	270	500
Operating Supplies	55200	684	66	1,529	350
Uniforms	55201	641	252	33	500
Fuel	55206	(13)	0	0	0
Books, Publications, Subscriptions and Memberships	55400	720	174	1,331	660
Training	55500	2,622	281	525	1,000
Total Expenses		201,158	234,757	159,641	263,165
					253,842

Town of Fort Myers Beach
Annual Budget
10 - General
31 - Public Works Maintenance
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		295,441	343,443	271,102	339,040	368,200
Overtime	51400		27,434	18,282	13,998	30,000	30,000
Benefit Allowance	51700		0	0	0	7,380	7,400
FICA	52100		24,265	27,150	21,387	28,750	28,200
Retirement	52200		33,803	35,998	28,134	36,275	31,000
Life and Health	52300		93,433	96,344	86,268	109,240	112,800
Workers Compensation	52400		32,380	27,722	26,552	30,495	30,495
Professional Services	53108		0	150	139	500	500
Other Services	53400		0	526	6,337	17,550	11,850
Contracted Labor	53402		9,096	3,766	0	10,000	10,000
Publication Advertisement	53408		0	427	163	0	0
Sheriff Services	53411		515	0	0	0	0
Other Contractual Services	53420		450	0	0	0	0
Travel and Per Diem	54000		0	0	0	250	250
Communications Services	54100		0	1	0	0	0
Cell Phone & Electronic Devices	54102		7,798	8,628	6,619	9,000	9,000
Web Service	54103		13	11	5	15	15
Internet Service	54104		3	0	0	0	0
Emergency Communications Services	54107		171	0	0	0	0
Freight and Postage Services	54200		145	73	29	250	250
Utility Services	54300		356	0	0	0	0
Electricity	54301		703	811	442	500	500
Waste	54302		45,592	23,477	7,482	20,000	17,000
Recycling	54303		2,398	1,943	4,771	0	3,300
Equipment Rental	54404		649	954	253	2,000	2,000
Insurance	54500		33,031	103,706	75,357	86,620	86,620
Repairs and Maintenance Services	54600		180	0	0	0	0
Repairs & Maintenance Building	54601		0	138	0	0	0
Repairs & Maintenance Landscape Etc	54602		17,214	2,729	2,884	15,000	15,000
Repairs & Maintenance Equipment	54603		17,326	7,638	2,637	0	15,000
Repairs & Maintenance Vehicles	54604		9,225	14,605	7,630	20,000	10,500
Repairs & Maintenance Facilities	54605		2,247	1,943	0	1,500	1,000
Repairs & Maintenance Infrastructure	54606		261	0	0	400	400
Road Maintenance	54608		2,825	0	0	0	0
Other Current Charges and Obligations	54900		1,172	0	1,349	0	0
Licenses, Permits and Fees	54906		256	0	0	300	300
Hurricane Dorian	54961		209	0	0	0	0
Coronavirus - 19	54962		0	0	2,811	0	0
Office Supplies	55100		195	807	326	500	500
Operating Supplies	55200		18,650	11,428	9,895	17,000	17,000
Uniforms	55201		16,833	16,509	12,712	17,100	17,100
Emergency Supplies	55202		1,236	156	2,644	250	250
Drinking Water	55203		0	928	1,025	1,200	1,200
Small Tools & Equipment	55204		10,378	3,769	7,640	7,500	7,500
Fuel	55206		9,015	11,632	6,227	15,000	15,000

Town of Fort Myers Beach
Annual Budget
10 - General
31 - Public Works Maintenance
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Training	55500	2,931	715	1,068	4,500	0
Books, Publications, Subscriptions	55400	0	0	0	0	400
Landscaping	63300	0	0	39,088	0	0
Debt Principal	71000	0	3,635	(769)	0	0
Debt Interest	72000	0	1,136	(185)	0	0
Total Expenses		717,829	771,180	646,020	828,115	850,530

Town of Fort Myers Beach
Annual Budget
10 - General
32 - Times Square
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	FY 2022 Budget
		FY 2019 Actual	FY 2020 Actual		
Expenses					
Pest Control	53407	95	0	0	250
Other Contractual Services	53402	38,601	(19,718)	630	850
Utility Services	54300	1,080	1,104	615	2,600
Electricity	54301	1,313	1,063	570	5,000
Waste	54302	28,667	11,805	8,302	0
Recycling	54303	150	0	0	0
Equipment Rental	54404	454	2,267	0	1,500
Repairs and Maintenance Services	54600	21,123	814	390	0
Repairs & Maintenance Landscape Etc	54602	476	5,128	1,992	2,200
Repairs & Maintenance Equipment	54603	1,407	12,422	5,712	3,000
Repairs & Maintenance Facilities	54605	3,072	9,974	2,508	12,400
Repair & Maintenance Street Lighting	54607	1,189	11,075	7,294	7,000
Operating Supplies	55200	1,414	0	1,923	2,500
Small Tools & Equipment	55204	0	0	703	0
Total Expenses		99,041	35,934	30,639	37,300

Town of Fort Myers Beach
Annual Budget
10 - General
33 - Maritime
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		20,018	2,793	6,088	0	0
Overtime	51400		843	0	294	0	0
FICA	52100		1,522	271	519	0	0
Workers Compensation	52400		49	0	0	0	0
Other Services	53400		1,495	474	237	0	0
Contracted Services	53401		87,293	0	179	0	0
Publication Advertisement	53408		2,080	0	0	0	0
Other Contractual Services	53420		0	8,300	0	0	5,000
Other Contractual Services - Law Enforcement	53421		31,950	58,880	38,376	50,000	0
Other Contractual Svc - Grant Match	53425		5,000	0	6,000	10,000	0
Cell Phone & Electronic Devices	54102		216	0	0	0	0
Electricity	54301		223	0	0	250	250
Insurance	54500		19,896	6,224	4,229	0	0
Repairs and Maintenance Services	54600		6,320	(212)	0	0	0
Repairs & Maintenance Landscape Etc	54602		0	0	0	2,500	2,500
Repairs & Maintenance Equipment	54603		1,528	2,101	430	0	0
Repairs & Maintenance Vehicles	54604		120	0	0	0	0
Repairs & Maintenance Facilities	54605		93	3,298	0	0	0
Repair & Maintenance Street Lighting	54607		1,146	0	0	0	0
Repair and Maintenance of Water Ways	54615		2,935	374	2,428	12,000	12,000
Operating Supplies	55200		8,915	55	694	0	1,000
Uniforms	55201		290	0	0	0	0
Fuel	55206		1,807	670	0	0	0
Training	55500		1,000	600	400	0	500
Total Expenses			194,739	83,828	59,874	74,750	21,250

Town of Fort Myers Beach
Annual Budget
10 - General
34 - Parking Meter Operations
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		229,899	272,970	187,318	318,240	287,000
Overtime	51400		454	327	291	0	0
Benefit Allowance	51700		0	0	0	2,745	2,700
FICA	52100		17,028	19,958	13,676	24,555	22,000
Retirement	52200		11,964	14,269	11,290	14,005	13,800
Life and Health	52300		40,063	49,767	44,098	51,060	44,400
Workers Compensation	52400		6,774	10,843	10,386	11,930	11,930
Legal	53101		0	2,125	1,698	2,290	0
Technological Services	53107		0	30	0	0	0
Professional Services	53108		329	156	137	190	190
Other Services	53400		(132)	0	0	0	0
Contracted Services	53401		30,218	51,337	33,935	29,900	40,000
Other Contractual Services	53402		0	260	330	0	0
Travel and Per Diem	54000		522	0	0	0	0
Cell Phone & Electronic Devices	54102		7,322	6,083	4,665	6,000	6,000
Web Service	54103		0	80	20	0	0
Information Technology Services	54105		0	550	0	900	900
Freight and Postage Services	54200		74	83	37	500	200
Insurance	54500		14,010	49,646	36,003	42,245	42,245
Repairs and Maintenance Services	54600		0	1,165	0	2,500	0
Repairs & Maintenance Equipment	54603		174	333	0	0	500
Repairs & Maintenance Vehicles	54604		7,641	1,191	6,910	3,000	7,000
Printing and Binding	54700		0	466	29	1,000	1,500
Other Current Charges and Obligations	54900		95	1,013	0	0	0
Bank Charges	54901		1,590	388	159	0	0
Licenses, Permits and Fees	54906		0	128	128	0	250
Other Contract Services - Teen Program	54911		0	260	0	0	0
Merchant Credit Card Fees	54916		44,229	50,013	49,272	45,000	50,000
Office Supplies	55100		581	1,150	51	500	500
Operating Supplies	55200		8,092	5,976	4,854	6,000	6,000
Uniforms	55201		2,824	2,257	191	3,000	3,000
Small Tools & Equipment	55204		0	823	98	800	1,000
Fuel	55206		3,082	1,902	3,433	0	5,000
Training	55500		520	347	254	250	250
Contingency	58100		0	0	0	0	4,500
Total Expenses			427,353	545,896	409,263	566,610	550,865

Town of Fort Myers Beach
Annual Budget
10 - General
35 - Storm Water Maintenance
 From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		5,424	0	0	0	0
FICA	52100		414	0	0	0	0
Other Services	53400		10,825	0	0	0	0
Freight and Postage Services	54200		96	0	0	0	0
Repairs and Maintenance Services	54600		1,062	0	0	0	0
Repairs & Maintenance Equipment	54603		959	0	0	0	0
Repairs & Maintenance Infrastructure	54606		84,344	0	0	0	0
Licenses, Permits and Fees	54906		163	0	0	0	0
Fireline Refunds	54910		4,028	0	0	0	0
Operating Supplies	55200		482	0	0	0	0
Training	55500		1,500	0	0	0	0
Total Expenses			109,297	0	0	0	0

Town of Fort Myers Beach
Annual Budget
10 - General
36 - Mooring Operations
 From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		0	20,448	12,389	26,000	26,000
Overtime	51400		0	347	0	0	485
Benefit Allowance	51700		0	0	0	520	500
FICA	52100		0	1,345	0	2,030	2,000
Retirement	52200		0	0	0	2,655	2,600
Life and Health	52300		0	0	0	6,470	2,100
Other Services	53400		0	687	4,201	7,150	5,400
Contracted Services	53401		0	94,461	81,322	89,000	99,000
Publication Advertisement	53408		0	1,680	1,080	3,600	2,500
Travel and Per Diem	54000		0	329	0	1,410	500
Communications Services	54100		0	0	0	7,000	0
Cell Phone & Electronic Devices	54102		0	433	329	850	4,800
Freight and Postage Services	54200		0	26	0	0	500
Electricity	54301		0	226	(8,027)	0	1,000
Insurance	54500		0	5,037	4,771	5,380	5,380
Repairs and Maintenance Services	54600		0	5,931	1,797	12,000	4,000
Repairs & Maintenance Equipment	54603		0	3,307	1,280	10,600	10,000
Repairs & Maintenance Vehicles	54604		0	0	484	0	500
Bank Charges	54901		0	1,551	2,621	0	5,000
Licenses, Permits and Fees	54906		0	61	250	0	500
Operating Supplies	55200		0	2,005	1,346	14,000	10,500
Uniforms	55201		0	830	0	1,000	5,500
Small Tools & Equipment	55204		0	0	0	1,000	3,000
Fuel	55206		0	505	1,041	2,000	2,000
Training	55500		0	0	0	2,000	4,400
Total Expenses			0	139,209	104,884	194,665	198,165

Town of Fort Myers Beach
Annual Budget
10 - General
50 - Bay Oaks Recreation Center
From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Regular Wages	51200	347,023	286,279	266,878	400,140	387,600
Overtime	51400	4,945	1,084	2,010	0	0
Benefit Allowance	51700	0	0	0	5,380	6,500
FICA	52100	26,960	21,218	20,007	31,025	29,700
Retirement	52200	22,631	20,479	15,649	20,450	25,400
Life and Health	52300	45,037	54,033	56,640	89,640	92,900
Workers Compensation	52400	5,412	12,474	11,948	13,720	13,700
Professional Services	53108	0	189	414	300	300
Accounting Services	53201	0	0	1,350	0	0
Other Services	53400	6,518	(1,069)	0	0	0
Contracted Services	53401	783	6,093	4,500	5,900	29,900
Janitorial Services	53403	0	0	1,969	0	0
Pest Control	53407	990	900	930	810	810
Publication Advertisement	53408	0	0	592	0	0
Other Contractual Services	53420	580	0	0	0	0
Telephone Service	54101	0	149	3,162	0	0
Cell Phone & Electronic Devices	54102	4,191	3,238	2,643	0	0
Internet Service	54104	2,753	4,526	2,646	4,020	4,020
Emergency Communications Services	54107	635	0	0	0	0
Freight and Postage Services	54200	347	0	0	0	0
Utility Services	54300	50,746	36,663	29,009	0	48,000
Electricity	54301	41,012	35,762	26,535	0	45,000
Waste	54302	0	1,146	0	0	0
Copier Rental	54402	4,213	3,039	1,904	3,600	3,600
Equipment Rental	54404	0	0	7,148	0	0
Insurance	54500	52,435	77,035	56,252	65,855	65,855
Repairs and Maintenance Services	54600	0	1,105	136	26,000	2,000
Repairs & Maintenance Building	54601	0	612	0	500	500
Repairs & Maintenance Landscape Etc	54602	37,105	21,536	19,027	8,700	8,700
Repairs & Maintenance Equipment	54603	4,242	3,661	2,148	3,000	3,000
Repairs & Maintenance Vehicles	54604	2,949	2,846	369	980	900
Repairs & Maintenance Facilities	54605	16,398	9,487	5,295	6,400	6,400
Repair & Maintenance Street Lighting	54607	765	0	0	800	800
Promotional Activities	54800	1,185	318	338	2,500	2,500
Other Current Charges and Obligations	54900	3,113	75	0	0	0
Bank Charges	54901	513	768	338	540	540
After School Program	54903	1,710	1,455	828	23,000	22,000
Licenses, Permits and Fees	54906	0	3,740	2,086	3,430	3,430
Other Contract Services - Teen Program	54911	2,132	50	0	3,650	3,650
Other Contract Services - Youth Program	54912	6,107	4,757	3,606	5,500	5,500
Other Contract Services - Athletic Program	54913	12,396	12,650	2,185	10,350	10,350
Other Contract Services - Senior Program	54914	8,692	12,329	8,246	14,695	15,000
Other Contract Services - Special Events	54915	21,483	6,497	0	15,000	15,000
Merchant Credit Card Fees	54916	1,162	871	533	0	0
Coronavirus - 19	54962	0	0	8,750	0	0

Town of Fort Myers Beach
Annual Budget
10 - General
50 - Bay Oaks Recreation Center
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Office Supplies	55100	2,372	1,240	1,458	2,000	2,000
Operating Supplies	55200	11,688	11,899	4,103	8,250	8,250
Uniforms	55201	806	1,377	1,597	0	0
Emergency Supplies	55202	189	0	0	0	0
Small Tools & Equipment	55204	0	4,061	0	450	450
Fuel	55206	1,464	167	468	1,200	1,200
Memberships	55400	384	79	0	450	450
Training	55500	4,163	339	2,300	1,050	1,500
Debt Principal	71000	0	0	769	0	0
Debt Interest	72000	0	0	185	0	0
Total Expenses		758,229	665,157	576,951	779,285	867,405

Town of Fort Myers Beach
Annual Budget
10 - General
51 - Bay Oaks Pool
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		114,711	106,591	78,965	151,840	187,200
Overtime	51400		2,494	1,034	873	0	0
Benefit Allowance	51700		0	0	0	1,540	2,200
FICA	52100		8,964	8,233	6,109	11,735	14,300
Retirement	52200		4,085	4,618	2,651	3,140	6,500
Life and Health	52300		13,449	19,421	22,177	23,180	35,700
Workers Compensation	52400		5,412	6,469	6,196	7,120	7,100
Professional Services	53108		65	139	0	400	400
Accounting Services	53201		140	0	1,350	0	0
Other Services	53400		700	0	0	0	0
Contracted Services	53401		928	2,040	180	2,040	2,040
Pest Control	53407		950	450	340	1,080	1,000
Other Contractual Services	53420		140	0	0	0	0
Communications Services	54100		99	0	0	0	0
Telephone Service	54101		287	369	306	385	385
Cell Phone & Electronic Devices	54102		389	578	526	600	600
Emergency Communications Services	54107		1,000	0	0	0	0
Utility Services	54300		16,922	20,191	13,404	15,000	15,000
Electricity	54301		21,858	14,200	13,240	22,000	22,000
Insurance	54500		39,761	38,550	26,988	32,690	33,000
Repairs and Maintenance Services	54600		3,744	172	285	15,000	15,000
Repairs & Maintenance Building	54601		104	0	0	0	0
Repairs & Maintenance Landscape Etc	54602		0	540	1,083	0	0
Repairs & Maintenance Equipment	54603		3,659	2,303	95	2,700	2,700
Repairs & Maintenance Facilities	54605		8,150	2,311	2,103	6,100	6,100
Repair & Maintenance Street Lighting	54607		2,144	0	0	750	750
Other Current Charges and Obligations	54900		109	0	0	0	0
Bank Charges	54901		595	648	319	640	640
Licenses, Permits and Fees	54906		1,869	1,254	563	530	530
Merchant Credit Card Fees	54916		1,199	356	290	900	900
Office Supplies	55100		443	198	565	500	500
Operating Supplies	55200		16,924	10,528	17,649	16,650	16,650
Uniforms	55201		1,007	713	981	1,000	1,000
Emergency Supplies	55202		459	0	0	400	400
Training	55500		190	0	1,864	300	300
Total Expenses			272,950	241,906	199,102	318,220	372,895

Town of Fort Myers Beach
Annual Budget
10 - General
70 - Mound House
From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Regular Wages	51200	244,667	262,657	175,931	289,595	310,100
Overtime	51400	383	1,163	78	0	0
Benefit Allowance	51700	0	0	0	4,445	4,800
FICA	52100	18,461	20,079	13,186	22,495	23,800
Retirement	52200	19,679	23,615	13,477	22,665	18,400
Life and Health	52300	45,049	47,966	41,166	50,025	49,300
Workers Compensation	52400	1,194	6,438	6,166	7,080	7,100
Professional Services	53108	45	378	45	450	435
Cultural Classes	53109	12	0	0	0	0
Accounting Services	53201	0	0	1,350	0	0
Contracted Services	53401	857	3,020	2,177	2,940	2,940
Janitorial Services	53403	8,397	6,948	3,921	7,925	7,925
Educational Programs	53406	951	528	325	550	550
Pest Control	53407	911	341	0	865	865
Other Contractual Services	53420	52,006	3,247	0	0	0
Other Contractual Svc - Grant Match	53425	0	0	1,344	0	0
Travel and Per Diem	54000	61	0	31	0	0
Communications Services	54100	314	57	0	0	0
Telephone Service	54101	0	113	2,070	0	0
Cell Phone & Electronic Devices	54102	3,038	3,618	2,674	3,300	3,300
Web Service	54103	19	1,017	19	620	620
Internet Service	54104	3,033	4,642	1,996	3,505	3,505
Information Technology Services	54105	150	180	135	180	180
Emergency Communications Services	54107	720	268	286	270	270
Freight and Postage Services	54200	0	152	200	0	0
Utility Services	54300	0	138	138	0	0
Electricity	54301	3,200	3,401	2,601	3,500	3,500
Copier Rental	54402	27	4,093	2,794	4,200	4,200
Insurance	54500	68,118	83,168	66,786	73,045	73,045
Repairs and Maintenance Services	54600	544	351	0	0	0
Repairs & Maintenance Building	54601	1,610	11	87	300	300
Repairs & Maintenance Landscape Etc	54602	36	247	776	100	100
Repairs & Maintenance Equipment	54603	3,471	1,617	1,127	0	0
Repairs & Maintenance Facilities	54605	4,964	4,024	1,717	6,700	6,700
Printing and Binding	54700	82	0	348	350	350
Promotional Activities	54800	2,735	2,560	635	2,500	2,500
Advisory Committees	54804	1,689	0	0	0	0
Other Current Charges and Obligations	54900	3,030	728	0	155	155
Bank Charges	54901	176	565	252	0	0
Licenses, Permits and Fees	54906	287	504	1,853	835	835
Merchandise for Resale	54908	19,255	17,062	12,297	18,000	18,000
Other Contract Services - Special Events	54915	50	3,910	475	0	0

Town of Fort Myers Beach
Annual Budget
10 - General
70 - Mound House
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Merchant Credit Card Fees	54916	2,786	1,492	1,097	0	0
Office Supplies	55100	1,170	941	526	0	0
Operating Supplies	55200	3,538	5,851	3,228	2,400	2,400
Uniforms	55201	545	208	40	500	500
Emergency Supplies	55202	249	84	0	0	0
Drinking Water	55203	5	0	0	0	0
Educational Supplies	55205	75	427	523	0	0
Memberships	55400	257	1,173	844	455	455
Training	55500	260	531	2,049	0	0
Total Expenses		518,106	519,513	366,770	529,950	547,130

Town of Fort Myers Beach
Annual Budget
10 - General
71 - Newton Park
 From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		1,515	464	0	0	0
Overtime	51400		57	0	0	0	0
FICA	52100		120	32	0	0	0
Contracted Services	53401		0	722	240	240	550
Janitorial Services	53403		2,490	3,151	1,225	2,800	2,800
Pest Control	53407		0	2,221	0	700	200
Other Contractual Svc - Grant Match	53425		0	0	54	0	0
Telephone Service	54101		0	301	429	0	0
Internet Service	54104		3,478	3,591	2,721	4,200	4,200
Emergency Communications Services	54107		360	0	0	0	0
Utility Services	54300		347	206	217	0	250
Electricity	54301		748	909	550	650	900
Insurance	54500		27,980	32,375	25,409	27,415	23,000
Repairs and Maintenance Services	54600		0	0	0	1,000	1,000
Repairs & Maintenance Building	54601		49	34	3,850	4,500	4,500
Repairs & Maintenance Facilities	54605		6,722	270	3,061	3,200	5,200
Promotional Activities	54800		0	0	0	750	1,750
Advisory Committees	54804		4,500	0	0	0	0
County Fees	54905		0	0	0	250	250
Licenses, Permits and Fees	54906		0	48	0	0	0
Operating Supplies	55200		473	509	0	0	0
Total Expenses			48,839	44,833	37,756	45,705	44,600

Town of Fort Myers Beach
Annual Budget
10 - General
80 - Storm Water Capital
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
	FY 2019 Actual	FY 2020 Actual	Actual	Budget	FY 2022 Budget
Expenses					
Regular Wages	51200	480	0	0	0
FICA	52100	36	0	0	0
Total Expenses		516	0	0	0

Town of Fort Myers Beach
Annual Budget
11 - Road Impact
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
Road Impact Fees	32430	44,903	8,001	45,355	0	0
Interest Income	36110	16,445	8,290	1,809	0	0
Total Revenues		61,348	16,291	47,164	0	0

Town of Fort Myers Beach
Annual Budget
11 - Road Impact
31 - Public Works Maintenance
 From 10/01/2020 to 7/15/2021

		<u>FY 2019 Actual</u>	<u>FY 2020 Actual</u>	<u>Current Year Actual</u>	<u>Current Year Budget</u>	<u>FY 2022 Budget</u>
Expenses						
Infrastructure	63000	0	41,689	0	0	0
Curbs & Sidewalks	63150	23,968	19,023	0	0	0
Total Expenses		23,968	60,712	0	0	0

Town of Fort Myers Beach
Annual Budget
12 - Parks Impact
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
National Fitness Campaign Grant	33475	0	30,000	0	0	0
Park Impact	32460	12,461	3,947	11,352	0	0
Total Revenues		12,461	33,947	11,352	0	0

Town of Fort Myers Beach
Annual Budget
12 - Parks Impact
50 - Bay Oaks Recreation Center
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Other Machinery & Equipment	64500	0	125,293	0	0	0
Total Expenses		0	125,293	0	0	0

Town of Fort Myers Beach
Annual Budget
13 - Emergency
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
FEMA Reimbursement	33150	569,119	128,062	52,188	0	0
Red Tide Proceeds	33792	365,380	0	0	0	0
Interest Income	36110	5,062	3,662	1,090	0	0
Total Revenues		939,561	131,724	53,278	0	0

Town of Fort Myers Beach
Annual Budget
13 - Emergency
19 - General Government
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	
		FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Budget
Expenses					
Other Contractual Services	53420	8,608	0	0	0
Other Current Charges and Obligations	54900	8,050	0	0	0
Total Expenses		8,608	0	0	0

Town of Fort Myers Beach
Annual Budget
13 - Emergency
90 - Disaster
 From 10/01/2020 to 7/15/2021

		<u>FY 2019 Actual</u>	<u>FY 2020 Actual</u>	<u>Current Year Actual</u>	<u>Current Year Budget</u>	<u>FY 2022 Budget</u>
Expenses						
Repairs and Maintenance Services	54600	61,528	0	0	0	0
Repairs and Maintenance Facilities	54605	6,983	0	0	0	0
Total Expenses		68,511	0	0	0	0

Town of Fort Myers Beach
Annual Budget
20 - Gas Tax
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues							
Local Option Gas Tax	31241		249,047	208,764	171,893	200,855	190,000
New Local Option Gas Tax	31242		181,942	151,454	124,569	147,010	140,000
FDOT Grants	33443		0	9,117	1,776	0	0
State Revenue Sharing Proceeds	33512		(60)	41,742	3,553	41,000	0
Interest Income	36110		35,162	20,784	(2,706)	0	0
Miscellaneous	36900		0	0	8,000	0	0
Other Misc. Revenue	36902		0	1,350	0	0	0
Transfer from General Fund	38111		100,000	123,000	0	0	0
Total Revenues			566,091	556,211	307,085	388,865	330,000

Town of Fort Myers Beach
Annual Budget
20 - Gas Tax
31 - Public Works Maintenance
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Professional Services	53100		14,790	3,206	0	0	0
Engineering Services	53104		32,817	0	0	15,000	15,000
Other Services	53400		5,114	(1,769)	0	0	0
Sheriff Services	53411		69,476	82,179	50,564	73,000	73,000
Other Contractual Services - Law Enforcement	53421		0	0	2,380	0	0
Freight and Postage Services	54200		24	0	0	0	0
Utility Services	54300		724	51	481	0	500
Electricity	54301		62,338	57,835	45,780	60,000	61,300
Waste	54302		0	103	447	0	0
Rental and Leases	54400		81,821	40,911	0	0	0
Equipment Rental	54404		0	5,400	0	0	0
Insurance	54500		2,007	0	0	0	0
Repairs & Maintenance Landscape Etc	54602		0	0	410	0	0
Repairs & Maintenance Equipment	54603		503	1,606	4,066	15,000	14,500
Repairs & Maintenance Vehicles	54604		0	0	4,865	0	0
Repairs & Maintenance Infrastructure	54606		2,097	8,144	500	8,000	8,000
Repair & Maintenance Street Lighting	54607		7,426	0	306	10,000	8,700
Road Maintenance	54608		69,380	9,075	8,486	15,000	15,000
Licenses, Permits and Fees	54906		30	0	0	0	0
Operating Supplies	55200		1,847	0	710	10,000	7,500
Small Tools & Equipment	55204		0	550	1,220	0	2,000
Fuel	55206		721	928	692	0	500
Contingency	58100		0	16,196	0	52,265	124,000
Transfer Out to Stormwater	59103		425,000	150,000	0	0	0
Infrastructure	63000		0	69,482	0	0	0
Roads	63010		0	0	35,623	80,600	0
Curbs & Sidewalks	63150		0	194,801	4,530	0	0
Landscaping	63300		0	0	1,100	0	0
Machinery and Equipment	64000		0	33,509	0	0	0
Other Machinery & Equipment	64500		0	0	0	50,000	0
Construction in Process	65000		0	57,705	0	0	0
Total Expenses			776,115	729,912	162,160	388,865	330,000

Town of Fort Myers Beach
Annual Budget
22 - Beach Access
70 - Mound House
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Regular Wages	51200	35,597	61,270	49,402	79,040	57,100
Overtime	51400	2,083	623	711	0	0
Benefit Allowance	51700	0	0	0	1,580	1,100
FICA	52100	2,874	4,777	3,919	6,170	4,400
Retirement	52200	4,459	8,839	6,053	8,065	5,700
Life and Health	52300	10,969	21,024	18,019	25,705	17,700
Workers Compensation	52400	0	1,497	1,434	0	0
Contracted Services	53401	904	751	0	5,850	5,000
Contracted Labor	53402	9,174	0	7,546	0	10,000
Janitorial Services	53403	8,650	7,182	4,725	9,720	8,800
Pest Control	53407	207	260	1,036	0	250
Other Contractual Services	53420	0	0	0	0	3,200
Freight & Postage	54200	0	0	0	0	750
Utility Services	54300	8,490	8,423	3,587	0	9,500
Electricity	54301	2,099	1,458	896	0	3,000
Recycling	54303	13	0	0	750	0
Repairs & Maintenance Landscape Etc	54602	18,193	8,474	8,482	0	12,000
Repairs & Maintenance Equipment	54603	0	1,623	0	0	1,200
Repairs & Maintenance Vehicles	54604	2,022	2,083	821	0	2,750
Repairs & Maintenance Facilities	54605	894	11,037	164	0	10,500
Operating Supplies	55200	477	270	194	840	3,300
Drinking Water	55203	76	0	532	0	0
Fuel	55206	0	0	0	205	500
Total Expenses		107,181	139,591	107,521	137,925	156,750

Town of Fort Myers Beach
Annual Budget
22 - Beach Access
71 - Newton Park
From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	FY 2022 Budget
FY 2019 Actual	FY 2020 Actual				
Expenses					
Regular Wages	51200	2,543	14,895	8,247	21,900
Overtime	51400	573	540	677	0
Benefit Allowance	51700	0	0	0	400
FICA	52100	10,451	1,149	664	1,700
Retirement	52200	0	0	0	2,200
Life & Health	52300	0	0	0	6,300
Workers Compensation	52400	0	0	0	0
Contracted Services	53401	0	0	30,000	4,000
Contracted Labor	53402	3,718	0	7,546	5,000
Janitorial Services	53403	10,383	4,671	5,670	10,500
Pest Control	53407	744	760	378	775
Telephone Service	54101	0	0	0	1,200
Freight & Postage	54200	0	0	0	750
Utility Services	54300	5,789	4,378	2,706	6,500
Electricity	54301	778	697	550	1,000
Recycling	54303	13	0	0	0
Repairs & Maintenance Services	54600	0	470	0	0
Repairs & Maintenance Building	54601	195	87	0	0
Repairs & Maintenance Landscape Etc	54602	5,049	4,779	2,251	4,000
Repairs & Maintenance Equipment	54603	14	0	0	1,500
Repairs & Maintenance Vehicles	54604	0	0	14,317	0
Repairs & Maintenance Facilities	54605	12,880	1,121	10,745	2,500
Licenses, Permits and Fees	54906	0	0	128	0
Other Contract Services	54915	0	0	0	0
Operating Supplies	55200	1,495	1,140	1,526	6,550
Fuel	55206	0	0	0	2,250
Building Improvements	63720	4,176	223,029	0	0
Machinery and Equipment	64000	0	0	0	500
All Terrain Vehicles	64030	0	0	0	26,200
Total Expenses		58,801	257,716	55,405	96,920
					82,625

Town of Fort Myers Beach
Annual Budget
22 - Beach Access
75 - TDC Beach Maintenance
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		221,529	236,965	212,872	241,800	255,300
Overtime	51400		33,226	27,805	16,807	154,190	20,300
Benefit Allowance	51700		0	0	0	3,435	3,400
FICA	52100		18,933	19,996	18,226	30,865	19,500
Retirement	52200		20,105	19,294	15,370	34,580	17,200
Life and Health	52300		57,351	61,326	56,477	61,925	50,300
Workers Compensation	52400		0	11,046	16,587	16,500	16,500
Professional Services	53100		0	8,000	0	0	0
Professional Services	53108		0	45	45	0	0
Other Services	53400		24,655	(17,513)	25,390	0	0
Contracted Services	53401		177,088	14,817	3,750	0	0
Contracted Labor	53402		73,755	48,925	1,970	0	0
Janitorial Services	53403		0	0	0	5,000	5,000
Pest Control	53407		71	0	0	0	0
Freight and Postage Services	54200		448	18	0	5,000	10,000
Utility Services	54300		543	593	336	2,500	2,000
Electricity	54301		467	0	0	0	0
Waste	54302		120,201	72,087	41,312	0	65,000
Recycling	54303		(26)	2,400	0	0	0
Equipment Rental	54404		3,777	3,395	0	5,000	5,000
Repairs and Maintenance Services	54600		339	0	0	0	0
Repairs & Maintenance Landscape Etc	54602		11,700	16,902	9,034	17,000	10,000
Repairs & Maintenance Equipment	54603		6,637	7,846	5,096	9,500	8,000
Repairs & Maintenance Vehicles	54604		24,496	9,489	19,941	12,500	13,000
Repairs & Maintenance Facilities	54605		1,968	0	0	0	0
Repairs & Maintenance Infrastructure	54606		1,088	0	0	0	0
Licenses, Permits and Fees	54906		128	0	0	0	0
Operating Supplies	55200		64,592	12,406	40,174	85,000	23,000
Drinking Water	55203		0	785	0	0	0
Small Tools & Equipment	55204		12,860	23,785	1,812	13,500	16,000
Fuel	55206		10,781	5,377	4,459	24,350	18,000
Various Signage	63020		0	17,513	0	0	0
Bridges	63100		12,647	11,800	0	0	0
Building Improvements	53720		16,955	0	0	0	0
Machinery and Equipment	64000		24,715	36,125	16,930	0	10,000
Vehicles	64010		15,829	0	0	0	0
All Terrain Vehicles	64030		25,182	33,473	13,111	0	40,000
Trailers	64060		24,609	0	0	0	0
Other Machinery & Equipment	64500		19,459	22,530	0	0	16,000
Total Expenses			1,026,108	707,230	519,699	722,645	623,500

Town of Fort Myers Beach
Annual Budget
24 - Building
24 - Building Services
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	
		FY 2019 Actual	FY 2020 Actual		FY 2022 Budget
Revenues					
Building Permit Fees	32200	196,638	157,644	693,450	752,215
Other Permit Fees	32201	264,050	264,366	140,960	0
Plans Review Fees	32202	76,207	3,150	211	0
Permit Revisions	32203	4,350	2,675	250	0
Reinspection Fees	32204	9,150	7,783	550	0
Fire Permits	32205	1,525	1,889	0	0
Other Licenses & Permits	32220	12,515	13,020	0	0
Sign Fees	32910	1,775	200	0	0
Recording Fees	34110	1,345	2,769	161	0
Administrative Charge	34130	698	233	0	0
Tables/Right of Way	34194	0	50	0	0
Flood Plain Review Fees	3390	0	14,650	1,150	0
Plans Review Fee	34492	0	450	0	0
Miscellaneous	36900	455	1,074	0	0
Other Misc. Revenue	36902	41,906	0	0	0
Total Revenues		610,614	469,953	836,732	752,215
					752,670

Town of Fort Myers Beach
Annual Budget
24 - Building
24 - Building Services
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		307,898	271,776	194,356	197,600	174,700
Overtime	51400		7,784	4,312	1,613	0	0
Benefit Allowance	51700		0	0	0	3,955	3,500
FICA	52100		23,396	20,201	14,167	15,420	13,400
Retirement	52200		30,698	25,190	14,357	15,955	12,600
Life and Health	52300		75,312	67,685	54,834	74,655	58,300
Workers Compensation	52400		1,987	451	432	500	500
Professional Services	53100		1,102	0	0	0	0
Engineering Services	53104		0	0	0	41,660	41,660
Professional Services	53108		0	109	0	0	0
Contracted Services	53401		184,487	192,762	128,587	321,350	321,350
Contracted Labor	53402		1,900	0	0	0	0
Studies and Agreements	53405		3,281	18,391	0	0	0
Other Contractual Services	53420		41,955	6,489	14,650	19,750	19,750
Travel and Per Diem	54000		109	423	0	500	500
Cell Phone & Electronic Devices	54102		4,011	4,006	2,884	1,430	1,430
Web Service	54103		0	80	0	0	0
Information Technology Services	54105		0	1,803	0	0	0
GIS Services	54106		0	0	0	1,400	1,400
Freight and Postage Services	54200		52	19	42	0	0
Copier Rental	54402		9,893	0	0	0	0
Insurance	54500		7,125	39,992	30,477	35,240	35,240
Repairs & Maintenance Equipment	54603		0	158	0	0	0
Other Current Charges and Obligations	54900		6	0	0	0	0
Bank Charges	54901		845	1,476	799	0	0
Licenses, Permits and Fees	54906		467	0	0	400	400
Merchant Credit Card Fees	54916		10,469	6,829	9,768	12,500	12,500
Office Supplies	55100		1,410	71	24	2,400	2,400
Operating Supplies	55200		402	860	971	5,000	5,000
Educational Supplies	55205		0	179	0	0	0
Memberships	55400		3,493	4,298	322	1,000	1,000
Training	55500		489	608	0	1,500	1,500
Contingency	58100		0	0	0	0	45,540
Total Expenses			718,571	668,168	468,283	752,215	752,670

Town of Fort Myers Beach
Annual Budget
40 - Capital Fund
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
FDOT GRANTS	33443	0	0	6,435	564,175	0
FBIP Grant	33740	0	0	43,000	0	0
Interest Income	36110	12,130	7,774	395	0	0
Other Misc. Revenue	36902	2,006	0	0	0	0
Transfer from General Fund	38111	846,825	1,354,805	1,136,038	1,363,245	730,000
Loan Proceeds	38400	49,736	0	0	0	0
Total Revenues		910,697	1,362,579	1,185,868	1,927,420	730,000

Town of Fort Myers Beach
Annual Budget
40 - Capital
16 - Finance
 From 10/01/2020 to 7/15/2021

		<u>FY 2019 Actual</u>	<u>FY 2020 Actual</u>	<u>Current Year Actual</u>	<u>Current Year Budget</u>	<u>FY 2022 Budget</u>
Expenses						
Office Furniture & Equipment	64600	2,625	0	0	0	12,562
Total Expenses		2,625	0	0	0	12,562

Town of Fort Myers Beach
Annual Budget
40 - Capital
19 - General Government
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Improvements to Buildings	62500	22,697	0	0	93,400	25,000
Landscaping	63300	0	1,105	0	0	0
Building Improvements	63720	0	0	0	35,000	35,000
Other Machinery & Equipment	64500	(4,446)	0	0	5,250	0
Office Furniture & Equipment	64600	23,856	2,105	0	50,000	50,000
Communications & Information Technology	64700	63,394	75,567	48,170	35,000	35,000
Total Expenses		105,501	78,777	48,170	218,650	145,000

Town of Fort Myers Beach
Annual Budget
40 - Capital
20 - Community Development
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
		FY 2019 Actual	FY 2020 Actual	Actual	Budget
					FY 2022 Budget
Expenses					
Capital Outlay	60000	0	23,889	0	0
Trucks & Vans	64020	0	0	0	4,200
Total Expenses		0	23,889	0	4,200

Town of Fort Myers Beach
Annual Budget
40 - Capital
30 - Public Works Admin
 From 10/01/2020 to 7/15/2021

				Current Year	Current Year	
				Actual	Budget	FY 2022 Budget
	FY 2019 Actual	FY 2020 Actual				
Expenses						
Communications & Information Technology	64700					
	0	0		0	1,000	1,000
Total Expenses	0	0		0	1,000	1,000

Town of Fort Myers Beach
Annual Budget
40 - Capital
31 - Public Works Maintenance
 From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Improvements to Buildings	62500		6,855	0	0	27,000	27,000
Infrastructure	63000		7,700	0	0	8,000	8,000
Roads	63010		5,771	0	44,678	564,175	0
Various Signage	63020		18,936	9,346	41,982	25,000	25,000
Curbs & Sidewalks	63150		24,975	234,629	(2,103)	50,000	0
Lighting Systems	63330		4,531	499	0	29,000	29,000
Parking Areas	63350		0	3,761	0	2,000	0
Open Spaces	63550		0	0	0	80,000	0
Machinery and Equipment	64000		0	0	24,993	0	0
Trucks & Vans	64020		34,607	0	23,414	12,400	12,400
All Terrain Vehicles	64030		0	9,402	13,766	6,000	6,000
Trailers	64060		3,603	0	0	0	0
Heavy Equipment - Transportation	64300		1,140	0	0	19,800	19,800
Other Heavy Equipment	64400		0	0	0	35,000	0
Other Machinery & Equipment	64500		5,105	7,220	13,149	98,560	21,890
Communications & Information Technology	64700		47,956	0	0	5,000	0
Total Expenses			161,179	264,857	159,879	961,935	149,090

Town of Fort Myers Beach
Annual Budget
40 - Capital
32 - Times Square
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Infrastructure	63000	0	348,460	21,061	0	12,563
Total Expenses		0	348,460	21,061	0	12,563

Town of Fort Myers Beach
Annual Budget
40 - Capital
33 - Maritime
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Improvements to Buildings	62500	0	0	0	20,000	20,000
Infrastructure	63000	1,155	0	0	0	0
Docks	63200	126,013	207,705	0	18,750	9500
Building Improvements	63720	0	14,202	0	25,000	0
All Terrain Vehicles	64030	0	0	0	3,000	0
Boats	64200	10,412	2,800	0	4,415	0
Other Machinery & Equipment	64500	0	20,266	0	5,000	0
Total Expenses		137,580	244,973	0	76,165	29,500

Town of Fort Myers Beach
Annual Budget
40 - Capital
34 - Parking Meter Operations
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Machinery and Equipment	64000	24,663	0	0	0	0
All Terrain Vehicles	64030	24,997	11,200	3,000	3,000	3,000
Boats	64200	0	14,955	0	5,000	5,000
Other Machinery & Equipment	64500	24,663	0	23,068	25,125	25,125
Total Expenses		<u>74,323</u>	<u>26,155</u>	<u>26,068</u>	<u>33,125</u>	<u>33,125</u>

Town of Fort Myers Beach
Annual Budget
40 - Capital
36 - Mooring Operations
 From 10/01/2020 to 7/15/2021

		<u>FY 2019 Actual</u>	<u>FY 2020 Actual</u>	<u>Current Year Actual</u>	<u>Current Year Budget</u>	<u>FY 2022 Budget</u>
Expenses						
All Terrain Vehicles	64030	0	0	0	0	3,000
Boats	64200	0	8,000	0	0	4,415
Other Machinery & Equipment	64500	0	46,339	49,078	0	5,000
Total Expenses		0	54,339	49,078	0	12,415

Town of Fort Myers Beach
Annual Budget
40 - Capital
50 - Bay Oaks Recreation Center
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Capital Outlay	60000		9,685	0	0	2,000	2,000
Land	61000		0	0	0	10,000	10,000
Buildings	62000		0	0	500	6,200	6,200
Improvements to Buildings	62500		3,800	0	0	0	0
Fences	63250		0	0	0	9,250	9,250
Landscaping	63300		0	0	0	1,900	1,900
Lighting Systems	63330		4,157	0	0	15,250	15,250
Athletic Fields	63500		9,865	0	0	7,150	7,150
Building Improvements	63720		0	0	0	94,400	94,400
Machinery and Equipment	64000		0	0	0	5,000	5,000
Vehicles	64010		11,763	0	0	0	0
Trucks & Vans	64020		0	0	39,525	18,500	18,500
All Terrain Vehicles	64030		0	0	0	1,875	1,875
Golf Carts	64040		0	0	0	3,000	3,000
Other Machinery & Equipment	64500		77,960	18,078	7,903	35,630	35,630
Office Furniture & Equipment	64600		0	0	0	700	700
Total Expenses			117,230	18,078	47,928	210,855	210,855

Town of Fort Myers Beach
Annual Budget
40 - Capital
51 - Bay Oaks Pool
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	
		FY 2019 Actual	FY 2020 Actual		FY 2022 Budget
Expenses					
Improvements to Buildings	62500	0	0	0	1,700
Fences	63250	0	0	0	3,000
Swimming Pools	63700	106,700	153,234	11,475	14,650
Building Improvements	63720	50,199	2,814	0	30,150
Machinery and Equipment	64000	0	0	0	25,300
Other Machinery & Equipment	64500	4,668	0	8,110	27,550
Office Furniture & Equipment	64600	0	0	0	6,200
Total Expenses		161,567	156,048	19,585	108,550

Town of Fort Myers Beach
Annual Budget
40 - Capital
70 - Mound House Capital
 From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Open Spaces	63550		0	0	0	68,000	0
Building Improvements	63720		0	0	8,174	1,665	1,665
Boats	64200		0	2,307	0	0	0
Other Machinery & Equipment	64500		14,527	8,182	7,297	7,420	7,420
Office Furniture & Equipment	64600		0	0	0	555	555
Total Expenses			14,527	10,489	15,471	77,640	9,640

Town of Fort Myers Beach
Annual Budget
40 - Capital
71 - Newton Park
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
		FY 2019 Actual	FY 2020 Actual	Actual	Budget
Expenses					FY 2022 Budget
Lighting Systems	63330	0	0	0	500
Building Improvements	63720	0	0	56,800	57,800
Total Expenses		0	0	56,800	58,300
					1,500

Town of Fort Myers Beach
Annual Budget
41 - Community Enhancements
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
Loan Proceeds - Finance	38400	0	0	50,001	3,500,000	0
Loan Proceeds - Times Square	38400	0	0	362,535	0	3,500,000
Loan Proceeds - Bayside Park	38400	0	0	162,586	0	550,000
Loan Proceeds - Bay Oaks	38400	0	0	132,968	0	479,960
Total Revenues		0	0	708,090	3,500,000	4,529,960

Town of Fort Myers Beach
Annual Budget
41 - Community Enhancements
32 - Times Square
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	
	FY 2019 Actual	FY 2020 Actual			FY 2022 Budget
Expenses					
Licenses, Permits and Fees	54906	0	1,100	0	0
Infrastructure	63000	0	165,257	1,000,000	3,500,000
Athletic Fields	63500	23,500	0	0	0
Open Spaces	63550	0	2,181	0	0
Total Expenses		23,500	168,538	1,000,000	3,500,000

Town of Fort Myers Beach
Annual Budget
41 - Community Enhancements
37 - Bayside Park
 From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses						
Infrastructure	63000	0	0	441	0	0
Open Spaces	63550	0	0	79,287	500,000	550,000
Total Expenses		0	0	79,728	500,000	550,000

Town of Fort Myers Beach
Annual Budget
41 - Community Enhancements
50 - Bay Oaks Recreation Center
 From 10/01/2020 to 7/15/2021

		<u>FY 2019 Actual</u>	<u>FY 2020 Actual</u>	<u>Current Year Actual</u>	<u>Current Year Budget</u>	<u>FY 2022 Budget</u>
Expenses						
Buildings	62000	0	72,790	45,678	2,000,000	479,960
Open Spaces	63550	0	0	350	0	0
Total Expenses		<u>0</u>	<u>72,790</u>	<u>46,028</u>	<u>2,000,000</u>	<u>479,960</u>



Capital Improvement Plan Schedule



CAPITAL IMPROVEMENT PLAN

PROJECT DESCRIPTION		FUNDING SOURCE						
		2021	2022	2023	2024	2025	2026	5-YR TOTAL
Intersection Improvements								
<i>Old San Carlos / Estero</i>			Construct.					
	Impact Fees							\$ -
	Gas Taxes		\$ 5,600					\$ 5,600
	Grants - LAP		\$ 564,173					\$ 564,173
	General Revenue							\$ -
Stormwater Improvements		2021	2022	2023	2024	2025	2026	5-YR TOTAL
<i>Swale Reclamation</i>		Construct.	Construct.	Construct.	Construct.	Construct.	Construct.	
	Impact Fees							\$ -
	Gas Taxes							\$ -
	Grants							\$ -
	General Revenue							\$ -
	Stormwater Utility	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 750,000
Multi-Purpose Infrastructure		2021	2022	2023	2024	2025	2026	5-YR TOTAL
<i>North Estero Phase II, Part I</i>		Construct.	Construct.					
	Impact Fees	\$ 372,337	\$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
<i>Tier Streets</i>			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
<i>Bayside Park</i>			Construct.					
	Impact Fees							\$ -
	Gas Taxes							\$ -
	Grants							\$ -
	General Revenue							\$ -
	Water Utility							\$ -
	Stormwater Utility							\$ -
	Bank Loan		\$550,000					\$ 550,000
<i>Bay Oaks Redevelopment</i>			Design	Construct.	Construct.			
	Impact Fees							\$ -
	Gas Taxes							\$ -
	Grants							\$ -
	General Revenue							\$ -
	Water Utility							\$ -
	Stormwater Utility							\$ -
	Bank Loan		\$479,960	\$1,500,000	\$3,500,000			\$ 5,479,960
<i>Times Square Redevelopment</i>		Design	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
<i>Mooring Field Expansion/Dinghy Dock</i>		Design	Construct.					
	Impact Fees							\$ -
	Gas Taxes							\$ -
	Grants							\$ -
	General Revenue	\$ 42,875	\$100,000					\$ 142,875
	Water Utility							\$ -
	Stormwater Utility							\$ -
	Bank Loan							\$ -



CAPITAL IMPROVEMENT PLAN

PROJECT DESCRIPTION		FUNDING SOURCE						
Lighting Improvements		2021	2022	2023	2024	2025	2026	5-YR TOTAL
Estero Boulevard Lighting		Design	Construct.					
	Impact Fees		\$ 100,000					\$ 100,000
	Gas Taxes							\$ -
	Grants							\$ -
	General Revenue	\$ 185,000						\$ 185,000
	Water Utility							\$ -
	Stormwater Utility							\$ -
	Bank Loan							\$ -
Bay Oaks Ball Field Lighting			Design					
	Impact Fees							\$ -
	Gas Taxes							\$ -
	Grants							\$ -
	General Revenue							\$ -
	Water Utility							\$ -
	Stormwater Utility							\$ -
	Bank Loan		\$ 25,000					\$ 25,000



Utilities



TOWN OF FORT MYERS BEACH
FY 2021-2022 Utility Funds Summary

STORM WATER OPERATIONS

Revenues - Informational

Storm Water Assessments	1,800,000
Interest Income	2,500

Total Revenues	1,802,500
-----------------------	------------------

Revenues

Unrestricted Funds FY20	3,849,942
+ FY21 Savings	315,835
+ FY22 Revenue	1,802,500
Total	5,968,277

Expenses

FY22 Expenses	1,802,500
Capital R&R	0
Debt Service due in FY22	518,160
Total	2,320,660

Estimated net carryover for FY23 **3,647,617**

Proposed annual Debt Service beginning FY23 **3,287,428**

WATER UTILITY OPERATIONS

Revenues - Informational

Water Sales	5,410,000
Capital Reserve Fees	480,000
Administrative Charge	311,000
Miscellaneous	100,000
Fire Service Fee	81,000
Water Impact Fee	25,000
Plans Review Fee	2,500

Total Revenues	6,409,500
-----------------------	------------------

Revenues

Unrestricted Funds FY20	2,399,086
+ FY21 Savings	207,861
+ FY22 Revenue	6,409,500
Total	9,016,447

Expenses

FY22 Expenses	4,550,010
Capital R&R	302,300
Debt Service due in FY22	1,557,154
Total	6,409,464

Estimated net carryover for FY23 **2,606,983**

Proposed annual Debt Service beginning FY23 **2,131,768**



TOWN OF FORT MYERS BEACH
SRF LOAN INFORMATION

Drinking Water		2019		2020		2021		2022		2023		2024	
		P1	P2	P1	P2	P1	P2	P1	P2	P1	P2	P1	P2
Loan Number	Loan Amount												
DW360800	\$15,727,988	491,270	491,270	491,270	491,270	491,270	491,270	491,270	491,270	491,270	491,270	491,270	491,270
DW360801	\$20,329,458	0	0	0	0	0	0	0	574,614	574,614	574,614	574,614	574,614
Total Payment Per Period		491,270	491,270	491,270	491,270	491,270	491,270	491,270	1,065,884	1,065,884	1,065,884	1,065,884	1,065,884
Total Annual Payments		982,540	982,540	982,540	982,540	982,540	982,540	1,557,154	2,131,768	2,131,768	2,131,768	2,131,768	2,131,768
Total DW Loan Amt		\$36,057,446											

Storm Water		2019		2020		2021		2022		2023		2024	
		P1	P2	P1	P2	P1	P2	P1	P2	P1	P2	P1	P2
Loan Number	Loan Amount												
SW360830	\$9,364,695	0	0	0	0	0	234,726	259,080	259,080	259,080	259,080	259,080	259,080
SW360860	\$16,204,800	0	0	0	0	0	0	0	0	318,750	318,750	318,750	318,750
Total Payment Per Period		0	0	0	0	0	234,726	259,080	259,080	577,830	577,830	577,830	577,830
Total Annual Payments		0	0	0	0	0	234,726	518,160	1,155,660	1,155,660	1,155,660	1,155,660	1,155,660
Total SW Loan Amt		\$25,569,495											

Total Annual SRF Loan Payments		982,540	982,540	1,217,266	2,075,314	3,287,428	3,287,428
Total DW & SW Loans		\$61,626,941					

Town of Fort Myers Beach
Annual Budget
21 - Storm Water
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues							
Customer Responsibility Charges	32520		1,120,536	1,179,819	1,030,384	1,130,000	1,800,000
FEMA Reimbursement	33150		0	440,765	335,851	0	0
FDEP Grant	33436		500,000	500,000	0	0	0
Tables/Right of Way	34194		0	150	0	0	0
Customer Responsibility Charges	34335		0	(301)	645	0	0
Storm Water Fees	34350		0	0	542	0	0
Plans Review Fee	34492		7,098	7,400	1,100	0	0
Interest Income	36110		0	3,395	2,299	0	2,500
Miscellaneous	36900		0	110,702	173,449	0	0
Transfer from General Fund	38111		25,000	0	0	0	0
Transfer in frm Gas Tax	38121		425,000	112,500	0	0	0
Loan Proceeds	38400		0	3,582,688	1,035,700	0	0
Total Revenues			2,077,634	5,937,118	2,579,970	1,130,000	1,802,500

Town of Fort Myers Beach
Annual Budget
21 - Storm Water
80 - Storm Water Capital
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	
			FY 2019 Actual	FY 2020 Actual	FY 2022 Budget
Expenses					
Retirement	52200		0	177	0
Other Services	53400		0	0	536,735
Utility Services	54300		125	0	0
Repairs and Maintenance Services	54600		356	288	0
Other Current Charges and Obligations	54900		0	250	0
Licenses, Permits and Fees	54906		0	275	0
Depreciation	55900		91,579	91,580	0
Storm Drain System	53400		(40)	0	0
Water Lines	63600		0	0	0
Machinery and Equipment	64000		(41,108)	0	3,000
Trailers	64060		(9,971)	0	0
Debt Principal	71000		0	0	0
Debt Interest	72000		0	0	0
Total Expenses			40,941	92,570	536,735

Town of Fort Myers Beach
Annual Budget
21 - Storm Water
81 - Storm Water Maintenance
 From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		0	33,804	39,148	41,600	43,700
Overtime	51400		0	1,415	3,784	0	0
Benefit Allowance	51700		0	0	0	835	900
FICA	52100		0	2,692	3,271	3,245	3,300
Retirement	52200		0	3,050	4,302	4,245	4,400
Life and Health	52300		0	7,665	10,115	13,040	9,100
Workers Compensation	52400		0	3,686	3,531	4,055	2,200
Other Post Employment Benefits	52600		0	3,748	0	0	0
Contracted Services	53401		0	0	5,992	0	0
Other Contractual Services	53402		0	4,949	0	0	0
Cell Phone & Electronic Devices	54102		0	1,964	655	1,000	1,000
GIS Services	54106		0	8,331	(506)	0	0
Utility Services	54300		0	234	0	0	0
Insurance	54500		0	2,455	1,988	0	0
Repairs and Maintenance Services	54600		0	126,023	13,659	100,000	250,000
Repairs & Maintenance Vehicles	54604		0	51	96	0	0
Repairs & Maintenance Infrastructure	54606		0	2,559	14,657	25,000	0
Repairs and Maintenance of Swales & Ditches	54609		0	60,189	184,212	125,000	0
Licenses, Permits and Fees	54906		0	0	177	180	75
Office Supplies	55100		0	26	0	0	0
Operating Supplies	55200		0	1,805	182	3,000	2,950
Uniforms	55201		0	770	0	250	0
Small Tools & Equipment	55204		0	0	170	0	0
Fuel	55206		0	0	1,020	0	0
Contingency	58100		0	0	0	429,980	429,980
Storm Drain System	53400		0	0	3,956	0	0
Machinery and Equipment	64000		41,108	0	0	0	0
Debt Principal	71000		0	0	0	375,570	518,160
Total Expenses			41,108	265,416	290,409	1,127,000	1,265,765

Town of Fort Myers Beach
Annual Budget
50 - Water Utility
From 10/01/2020 to 7/15/2021

		FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Revenues						
Plans Review Fee	32210	2,393	2,464	1,327	0	2,464
Water Impact Fees	32421	32,445	4,326	0	0	25,000
Administrative Charge	34130	269,602	293,038	113,987	0	311,000
Water Sales	34330	4,257,578	4,419,116	3,834,529	5,104,690	5,410,000
Customer Responsibility Charges	34335	48,003	21,249	82,264	0	0
Capital Reserves Fees	34336	401,384	432,696	307,286	453,120	480,000
New Account Service Charge	34343	17,916	20,556	21,461	0	0
Trip Charge	34344	421	13,897	9,563	0	0
Reconnection Fees	34345	8,368	6,930	6,078	0	0
Connection Fees Residents	34346	0	7,403	0	0	0
Fire Service Fee	34347	66,753	67,422	81,363	70,455	81,000
Late Fees	34360	8,728	6,120	2,048	0	0
Interest Income	36110	39,228	8,338	2,017	0	0
Miscellaneous	36900	47,442	13,726	0	0	100,000
Miscellaneous - Claims / Premium Reimb	36901	0	0	143	0	0
Other Misc. Revenue	36902	743	608	0	307,550	0
Returned Check Charge	36903	295	620	270	0	0
Loan Proceeds	38400	0	0	776,072	0	0
Total Revenues		5,201,299	5,318,509	5,238,408	5,935,815	6,409,464

Town of Fort Myers Beach
Annual Budget
50 - Water Utility
40 - Water Services
From 10/01/2020 to 7/15/2021

			FY 2019 Actual	FY 2020 Actual	Current Year Actual	Current Year Budget	FY 2022 Budget
Expenses							
Regular Wages	51200		359,289	375,961	308,275	353,600	334,900
Overtime	51400		7,721	5,150	4,047	7,000	7,000
Benefit Allowance	51700		0	0	0	7,215	6,700
FICA	52100		26,490	27,052	23,679	27,585	25,600
Retirement	52200		35,224	35,765	24,997	34,615	24,100
Life and Health	52300		95,896	123,556	69,191	108,715	91,600
Workers Compensation	52400		3,080	11,429	10,947	12,575	12,575
Other Post Employment Benefits	52600		10,193	6,404	0	0	0
Legal	53101		0	0	126	10,000	10,000
Professional Services	53108		0	123	180	0	0
Accounting and Auditing	53200		48,950	32,310	27,260	35,000	35,000
Other Services	53400		12,962	10,429	7,293	0	0
Contracted Services	53401		72,276	62,407	62,760	76,200	76,200
Contracted Labor	53402		0	0	2,320	0	0
Publication Advertisement	53408		0	99	0	0	0
Other Services - Administrative Charges	53410		179,468	245,875	206,065	240,000	240,000
Other Contractual Services	53420		0	31,597	0	0	0
Travel and Per Diem	54000		6	0	0	1,050	5,000
Communications Services	54100		1,898	2,166	2,216	4,000	4,000
Telephone Service	54101		364	260	736	0	0
Cell Phone & Electronic Devices	54102		5,428	6,353	4,362	1,320	1,320
Web Service	54103		40	150	10	0	0
Internet Service	54104		3,906	4,334	2,935	4,200	4,200
Information Technology Services	54105		0	0	1,200	0	0
GIS Services	54106		0	8,331	(506)	0	0
Freight and Postage Services	54200		30	33	27	0	0
Utility Services	54300		3,882	4,031	3,193	5,200	5,200
Electricity	54301		41,038	40,564	34,028	46,000	47,000
Waste	54302		0	0	598	0	0
Insurance	54500		119,529	65,951	60,917	69,585	69,585
Repairs & Maintenance Services	54600		167,749	149,488	140,745	153,000	155,500
Repairs & Maintenance Landscape Etc	54602		268	95	0	0	0
Repairs & Maintenance Equipment	54603		1,410	0	0	0	0
Repairs & Maintenance Vehicles	54604		1,746	966	1,163	1,500	0
Repairs & Maintenance Facilities	54605		234	14,953	95	0	0
Road Maintenance	54608		0	3,886	0	0	0
Repair & Maintenance of Water Ways	54615		22	0	0	0	0
Promotional Activities	54800		0	425	(38)	0	0
Other Current Charges and Obligations	54900		2,854	560	495	675	800
Bank Charges	54901		65,809	58,975	46,162	40,000	40,000
Licenses, Permits and Fees	54906		1,090	0	480	1,200	0
Merchant Credit Card Fees	54916		163	0	0	0	0
Office Supplies	55100		525	464	16	500	0
Operating Supplies	55200		17,116	29,149	17,570	39,000	43,660
Uniforms	55201		457	1,148	609	800	0
Drinking Water	55203		0	85	21	0	0
Small Tools & Equipment	55204		2,043	0	1,571	1,250	0
Fuel	55206		4,502	4,954	3,113	6,000	6,000
Bulk Water for Resale	55230		1,761,527	1,649,219	1,414,115	2,100,000	2,100,000
Books, Publications, Subscriptions and Memberships	55400		75	48	557	160	0
Training	55500		120	472	77	0	0

Town of Fort Myers Beach
Annual Budget
50 - Water Utility
40 - Water Services
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	
		FY 2019 Actual	FY 2020 Actual		FY 2022 Budget
Expenses					
Depreciation	55900	408,225	410,269	0	410,000
Contingency	58100	0	0	0	794,070
Capital Outlay	60000	3,514	0	0	0
Water Lines	63600	0	0	570,285	0
Other Heavy Equipment	64400	46,995	0	0	0
Other Machinery & Equipment	64500	755	0	0	0
Debt Principal	71000	0	0	671,270	1,557,154
Debt Interest	72000	93,027	193,169	4,887	0
Total Expenses		3,607,896	3,618,655	3,730,049	5,633,515
					6,107,164

Town of Fort Myers Beach
Annual Budget
50 - Water Utility
41 - Water Cap Project & SRF
 From 10/01/2020 to 7/15/2021

			Current Year	Current Year	
			Actual	Budget	
Expenses					
Freight and Postage Services	54200	0	30	0	0
Other Current Charges and Obligations	54900	0	250	0	0
Licenses, Permits and Fees	54906	0	75	0	0
Infrastructure	63000	0	0	0	0
Water Lines	63600	0	0	3,070,473	200,000
Machinery and Equipment	64000	0	0	0	8,490
Trucks & Vans	64020	0	0	0	5,000
Golf Carts	64040	0	0	0	1,600
Other Heavy Equipment	64400	0	0	0	72,565
Other Machinery & Equipment	64500	0	0	365	14,645
Debt Principal	71000	0	0	420,024	0
Debt Interest	72000	0	0	71,246	0
Total Expenses		0	355	3,562,108	302,300



Town Wide Fee Schedules



Fee Schedules - Table of Contents

Administrative Actions	96
Code Enforcement	96
Development Orders.....	96
Mooring Field.....	97
Parking Fees	97
Parking Fines	100
Parks and Recreation Ordinance 97-5	97
Public Hearing	97
Public Works	98
Registrations and Yearly Renewals	98
Review Fees.....	98
Right of Way Permits	98
Special Events.....	98
Stormwater Review Fees	98
Street Performers.....	99
Town Clerk	99
Town Hall Rental	99
Water	99
Other	99
Bay Oaks Recreation Campus	101
Bay Oaks Pool.....	103
Mound House.....	104
Newton Park.....	106
Building Permit Fees	107



TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
ADMINISTRATIVE ACTIONS			
Administrative COP	1000		
Administrative Setback Variance	750		
Wireless Communication Facility	1500		
Single-Family Minimum Use Determinations (MUD)	350		
Appeal	100		
Accessory Apartment Determination (AAD)	350		
Base Flood Elevation Determination Letter (FED) BFE	250		
DEP Setback Letter (DEP) (setbacks only - all other inquiries are ZVL or AI)	50		
Zoning Verification Letter (ZVL)	250		
Residential Zoning Requests	\$25 for first 15 minutes of staff time;		
	\$10 for each additional 15 minute increments of staff time		
Administrative Interpretation (ADI)	\$250 + \$100 for each additional issue/question		
Joint-use parking lot approvals	300		
Certificate of Use - Commercial	100		
Temporary Use Permit	100		
Home Occupation Certificate	25		
Sign Permit - Up to 2 signs & additional review after 2 charged at applicable review fees	\$100 + building permit fees as applicable + \$25.00 each additional		
Temporary Sign Permit (i.e. business opening signs)	50		
Garage Sale Permit	10		
Administrative Relief	500		
Pre-Application meetings (1st one No Charge)	\$250 + hourly costs for time over 1hr		
All Grant processing fees	500		
PD Administrative Amendment	1500		
Development Agreement-Original Agreement	5000		
Advertising Costs - Additional	at cost + 10%		
Development Agreement-Amendment	2500		
Advertising Costs - Additional	at cost + 10%		
CODE ENFORCEMENT			
Initial Inspection, Re-Inspection, Pre-Magistrate and Compliance per ½ hour	50		
Mail fees	Actual Postage Cost		
Recording Fees	24		
Code Enforcement Citation Fee	Not to exceed \$500		
Code Enforcement Irreparable/Irreversible Citation Fee	Not to exceed \$5000		
Administrative Support 1 Hour	30		
Fire Department Enforcement Fee	TBD		***Update Information
Lien Search Fee	35		
Simplifile Fee	Actual Cost to file electronically		
DEVELOPMENT ORDERS			
LIMITED DEVELOPMENT ORDERS			
Type 1a: Cumulative addition or enlargement of an existing impervious area.	Type 1a. \$500/Type 1b. \$350		
Reseal or Restripe	200		
Type 2: Any out-of-door recreational facilities, provided the total cumulative additional impervious area does not exceed 8,000 sq. ft.	350		
Type 3: Any one-time subdivision of land into 4 or less lots where zoning district regulations permit such subdivision. / Condo creation	\$350 residential splits/\$500 commercial splits		
Type 4: Any single building accessory improvements thereto on a single non conforming lot as defined in LDC Section 34-3271(b).	500		
Type 5: Any improvements for public water access purposes in town-owned or town-maintained rights-of-way.	350		



TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
DEVELOPMENT ORDERS (Continued)			
Type 6: Any development for fenced or screened outdoor storage as defined in Ch. 34.	350		
Type 7: The installation of new utility lines in existing right-of-ways.	1100		
Type 8: Any other improvement to land determined by the director to have insignificant impacts on public facilities.	1100		
LDO Amendment	50		
Resubmittal	100		
MOORING FIELD (plus all applicable taxes)			
Daily Rate	18		
Weekly Rate	103		
Monthly Rate	312		
Mooring Field Pump Out Paid Rented Mooring	1 pump free/24 hr		
Mooring Field Pump Out Non Mooring Field Rental per Pump Out	5		
DOCKWA Credit Card Processing Fee 3.5%	3.50%		
Merchandise	Price as Marked		
PARKING FEES			
Annual Rate - Resident i.e. Estero Island Property Owner	25		
Mooring Field Parking Permit plus any applicable fees	\$25/length of contract		
Business Owner - Annual	50		
Parking bags per bag	6		
Parking Spot Per Hour (incl. Special Event)	3		
Parking Decal Lost/Stolen/Replacement	5		
Right of Way (ROW) per Resolution 18-20	\$100/spot 1st Calendar Yr; \$50/spot per Calendar Yr if paid by Nov. 30th		
PARKS AND RECREATION ORDINANCE 97-5			
Parks and Recreation Ordinance 97-5 Violations	Up to \$500		
PUBLIC HEARING			
Rezoning (conventional)	\$5800 + \$250/Ac over 1 Acre		
Special Exception	\$3800/\$3300 for amendment		
Variance (residential)	1800		
Additional Variance	500		
Variance (non-residential)	2800		
Additional Variance	700		
Application for land development code text amendment*	2800		
Per Added section	if actual charge		
Comprehensive Plan FLUM amendment*	5800		
Per Added acre	if actual charge		
Per Additional acre	1000		
Comprehensive Plan text amendment*	5800		
Per Added policy	if actual charge		
COMPREHENSIVE PLAN SMALL SCALE AMENDMENT			
Placement of Fill	1000		
With drainage plan	700		
Adjacent property owner notifications >50	Cost + 10%		
Administrative / Advertising Fee	Cost + 10%		
Vacations (ROW and/or Plat)	1000		
PD Amendment Minor (<1 acre total property area, Public Hearing)	2000		
MCP Extension / Application (w/o rezoning)	3000		
PD Reinstatement	4000		
*Outside consultant fees associated with any application will be passed through to the applicant at 103% of rate billed to the Town by consultant			
Hearings and Appeals going to Council	1000		
PD Base Fee (up to one acre)	\$8000 + \$1000/additional acre		
PD Amendment	6500		
Deviations (residential)	1-5: \$1800/6+: additional \$150/ea		



TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
PUBLIC HEARING (Continued)			
Deviations (non-residential)	Outside consultant fees associated <u>and</u> <u>required for any application</u> will be passed through to the applicant at a rate determined by the Town Manager and billed to the Town by consultant		
Continuance (case scheduled and advertised)	500		
Deferrals	\$250 after advert./NC before		
Withdrawal	\$250 after advert./NC before		
Appeal to LPA	150		
PUBLIC WORKS			
Labor/Maintenance Cost (Grass cutting, lawn maintenance, special event tasks, etc.)	Actual Cost + \$35/ea		
Inspections/Review/Re-Inspection(s)	\$50		
Memorial Benches	\$565 (includes intallation) / must pay inscription cost @ \$4/letter	\$575 (includes intallation) / must pay inscription cost @ \$4/letter	
REGISTRATIONS AND YEARLY RENEWALS			
Displays, Rentals and Permits	150		
Contractor Registration / yearly renewal	25		
Driveway re-inspection	25		
REVIEW FEES			
Zoning Review	100		
Floodplain Review	\$100; \$50 ea submittal after 2nd or \$25 tradees, valuation & scope review		
LOMR/LOMA Review	500		
Environmental Review	100		
Re-inspection Fee	50		
FMB Review Fee	25		
Public Works Review Fee	\$70 + cost of subconsultant services		
FMB Review -Resubmittal	\$50 ea submittal after the 2nd resubmittal		
Parking Lot Permit	Per Code		
Parking Lot Yearly Inspection Fee	50		
RIGHT OF WAY PERMIT			
Right of Way Permit	50		
Business Extension/Sidewalk Café Policy per Resolution 18-46	12.50/Sq Ft		
Daily Rental of Bay Side Park (non business extension)	150		
Times Square Event Rentals	To Be Approved By Council Per Event		
SPECIAL EVENTS			
Regular Special Event Permit	50		
Late Fees < 30 days Regular / <45 days Council for a COMPLETED app	50		
Special Event Permits going before Town Council	100		
Recurring	\$100 1st Day + \$1/ea additional day		
Events With More Than 10 Days	Additional 10% per day		
STORMWATER REVIEW FEES			
Stormwater Ordinance 15-08	Per Ordinance		
Administrative Fee	Per Ordinance		
Stormwater Review, Inspection and Re-Inspection	50		
NPDES Annual Inspection	100		

TOWN WIDE FEE SCHEDULE

	CURRENT FEE	PROPOSED FEE	NOTES
STREET PERFORMERS			
Street Performers Permit Application	75		
Street Performers Background Check	75		
Street Performers Received after September 30th-Permit Application	150		
Street Performers Received after September 30th-Background Check	150		
TOWN CLERK			
Miscellaneous Duplications (8.5x11, 8.4x14, 11x17) -single side	0.15/pg		
Miscellaneous Duplications (8.5x11, 8.4x14, 11x17) -dbl side	0.20/pg		
Certification of document & duplication audio	1.00/DVD		No advisory committee meetings
Extensive services beyond 30 minutes	Hourly Rate		
Code of Ordinances/Land Development Code	Online		May be purchased from Municode directly
Comprehensive Plan	Cost + 5% as limited by statute		
TOWN HALL RENTAL			
Town Hall Meeting Room Rental - No Audio/Visual	\$30/hr per staff/security		
Town Hall Meeting Room Rental - Audio/Visual per hour	150		
Town Hall Meeting Room Rental - Public Works Set Up/Clean Up Fee per day	150		
WATER			
Per Rate Study	Resolution 17-33 Adopted 10-16-17		
Meters Purchase & Meters Testing	Actual Cost + 10% Administrative Fee		
Utility Review Fee	\$115 + Cost of Subconsultant Services		
OTHER			
Personal Watercraft Vendor License (PWVL)- Administration, License, Enforcement	170		
Parasailing Vendor License (PLV) - Administration, License, Enforcement	170		
PWVL/PAL License Late Fee (After October 1)	25		
Violation of PWVL/PAL License: 1st Violation	150		
Violation of PWVL/PAL License: 2nd and 3rd Violation	300		
Beach Raking Permit	\$25/Property		
Vehicle on the Beach Permit	\$100/Vehicle		
Beach Furniture Vendor License 1st Year	250		
Beach Furniture Vendor License Renewal	100		
Beach Furniture Vendor License Late Fee (After October 1)	25		



TOWN WIDE FEE SCHEDULE

	WITHIN 3 DAYS	4-10 DAYS	AFTER 10 DAYS	NOTES
PARKING FINES				
Meter Violation	35	50	70	
Prohibited Violations	50	60	75	
Handicap	200	225	250	
Immobilization Fee (officer \$20.00, Kubota \$15.00, boot \$10.00)	45			
Littering	50	250	500	
Towing Right to Provide Services permit	30			
Passport Fees	Actual cost paid by Customer			



**PARKS & RECREATION DEPARTMENT FEE SCHEDULES
BAY OAKS RECREATION CENTER**

	CURRENT FEE	PROPOSED FEE	NOTES
BAY OAKS RECREATION CAMPUS MEMBERSHIPS			
Annual Membership - Individual	45		
Seasonal Membership - Individual	30		
Weekly Membership - Individual	15		
Weekly Membership - Family	30		
Monthly Membership - Individual	20		
Monthly Membership - Family	40		
Adult Day Pass - Non-Resident (13+ Years)	5		
Child Day Pass - Non-Resident (12 & under)	3		
Annual Membership - Family	85		
Seasonal Membership - Family	55		
Town of Fort Myers Beach Employee Membership	50% Posted Cost		
Corporate Membership - Non-Refundable Annual Administrative Fee	\$50/Plan		
Corporate Annual Membership Plan 1 (1-10 Participants)	\$32/Participant		
Corporate Annual Membership Plan 2 (11-50 Participants)	\$28/Participant		
Corporate Annual Membership Plan 3 (50+ Participants)	\$21/Participant		
BAY OAKS RECREATION CAMPUS FACILITY RENTAL			
Grounds (Dawn-2pm or 2pm-Dusk) (Grounds defined as passive areas not identified elsewhere within the Fee Schedule)	500		
<i>**Building rental may not conflict with After School or Camp Programs</i>			
EXCLUSIVE USE OF THE RECREATION CENTER - CLOSED TO THE PUBLIC WITHIN NORMAL OPERATING HOURS			
Building - Per Hour Cost - 2 Hour Minimum	200		
Building - Per 8 Hour Increment During Normal Business Operations	750		
Gym - 1/2 floor - Per Hour during Normal Business Hours	120		
Gym - full floor - (Within normally operating hours) - Per Hour Cost 2 hour Minimum	150		
Reserved Picnic Table 2 per Hour	10		
Kitchen (Contingent with additional rental)	\$100 - Any food permit required is renter's responsibility		
Weight Room - Per Hour Cost - Exclusive Use (must pay for Equipment Inspection \$140.00)	\$100/Hr		
Banner fee (Annually - Banner can not be larger than 8' x 3')	160		
Tennis Court - 2 hour Minimum per court	30		
Outdoor Basketball Court- 2 hour Minimum per court	30		
Rod Vayo Field or Wade Jenkins Field - 2 hour minimum	50		
Rod Vayo Field - per day	250		
Rod Vayo Field or Wade Jenkins Field - lined/screen	25		
Wade Jenkins Field - per day	150		
Batting Cage Per 2 Hour Rental	30		
After 6 PM Lights Cost Per Hour	35		
Concession Stand Per Hour/Per Room (Contingent With Additional Rental)	100		
Concession Stand Office	Not for Rent		
Bay Oaks Facility Storage Areas Per Month, Per Room (Contingent with Additional Rental)	100		
Disc Golf - per day	100		
Stage - Bay Oaks Per Room, Contingent with Additional Rental Cannot be Rented Independently	150		
Chairs - Inside use only - all chairs (100) - per day Plus \$25.00 Non refundable Deposit	50		
Tables - Inside use only - per day plus \$25.00 Non Refundable Deposit	2		
Meeting Room - 2 hour rental	10		
Bay Oaks equipment, i.e. popcorn machine, screens, tents etc./Teen Room	Not for Rent		
Bay Oaks & Pool Store Items and Beverages & Snacks	Priced as Marked		



**PARKS & RECREATION DEPARTMENT FEE SCHEDULES
BAY OAKS RECREATION CENTER**

	CURRENT FEE	PROPOSED FEE	NOTES
BAY OAKS RECREATION CAMPUS PROGRAMS			
Sport Camps (3- 10 days) Football, Basketball, Baseball & Contractual - Member	10		
Youth Sports - Soccer/Little League	No Charge		
Youth - Club Rec - during school year - per semester - Members (10% Discount for 3+ purchases)	135	\$100 Resident/\$135 Non-Resident per semester	
Youth - Summer Camp - Per Week - Members (10% discount for 3+ weeks purchases) \$20 discount if paid in full)	100	\$75 Resident/\$100 Non-Resident per week	
Youth - Fun Days - per day	20	\$15 Resident/\$10 Non-Resident per day	
Late Pickup from Programs (after 6:01 pm)	\$5 initalled and per 15 minute increments (accumulative per household		
Teens/Tweens - Trips & Outings	100% of recovery + \$4		
Adult Sports Teams, Leagues and Tournaments			
Pickle ball or Volleyball	\$3/session or \$5/day pass	\$3/session Members or \$5/day pass. No day pass for non members	
Seniors - Potluck Dinner	No Charge		
Seniors - Trips, Outings, Events , Theater	100% of recovery + \$4	20% discounted ticket price for Residents/100% of recovery for Non-Residents	
Seniors - Kayaking	35	\$5 Residents/\$10 Non-Residents	
Seniors - Biking	20	\$5 for both Residents and Non-Residents	
Seniors Out To Lunch Bunch	5	\$5 for both Residents and Non-Residents	
Athletic Contractual Programs - Fees vary-set by instructor and staff	70/30 split		
BORC Special Events and Fundraisers	100% cost of recovery		



**PARKS & RECREATION DEPARTMENT FEE SCHEDULES
BAY OAKS POOL**

	RESIDENT RATE	NON-RESIDENT	PROPOSED FEE	NOTES
POOL DAILY FEES				
No child under 13 years of age admitted without an adult				
Adult (13+ years old)	4	7		
Child (13 months - 12 years old)	2	5		
Infant (<12 months)	Free	Free		
Senior	No Senior Rate	No Senior Rate		
POOL MEMBERSHIPS				
Annual - Individual	60	75		
Annual - Family	125	150		
Monthly - Individual	40	55		
Monthly - Family	75	85		
Weekly - Individual	15	20		
Weekly - Family	25	40		
Open lap swimming Monday, Wednesdays, Fridays 9am-10am and Sundays 10am-12pm	\$3/day	\$4/day		
Corporate Membership Non-Refundable Annual Administrative Fee	\$50/Corporate Plan			
Corporate Annual Membership Plan 1 (1-10 participants)	\$32/Participant			
Corporate Annual Membership Plan 2 (11-50 participants)	\$28/Participant			
Corporate Annual Membership Plan 3 (50+ participants)	\$21/Participant			
POOL CLASSES				
Pool Contractual Programs - Fees vary-set by instructor and staff	70/30 Split			
Pool Swimming Lessons	100% cost of recovery			
Community CPR/AED/First Aid; CPR/Lifeguarding/AED for Professional Rescuer/Water & Land Spinal; Professional Rescuer CPR/AED & First Aid	\$65-\$120 Initial \$5 and per 15 minute increment (accumulative) per household			
Late Pickup from Programs				
POOL RENTAL				
	NON-PROFIT USAGE	FOR-PROFIT USAGE		
Funbrella Rental - 2 hours - with table and 8 chairs	20	40		
Pool Facility - 2 hours - up to 200 people no obstacle course Non-Profit	250			
Pool Facility - 2 hours - up to 200 people includes obstacle course For-Profit	350	700		
Ultimate Birthday Bash includes obstacle course	\$100 + \$5 per adult & \$3 per child			
Birthday Bash	\$45 + \$5 per adult & \$3 per child			
Pool Party Fun	\$20 + general admission - 4 hour rental			

	STUDENT - 13+ & ADULTS W/ COLLEGE ID					NOTES
	MH MEMBER	ADULT NON-MEMBER	ID	CHILDREN 6-12	CHILDREN 5 & UNDER	
MUSEUM ADMISSION						
General Admission	Free	10	8	5	Free	
General Admission FMB Resident	Free	5	4	2.50	Free	
Free admission for retired or active military and their families on Veteran's Day	Free	Free	Free	Free	Free	
Free admission for Teachers, Mound House Members	Free	Free	Free	Free	Free	
Guided Museum Tours, Group Tours	Free	\$5 + Museum Admission	\$5 + Museum Admission	\$5 + Museum Admission	Free	
Summertime Family Rates (June - August)	TBD	TBD	TBD	TBD	Free	
GROUP RATES						
Group Tours Non Refundable Deposit if cancelled within 3 business days of the tour	50	50	N/A	N/A	Free	
STUDENT TOURS						
Students for each activity	\$2/Child + material fee if applicable	\$2/Child + material fee if applicable	\$2/Child + material fee if applicable	\$2/Child + material fee if applicable	Free	
For every 10 children 1 free adult admission	Free	4	N/A	N/A	N/A	
Extra Adults with Student groups	2	2	2	2	Free	
Program Fee for additional activities	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	
Material Fees						
KAYAK TOURS						
Kayak Tours Non Refundable Deposit if cancelled within 2 business days of the event Per Person	10	20	20	20	N/A	
Daytime Kayak Eco Tour includes museum admission	15	45	45	N/A	N/A	
Family Fun Kayak Tours	10	25	15	15	N/A	
Sunset Kayak Tour	25	50	50	N/A	N/A	
SPECIALTY TOURS/EVENTS						
Specialty Tours - As Determined	Free	\$5 + Museum Admission	\$5 + Museum Admission	\$5 + Museum Admission	N/A	
Mound House After Hours Specialty Events	20	TBD				
Boat Tours Mound Key	15	25				
Boat Tours - Pure Florida Boat Tours	150-200	20				
Multi Day Program (Joyful Living Retreat)		150-200				
MOUND HOUSE FACILITY RENTAL						
Wedding Ceremony Only (after hours not to exceed 200 people)	\$200 Base Rate	\$250 Base Rate	N/A			
Ceremony with Reception (after normal business hours) not to exceed 200 people Event up to 4 hours	\$800 Base Rate	\$1000 Base Rate	N/A			
Orientation Room-Main Museum	\$45 for 1st Hr/\$20 additional Hr	\$55 for 1st Hr/\$30 additional Hr	\$50 for 1st Hr/\$20 additional Hr			
After Hours Rental (after 5:30 pm or anytime Sunday per hour)	100	100	100			
Grounds (Observation Pier, Special Event Area, Back Patio/ Porch area)	\$150 Base Rate	\$200 Base Rate	\$150 Base Rate			

MOUND HOUSE MEMBERSHIP		MH MEMBER/FMB RESIDENTS	NON-MEMBERS	NON-PROFIT/EDUC ORGANIZATIONS	NOTES
Individual		35			
Dual		50			
Family		50			
Extended Family		100			
Contributor		200			
Patron		500			
Benefactor		1000			
Corporate		2500			
Museum Store Items		Priced as Marked			
Gift Certificates		Priced as Marked			
Mound House Staff Speakers Fee		100			
Friends of the Mound House Membership		\$10 extra per MH Membership			

NEWTON PARK

	TOWN OF FMB RESIDENT	FOR-PROFIT or INDIVIDUAL	NON-PROFIT or EDUC ORGANIZATION
NEWTON BEACH PARK RENTALS (parking not included unless otherwise noted)			
Seven Seas Historic Cottage	\$40 for 1st Hr/\$20 additional Hr	\$55 for 1st Hr/\$35 additional Hr	\$45 for 1st Hr/\$20 additional Hr
Extra staff site visits/ planning sessions Per Visit	20	20	20
Outside patio/Lania only Per Hour	20	30	25
Lania only - Additional per hour	10	20	15
Large 5 table - Chickee Hut only - up to 2 hours Parking Not Included	20	25	25
2 table - Chickee Hut - up to 2 hours Parking Not Included	10	20	15
3 Small round shade structures gulf side - up to 2 hours Parking Not Included	10	20	15
Newton Park - exclusive use of entire facility, including 10 parking spaces - up to 8 hours/restrooms are open to public	1000	1200	100
Newton Park - exclusive use of entire facility, including 10 parking spaces- half day option- no to exceed 4 hours/restrooms are open to public	650	700	650
After Sunset Fee (applies if rental extends past 8 PM not to exceed past 10pm) - no exterior rentals or lighting allowed during turtle nesting season. May through October	\$150/Hr	\$150/Hr	\$150/Hr
Short Term Instructors	\$40/Hr; \$30/additional Hr or as stated in contract		
EDUCATIONAL PROGRAMS			
Beachwalk, Coastal Ecology and Conservation Café	Free		
General Educational Programming	\$5-\$15 TBD		



Building Permit Fee Schedule



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
	FIRE REVIEW OR FIRE INSPECTION FEE NOT INCLUDED AND WILL BE CHARGED SEPERATELY BY THE FIRE DEPARTMENT *** IMPACT FEES NOT INCLUDED *** *** SOLID WASTE AND DCA/DBPR FEES NOT INCLUDED*** 1/3 OF THE BUILDING PERMIT FEE WILL BE REFUNDED IF THE PERMIT IS NOT ISSUED WITHIN 3 WEEKS OF RECEIPT OF COMPLETED APPLICATION AND ALL ADDITIONAL INFORMATION REQUESTED BY REVIEWERS.			
	<i>COM – Commercial New Construction, Additions, Alterations, Modular,</i> 1 Foundation Includes: Application Processing Fee Commercial Building Plan Review & Inspection Commercial Environmental Review Commercial Flood Review Commercial Stormwater Review Commercial Zoning Review Plumbing Review, Sub-Contractor Permit, & Plumbing Inspection Electrical Review, Sub-Contractor Permit, & Electrical Inspection(s) Mechanical Review, Sub-Contractor Permit, & Mechanical Inspection	.65 per sq. ft. + 35% of building permit for application and all review fees. EX. 5,000 sq. ft. project = \$4,387.50		
	2 COM – Concrete Restoration Includes: Application Processing Fee Commercial Plan Review Threshold Engineer Report Review Inspection	450		
	3 COM - Roof/ReRoof/Roofover Includes: Application Processing Fee Building Review Flood Review Inspection	425		
	4 CONDO - Condo Residential Unit Remodel/Interior Flat Fee Includes: Application Processing Fee Building Review and Inspection Flood Review Electrical Review and Electrical Inspection Mechanical Review and Mechanical Inspection Plumbing Review and Plumbing Inspection	Flat Fee of \$775 for All Condo Remodel Projects		
	5 CONDO - Carport/Garage Flat Fee Includes: Application Processing Fee Building Review and Inspection Stormwater Review Zoning Review Electrical Review and Inspection	600		
	6 DEMO - Commercial and Residential Includes: Application Processing Fee Building Plan Review Environmental Review Inspection	400		



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
7	DRV - All Driveways Includes: Application Processing Fee Environmental Review Flood Review Stormwater Review Zoning Review Inspection	525		
8	DSH - Dock, Walkway, Pier Platform, Boat Lift, Hoist, Davit Repair, Rip Rap, Seawall, Dredging, Piling, Boat Ramp Includes: Application Processing Fee Environmental Review Zoning Review Inspection	325		
9	DSH - Boathouse and Dock Permit (New Dock/New Boathouse) Includes: Building Review and Inspection Electrical Review and Inspection	600		
10	DSH - Boathouse, New or Repair (New Boathouse, Existing Dock) Includes: Application Processing Fee Building Review and Inspection Environmental Review Zoning Review Electrical Review and Inspection	400		
11	FEN - Fence (All Fences, Pool Barriers, Retaining/Garden Wall) Includes: Application Processing Fee Building Plan Review and Inspection Environmental Review Flood Review	400		
12	POL - Pools (Above Ground, Below Ground, Spas) Includes: Application Processing Fee Building Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review	700		
13	RES - Interior Remodel (up to 50% of Structure Value) Includes: Application Processing Fee Building Review and Inspection Flood Review Electrical Review and Inspection Mechanical Review and Inspection Plumbing Review and Inspection	675		
14	Carport, Stand Alone Garage *** IMPACT FEES NOT INCLUDED *** Includes: Application Processing Fee Building Plan Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review Electrical Review and Electrical Inspection Mechanical Review and Mechanical Inspection Plumbing Review and Plumbing Inspection Roof Sewer Connection	Up to 1500 sqft = \$1550 1501-2500 sqft = \$2150 2501-3500 sqft = \$2750 3501-4500 sqft = \$3350 4501-5500 sqft = \$3950 5501-6500 sqft = \$4550 6501+ sqft = Commercial Calculation		



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
15	RES - Roof, Reroof, Roofover, Insulated Pan Roof Application Processing Fee Flood Review Inspection	250		
16	STRUC - Commercial or Residential Sheds, Decks, Screen Enclosure/Pool Enclosure, Dumpster Enclosure, Radio/TV Antenna, Freestanding Signs, Mobile Home/RV Setup Includes: Application Processing Fee Building Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review	525		
17	STRUC - Structure Move Includes: Application Processing Fee Building Review and Inspection Environmental Review Flood Review Stormwater Review Zoning Review Electrical Review and Inspection Mechanical Review and Inspection Plumbing Review and Inspection	750		
18	TRADES - Over the Counter Electrical, Mechanical, Plumbing, Solar, Other Misc.(Flatwork, Interior Piping, Dumpster, Gas, Pavers, Fence Repair) Building Permits Not Stated. Includes: Application Processing Fee Any Necessary Reviews	175		
19	WIN - Windows (Commercial, Condos, Residential) up to 5 Windows, including Sliding Glass Doors Includes: Application Processing Fee Building Review and Inspection Flood Review	325		
20	WIN - Windows (Commercial, Condos, Residential) over 5 Windows, including Sliding Glass Doors Includes: Application Processing Fee Building Review and Inspection Flood Review	# Windows x \$25/ea		
MISCELLANEOUS FEES				
21	MISC - 1st Work Without Permit	3x Building Permit Fee		
22	MISC - 2nd Work Without Permit	5x Building Permit Fee		
23	MISC - Change of Contractor	50		
24	MISC - Building Code Administrators and Inspectors Surcharge (Pursuant to Florida Statute)	1.5% of Building Permit Fee or \$2 Minimum		
25	MISC - Department of Business and Professional Regulation Surcharge (Pursuant to Florida Statute)	1% of Permit Fee or \$2 Minimum		
26	MISC - Inspection/Partial Pass (additional inspection requested by contractor)	50		
27	MISC - Inspection/Re-inspection After Failed Inspection	50		
28	MISC - Inspection/Lock-Out (Inspector did not have access to construction site and has to reschedule inspection)	50		
29	MISC - Permit Extension 1st 3 Months	100		
30	MISC - Permit Extension 2nd 3 Months	150		
31	MISC - Plan Revision (after issuance of permit)	50		
32	MISC - Recording Services	Actual Cost		
33	MISC - Reissuance of Expired Permit: Commercial (not including Code Enforcement fees)	500		



BUILDING PERMIT FEE SCHEDULE

REF #	PERMIT	CURRENT FEE	PROPOSED FEE	NOTES
MISCELLANEOUS FEES (Continued)				
	MISC - Reissuance of Expired Permit: Residential (not including Code Enforcement Fees)	250		
34	MISC - Reissuance of Expired Permit: Trade (not including Code Enforcement Fee)	100		
35	MISC - Resubmittal Fee after 1st resubmittal (if our reviewers request more information and the information provided by the permit holder does not fulfill request)	\$50/Resubmittal		
36	MISC - Generator Installation Permit	450		
37	MISC - Temporary CO	175		
38				



Index



INDEX

AD VALOREM TAX INFORMATION.....	1
<i>Taxable Value and Revenue Generated by Millage.....</i>	<i>2</i>
<i>Tax Percentage to Taxing Authority.....</i>	<i>3</i>
<i>5 Year Average Taxable Value of Residential Property.....</i>	<i>4</i>
<i>DR-420.....</i>	<i>5</i>
<i>DR-420MMP.....</i>	<i>7</i>
PERSONNEL INFORMATION.....	9
<i>Organizational Chart.....</i>	<i>10</i>
<i>Current Personnel Control.....</i>	<i>11</i>
<i>Current Personnel Cost.....</i>	<i>13</i>
VEHICLE INVENTORY INFORMATION	15
BUDGET REPORTS	17
<i>Budget Graphs</i>	<i>18</i>
<i>All Funds by Department.....</i>	<i>19</i>
<i>All Funds Summary.....</i>	<i>20</i>
<i>General Fund Revenue & Expenditures by Department.....</i>	<i>21</i>
<i>General Fund Detail Revenues</i>	<i>22</i>
<i>Town Council Expenditures</i>	<i>24</i>
<i>Town Manager Expenditures</i>	<i>25</i>
<i>Town Clerk Expenditures</i>	<i>26</i>
<i>Finance Expenditures</i>	<i>27</i>
<i>Short Term Rental Expenditures.....</i>	<i>28</i>
<i>Legal Expenditures</i>	<i>29</i>
<i>General Government Expenditures</i>	<i>30</i>
<i>Community Development Expenditures</i>	<i>32</i>
<i>Code Enforcement Expenditures</i>	<i>33</i>
<i>Town Hall Maintenance Expenditures.....</i>	<i>34</i>
<i>Public Works Administration Expenditures</i>	<i>35</i>
<i>Public Works Maintenance Expenditures.....</i>	<i>36</i>
<i>Times Square Expenditures</i>	<i>38</i>
<i>Maritime Expenditures.....</i>	<i>39</i>
<i>Parking Meter Operations Expenditures</i>	<i>40</i>
<i>Mooring Operations Expenditures</i>	<i>42</i>
<i>Bay Oaks Recreation Center Expenditures</i>	<i>43</i>
<i>Bay Oaks Pool Expenditures.....</i>	<i>45</i>
<i>Mound House Expenditures</i>	<i>46</i>
<i>Newton Park Expenditures.....</i>	<i>48</i>
<i>Road Impact Revenues.....</i>	<i>50</i>
<i>Road Impact – Public Works Maintenance Expenditures.....</i>	<i>51</i>
<i>Parks Impact Revenues</i>	<i>52</i>
<i>Parks Impact – Bay Oaks Recreation Center Expenditures.....</i>	<i>53</i>
<i>Emergency Fund Revenues.....</i>	<i>54</i>
<i>Emergency – General Government Expenditures.....</i>	<i>55</i>



INDEX (Continued)

<i>Emergency – Disaster Expenditures</i>	<i>56</i>
<i>Gas Tax Fund Revenues.....</i>	<i>57</i>
<i>Gas Tax – Public Works Maintenance Expenditures</i>	<i>58</i>
<i>Beach Access (TDC) – Mound House Expenditures.....</i>	<i>59</i>
<i>Beach Access (TDC) – Newton Park Expenditures</i>	<i>60</i>
<i>Beach Access (TDC) – Beach Maintenance Expenditures</i>	<i>61</i>
<i>Building Fund Revenues</i>	<i>62</i>
<i>Building – Building Services Expenditures</i>	<i>63</i>
<i>Capital Fund Revenues</i>	<i>64</i>
<i>Capital – Finance Expenditures</i>	<i>65</i>
<i>Capital – General Government Expenditures</i>	<i>66</i>
<i>Capital – Community Development Expenditures.....</i>	<i>67</i>
<i>Capital – Public Works Administration Expenditures</i>	<i>68</i>
<i>Capital – Public Works Maintenance Expenditures.....</i>	<i>69</i>
<i>Capital – Times Square Expenditures</i>	<i>70</i>
<i>Capital – Maritime Expenditures.....</i>	<i>71</i>
<i>Capital – Parking Meter Expenditures.....</i>	<i>72</i>
<i>Capital- Mooring Operations Expenditures.....</i>	<i>73</i>
<i>Capital – Bay Oaks Recreation Center Expenditures</i>	<i>74</i>
<i>Capital – Bay Oaks Pool Expenditures.....</i>	<i>75</i>
<i>Capital – Mound House Expenditures</i>	<i>76</i>
<i>Capital – Newton Park Expenditures.....</i>	<i>77</i>
<i>Community Enhancements Revenues</i>	<i>78</i>
<i>Community Enhancements – Times Square Expenditures.....</i>	<i>79</i>
<i>Community Enhancements – Bayside Park Expenditures</i>	<i>80</i>
<i>Community Enhancements – Bay Oaks Recreation Center Expenditures</i>	<i>81</i>
CAPITAL IMPROVEMENT PLAN SCHEDULE.....	82
UTILITIES	85
<i>Utility Budget Summary</i>	<i>86</i>
<i>State Revolving Fund Loan Information</i>	<i>87</i>
<i>Storm Water Revenues.....</i>	<i>88</i>
<i>Storm Water Expenditures</i>	<i>89</i>
<i>Storm Water Maintenance Expenditures</i>	<i>90</i>
<i>Water Utility Revenues.....</i>	<i>91</i>
<i>Water Utility Expenditures</i>	<i>92</i>
<i>Water Utility Services Expenditures</i>	<i>93</i>
<i>Water Capital Project and SRF Expenditures.....</i>	<i>94</i>
TOWN WIDE FEE SCHEDULES.....	95
BULIDING PERMIT FEE SCHEDULE.....	108
INDEX	113

1. **Requested Motion:**

Meeting Date: September 16, 2021

Approve/Approve with Conditions/Deny VAR20210043 2842 Seaview St a Variance to Pool Location and Street Setback

Why the action is necessary:

The pool location in front of the house and in the street setback requires a variance from the regulations of the LDC.

What the action accomplishes:

Permits the property owner to construct a pool between the house and the street, reduces the street setback.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

Waldrop Engineering, the applicants for 2842 Seaview Street, are requesting multiple variances from the Town's Land Development Code (LDC). First, LDC Sec. 34-1174(b), restricts the placement of accessory structures from being placed closer to the street R-O-W than the principal structure, due to the placement of the existing structure on the property. Second, LDC Table 34-3, establishes a minimum front yard setback in the RM zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback by 10 feet along Seaview Street, resulting in a 15 feet street setback.

The house was built in 1984 with recent building permits in 2020 and 2021. The principal structure was constructed in 1984. The Gulf side wall of the principal structure is 8.9 feet from the 1978 Coastal Construction Control Line (CCCL).

Attachments:

1. 21-44, VAR20210043 2842 Seaview St Pool
2. VAR20210043 - 2842 Seaview St - Staff Report_TC
3. Public Hearing Application
4. Supplement PH-B
5. Letter of Intent
6. Site Plan Markup
7. Zoning Map
8. Exhibit 5-7 Surrounding Property Owners Map
9. 2842 Seaview St - VAR - Notice To Neighbors TC

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

LPA recommends approval with conditions

8. **Recommended Approval:**

Carl Benge, Assistant Community Development Director

Jason Green, Community Development Services

John R Herin Jr, Town Attorney

Amy Baker, Town Clerk

Created/Initiated - 9/9/2021

Approved - 9/9/2021

Approved - 9/10/2021

Final Approval - 9/10/2021

RESOLUTION NUMBER 21-44

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/DENYING VARIANCE 20210043 TO ALLOW THE CONSTRUCTION OF AN ACCESSORY STRUCTURES - A POOL - IN FRONT OF THE PRINCIPAL STRUCTURE WITHIN STREET SETBACKS AT 2842 SEAVIEW STREET; 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, applicant Waldrop Engineering, P.A., is requesting a variance from Sec. 34-1174(b) of the Town of Fort Myers Beach Land Development Code which does not allow accessory structures to be located closer to the street right-of-way than the principal building; Table 34-3 which does not allow any structures within the street setbacks; and

WHEREAS, the STRAP number for the subject property is 30-46-24-W2-003M0.0050

WHEREAS, the Property is located in the “Boulevard” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Multi-family and Environmentally Critical” zoning districts of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on August 10, 2021, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 5-0 to recommend approval with conditions.

WHEREAS, on September 16, 2021 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/deny the request.

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

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

Section 2. The Town Council determines the Applicant did meet its burden of proof that the requested Variance do meet the requirements of the Town Comprehensive Plan and LDC, and approving the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/DENIES the Variance from Section 34-1174(b) of the LDC to allow the construction of a pool in front of the principal structure, and from Table 34-3 to allow the pool within the street setbacks.

Section 3. In approving/denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Sections 34-84 and 34-87 of the LDC:

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. A Type B Buffer shall be installed within the street (north) and side yard (west) setback. They shall be 15' wide (north) and 7.5' wide (west), respectively. All buffers shall also be consistent with the site visibility triangle requirements of the LDC.
- C. The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.

D. The final pool and deck/paver design are subject to the Town's maximum impervious surface requirement of 67%, which includes only portions of the property within the RC zoning district.

E. No improvements, including pavers, concrete, or other impervious surfaces, shall be permitted within the side yard setback or any closer than 15 feet from the right-of-way.

F. The variances shall only apply to the pool and fence as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.

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

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

ADOPTED this 16th day of September, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

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 September 2021.



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20210043

CASE NAME: 2842 Seaview St, to allow accessory structures -pool in front of principle structure within the street setback.

TOWN COUNCIL HEARING DATE: September 16, 2021 at 5:00 PM

STAFF RECOMMENDATION: Approve with conditions

PREPARED/ SUBMITTED BY: Carl Benge/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Waldrop Engineering, P. A.

Request: The applicant is seeking variances from Sec. 34-1174(b) and Table 34-3 to allow a pool forward of the principal structure and a variance of 10 feet to the 25 feet street setback.

Subject property: See attached site plan

Physical Address: 2842 Seaview Street

STRAP #: 30-46-24-W2-003M0.0050

FLU: Boulevard

Zoning: Residential Multi-family (RM) and Environmentally Critical (EC)

Adjacent zoning and land uses:

North:	RESIDENTIAL MULTI-FAMILY (RM) Condominium
South:	WATERBODY AND ENVIRONMENTALLY CRITICAL (EC) Gulf
East:	RESIDENTIAL MULTI-FAMILY (RM) Gulf, Condominium
West:	COMMERCIAL RESORT (CM) AND RESIDENTIAL MULTI-FAMILY (RM) Gulf

II. BACKGROUND AND ANALYSIS

Background:

Waldrop Engineering, the applicants for 2842 Seaview Street, are requesting multiple variances from the Town's Land Development Code (LDC). First, LDC Sec. 34-1174(b), restricts the placement of accessory structures from being placed closer to the street R-O-W than the principal structure, due to the placement of the existing structure on the property. Second, LDC Table 34-3, establishes a minimum front yard setback in the RM zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback by 10 feet along Seaview Street, resulting in a 15 feet street setback.

The house was built in 1984 with recent building permits in 2020 and 2021. The principal structure was constructed in 1984. The Gulf side wall of the principal structure is 8.9 feet from the 1978 Coastal Construction Control Line (CCCL).

Analysis:

The existing house is positioned towards the rear of the lot, 8.9 feet from the 1978 CCCL. The CCCL was established in 1978 creating a build-to-line that reduced the useable area in the rear of the property leaving inadequate room for an accessory structure in the rear. Due to the design of the residence, the side yard is 7.4 feet on the northern boundary and 8.4 feet on the southern boundary, which is also insufficient area for locating accessory uses and structures such as a pool. Currently, the Town's LDC Sec. 34-638(d)(2)b, does allow a ten feet encroachment into the street setback, however that encroachment only applies to porches, balconies and stoops.

Neighborhood Compatibility:

In review of the aerial photography of the neighborhood, staff found some examples of properties with similar layouts as that found at 2842 Seaview Street. Seaview Street is a low traffic area that will see little to no negative effects to neighboring properties.

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The applicant's request includes locating the pool adjacent to the western property line, which is adjacent to Caper Beach Club Condo Association community pool. Based on LeePA aerials and the site plan included with the application, the proposed pool appears to be setback farther from the right-of-way than the adjacent community pool.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

These conditions are not the result of owner actions. The principal structure (house) was built in 1984, prior to the Town adopted regulation prohibiting accessory structures forward of the primary structure. The current property owners acquired the property in 2020.

- c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

Yes, the requested variance is the minimum to relieve the applicant of the code requirement. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to a street right-of-way than the principal structure. The proposed plan includes the entire pool area, including pavers or concrete decking around the pool, not just the water's edge.

The space between the principal structure and the Seaview Street right-of-way is the only available location for the construction of a pool on the property as the setback of the principal structure from the 1978 CCCL (and the Environmentally Critical zoning district boundary) is 8.9 feet, which is not sufficient area for a pool.

The pool oriented to allow the driveway and parking area to be maintained on the Eastern portion of the site.

- d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The adjacent property to the West is the location of a pool amenity for the nearby Caper Beach Club development. The required 7.5-foot side buffer will remain to mitigate the noise and appearance of the pool from neighbors. Staff has included a condition to provide a Type B buffer within the Western (side) and Northern (street) setback.

- e. That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

This variance request is not uncommon for Gulf side properties located on Estero Blvd. as many of the existing structures were built before modern land development codes and state and federal coastal building regulations. However, it is generally unusual for lots within the Town to be built with houses pushed to the rear. Modern regulations require greater setbacks. The gulf front lots are typically unique in their layout.

III. RECOMMENDATION

On August 10, 2021, LPA heard the presentation for the proposed project. There was a conversation about property possibly having bushes within the right-of-way that may need to be addressed. Applicant agreed to look into the bush location. After the presentation, LPA voted 5-0 to approve the variance with staff's conditions.

Staff finds that the variances for the placement of the pool location is needed for the proposed project. The principal structure was built before the Town adopted setbacks for accessory structures.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20210043, for the pool and open-air changing room to be forward of the primary structure. As shown on site plan.

IV. CONDITIONS OF APPROVAL

- 1. Approval of this variance does not give the developer an undeniable right to permit approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of permit approval, except as specifically modified herein.*
- 2. A Type B Buffer shall be installed within the street (north) and side yard (west) setback. They shall be 15' wide (north) and 7.5' wide (west), respectively. All buffers shall also be consistent with the site visibility triangle requirements of the LDC.*

3. *The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.*
4. *The final pool and deck/paver design are subject to the Town's maximum impervious surface requirement of 67%, which includes only portions of the property within the RC zoning district.*
5. *No improvements, including pavers, concrete, or other impervious surfaces, shall be permitted within the side yard setback or any closer than 15 feet from the right-of-way.*
6. *The variances shall only apply to the pool as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.*

Staff Report Exhibits:

A – Site Plan

B – Complete Application

C – Letter to Adjacent Property Owners

PROJECT NUMBER:

DATE:



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *one ORIGINAL paper copy, fourteen (14) copies* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application. In addition to application fees, the applicant is required to pay for (2) sets of mailings to neighboring property owners within 500', and all advertising fees.

Site Address: 2842 Seaview Street, Fort Myers Beach, FL 33931

STRAP Number: 30-46-24-W2-003M0.0050

Applicant: Roberto Cadena

Phone: (786)-253-6371

Contact Name: Roberto Cadena

Phone: _____

Email: cadenarc@yahoo.com

Fax: N/A

Current Zoning District: Residential Multifamily (RM) and Environmental Conservation

Future Land Use Map (FLUM) Category: Boulevard

FLUM Density Range: 6 du/acre

Platted Overlay: ☒ YES ☐ NO

ACTION REQUESTED

☐ Special Exception

☒ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PROJECT NUMBER:

DATE:

PART I – General Information

A. Applicant*: Roberto Cadena Phone: (786)-253-6371

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

Applicant Mailing Address: 2517 Poinciana Dr, Weston, FL 33327

Email: cadenarc@yahoo.com Fax: N/A

Contact Name: Roberto Cadena Phone: (786)-253-6371

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* ☐ Other* (please indicate) _____ | | |

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

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: John Cowart Phone: 239-318-6706

Address: Waldrop Engineering, 1514 Broadway #201, Fort Myers FL 34195

Email: john.cowart@waldropengineering.com Fax: 239-405-7899

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Fred Drovdlc, AICP Phone: 239-344-0000

Address: Waldrop Engineering, 1514 Broadway #201, Fort Myers, FL 34195

Email: fred.drovdlc@waldropengineering.com Fax: 239-405-7899

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PROJECT NUMBER:

DATE:

Name: _____

Phone: _____

Address: _____

Email: _____

Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

☐ Special Exception

☒ Variance from LDC Section ^{34-1174(b), and 34-644, Table 34-3} _____ - _____ Location and setbacks; Dimensional Regulations

☐ Conventional Rezoning from _____ to _____

☐ Planned Development

☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD

☐ Amendment. List the project number: _____

☐ Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

PART III – Waivers N/A

Please indicate any specific submittal items that have been waived by the Director for the request.
Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____

Description: _____

Code Section: _____

Description: _____

Code Section: _____

PROJECT NUMBER:

DATE:

Description: _____

PART IV – Property Ownership

☒ Single Owner (individual or husband and wife)

Name: SAME AS APPLICANT

Phone: _____

Mailing Address: _____

Email _____

Fax: _____

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

☐ Complete Disclosure of Interest Form (see below)

☐ Attach list of property owners as Exhibit 4-1

☐ Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)

☐ For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

SEE ATTACHED.

STRAP: 30-46-24-W2-003M0.0050

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

Name and Address

Percentage Ownership

Roberto Cadena

100%

2842 Seaview Street

Fort Myers Beach, FL 33931

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

PROJECT NUMBER:

DATE:

Name, Address and Office

Percentage of Stock

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

PROJECT NUMBER:

DATE:

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract:

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name

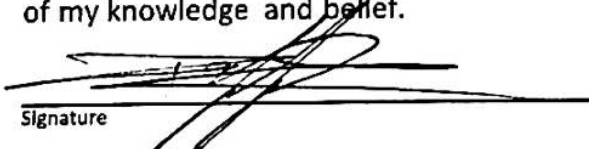
Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature



Roberto Cadena

Printed Name

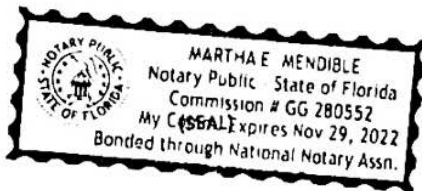
PROJECT NUMBER:

DATE:

STATE OF FLORIDA)

COUNTY OF ~~LEE~~ Broward

Subscribed and sworn to (or affirmed) before me this 28th day of April
20 21 by Roberto Cadena



Notary Public Signature

Martha Mendible
Notary Printed Name

Personally Known _____ or Produced Identification ☒

Type of Identification Produced: FDL C350 723150670 Commission Expires: 11/29/2022

PART V - Property Information

A. Legal Description:

STRAP: 30-46-24-W2-003M0.0050

Property Address: 2842 Seaview St., Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 5-1.

☒ Yes. Property identified in subdivision: Winklers 2nd Subdivision

Book: 8 Page: 49 Unit: _____ Block: M Lot(s): 4

B. Boundary Survey: SEE PLAT.

☐ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 70+/- feet

PROJECT NUMBER:

DATE:

Depth (please provide an average width if irregular in shape) 145+/- feet

Frontage on street: 70+/- feet. Frontage on waterbody: 70+/- feet

Total land area: 0.45+/- ☒ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

The Property is generally located 230 feet south of Estero Boulevard on the south
side (Gulf side) of Seaview Street in the Town of Fort Myers Beach, Florida.

☒ Attach Area Location Map as Exhibit 5-3

E. Property Restrictions (check applicable):

☒ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 5-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 5-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☒ Attach a list of surrounding property owners within 500 feet as Exhibit 5-6.

☒ Attach a map showing the surrounding property owners as Exhibit 5-7.

☒ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density

☐ Marina

☐ Mixed Residential

☐ Recreation

☒ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Platted Overlay

H. Zoning (see official Zoning Map):

☐ RS (Residential Single-family)

☐ CF (Community Facilities)

☐ RC (Residential Conservation)

☐ IN (Institutional)

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| ☒ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☐ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☐ CPD (Commercial Planned Development) | |

PART VI SEE ATTACHED.

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Roberto Cadena swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

PROJECT NUMBER:

DATE:

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

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



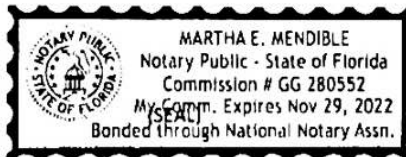
Signature of owner or authorized agent

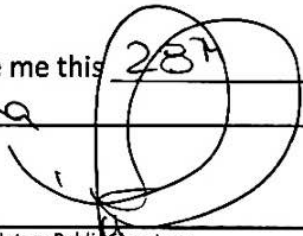
04/28/2022

Date

STATE OF FLORIDA)
COUNTY OF LEE) Broward

Subscribed and sworn to (or affirmed) before me this 28th day of April,
2021, by Roberto Cadena.





Notary Public Signature

Martha Mendible

Notary Printed Name

Personally Known _____ or Produced Identification ☒

Type of Identification Produced: ENC 350123750670 My Commission Expires: 11/29/2022



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number: To be provided by Staff
Project Name: 2842 Seaview Street Variance
Authorized Applicant: Waldrop Engineering, P.A.
LeePA STRAP Number: 30-46-24-W2-003M0.0050

Current Property Status: Residential
Current Zoning: Residential Multifamily (RM) and Environmental Conservation
Future Land Use Map (FLUM) Category: Boulevard
Comp Plan Density: 6 du/ac Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number

Title of Section or Subsection

LDC Sec. 34-1174(b)	Location and setbacks generally
LDC Sec. 34-644, Table 34-3	Dimensional Regs in Conventional Zoning Districts

Complete the narrative statements below for EACH variance requested.

PART I Narrative Statements

Request for variance from LDC 34-1174(b) and 34-644, Table 34-3 (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
1. LDC Section 34-1174(b) restricts all roofed and non-roofed accessory uses,
buildings or structures from being located closer to a street right-of-way than the principal building;
to allow a pool and open-air accessory changing room structure between the principal structure
and the Seaview Street right-of-way
2. LDC Section 34-644, Table 34-3 sets the minimum street setback in the RM zoning district
at 25 feet; to allow an accessory structure (pool) at a
minimum of 15 feet from Seaview Street.
SEE LETTER OF INTENT FOR NARRATIVE DETAILS

Reasons for request

Explain why the variance is needed:
Please refer to the attached LETTER OF INTENT, which outlines the variance
requests in detail.

Explain the possible effect the variance, if granted, would have on surrounding properties:
Please refer to the attached LETTER OF INTENT, which outlines the variance request in detail.
This variance would not have any impact on surrounding properties.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

The principal structure was constructed in 1984.
Please refer to the attached LETTER OF INTENT, which outlines the variance request in detail.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

Please refer to the attached LETTER OF INTENT, which outlines the variance request in detail.

PART 2 Submittal Requirements

All applications for a variance must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.

Project Name must be the same as the name used on the Request for Public Hearing form.

Applicant must be the same as on the Request for Public Hearing form.

STRAP numbers must be the same as on the Request for Public Hearing form.

Current status of property must be the same as on the Request for Public Hearing form.

“Variance is requested from...” Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

April 29, 2021

Town of Fort Myers Beach
Planning and Zoning Division
2525 Estero Boulevard
Fort Myers, Florida 33931

**RE: 2842 SEAVIEW STREET
VARIANCE APPLICATION**

Community Development Reviewer:

On behalf of Roberto Cadena ("Applicant") Waldrop Engineering is pleased to submit the enclosed variance petition relating to locating residential accessory uses, specifically a pool, between the principal use (single-family residence) and the street right-of-way (Seaview Street) at 2842 Seaview Street ("Property").

The Property is a 0.23± acre parcel with an existing single-family residence constructed in 1984. The Property is generally located 230 feet south of Estero Boulevard on the south side (Gulf side) of Seaview Street in the Town of Fort Myers Beach, Florida. An aerial exhibit depicting the project location is attached to this application.

HISTORY/BACKGROUND:

The Subject Property is zoned Residential Multifamily (RM) and Environmentally Critical (EC) and is within the Boulevard future land use category. The principal structure was constructed in 1984. The Gulf side wall of the dwelling unit is 8.9 feet from the 1978 Coastal Construction Control Line (CCCL) resulting in a deficient space for locating a pool in the rear of the principal structure. Due to the design of the residence the side yard is 7.4 feet to on the northern boundary and 8.4 feet on the southern boundary which is also insufficient area for locating accessory uses and structures such as a pool.

The Applicant intends on constructing a pool and accessory changing room closer to the Seaview Street right-of-way than the principal building.

REQUEST:

The Applicant is requesting the following variance from the zoning regulations set forth in the Rural Agricultural zoning district:

1. Variance from Land Development Code LDC Section 34-1174(b), which restricts all roofed and non-roofed accessory uses, buildings or structures from being located closer to a street right-of-way than the principal building; whereas the Applicant is requesting to locate a pool and open-air accessory changing room structure between the principal structure and the Seaview Street right-of-way.
2. Variance from LDC Section 34-644, Table 34-3, Dimensional Regulations in Conventional Zoning Districts, which sets the minimum street setback for all structures in the RM zoning district at 25 feet. The Applicant is requesting to locate a pool a minimum of 15 feet from the Seaview Street right-of-way (property line) which is within the required minimum

setback creating a variance relief of 10 feet. The project will be in compliance with all other setbacks and code requirements for accessory structures.

JUSTIFICATION:

The single-family home located at 2842 Seaview Street was constructed to provide a rear setback that maximized proximity to the gulf waters while staying within the Coastal Construction Control Line (CCCL). The CCCL was established in 1978 creating a build-to-line that reduced the useable area in the rear of the property leaving inadequate room for an accessory structure in the rear.

The current property owner, the Applicant, wishes to construct a swimming pool in what is considered between the front of the principal structure and the street right-of-way. As shown on the attached Variance Site Plan, the location of the pool and accessory structure are setback from the neighboring property in compliance with the land development code requiring a minimum of 7.5-foot side yard setback for any structure. The pool will be set back from the Seaview Street right-of-way with a minimum of 15 feet.

It is important to note that all other setbacks, height and other development requirements will be in compliance with the existing RM Zoning District development standards. The variance request is based on solid design and engineering principals and provides for appropriate design flexibility of the subject property.

VARIANCE CRITERIA:

The following is a detailed analysis of this request's compliance with the variance review criteria set forth in LDC Section 34-87:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a de minimis variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;

The Applicant's request is de minimis in nature and will only allow for the development of a private pool that will be accessory to the single-family dwelling unit, or the principal structure.

2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;

The variance request is not the result of action taken by the current property owner, who acquired the property in 2020.

3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;

Yes, the requested variance is the minimum to relieve the applicant of the code requirement. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to a street right-of-way than the principal structure. The space between the principal structure and the Seaview Street right-of-way is the only available location for the construction of a pool on the Property as the setback of the building from the Coastal Construction Line (and the Environmentally Critical zoning district boundary) is 8.9 feet which is not sufficient area for a pool.

The variance of 10 feet from the 25-foot street setback requirement is necessary to allow construction of a small pool while allowing enough space in the front of the property for parking and other uses. The pool is reasonable sized and arranged in the only orientation available as the driveway and parking area constrains the site.

4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The adjacent property to the North is the location of a pool amenity for the nearby Caper Beach Club development. The required 7.5-foot side buffer will remain to mitigate the noise and appearance of the pool from neighbors.

5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

This variance request is not uncommon for Gulf side properties located on Estero Blvd. as many of the existing structures were built before modern land development codes and state and federal coastal building regulations. However, it is the decision of the Council to amend the regulations to allow pool and residential accessory structures in the front yard between principal structures and street right-of-way.

Based upon the above analysis, the Applicant respectfully requests approval of this variance petition. The approval will uphold the intent of the Land Development Code and Comprehensive Plan. The request complies with the variance review criteria, and will not negatively impact compatibility, public health, safety or welfare.

If you have and further questions, please feel free to contact me directly at (239) 318-6706, or john.cowart@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



John Cowart
Planner – Fort Myers

cc: Roberto Cadena



Legend

Subject Property

0 65 130 260 Feet





Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: VAR20210043

Case Name: 2842 Seaview St, to allow an accessory structure (pool) in front of a principal structure and within the street setback.

Applicant: Waldrop Engineering, P. A.

Location: 2842 Seaview Street

STRAP #: 30-46-24-W2-003M0.0050

Zoning: Residential Multi-Family (RM) and Environmentally Critical (EC)

Request: The applicant is seeking variances from Sec. 34-1174(b) and Table 34-3 to allow a pool forward of the principal structure and a reduction in the street setback of up to 10 feet.

Staff Report: Direct inquiries to:
Carl Benge, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that Town Council of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **5:00 PM on September 16, 2021**, regarding the case listed above. The hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach reviewed the case and make a recommendation to the Town Council on this matter. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

1. **Requested Motion:**

Meeting Date: September 16, 2021

Approve/Approve with Conditions/Deny of VAR20210058 506/508 Carlos Circle Variance for Pool Location and Street Setback

Why the action is necessary:

The property owner is requesting to locate a pool in a location forward of the house and in the required street setback. In order to permit the location, approval for the variance is required.

What the action accomplishes:

Allows the property owner to locate a pool forward of the house and in the street setback

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

5. **Background:**

Jack Holsem, the applicant for 506/508 Carlos Cir, is requesting a variance from the Town's Land Development Code (LDC). The Town's LDC Table 34-3, establishes a minimum front yard setback for Residential Conservation (RC) zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback to 15 feet along Carlos Cir, resulting in a 10 feet street setback.

The principal structure (home) was built in 1968, with building permits in 1990, 2004, and 2018. The current owners bought the property in 2017.

The subject property is bound on three sides by street right-of-way from both Carlos Circle and Estero Boulevard. The applicant wishes to enhance his property with a swimming pool, and to place the pool away from Estero Boulevard to add privacy and a quieter environment for enjoyment of the pool area. Placement of the pool results in its location being in the front yard, along Carlos Circle, as it is the only other area on the property that is large enough to accommodate the pool.

Attachments:

1. VAR20210058 - 506-508 Carlos Cir - Staff Report_TC
2. 21-45, VAR20210058 506-508 Carlos Cir Pool
3. 9288466-Holsem RESUBMITTAL Package_07-18-21
4. 506-508 Carlos Cir - VAR - Notice To Neighbors LPA
5. 506-508 Carlos Cir - VAR - Notice To Neighbors TC

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Carl Benge, Assistant Community Development Director
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 9/9/2021
Approved - 9/9/2021
Approved - 9/10/2021
Final Approval - 9/10/2021



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20210058

CASE NAME: 506/508 Carlos Cir, to allow accessory structure - pool - in front of principle structure within street setbacks.

**TOWN COUNCIL
HEARING DATE:** September 16, 2021 at 5.00 PM

**STAFF
RECOMMENDATION:** Approve with conditions

**PREPARED/
SUBMITTED BY:** Carl Benge/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Jack Holsem

Request: The applicant is seeking variances from Sec. 34-1174(b) to allow a pool forward of the primary structure; and Table 34-3 for a reduction of 15 feet in the street setbacks.

Subject property: See attached site plan

Physical Address: 506/508 Carlos Cir

STRAP #: 24-46-23-W1-0070E.0070

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: RESIDENTIAL CONSERVATION (RC)
Single-Family Homes

South:	RESIDENTIAL MULTI-FAMILY (RM) AND COMMERCIAL PLANNED DEVELOPMENT (CPD) Condominiums
East:	RESIDENTIAL MULTI-FAMILY (RM) Condominiums
West:	REDIDENTIAL CONSERVATON (RC) Single-Family Homes

II. BACKGROUND AND ANALYSIS

Background:

Jack Holsem, the applicant for 506/508 Carlos Cir, is requesting a variance from the Town's Land Development Code (LDC). The Town's LDC Table 34-3, establishes a minimum front yard setback for Residential Conservation (RC) zoning district of 25 feet. The applicant is requesting to reduce the 25 feet street setback to 15 feet along Carlos Cir, resulting in a 10 feet street setback.

The principal structure (home) was built in 1968, with building permits in 1990, 2004, and 2018. The current owners bought the property in 2017.

Analysis:

The subject property is bound on three sides by street right-of-way from both Carlos Circle and Estero Boulevard. The applicant wishes to enhance his property with a swimming pool, and to place the pool away from Estero Boulevard to add privacy and a quieter environment for enjoyment of the pool area. Placement of the pool results in its location being in the front yard, along Carlos Circle, as it is the only other area on the property that is large enough to accommodate the pool.

Neighborhood Compatibility:

The abutting property to the south is the only adjacent residence and the pool will meet the accessory setback requirement for this applicable rear yard. Separation of the pool to the adjacent residence is approximately 30 feet. All other property lines where the pool is to be placed abut public rights-of-way where a privacy fence will be erected. The pool has been placed as far away from the Carlos Circle right-of-way as possible while still allowing adequate area for pool decking. The pool has intentionally been placed no further forward than the front of the house, to reduce visual impact at the front of the house and afford the residents privacy. In order to provide similar visual enhancement for the neighboring property, staff has included a recommended condition to require the edge of the pool to be no closer to Carol Circle than the front façade of the adjacent house, located at 518 Carlos Circle.

Additionally, the right-of-way of Carlos Circle includes a substantial open space separation from the property line to the paved edge of the street, further separating the proposed pool location from the travel lanes of the street. Staff has

Findings and Conclusions:

LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

- a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

The property qualifies for the requested variances as there are unique and extraordinary circumstances inherent to the subject property because of the significant street frontage that leaves no place but a front yard for an accessory structure the magnitude of a swimming pool.

- b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

These conditions are not the result of owner actions. The principal structure (house) was built in 1968, prior to the Town adopted regulation prohibiting accessory structures forward of the primary structure. The current property owners acquired the property in 2017.

- c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The granting of the variances will not be injurious to surrounding properties or to the health, safety, and welfare of the public. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to the street right-of-way than the principal structure. The pool is reasonably sized and arranged in the only orientation to best fit the property.

- d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of the variances will not be injurious to surrounding properties or to the health, safety, and welfare of the public. The proposed placement of the pool is a logical location and closely conforms to the structural placement of the existing residence on the property. A proposed condition requires the pool placement to be located behind the front façade of the adjacent home at 518 Carlos Circle.

- e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The variance request is not uncommon for corner lot properties located on the island. Many of the existing structures were built prior to adoption of the Town's Land Development Code. The Town LDC does not consider every special circumstance with regard to lot layout or orientation.

III. RECOMMENDATION

On August 10, 2021, LPA heard the presentation for the proposed variance. LPA recommended that the applicant be allowed to encroach the proposed buffer 3 feet as long as the pool is no further than 10 feet maximum from the principal structure. With the added condition, LPA voted, 5-0, to approve the variance with the added condition along with staff's recommended conditions.

Staff finds that the variances for the placement of the pool location is needed for the proposed project. The principal structure was built before the Town adopted setbacks for accessory structures.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20210058, for the pool to be forward of the principal structure and reduction of 15 feet to the street setback.

IV. CONDITIONS OF APPROVAL

1. *Approval of this variance does not give the developer an undeniable right to permit approval. Development or redevelopment of the subject property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and Land Development Code in effect at the time of permit approval, except as specifically modified herein.*
2. *A 10' Type B Buffer shall be constructed along Carlos Circle right-of-way between the driveway and the adjacent property, 518 Carlos Circle.*
3. *The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.*
4. *The final pool and deck/paver design are subject to the Town's maximum impervious surface of 67% requirement.*
5. *The pool shall be no further than 10 feet from the existing single-family home with an allowance for up to three feet of pavers around the pool corner to encroach the 10 feet buffer area. If the pool is greater than 10 feet from the home, then the paver encroachment allowance shall not be permitted.*

6. *The variances shall only apply to the pool as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.*

Staff Report Exhibits:

A – Complete Application

B – Letter to Adjacent Property Owners

RESOLUTION NUMBER 21-45

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/DENYING VARIANCE 20210058 TO ALLOW THE CONSTRUCTION OF AN ACCESSORY STRUCTURES - A POOL - IN FRONT OF THE PRINCIPAL STRUCTURE WITHIN STREET SETBACKS AT 506/508 CARLOS CIRCLE; 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, applicant Jack Holsem, is requesting a variance from Sec. 34-1174(b) of the Town of Fort Myers Beach Land Development Code which does not allow accessory structures to be located closer to the street right-of-way than the principal building; Table 34-3 which does not allow any structures within the street setbacks; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W1-0070E.0070

WHEREAS, the Property is located in the “Mixed Residential” category of the Future Land Use Map of the Comprehensive Plan and the “Residential Conservation” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on August 10, 2021, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted 5-0 to recommend approval with conditions.

WHEREAS, on September 16, 2021 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/deny the request.

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

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

Section 2. The Town Council determines the Applicant did meet its burden of proof that the requested Variance do meet the requirements of the Town Comprehensive Plan and LDC, and approving the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/DENIES the Variance from Section 34-1174(b) of the LDC to allow the construction of a pool in front of the principal structure, and from Table 34-3 to allow the pool within the street setbacks.

Section 3. In approving/denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Sections 34-84 and 34-87 of the LDC:

- A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval of the variance are the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.
- D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

- A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
- B. A 10 feet Type B Buffer shall be constructed along Carlos Circle right-of-way between the driveway and the adjacent property, 518 Carlos Circle.
- C. The pool shall be constructed as an in-ground pool at existing grades. The approved location and variance to setbacks does not apply to any elevated pool or structures.

D. The final pool and deck/paver design are subject to the Town's maximum impervious surface requirement of 67%, which includes only portions of the property within the RC zoning district.

E. The pool shall be no farther than 10 feet from the existing single-family home with an allowance for up to three feet of pavers around the pool corner to encroach into the 10 feet buffer area. If the pool is greater than 10 feet from the home, then the paver encroachment allowance shall not be permitted.

F. The variances shall only apply to the pool and fence as shown on the provided site plan. Alterations or substantial damage to either structure shall render their respective variance to be null and void.

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

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

ADOPTED this 16th day of September, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

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 September 2021.

HOLSEM RESIDENCE VARIANCE REQUEST

Resubmittal

506/508 Carlos Circle
Fort Myers Beach, Florida

STRAP# 24-46-23-W1-0070E.0070

Submitted By:
Shellie Johnson, AICP
436 E. Ivan Road
Crawfordville, FL 32327

July 18, 2021



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 506/508 Carlos Circle

STRAP Number: 24-46-23-W1-0070E.0070

Applicant: Jack Holsem Phone: 616-291-1822

Contact Name: Jack Holsem Phone: 616-291-1822

Email: Jack.Holsem@fbmsales.com Fax: _____

Current Zoning District: RC

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 10 du/acre Platted Overlay: ☐ YES ☒ NO

ACTION REQUESTED

☐ Special Exception

☒ Variance

☐ Conventional Rezoning

☐ Planned Development ☐ Commercial ☐ Residential

☐ Master Concept Plan Extension

☐ Appeal of Administrative Action

☐ Vacation of Platted Right-of-way and Easement

☐ Other – cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A

PH-B

PH-C

PH-D

PH-E

PH-F

PH-G

attach on separate sheet

PART I – General Information

A. Applicant*: Jack Holsem Phone: 616-291-1822

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner.*

Please see PART III to complete the appropriate Affidavit form for the type of applicant.

Applicant Mailing Address: 505 Jackson Street SW, Grandville, MI 49418

Email: Jack.Holsem@fbmsales.com Fax: _____

Contact Name: Jack Holsem Phone: 616-291-1822



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

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

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Shellie Johnson, AICP Phone: 239-898-0125
Address: 436 E. Ivan Road, Crawfordville, FL 32327
Email: sjohnsonplanner@gmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- ☐ Special Exception
- ☒ Variance from LDC Section 34 - 1174(b)
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

- ☐ Appeal of Administrative Action
- ☐ Vacation ☐ Right-of-Way ☐ Easement
- ☐ Other. Please Explain: _____
- _____
- _____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: Jack Holsem Phone: 616-291-1822

Mailing Address: 505 Jackson Street SW, Grandville, MI 49418

Email: Jack.Holsem@fbmsales.com Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Jack Holsem swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 171 feet

Depth (please provide an average width if irregular in shape) 75 feet

Frontage on street: 246 feet. Frontage on waterbody: 0 feet

Total land area: 0.25+/- ☒ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Approximately 1/2 mile west of San Carlos Boulevard bridge overpass on the north side of Estero
Boulevard.

☒ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☒ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☒ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☒ Attach a map showing the surrounding property owners as Exhibit 6-7.

☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density

☐ Marina

☒ Mixed Residential

☐ Recreation

☐ Boulevard

☐ Wetlands

☐ Pedestrian Commercial

☐ Platted Overlay

PROJECT NUMBER:

DATE:

Description: 506/508 Carlos Circle, Fort Myers Beach, FL

PART IV - Property Ownership

☒ Single Owner (individual or husband and wife)

Name: Jack Holsem

Phone: 616-291-1822

Mailing Address: 505 Jackson Street SW, Grandville, MI 49418

Email: jack.holsem@fbmsales.com

Fax: _____

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

☐ Complete Disclosure of Interest Form (see below)

☐ Attach list of property owners as Exhibit 4-1

☐ Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)

☐ For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 24-46-23-W1-0070E.0070

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

Name and Address

Percentage Ownership

Jack Holsem

100%

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

PROJECT NUMBER:

DATE:

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract:

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name

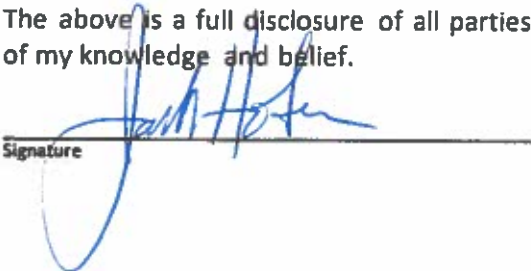
Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature



Printed Name

Jack Holsem

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd., Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

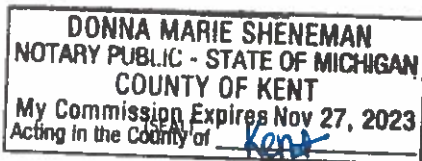
Page 6 of 15

PROJECT NUMBER:

DATE:

~~STATE OF FLORIDA~~
MICHIGAN
COUNTY OF ~~LEE~~ KENT

Subscribed and sworn to (or affirmed) before me this 8th day of June
20 21, by Donna Marie Sheneman



Donna Marie Sheneman
Notary Public Signature
Donna Marie Sheneman
Notary Printed Name

Personally Known X or Produced Identification _____

Type of Identification Produced: _____ My Commission Expires: 11-27-2023

PART V - Property Information

A. Legal Description:

STRAP: 24-46-23-W1-0070E.0070

Property Address: 506/508 Carlos Circle

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 5-1.

☒ Yes. Property identified in subdivision: Island Shores

Book: 9 Page: 37 Unit: 4 Block: E Lot(s): 7

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ feet

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| ☐ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☐ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☐ CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Jack Holsem swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

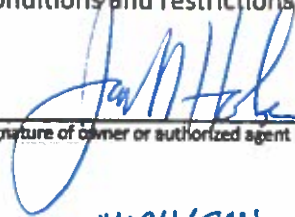
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

PROJECT NUMBER:

DATE:

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

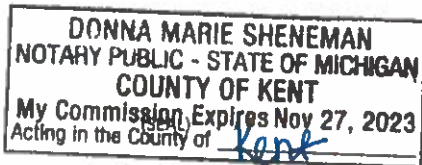
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.


Signature of owner or authorized agent

6/8/21
Date

MICHIGAN
STATE OF ~~FLORIDA~~
COUNTY OF ~~LEE~~
KENT

Subscribed and sworn to (or affirmed) before me this 8th day of June
20 21 by Donna Marie Sheneman




Notary Public Signature

Donna Marie Sheneman
Notary Printed Name

Personally Known X or Produced Identification _____

Type of Identification Produced: _____ My Commission Expires: 11-27-2023

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Holsem Pool Variance
Authorized Applicant: Jack Holsem
LeePA STRAP Number: 24-46-23-W1-0070E.0070

Current Property Status: Developed
Current Zoning: RC
Future Land Use Map (FLUM) Category: Mixed Residential
Comp Plan Density: 10 du/acre Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1174(b)	Setback from Streets

Complete the narrative statements below for EACH variance requested.



Case # _____

Date Received: _____

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:
34-1174(b):
States no accessory use, building or structure shall be located closer to a street right-of-way line than the principal building. The applicant is requesting a variance to this Section to allow placement of a swimming pool which is an accessory use/structure.

Reasons for request

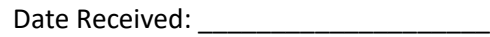
Explain why the variance is needed:
SEE NARRATIVE

Explain the possible effect the variance, if granted, would have on surrounding properties:

SEE NARRATIVE

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

SEE NARRATIVE



SEE NARRATIVE

HOLSEM POOL VARIANCE

506/508 CARLOS CIRCLE

NARRATIVE

The applicant is requesting variance approval for placement of an in-ground swimming pool at 506/508 Carlos Circle. LDC Section 34-1174(b) states that no accessory use, building or structure can be placed closer to a street right-of-way line than the principal building. This request is to allow for placement of the accessory use in the front yard.

Why the Variance is Needed:

The subject property is bound on three sides by street right-of-way from both Carlos Circle and Estero Boulevard. The applicant wishes to enhance his property with a swimming pool, and to place the pool away from Estero Boulevard to add privacy and a quieter environment for enjoyment of the pool area. Placement of the pool results in its location being in the front yard, along Carlos Circle, as it is the only other area on the property that is large enough to accommodate the pool. For purposes of this discussion, the front of the house will be considered north and the rear of the house will be south.

Explain the Possible Effect the Variance, if Granted, would have on Surrounding Properties:

The requested variance will not have any adverse affects on the surrounding properties. The abutting property to the south is the only adjacent residence and the pool will meet the accessory setback requirement for this applicable rear yard. Separation of the pool to the adjacent residence is approximately 30 feet. All other property lines where the pool is to be placed abut public rights-of-way where a privacy fence will be erected. The pool has been placed as far away from the Carlos Circle right-of-way as possible while still allowing adequate area for pool decking. The pool has intentionally been placed no further forward than the front of the house, to reduce visual impact at the front of the house and afford the residents privacy. Additionally, the right-of-way of Carlos Circle includes a substantial open space separation from the property line to the paved edge of the street, further separating the proposed pool location from the actual street.

Explain the Hardship that Justifies Relief from the Regulation:

A hardship exists in that the subject property is bound on three sides by street right-of-way and is irregularly shaped as a result of the curvature of Carlos Circle. The placement of the existing structure eliminates the ability to place the pool in a rear yard and the only yards available are all front yards.

Explain how the Property Qualifies for a Variance. Direct this Explanation to the Guidelines for Decision-Making in LDC Section 34-87:

The property qualifies for the requested variances as there are unique and extraordinary circumstances inherent to the subject property because of the significant street frontage that leaves no place but a front yard for an accessory structure the magnitude of a swimming pool. The circumstances are not the result of any action of the applicant and the request is the minimum necessary to allow the applicant to construct a pool of average size for a two-family unit and which is commonly enjoyed by other residents of Fort Myers Beach. The granting of the variances will not be injurious to surrounding properties or to the health, safety and welfare of the general public. The proposed placement of the pool is a logical location and closely conforms to the structural placement of the existing residence on the property.

BOUNDARY AND LOCATION SURVEY W/ TOPO OF
506/508 CARLOS CIRCLE
FORT MYERS BEACH, FLORIDA 33931

LEGAL DESCRIPTION:

Lot 7, BLOCK E, UNIT NO. 4 ISLAND SHORES according to
the map or plat thereof, as recorded in Plat Book 9,
Page 37, of the Public Records of Lee County, Florida.

C1
 $\Delta=68^{\circ}08'51''$
 $R=100.0$
 $A=118.94'$
 $CH.BR.=N79^{\circ}25'39''E$
 $CH.=112.05'(M)$

MH
SAN. SEWER

B.M.#2
2.04'

$S66^{\circ}30'00''E$
 $13.16'(M)(P)$

FIR 5/8
1.9'

- A/C AIR CONDITIONER
- B.M. BENCHMARK
- (C) CALCULATED
- CB CABLE BOX
- CLF CHAIN LINK FENCE
- CONC CONCRETE
- CSW CONCRETE SIDEWALK
- DEED DEED
- DE DRAINAGE EASEMENT
- DPUE DRAINAGE/PUBLIC UTILITY EASEMENT
- EB ELECTRIC BOX
- EW EDGE OF WATER
- EP EDGE OF PAVEMENT
- FCIR FIR CAPPED
- FCM FOUND CONC MONUMENT
- FIP FOUND IRON PIPE
- FIR FOUND IRON ROD
- FN FOUND NAIL
- FND FOUND NAIL AND DISK
- FXC FOUND X CUT
- LP LIGHT POLE
- (M) MEASURED
- MH MANHOLE
- NO CORNER FOUND
- OHV OVERHEAD WIRES
- O/A OVER-ALL
- P.C.P. PERMANENT CONTROL POINT
- (P) PLAT
- PE POOL EQUIPMENT
- PP POWER POLE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- R/W RIGHT OF WAY
- SIR SET 1/2" IRON ROD WITH CAP-
- SND SET NAIL AND DISK LB 6912
- TOS TOP OF SLOPE
- TP TELEPHONE PEDESTAL
- UE UTILITY EASEMENT
- WM WATER METER
- WV WATER VALVE
- WDF WOOD FENCE

BENCHMARK NOTE
NAVD88 ELEVATIONS
BASED ON FIRE HYDRANT
TOP BOLT ELEV=6.16'

LOT 6
BLOCK E
DEVELOPED

ESTERO BOULEVARD

CENTERLINE (60' R/W)

FEMA MAP - 120673 / 12071C0554F
FLOOD ZONE - VE
BASE ELEV. - 16' NAVD88

COVERED ENTRANCE
SCREEN ENCLOSED AREA
SCREEN ENCLOSED WITH POOL

0 10 20 40
SCALE: 1"=20'

(C) 2020 BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE
FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED,
THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY
- OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

(1) UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

AFFORDABLE
SURVEYS
239-283-1518

CERTIFIED EXCLUSIVELY TO:
HOLSEM JACK

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT
USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE
AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

DATE OF FIELD SURVEY 2/10/2021

BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

3366 STRINGFELLOW ROAD
SAINT JAMES CITY, FL 33956

AFFORDABLE SURVEYS IS OWNED BY KNOW IT NOW, INC., 2011 HEIDELBERG AVENUE, DUNEEDIN, FL 34698

FLORIDA STATE BOARD OF SURVEYING
727-415-8305

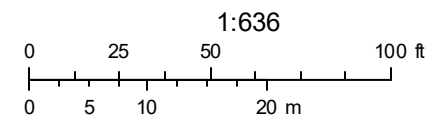
GeoView Map



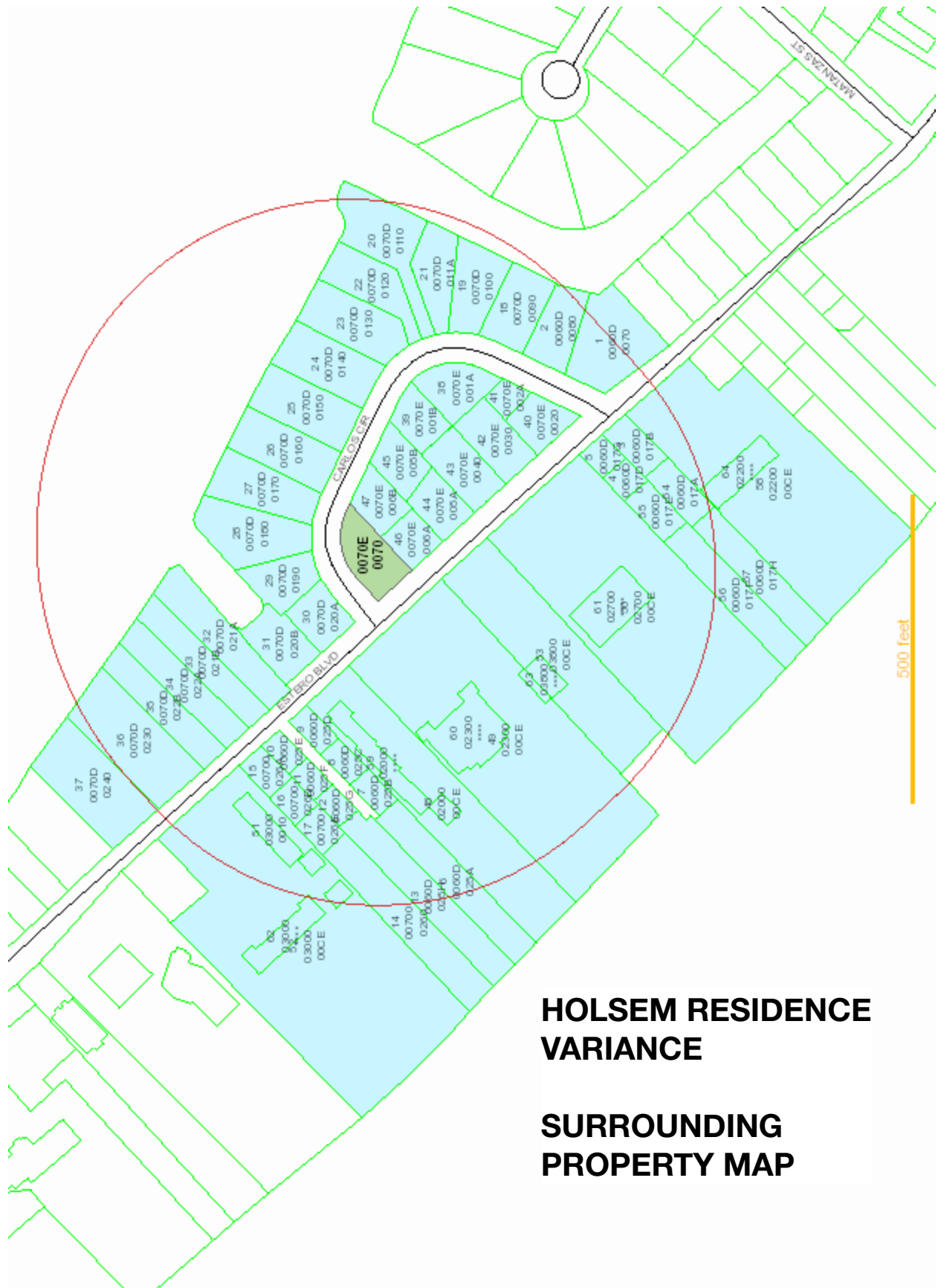
May 7, 2021

Air Photos: 2020 Hi-Res (4 inch)

- | | | | | |
|--------------------|------------------|--------------------|----------------|--------------|
| Hospital Locations | School Locations | County Boundary | US 41 | Parcels Near |
| Library Locations | CCC_Parks | Major Roads Medium | Other Highways | |
| | | I-75 | Other Roads | |







**HOLSEM RESIDENCE
VARIANCE**

**SURROUNDING
PROPERTY MAP**

[illegible]

10127086	24-46-23-W1-02300.5940	HARTNETT ROBERT G		PO BOX 810615		PORT HURON	MI	48061		500	ESTERO BLVD	594	FORT MYERS BEACH	33931
10127087	24-46-23-W1-02300.5950	MILNES GARY F & BETH E		15395 NORRISH DR		MORRISON	IL	61270		500	ESTERO BLVD	595	FORT MYERS BEACH	33931
10127088	24-46-23-W1-02300.5960	LAYFIELD PAMELA TR		500 ESTERO BLVD #195		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	596	FORT MYERS BEACH	33931
10127089	24-46-23-W1-02300.5970	STOVER JOHN C + PATRICIA R L/E		818 BROWNS LAKE DR		JACKSON	MI	49203		500	ESTERO BLVD	597	FORT MYERS BEACH	33931
10127090	24-46-23-W1-02300.5980	BFMB INC		3601 HEMPSTEAD TURNPK	STE 210	LEVITTOWN	NY	11756		500	ESTERO BLVD	598	FORT MYERS BEACH	33931
10127091	24-46-23-W1-02300.5990	KERBS JAMES R & JILL W		500 ESTERO BLVD # 599		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	599	FORT MYERS BEACH	33931
10127092	24-46-23-W1-02300.6040	SCHARBACH ENTERPRISES LTD PTNR		162 PADDOCK ST		WATERTOWN	NY	13601		500	ESTERO BLVD	604	FORT MYERS BEACH	33931
10127093	24-46-23-W1-02300.6050	SCHAFER MARGARET I TR		500 ESTERO BLVD #695		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	605	FORT MYERS BEACH	33931
10127094	24-46-23-W1-02300.6060	SCHAFER MARGARET I		500 ESTERO BLVD #696		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	606	FORT MYERS BEACH	33931
10127095	24-46-23-W1-02300.6070	REINER PAUL S + SHEILA J		5875 KILBANNAN CT		DUBLIN	OH	43017		500	ESTERO BLVD	607	FORT MYERS BEACH	33931
10127096	24-46-23-W1-02300.6080	DAMICO TRACEY L		18615 LAKE CIRCLE DR APT 432		FORT MYERS	FL	33908		500	ESTERO BLVD	608	FORT MYERS BEACH	33931
10127097	24-46-23-W1-02300.6090	MARCHESE MARJORIE		2 SHADOW LN		CROMWELL	CT	6416		500	ESTERO BLVD	609	FORT MYERS BEACH	33931
10127098	24-46-23-W1-02300.7340	WELLS ANDREW + REBECCA		320 HAMILTONIAN DR		OAK BROOK	IL	60523		500	ESTERO BLVD	734	FORT MYERS BEACH	33931
10127099	24-46-23-W1-02300.7950	ALLIS HOLDINGS LLC		PO BOX 111		GENESEO	IL	61254		500	ESTERO BLVD	795	FORT MYERS BEACH	33931
10127100	24-46-23-W1-02300.7960	BURTH GENA C		1235 FLORIDA AVE		FORT MYERS	FL	33901		500	ESTERO BLVD	796	FORT MYERS BEACH	33931
10127101	24-46-23-W1-02300.7970	LENNAMAN LAWRENCE J + JO ANN		18164 DEEP PASSAGE LN		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	797	FORT MYERS BEACH	33931
10127102	24-46-23-W1-02300.7980	VANDERMEY KATHERINE F TR		15600 FIDDLESTICKS BLVD		FORT MYERS	FL	33912		500	ESTERO BLVD	798	FORT MYERS BEACH	33931
10127103	24-46-23-W1-02300.7990	VANDERMEY KATHERINE F TR		15600 FIDDLESTICKS BLVD		FORT MYERS	FL	33912		500	ESTERO BLVD	799	FORT MYERS BEACH	33931
10127104	24-46-23-W1-02300.8940	GIBSON FRED E + SANDRA J		500 ESTERO BLVD #894		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	894	FORT MYERS BEACH	33931
10127105	24-46-23-W1-02300.8950	DEERPATH CAMP LLC		7360 CARIBOU TRAIL		CENTERVILLE	OH	45459		500	ESTERO BLVD	895	FORT MYERS BEACH	33931
10127106	24-46-23-W1-02300.8960	RENALDO JOHN M + JUDY L		500 ESTERO BLVD #896		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	896	FORT MYERS BEACH	33931
10127107	24-46-23-W1-02300.8970	AGM GATEWAY LLC		164 HERON AVE		NAPLES	FL	34108		500	ESTERO BLVD	897	FORT MYERS BEACH	33931
10127108	24-46-23-W1-02300.8980	DISHARON MARCIA S		500 ESTERO BLVD #898		FORT MYERS BEACH	FL	33931		500	ESTERO BLVD	898	FORT MYERS BEACH	33931
10127109	24-46-23-W1-02300.8990	ROWE RICHARD +		9990 CYPRESS LAKE DR		FORT MYERS	FL	33919		500	ESTERO BLVD	899	FORT MYERS BEACH	33931
10127114	24-46-23-W1-02700.1010	GIBSON JOSEPH G TR		101 GLENMEADE RD		GREENSBURG	PA	15601		538	ESTERO BLVD	101	FORT MYERS BEACH	33931
10127115	24-46-23-W1-02700.1020	TRELAWNEY HOLDINGS LTD		538 ESTERO BLVD #102		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	102	FORT MYERS BEACH	33931
10127116	24-46-23-W1-02700.1030	STRICKER DOLPHIN WATCH LLC		6240 WAXMYRTLE WAY		NAPLES	FL	34109		538	ESTERO BLVD	103	FORT MYERS BEACH	33931
10127117	24-46-23-W1-02700.1040	STUERMAN LEROY SCOTT +		1404 S CARROLL ST		ROCK RAPIDS	IA	51246		538	ESTERO BLVD	104	FORT MYERS BEACH	33931
10127118	24-46-23-W1-02700.2010	WELLER KATHY TR		5190 KENOWA AVE SW		GRANDVILLE	MI	49418		538	ESTERO BLVD	201	FORT MYERS BEACH	33931
10127119	24-46-23-W1-02700.2020	NAGEL THOMAS C TR		338 ESTERO BLVD #202		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	202	FORT MYERS BEACH	33931
10127120	24-46-23-W1-02700.2030	833616 ONTARIO LIMITED	KATHRYN MINALOFF	32 WIMBLETON RD		TORONTO	ON	M9A 3R6	CANADA	538	ESTERO BLVD	203	FORT MYERS BEACH	33931
10127121	24-46-23-W1-02700.2040	MAMMANGA MARILYN K		306 MILL POND RD		ROCK RAPIDS	IA	51246		538	ESTERO BLVD	204	FORT MYERS BEACH	33931
10127122	24-46-23-W1-02700.3010	PADDOCK JACK W + LYNN A		4458 W OLD STATE ROAD 28		FRANKFORT	IN	46041		538	ESTERO BLVD	301	FORT MYERS BEACH	33931
10127123	24-46-23-W1-02700.3020	DENMAN JUDY L TR +		3675 JEFFERS PKWY NW		PRIOR LAKE	MN	55372		538	ESTERO BLVD	302	FORT MYERS BEACH	33931
10127124	24-46-23-W1-02700.3030	GENZINK MARY TR		869 ALLEN DR		HOLLAND	MI	49423		538	ESTERO BLVD	303	FORT MYERS BEACH	33931
10127125	24-46-23-W1-02700.3040	GAFFNEY JOHN S + ELIZABETH L		HEATH FARM	ULLENHALL	HENLEY-IN-ARDEN		B95 5PR	UNITED KING	538	ESTERO BLVD	304	FORT MYERS BEACH	33931
10127126	24-46-23-W1-02700.4010	REARDON KEVIN T TR		538 ESTERO BLVD #401		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	401	FORT MYERS BEACH	33931
10127127	24-46-23-W1-02700.4020	ABAA INVESEMENTS LLC		195 JAMES P MURPHY HWY		WEST WARWICK	RI	2893		538	ESTERO BLVD	402	FORT MYERS BEACH	33931
10127128	24-46-23-W1-02700.4030	WELLER KATHY R TR		5190 KENOWA AVE SW		GRANDVILLE	MI	49418		538	ESTERO BLVD	403	FORT MYERS BEACH	33931
10127129	24-46-23-W1-02700.4040	RAYBURN HAROLD E TR		538 ESTERO BLVD #404		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	404	FORT MYERS BEACH	33931
10127130	24-46-23-W1-02700.5010	MILHON JANET V TR		2155 CENTERION DR		MARTINSVILLE	IN	46151		538	ESTERO BLVD	501	FORT MYERS BEACH	33931
10127131	24-46-23-W1-02700.5020	GANGER DAVID E + CONNIE S		22237 HERON COVE		ELKHART	IN	46516		538	ESTERO BLVD	502	FORT MYERS BEACH	33931
10127132	24-46-23-W1-02700.5030	RICHARDSON D ALAN		538 ESTERO BLVD #503		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	503	FORT MYERS BEACH	33931
10127133	24-46-23-W1-02700.5040	GARDENS INC		4 THUNDERBIRD CIR		LITCHFIELD	IL	62056		538	ESTERO BLVD	504	FORT MYERS BEACH	33931
10127134	24-46-23-W1-02700.6010	WEBER PAUL + ROSE TR		538 ESTERO BLVD #601		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	601	FORT MYERS BEACH	33931
10127135	24-46-23-W1-02700.6020	WORZELLA NORMAN TR		1911 CLAR-RE DR		PLOVER	WI	54467		538	ESTERO BLVD	602	FORT MYERS BEACH	33931
10127136	24-46-23-W1-02700.6030	ASKINS JAMES C + KAREN S L/E		1046 S BROWN ST		JACKSON	MI	49203		538	ESTERO BLVD	603	FORT MYERS BEACH	33931
10127137	24-46-23-W1-02700.6040	STEVENS CHARLES N TR		21 WINDSOR DR		CHILLICOTHE	OH	45601		538	ESTERO BLVD	604	FORT MYERS BEACH	33931
10127138	24-46-23-W1-02700.7010	BARBER CARRIE L		783 BOGEY CT		ANN ARBOR	MI	48103		538	ESTERO BLVD	701	FORT MYERS BEACH	33931
10127139	24-46-23-W1-02700.7020	HOLMES JANNA LYNN +		538 ESTERO BLVD APT 702		FORT MYERS BEACH	FL	33931		538	ESTERO BLVD	702	FORT MYERS BEACH	33931
10127140	24-46-23-W1-02700.7030	MAMMANGA MARILYN K +		306 MILL POND RD		ROCK RAPIDS	IA	51246		538	ESTERO BLVD	703	FORT MYERS BEACH	33931
10127141	24-46-23-W1-02700.7040	FRANKEN MARY TR		PO BOX 840		ARNOLDS PARK	IA	51331		538	ESTERO BLVD	704	FORT MYERS BEACH	33931
10127142	24-46-23-W1-02700.8010	DONNELLY G JOAN	ANNETTE LEIBL	105 CARTWHEEL BND		AUSTIN	TX	78738		538	ESTERO BLVD	801	FORT MYERS BEACH	33931
10127143	24-46-23-W1-02700.8020	NEWMAN LARRY L TR		PO BOX 785		SUNBURY	PA	17801		538	ESTERO BLVD	802	FORT MYERS BEACH	33931
10127144	24-46-23-W1-02700.8030	PARRY PAUL EDWARD +		5992 EAGLE RIDGE RD		BETTENDORF	IA	52722		538	ESTERO BLVD	803	FORT MYERS BEACH	33931
10127145	24-46-23-W1-02700.8040	BOELTER MELINDA S + DEAN L TR		8510 BELLE MEADE DR		FORT MYERS	FL	33908		538	ESTERO BLVD	804	FORT MYERS BEACH	33931
10127148	24-46-23-W1-03000.5010	FRITZ SISTERS LLC		35707 COUNTY HIGHWAY 126		ASHBY	MN	56309		418	ESTERO BLVD	501	FORT MYERS BEACH	33931
10127149	24-46-23-W1-03000.5020	FRITZ LAURA L		814 W MOUNT PLEASANT RD		EVANSVILLE	IN	47711		418	ESTERO BLVD	502	FORT MYERS BEACH	33931
10469064	24-46-23-W1-03800.0101	ISABELLA PROPERTIES LLC		17 BELVEDERE		JOHNSTON	RI	2919		510	ESTERO BLVD	101	FORT MYERS BEACH	33931
10469065	24-46-23-W1-03800.0102	PILETTE MARSHA J TR		9379 LOS AUSLOS WAY		FORT MYERS	FL	33908		510	ESTERO BLVD	102	FORT MYERS BEACH	33931
10469066	24-46-23-W1-03800.0103	SIMPSON DOUG		8534 US 42		FLORENCE	KY	41042		510	ESTERO BLVD	103	FORT MYERS BEACH	33931
10469067	24-46-23-W1-03800.0104	BROWN GEORGE E +		711 OAK KNOLL AVE NE		WARREN	OH	44483		510	ESTERO BLVD	104	FORT MYERS BEACH	33931
10469068	24-46-23-W1-03800.0105	POIN ELIZABETH		15388 SW 280TH ST		HOMESTEAD	FL	33032		510	ESTERO BLVD	105	FORT MYERS BEACH	33931
10469069	24-46-23-W1-03800.0201	DONIA JAMES A + ANN M		49633 HIDDEN OAKS RD		SAINT CHARLES	IL	60175		510	ESTERO BLVD	201	FORT MYERS BEACH	33931
10469070	24-46-23-W1-03800.0202	SAGENDORF JOHN D + SUSAN R		1000 RAY COSTIN WAY # 105		MURRELLS INLET	SC	29576		510	ESTERO BLVD	202	FORT MYERS BEACH	33931
10469071	24-46-23-W1-03800.0203	SCHLAX LAWRENCE A + KAREN L		101 SW 53ES ST		CAPE CORAL	FL	33914		510	ESTERO BLVD	203	FORT MYERS BEACH	33931
10469072	24-46-23-W1-03800.0204	PADDOCK JACK W + LYNN A		4458 W OLD STATE ROAD 28		FRANKFORT	IN	46041		510	ESTERO BLVD	204	FORT MYERS BEACH	33931
10469073	24-46-23-W1-03800.0205	BADONG CHRISTOPHER + TIEREN		321 SURREY RIDGE		EATON	CO	80615		510	ESTERO BLVD	205	FORT MYERS BEACH	33931
10469074	24-46-23-W1-03800.0301	WEGLARZ RUSSELL J + LAURIE A		13410 WOOD DUCK DR		PLAINFIELD	IL	60585		510	ESTERO BLVD	301	FORT MYERS BEACH	33931
10469075	24-46-23-W1-03800.0302	WELLS ANDREW L &		320 HAMILTONIAN DR		OAK BROOK	IL	60523		510	ESTERO BLVD	302	FORT MYERS BEACH	33931
10469076	24-46-23-W1-03800.0303	WAGLER JIM + LINDA		103 O LOANE AVE		STRAITFORD	ON	NSA 6S4	CANADA	510	ESTERO BLVD	303	FORT MYERS BEACH	33931
10469077	24-46-23-W1-03800.0304	TIETZE WAYNE		5143 COMMERCIAL WAY		SPRING HILL	FL	34606		510	ESTERO BLVD	304	FORT MYERS BEACH	33931
10469078	24-46-23-W1-03800.0305	HILTON LORI J		1053 PORT ORANGE WAY		NAPLES	FL	34120		510	ESTERO BLVD	305	FORT MYERS BEACH	33931
10469079	24-46-23-W1-03800.0401	SOLANS ENRIC + ANTOINETTE		1821 BOULDER DR		MOUNT PROSPECT	IL	60056		510	ESTERO BLVD	401	FORT MYERS BEACH	33931
10469080	24-46-23-W1-03800.0402	KENNEDY RONALD L + DENA J		11299 BIENNENDA WAY UNIT 101		FORT MYERS	FL	33908		510	ESTERO BLVD	402	FORT MYERS BEACH	33931
10469081	24-46-23-W1-03800.0403	SCOTT JOYCE A +		52 NANCY LN		FORT MYERS BEACH	FL	33931		510	ESTERO BLVD	403	FORT MYERS BEACH	33931
10469082	24-46-23-W1-03800.0404	SCHLAX LAWRENCE A + KAREN L		101 SW 53RD ST		CAPE CORAL	FL	33914		510	ESTERO BLVD	404	FORT MYERS BEACH	33931
10469083	24-46-23-W1-03800.0405	PELOSO KEVIN		90 WOOD ST		COVENTRY	RI	2816		510	ESTERO BLVD	405	FORT MYERS BEACH	33931
10469084	24-46-23-W1-03800.0501	A+A INVESTMENTS OF INDIANAPOLI		1528 ASHWOOD CT		GREENWOOD	IN	46143		510	ESTERO BLVD	501	FORT MYERS BEACH	33931
10469085	24-46-23-W1-03800.0502	DI-AN 2 LLC		4560 ESTERO BLVD APT 501		FORT MYERS BEACH	FL	33931		510	ESTERO BLVD	502	FORT MYERS BEACH	33931
10469086	24-46-23-W1-03800.0503	WEGLARZ RUSSELL J												

10127497	24-46-23-W4-02200.2060	RIZZO BART A TR		3369 CLEARBROOK GRN		SAUGATUCK	MI	49453		600	ESTERO BLVD	206	FORT MYERS BEACH	33931
10127498	24-46-23-W4-02200.3010	DANIEL J SURMA TRUST +		29001 DOVE RD		CUSHING	MN	56443		600	ESTERO BLVD	301	FORT MYERS BEACH	33931
10127499	24-46-23-W4-02200.3020	DEMEESTER DANIEL P +		9349 MEISNER		CASCO	MI	48064		600	ESTERO BLVD	302	FORT MYERS BEACH	33931
10127500	24-46-23-W4-02200.3030	STOLTZ JAMES H + CAROL L TR		548 SUMMIT DR		WEST BEND	WI	53095		600	ESTERO BLVD	303	FORT MYERS BEACH	33931
10127501	24-46-23-W4-02200.3040	GAYNES JUANITA		2928 WALT STEVENS RD		LAKE SPIVEY	GA	30236		600	ESTERO BLVD	304	FORT MYERS BEACH	33931
10127502	24-46-23-W4-02200.3050	WERTZ GREG R		130 E PETERSON RD		TROY	OH	45373		600	ESTERO BLVD	305	FORT MYERS BEACH	33931
10127503	24-46-23-W4-02200.3060	PHELPS JAMES B +		14945 E MEXICO DR		AURORA	CO	80012		600	ESTERO BLVD	306	FORT MYERS BEACH	33931
10127504	24-46-23-W4-02200.4010	WESTON DANIEL PETER TR		316 E FRONT ST		PERRYSBURG	OH	43551		600	ESTERO BLVD	401	FORT MYERS BEACH	33931
10127505	24-46-23-W4-02200.4020	MELVIN R SCHMIDT TRUST +		16119 EDMONT DR		FORT MYERS	FL	33908		600	ESTERO BLVD	402	FORT MYERS BEACH	33931
10127506	24-46-23-W4-02200.4030	FRANK PASCAL		5291 RIVERWALK TRL		COMMERCE TOWNSH	MI	48382		600	ESTERO BLVD	403	FORT MYERS BEACH	33931
10127507	24-46-23-W4-02200.4040	OBRIEN DANIEL G		5373 E FAIRBANKS CT		MONTICELLO	IN	47980		600	ESTERO BLVD	404	FORT MYERS BEACH	33931
10127508	24-46-23-W4-02200.4050	WEDGE JAMES M & MARIAN D L/E		3007 BENT CREEK DR		VALPICO	FL	33596		600	ESTERO BLVD	405	FORT MYERS BEACH	33931
10127509	24-46-23-W4-02200.4060	KRULL DANA L & SHERRY L		46 EMS T13F LN		LEESBURG	IN	46536		600	ESTERO BLVD	406	FORT MYERS BEACH	33931
10127510	24-46-23-W4-02200.5010	TKFMB PROPERTIES LLC		3929 HOLLYHOCK LN		MAUMEE	OH	43537		600	ESTERO BLVD	501	FORT MYERS BEACH	33931
10127511	24-46-23-W4-02200.5020	DI-AN LLC		4560 ESTERO BLVD # 501		FORT MYERS BEACH	FL	33931		600	ESTERO BLVD	502	FORT MYERS BEACH	33931
10127512	24-46-23-W4-02200.5030	CUMMINGS HARRY JR &		4 AZTEC DR		BAY SHORE	NY	11706		600	ESTERO BLVD	503	FORT MYERS BEACH	33931
10127513	24-46-23-W4-02200.5040	MURPHY PATRICK J &		12711 GLADSTONE WAY		FORT MYERS	FL	33913		600	ESTERO BLVD	504	FORT MYERS BEACH	33931
10127514	24-46-23-W4-02200.5050	DIANE L RICHARDSON TRUST		17208 STAPLES ST NE		ANDOVER	MN	55304		600	ESTERO BLVD	505	FORT MYERS BEACH	33931
10127515	24-46-23-W4-02200.5060	PHELPS JAMES B +		14945 E MEXICO DR		AURORA	CO	80012		600	ESTERO BLVD	506	FORT MYERS BEACH	33931
10127516	24-46-23-W4-02200.6010	DIANE L RICHARDSON TRUST		17208 STAPLES ST NE		HAM LAKE	MN	55304		600	ESTERO BLVD	601	FORT MYERS BEACH	33931
10127517	24-46-23-W4-02200.6020	CARRICO EMIDIO & CAROL		215 JUNIPER DR		YORKTOWN HEIGHTS	NY	10598		600	ESTERO BLVD	602	FORT MYERS BEACH	33931
10127518	24-46-23-W4-02200.6030	DI-AN LLC		4560 ESTERO BLVD APT 501		FORT MYERS BEACH	FL	33931		600	ESTERO BLVD	603	FORT MYERS BEACH	33931
10127519	24-46-23-W4-02200.6040	STOLTZ JAMES H + CAROL L TR		548 SUMMIT DR		WEST BEND	WI	53095		600	ESTERO BLVD	604	FORT MYERS BEACH	33931
10127520	24-46-23-W4-02200.6050	MAPLES LORI A & JACK B		PO BOX 628		PIGEON FORGE	TN	37868		600	ESTERO BLVD	605	FORT MYERS BEACH	33931
10127521	24-46-23-W4-02200.6060	ELGERSMA BERT J		7115 KALAMAZOO AVE		CALEDONIA	MI	49316		600	ESTERO BLVD	606	FORT MYERS BEACH	33931
10127522	24-46-23-W4-02200.7030	ZWYGHUIZEN WILLIAM & JOOY		1077 WEST LAKEWOOD BLVD		HOLLAND	MI	49424		600	ESTERO BLVD	703	FORT MYERS BEACH	33931
10127523	24-46-23-W4-02200.7040	PULLEN RICHARD G +		1004 PENDLETON ST		ALEXANDRIA	VA	22314		600	ESTERO BLVD	704	FORT MYERS BEACH	33931

PYFER ANDREW K & STACY
159 CONNECTICUT ST
FORT MYERS BEACH FL 33931

LARKIN ROSE ANN
587 CARLOS CT
FORT MYERS BEACH FL 33931

TRAVALINI LISA L +
31305 CORAL CT
OCEAN VIEW DE 19970

BENKERT JOHN EDWARD &
5263 RIVER BLOSSOM LN
LABELLE FL 33935

BURT MARGARET
4934 SW 8TH PL
CAPE CORAL FL 33914

LAS INVESTMENTS LLC
STE 160 PMB 107
16970 SAN CARLOS BLVD
FORT MYERS FL 33908

JOHN HULL PROPERTIES LLC
PMB 107
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

635 RIVERFRONT CORP
PMB 107
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

LORMOR INVESTMENTS LLC
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

ALBANI DANIEL
450 ESTERO BLVD
FORT MYERS BEACH FL 33931

LAPFAM INVESTMENTS #2-452
16970-3 SAN CARLOS BLVD #107
FORT MYERS FL 33908

454 ESTERO LLC
GREENSPON
16970-3 SAN CARLOS BLVD #107
FORT MYERS FL 33908

GREENSPON DENNIS I TR
16970-3 SAN CARLOS BLVD #107
FORT MYERS FL 33908

INK STANLEY K TR
1625 SILVERWOOD CT
NORTH FORT MYERS FL 33903

LAPFAM INVESTMENTS #1-436 LLC
PMB 107
16970 SAN CARLOS BLVD STE 3
FORT MYERS FL 33908

TARBLE SARA J TR
409 NORTH 7TH ST
MARSHALL IL 62441

FORD CELESTE P
432 ESTERO BLVD
FORT MYERS BEACH FL 33931

SHENKO WILLIAM E JR + LINDA M
581 CARLOS CIRCLE SW
FORT MYERS BEACH FL 33931

NYKERK MARY M TR
5895 LAKESHORE DR N
HOLLAND MI 49424

GRAFE BRADLEY R TR
73830 257TH ST
GRAND MEADOW MN 55936

HAUSHERR STEVE + DIANE
571 CARLOS CIR
FORT MYERS BEACH FL 33931

ANGLIM TIMOTHY J + GISELA
561 CARLOS CIR
FORT MYERS BEACH FL 33931

JURKOVIC BORIS & KIMBERLY A
555 CARLOS CIR
FORT MYERS BEACH FL 33931

LEEP MICHAEL R
5201 N GRAPE RD
MISHAWAKA IN 46545

LEEP MICHAEL R
5201 N GRAPE RD
MISHAWAKA IN 46545

CARTER SCOTT + KONDA
PO BOX 3648
FORT MYERS FL 33918

PETTIT GARY L & JANE C
511 CARLOS CIR
FORT MYERS BEACH FL 33931

CHURCHMAN DAVID J & DIANA D
507 CARLOS CIR
FORT MYERS BEACH FL 33931

BAZAR JOYCE TR
2192 WESTER DR
NISKAYUNA NY 12309

TURPIN MARION + JO ANN
501 ESTERO BLVD
FORT MYERS BEACH FL 33931

HIMELICK MARK S &
475 ESTERO BLVD
FORT MYERS BEACH FL 33931

BURANDT ROBERT B TR
1714 CAPE CORAL PKWY
CAPE CORAL FL 33904

TRELLI FREDERICK &
12575 S CLEVELAND AVE
FORT MYERS FL 33907

BLAUM BRIAN C TR
220 EMERSON PL STE 201
DAVENPORT IA 52801

GRAY DAVID LEE
431 ESTERO BLVD
FORT MYERS BEACH FL 33931

MCCHESNEY KEVIN E TR
417 ESTERO BLVD
FORT MYERS BEACH FL 33931

SILVER KING VENTURES LLC
353 CLIFTON AVE
KINGSTON NY 12401

CERMAK CAROL J TR
548 CARLOS CIR
FORT MYERS BEACH FL 33931

LEEP KAREN E
5201 N GRAPE RD # 1
MISHAWAKA IN 46545

ESTERO BLVD PROPERTIES LLC
619 DOWS RD
CEDAR RAPIDS IA 52402

BEATTY MARGARET &
24 BAY ST
PARY SOUND ON P2A 1S5
CANADA

DUFFY RAND P TR
551 ESTERO BLVD
FORT MYERS BEACH FL 33931

MENDEN FRANCIS + BONNIE JEAN
16045 NORTHWOOD RD NW
PRIOR LAKE MN 55372

TAYLOR KEENE JR +
3201 PICKWICK LN
CHEVY CHASE MD 20815

KUHNS ANTHONY M
530 CARLOS CIR
FORT MYERS BEACH FL 33931

BRUNO ANTHONY D + TRACY L
58 CORNERTOWN RD
CHAMBERSBURG PA 17201

ALEXANDER RICHARD E JR
162 PADDOCK ST
WATERTOWN NY 13601

KONA BEACH CLUB CONDO ASSN
P+M PROPERTY MANAGEMENT INC
2830 WINKLER AVE STE 101
FORT MYERS FL 33916

GATEWAY VILLAS CONDO ASSN
15751 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

DOLPHIN WATCH CONDO ASSOC INC
KEN EDGE
538 ESTERO BLVD
FORT MYERS BEACH FL 33931

WINDWARD PASSAGE RESORT
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

WINDWARD PASSAGE RESORT
418 ESTERO BLVD
FORT MYERS BEACH FL 33931

CASA PLAYA RESORT CONDO ASSOC
15751 SAN CARLOS BLVD #8
FORT MYERS FL 33908

CUDZIK RUTH E
582 ESTERO BLVD
FORT MYERS BEACH FL 33931

LKCOTTAGE LLC
8862 STAGHORN WAY
FORT MYERS FL 33908

MAGNUM FMB 2 LLC
725 MATANZAS CT
FORT MYERS BEACH FL 33931

FCG ASSOCIATES LLC
6045 COCOS DR
FORT MYERS FL 33908

CANE PALM BEACH CONDO
ASSOC INC
600 ESTERO BLVD
FORT MYERS BEACH FL 33931

TURNER KENNETH A & SANDRA S
2650 ESTERO BLVD # 102
FORT MYERS BEACH FL 33931

SAMPAIR PETER + TERRI
4453 LAKE AVE S
WHITE BEAR LAKE MN 55110

RIGSBY BRIAN S + HIEDI E
420 N MARLEY RD
NEW LENOX IL 60451

474 ESTERO 110 LLC
5190 KENOWA AVE SW
GRANDVILLE MI 49418

DUTCHER VICTORIA L
474 ESTERO BLVD #112
FORT MYERS BEACH FL 33931

ANZIVINO RALPH C & MARY JO +
210 SAN MATEO DR
BONITA SPRINGS FL 34134

HOSTETLER RONALD JAMES &
675 GILEAD SHORES DR
BRONSON MI 49028

FARWICK WILLIAM P &
1815 CRITTENDEN MOUNT ZION RD
DRY RIDGE KY 41035

HUSSEY LAUREN M +
71 RESERVOIR ST
BETHEL CT 06801

OWEIS KHALED + LISA
6781 HOLLANDAIRE DR W
BOCA RATON FL 33433

HOUSE TERESA R TR
16048 EAST 266TH ST
ATLANTA IN 46031

STU PROPERTIES INC
2408 WAYNE ST
STEVENS POINT WI 54481

HUNTINGTON NATIONAL BANK TR
7 EASTON OVAL EA4C83
COLUMBUS OH 43219

BISHTON ROBERT J
474 ESTERO BLVD APT 212
FORT MYERS BEACH FL 33931

BOWDEN LEE H + SHARON K
827 GLENDALE AVE
FREMONT OH 43420

COPUS H DOUGLAS + KATHERINE L
1701 FOREST PARK
FINDLAY OH 45840

TROUTMAN GEORGE A + MARIANNE Y
7302 N BERKLEY SQ
NEW ALBANY OH 43054

SHULER WILLARD H & SUSAN E TR
474 ESTERO BLVD #220
FORT MYERS BEACH FL 33931

LOGAN DOUGLAS R + CAROL A
909 GALAHAD DR
AUSTIN TX 78746

LOUE WILLIAM E III + CAROLYN L
401 HILLSIDE CT
LANCASTER PA 17602

LAYFIELD JACK & PAMELA
26 DALEMERE CRES
ST CATHARINES ON L2N 7K5
CANADA

SLAGH WADE C
5499 LAKE SHORE DR
HOLLAND MI 49424

WEATHERLOW DALE & JANET E
5883 MAGNOLIA STEDMAN RD
MAYVILLE NY 14757

HARPER MATTHEW W
9885 FOLKERS DR
FRANKFORT IL 60423

HAGEL JOHN + DEBORAH
12 SACHEM DR
CROMWELL CT 06416

DEWITT MARY J TR +
17490 W SPRING LAKE RD
SPRING LAKE MI 49456

GARDENS INC
4 THINDERBIRD CIR
LITCHFIELD IL 62056

500 ESTERO 298 LLC
758 CAL COVE DR
FORT MYERS FL 33919

SHERBIN WILLIAM
18 STONYBROOK LN
MALVERN PA 19355

PERDUE GORDON A +
5417 BRANDY CIR E
FORT MYERS FL 33919

CARASA ALFREDO R + MARCELA M
3605 ESTEPONA AVE
DORAL FL 33178

SKUBIC HOLLY M TR
1920 VIRGINIA AVE # 101
FORT MYERS FL 33901

LAYFIELD JACK & PAMELA
26DALEMERE CRESCENT
ST CATHERINES ON L2N 7K5
CANADA

HARPER MATTHEW W + BETH ANN
PO BOX 517
FRANKFORT IL 60423

PLEW CAMERON V & CHRISTA S +
2135 CHAPMAN LAKE DR
WARSAW IN 46582

FUN & SUN LLC
PO BOX 07264
FORT MYERS FL 33919

RESPAR LLC
19020 PIKE 9230
BOWLING GREEN MO 63334

WILLIS WILLIAM + SUZANNE
7507 LA ROCHE AVE
SAVANNAH GA 31406

HOSTETLER NOELLE TR
152 BRYANT AVE
GLEN ELLYN IL 60137

VLR OF LONG ISLAND INC
648 KATHLEEN PL
WESTBURY NY 11590

DEERY THEODORE E TR +
28101 SOUTH YATES
BEECHER IL 60401

HARTNETT ROBERT G
PO BOX 610615
PORT HURON MI 48061

MILNES GARY F & BETH E
15395 NORRISH RD
MORRISON IL 61270

LAYFIELD PAMELA TR
500 ESTERO BLVD #195
FORT MYERS BEACH FL 33931

STOVER JOHN C + PATRICIA R L/E
818 BROWNS LAKE DR
JACKSON MI 49203

BFMIB INC
3601 HEMPSTEAD TURNPIKE STE 210
LEVITTOWN NY 11756

KERBS JAMES R & JILL W
500 ESTERO BLVD # 599
FORT MYERS BEACH FL 33931

SCHARBACH ENTERPRISES LTD PTNR
162 PADDOCK ST
WATERTOWN NY 13601

SCHAFER MARGARET I TR
500 ESTERO BLVD #695
FORT MYERS BEACH FL 33931

SCHAFER MARGARET I
500 ESTERO BLVD #696
FORT MYERS BEACH FL 33931

REINER PAUL S + SHEILA J
5875 KILBANNAN CT
DUBLIN OH 43017

DAMICO TRACEY L
16615 LAKE CIRCLE DR APT 432
FORT MYERS FL 33908

MARCHESE MARJORIE
2 SHADOW LN
CROMWELL CT 06416

WELLS ANDREW + REBECCA
320 HAMBLETONIAN DR
OAK BROOK IL 60523

ALLIS HOLDINGS LLC
PO BOX 111
GENESEO IL 61254

BURTCH GENA C
1235 FLORIDA AVE
FORT MYERS FL 33901

LENNAMAN LAWRENCE J + JO ANN
18164 DEEP PASSAGE LN
FORT MYERS BEACH FL 33931

VANDERMEY KATHERINE F TR
15600 FIDDLESTICKS BLVD
FORT MYERS FL 33912

VANDERMEY KATHERINE F TR
15600 FIDDLESTICKS BLVD
FORT MYERS FL 33912

GIBSON FRED E + SANDRA J
500 ESTERO BLVD #894
FORT MYERS BEACH FL 33931

DEERPATH CAMP LLC
7360 CARIBOU TRAIL
CENTERVILLE OH 45459

RENALDO JOHN M + JUDY L
500 ESTERO BLVD #896
FORT MYERS BEACH FL 33931

AGM GATEWAY LLC
164 HERON AVE
NAPLES FL 34108

DISHAROON MARCIA S
500 ESTERO BLVD #898
FORT MYERS BEACH FL 33931

ROWE RICHARD +
9990 CYPRESS LAKE DR
FORT MYERS FL 33919

GIBSON JOSEPH G TR
101 GLENMEADE RD
GREENSBURG PA 15601

TRELAWNEY HOLDINGS LTD
538 ESTERO BLVD #102
FORT MYERS BEACH FL 33931

STRYCKER DOLPHIN WATCH LLC
6240 WAXMYRTLE WAY
NAPLES FL 34109

STUERMAN LEROY SCOTT &
1404 S CARROLL ST
ROCK RAPIDS IA 51246

WELLER KATHY TR
5190 KENOWA AVE SW
GRANDVILLE MI 49418

NAGEL THOMAS C TR
538 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

833616 ONTARIO LIMITED
KATHRYN MINIALOFF
32 WIMBLETON RD
TORONTO ON M9A 3R8
CANADA

MAMMENG MARILYN K
306 MILL POND RD
ROCK RAPIDS IA 51246

PADDACK JACK W + LYNN A
4458 W OLD STATE ROAD 28
FRANKFORT IN 46041

DENMAN JUDY L TR +
3675 JEFFERS PKWY NW
PRIOR LAKE MN 55372

GENZINK MARY TR
869 ALLEN DR
HOLLAND MI 49423

GAFFNEY JOHN S + ELIZABETH L
HEATH FARM ULLENHALL
HENLEY-IN-ARDEN B95 5PR
UNITED KINGDOM

REARDON KEVIN T TR
538 ESTERO BLVD #401
FORT MYERS BEACH FL 33931

ABAA INVESMENTS LLC
195 JAMES P MURPHY HWY
WEST WARWICK RI 02893

WELLER KATHY R TR
5190 KENOWA AVE SW
GRANDVILLE MI 49418

RAYBURN HAROLD E TR
538 ESTERO BLVD #404
FORT MYERS BEACH FL 33931

MILHON JANET V TR
2155 CENTERTON RD
MARTINSVILLE IN 46151

GANGER DAVID E + CONNIE S
22237 HERON COVE
ELKHART IN 46516

RICHARDSON D ALAN
538 ESTERO BLVD #503
FORT MYERS BEACH FL 33931

GARDENS INC
4 THUNDERBIRD CIR
LITCHFIELD IL 62056

WEBER PAUL + ROSE TR
538 ESTERO BLVD #601
FORT MYERS BEACH FL 33931

WORZELLA NORMAN TR
1911 CLAR-RE DR
PLOVER WI 54467

ASKINS JAMES C + KAREN S L/E
1046 S BROWN ST
JACKSON MI 49203

STEVENS CHARLES N TR
21 WINDSOR DR
CHILLICOTHE OH 45601

BARBER CARRIE L
793 BOGEY CT
ANN ARBOR MI 48103

HOLMES JANNA LYNN &
538 ESTERO BLVD APT 702
FORT MYERS BEACH FL 33931

MAMMENGAR MARILYN K +
306 MILL POND RD
ROCK RAPIDS IA 51246

FRANKEN MARY TR
PO BOX 840
ARNOLDS PARK IA 51331

DONNELLY G JOAN
ANNETTE LEIBL
105 CARTWHEEL BND
AUSTIN TX 78738

NEWMAN LARRY L TR
PO BOX 785
SUNBURY PA 17801

PARRY PAUL EDWARD &
5992 EAGLE RIDGE RD
BETTENDORF IA 52722

BOELTER MELINDA S & DEAN L TR
8510 BELLE MEADE DR
FORT MYERS FL 33908

FRITZ SISTERS LLC
35707 COUNTY HIGHWAY 126
ASHBY MN 56309

FRITZ LAURA L
814 W MOUNT PLEASANT RD
EVANSVILLE IN 47711

ISABELLA PROPERTIES LLC
17 BELVEDERE
JOHNSTON RI 02919

PILETT MARSHA J TR
9379 LOS ALISOS WAY
FORT MYERS FL 33908

SIMPSON DOUG
8534 US 42
FLORENCE KY 41042

BROWN GEORGE E +
711 OAK KNOLL AVE NE
WARREN OH 44483

POIN ELIZABETH
15388 SW 260TH ST
HOMESTEAD FL 33032

DONIA JAMES A + ANN M
4N633 HIDDEN OAKS RD
SAINT CHARLES IL 60175

SAGENDORF JOHN D + SUSAN R
1000 RAY COSTIN WAY # 105
MURRELLS INLET SC 29576

SCHLAX LAWRENCE A + KAREN L
101 SW 53ES ST
CAPE CORAL FL 33914

PADDACK JACK W + LYNN A
4458 W OLD STATE ROAD 28
FRANKFORT IN 46041

BADDING CHRISTOPHER & TERENCE
321 SURREY RIDGE
EATON CO 80615

WEGLARZ RUSSELL J + LAURIE A
13410 WOOD DUCK DR
PLAINFIELD IL 60585

WELLS ANDREW L &
320 HAMBLETONIAN DR
OAK BROOK IL 60523

WAGLER JIM + LINDA
103 O LOANE AVE
STRATFORD ON N5A 6S4
CANADA

TIETZE WAYNE
5143 COMMERCIAL WAY
SPRING HILL FL 34606

HILTON LORI J
1053 PORT ORANGE WAY
NAPLES FL 34120

SOLANS ENRIC + ANTOINETTE
1821 BOULDER DR
MOUNT PROSPECT IL 60056

KENNEDY RONALD L + DENA J
11299 BIENVENIDA WAY UNIT 101
FORT MYERS FL 33908

SZOTT JOYCE A +
52 NANCY LN
FORT MYERS BEACH FL 33931

SCHLAX LAWRENCE A + KAREN L
101 SW 53RD ST
CAPE CORAL FL 33914

PELOSO KEVIN
90 WOOD ST
COVENTRY RI 02816

A+A INVESTMENTS OF INDIANAPOLIS
1528 ASHWOOD CT
GREENWOOD IN 46143

DI-AN 2 LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

WEGLARZ RUSSELL J + LAURIE A
13410 WOOD DUCK DR
PLAINFIELD IL 60585

A & A INVESTMENTS OF INDIANAPO
1528 ASHWOOD CT
GREENWOOD IN 46143

LOFFRENO REAL ESTATE INC
2100 ESTERO BLVD
FORT MYERS BEACH FL 33931

KALRA AJAY
2034 FOUR MILE COVE
CAPE CORAL FL 33990

BURANDT ROBERT B TR
1714 CAPE CORAL PKWY
CAPE CORAL FL 33904

BEACH HOUSE 603 LLC
4865 BEACH ST NE
PRIOR LAKE MN 55372

SZOTT FRED TR
510 ESTERO BLVD #604
FORT MYERS BEACH FL 33931

STONESTREET MICHAEL V + PAULA
68955 ISLAND DR
EDWARDSBURG MI 49112

INVESTMENT REALTY HOLDING LTD
411 DONAHEY AVE NE
NEW PHILADELPHIA OH 44663

SOLANS ENRIC & ANTOINETTE
1821 E BOULDER DR
MOUNT PROSPECT IL 60056

REGO JANET
20030 NW 5TH ST
PEMBROKE PINES FL 33029

VALERI THOMAS JR + MARYELLEN
14 RONIT DR
WEST TRENTON NJ 08628

KENNEDY RONALD L + DENA J
11299 BIENVENIDA WAY UNIT 101
FORT MYERS FL 33908

MINIALOFF KATHRYN MARY TR +
32 WIMBLETON RD
TORONTO ON M9A 3R8
CANADA

CARLSTON WILLIAM E &
1768 BAYVIEW DR
MUSKEGON MI 49441

NELSON MICHAEL R +
100 RACHICK RD
STEVENS POINT WI 54481

SHANKS LAURENCE M &
16615 LAKE CIRCLE DR APT 441
FORT MYERS FL 33908

ERFSTUK LLC
2242 LAKE DR SE
GRAND RAPIDS MI 49506

SLENK HAROLD P TR +
4149 60TH ST
HOLLAND MI 49423

STU PROPERTIES INC
2408 WAYNE ST
STEVENS POINT WI 54481

DONNELLY JOHN M +
954 SANDPIPER DR
CHESTERTON IN 46304

GOMERINGER MANUELA K
830 CYPRESS LAKE CIRCLE
FORT MYERS FL 33919

METZGER MARY P
8060 POLO CROSSE AVE
SACRAMENTO CA 95829

ALBRECHT HELMUT TR +
4954 NETTLETON RD
MEDINA OH 44256

RIZZO BART A TR
3369 CLEARBROOK GRN
SAUGATUCK MI 49453

DANIEL J SURMA TRUST +
29001 DOVE RD
CUSHING MN 56443

DEMEESTER DANIEL P +
9349 MEISNER
CASCO MI 48064

STOLTZ JAMES H + CAROL L TR
548 SUMMIT DR
WEST BEND WI 53095

GAYNES JUANITA
2928 WALT STEVENS RD
LAKE SPIVEY GA 30236

WERTZ GREG R
130 E PETERSON RD
TROY OH 45373

PHELPS JAMES B +
14945 E MEXICO DR
AURORA CO 80012

WESTON DANIEL PETER TR
316 E FRONT ST
PERRYSBURG OH 43551

MELVIN R SCHMIDT TRUST +
16119 EDMONT DR
FORT MYERS FL 33908

FRANK PASCAL
5291 RIVERWALK TRL
COMMERCE TOWNSHIP MI 48382

OBRIEN DANIEL G
5373 E FAIRBANKS CT
MONTICELLO IN 47960

WEGGE JAMES M & MARIAN D L/E
3007 BENT CREEK DR
VALRICO FL 33596

KRULL DANA L & SHERRY L
40 EMS T13F LN
LEESBURG IN 46538

TKFMB PROPERTIES LLC
3929 HOLLYHOCK LN
MAUMEE OH 43537

DI-AN LLC
4560 ESTERO BLVD # 501
FORT MYERS BEACH FL 33931

CUMMINGS HARRY JR &
4 AZTEC DR
BAY SHORE NY 11706

MURPHY PATRICK J &
12711 GLADSTONE WAY
FORT MYERS FL 33913

DIANE L RICHARDSON TRUST
17208 STAPLES ST NE
ANDOVER MN 55304

PHELPS JAMES B +
14945 E MEXICO DR
AURORA CO 80012

DIANE L RICHARDSON TRUST
17208 STAPLES ST NE
HAM LAKE MN 55304

CARRICO EMIDIO & CAROL
215 JUNIPER DR
YORKTOWN HEIGHTS NY 10598

DI-AN LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

STOLTZ JAMES H + CAROL L TR
548 SUMMIT DR
WEST BEND WI 53095

MAPLES LORI A & JACK B
PO BOX 628
PIGEON FORGE TN 37868

ELGERSMA BERT J
7115 KALAMAZOO AVE
CALEDONIA MI 49316

ZWYGHUIZEN WILLIAM & JODY
1077 WEST LAKEWOOD BLVD
HOLLAND MI 49424

PULLEN RICHARD G +
1004 PENDLETON ST
ALEXANDRIA VA 22314



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: VAR20210058

Case Name: 506/508 Carlos Cir, to allow accessory structure (pool) in front of the principle structure and within the street setback.

Applicant: Jack Holsem

Location: 506/508 Carlos Cir

STRAP #: 24-46-23-W1-0070E.0070

Zoning: Residential Conservation (RC)

Request: The applicant is seeking variances from Sec. 34-1174(b) to allow a pool forward of the principle structure; and Table 34-3 for a reduction of 15 feet in the street setbacks.

Staff Report: Direct inquiries to:
Carl Benge, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **9:00 AM on August 10, 2021** regarding the case listed above. The hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach will review the case and make a recommendation to the Town Council on this matter. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: VAR20210058

Case Name: 506/508 Carlos Cir, to allow accessory structure (pool) in front of the principal structure and within the street setback.

Applicant: Jack Holsem

Location: 506/508 Carlos Cir

STRAP #: 24-46-23-W1-0070E.0070

Zoning: Residential Conservation (RC)

Request: The applicant is seeking variances from Sec. 34-1174(b) to allow a pool forward of the principal structure; and Table 34-3 for a reduction of 15 feet in the street setbacks.

Staff Report: Direct inquiries to:
Carl Benge, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that Town Council of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **5:00 AM on September 16, 2021** regarding the case listed above. The hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach will review the case and make a recommendation to the Town Council on this matter. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

1. Requested Motion:

Meeting Date: September 16, 2021

Approve/Approve with Conditions/Deny of SEZ20210050, a Special Exception for Consumption on Premises (2COP) and Video Arcade for Adults

Why the action is necessary:

The Consumption on Premises use is clearly called out in the Land Development Code. The video arcade for adults is not identified as a specific use.

What the action accomplishes:

Allows COP and defines Adult Video Arcade

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Special Exceptions can be approved by Town Council via a Resolution.

4. Submitter of Information:

5. Background:

Suzanne Bahan, the applicant for 185 Old San Carlos, is requesting a special exception for a use that does not currently exist in the Town of Fort Myers Beach, an video arcade for adults, along with the ability to sell and consume beer and wine (2COP) on the premises. The proposed location of the consumption on premises requires approval by special exception pursuant to LDC Sec. 34-1264(a)(2), which addresses consumption of alcohol on the premises within 500 feet of a park, residence, school, place of worship, religious facility, or day care; in this case Lynn Hall Memorial Park.

The property's first year on the tax roll dates to 1955. On April 22, 1993, through Lee County the parcel was granted approved uses for C-1 Commercial Districts. This included: Recreation uses, special exception needed for food and beverage service, with bar and cocktail lounge and consumption on premises possible special permits. In 2007, LDO2007-00038 was approved to enclose the existing two decks and add a roof over the sidewalk to create a façade that is consistent with the Old Sand Carlos Blvd Redevelopment Plan. There have been various construction permits applied for over the years through 2008, 2009, 2010, 2011, 2014, and 2018. All these permits predate the purchase of the property in 2020, by the current owners.

Commercial uses, such as retail, are permitted within the Downtown zoning district. The sale of alcohol is permitted as a retail/commercial use. The consumption on premises is not part of a restaurant where more than 50% of the sales are from food service, thus the use requires the property owner to receive approval for a special exception. Since the applicant was also requesting a use not addressed by the Town's LDC, staff determined it to be practical to proceed with the request for both consumption on premises and the video arcade for adults under one application process. The uses can be approved or denied independent of each other.

Attachments:

1. 21-46, SEZ20210050 185 Old San Carlos COP and Arcade
2. SEZ20210050 - 185 Old Sand Carlos - Staff Report_TC
3. 8864058-SEZ 20210050 APP
4. 8864078-SEZ 20210050 PH-A

5. 9338782-amended reason for request
6. 185 Old San Carlos - SEZ - Notice To Neighbors LPA
7. 185 Old San Carlos - SEZ - Notice To Neighbors TC

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Carl Benge, Assistant Community Development Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk

Created/Initiated - 9/9/2021
Approved - 9/10/2021
Final Approval - 9/10/2021

RESOLUTION NUMBER 21-46

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/DENYING SPECIAL EXCEPTION 20210050 TO ESTABLISH AN ADULT ARCADE WITH RETAIL AND 2COP WITHIN 500 FEET OF A PARK AT 185 OLD SAN CARLOS; 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, applicant Suzanne Bahan., is requesting a special exception to open an adult video arcade with retail and 2COP, and a deviation from LDC Sec. 34-1264(a)(2) of the Town of Fort Myers Beach Land Development Code which does not allow alcohol sales within 500 feet from park; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W3-0050A.0130

WHEREAS, the Property is located in the “Pedestrian Commercial” category of the Future Land Use Map of the Comprehensive Plan and the “Downtown” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on August 10, 2021, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA voted 5-0 to deny based on requiring use approval from Town Council. The LPA voted 5-0 to approve with conditions the 2COP, with no outdoor consumption.

WHEREAS, on September 16, 2021 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/deny the request.

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

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

Section 2. The Town Council determines the Applicant did meet its burden of proof that the requested Special Exception do meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council APPROVES/DENIES the Special Exception and 2COP and the deviation from Section 34-1264(a)(2) of the LDC to allow alcohol sales within 500 feet of Lynn Hall Memorial Park.

Section 3. In approving/denying the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Sections 34-84 and 34-88 of the LDC:

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

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

- A. The consumption on premises (2COP) is only valid in conjunction with a retail sales operation within the same business.
- B. No amplified music or entertainment unless within an entirely enclosed building. All activities are subject to the Town's noise ordinance.
- C. No consumption of alcohol beyond the footprint of the existing enclosed structure.

D. Any violation of the conditions of approval shall render the special exception null and void.

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

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

ADOPTED this 16th day of September, 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

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 September 2021.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Special Exception

CASE NUMBER: SEZ20210050

CASE NAME: The establishment of an adult arcade with some retail and the sale of beer and wine (2COP), with a deviation from LDC Sec. 34-1264(a)(2), within 500 feet of Lynn Hall Memorial Park.

TOWN COUNCIL HEARING DATE: September 16, 2021 at 5.00 PM

STAFF RECOMMENDATION: Approve with conditions

**PREPARED/
SUBMITTED BY:** Carl Benge/ Jason Green AICP

I. APPLICATION SUMMARY

Applicant/Owner: Suzanne Bahan

Request: The applicant wants to open an adult video arcade, which is not a current use in the Town's LDC, retail consisting of beach items and accessories and beer and wine sales, and consumption of beer and wine on the premises.

Physical Address: 185 Old San Carlos

STRAP #: 24-46-23-W3-0050A.0130

FLU: Pedestrian Commercial

Zoning: Downtown

Adjacent zoning and land uses:

North:	DOWNTOWN Canal, Commercial
South:	DOWNTOWN Commercial, Times Square
East:	DOWNTOWN Public Parking Lots
West:	DOWNTOWN Rental Villas, Retail Store

II. BACKGROUND AND ANALYSIS

Background:

Suzanne Bahan, the applicant for 185 Old San Carlos, is requesting a special exception for a use that does not currently exist in the Town of Fort Myers Beach, an adult video arcade, along with the ability to sell and consume beer and wine (2COP) on the premises. The proposed location of the consumption on premises requires approval by special exception pursuant to LDC Sec. 34-1264(a)(2), which addresses consumption of alcohol on the premises within 500 feet of a park, residence, school, place of worship, religious facility, or day care; in this case Lynn Hall Memorial Park.

The property's first year on the tax roll dates to 1955. On April 22, 1993, through Lee County the parcel was granted approved uses for C-1 Commercial Districts. This included: Recreation uses, special exception needed for food and beverage service, with bar and cocktail lounge and consumption on premises possible special permits. In 2007, LDO2007-00038 was approved to enclose the existing two decks and add a roof over the sidewalk to create a façade that is consistent with the Old Sand Carlos Blvd Redevelopment Plan. There have been various construction permits applied for over the years through 2008, 2009, 2010, 2011, 2014, and 2018. All these permits predate the purchase of the property in 2020, by the current owners.

Commercial uses, such as retail, are permitted within the Downtown zoning district. The sale of alcohol is permitted as a retail/commercial use. The consumption on premises is not part of a restaurant where more than 50% of the sales are from food service, thus the use requires the property owner to receive approval for a special exception. Since the applicant was also requesting a use not addressed by the Town's LDC, staff determined it to be practical to proceed with the request for both consumption on premises and the adult video arcade under one application process. The uses can be approved or denied independent of each other.

Analysis:

Adult Video Arcade

It is common for new uses, or terms for uses, to evolve over time. Communities are often slow to update or modernize Land Development Codes for new or reimagined uses. This generally requires staff and elected officials to consider how new terminology fits within the intent of the adopted regulations. Often in circumstances like these staff looks to surrounding communities and review their codes to assist in analyzing how modern or reimagined terminology is addressed.

Since the Town's template for the LDC was taken from Lee County it seemed the Lee County LDC would be the most useful in this circumstance. According to the Lee County Land Development Code Chapter 11 ¼ Article XXVII Division 7 Section 11 ¼ - 374.(c)(2)s, *Recreation facilities (indoor only) including, but not limited to: arcades, bowling alleys, game room, theater.*

The Town's LDC Sec. 34-2141.(b), identifies five types of recreation: commercial, personal, private on-site, private off-site, and public. LDC Sec. 34-2 defines the recreation types:

- 1) *Recreation facilities, commercial means recreation equipment or facilities not classified as a park, neighborhood or park, community or regional, or as personal, private-on-site, or private-off-site recreation facility, but instead operated as a business and open to the public for a fee.*
- 2) *Recreation facilities, personal means recreation equipment or facilities such as swimming pools, tennis, shuffleboard, handball or racquetball courts, swings, slides, and other playground equipment provided as an accessory use on the same premises and in the same zoning district as the principal permitted use and designed to be used primarily by the owners, tenants, or employees of the principal use and their guests.*
- 3) *Recreation facilities, private on-site means recreation hall, equipment, or facilities such as swimming pools, tennis, shuffleboard, handball, or racquetball courts, swings, slides, and other playground equipment which are owned, leased or, operated by a homeowners', co-op, or condominium association and located in the development or neighborhood controlled by the association.*
- 4) *Recreation facilities, private off-site means recreation hall, equipment, or facilities such as swimming pools, tennis, shuffleboard, handball, or racquetball courts, swings, slides, and other playground equipment which are owned, leased or operated by a homeowners', co-op, or condominium association for use by the association's members and guest, but which are not located in the development or neighborhood controlled by the association.*
- 5) *Recreation facility, public means a recreation facility operated by a governmental agency and open to the general public.*

The Lee County definition does appear to match the intent of the Town's definition of "*Recreation facilities, commercial (#1)*," but none of the Town's definitions address arcades or adult video arcades.

The property is located within the Downtown zoning district, which allows recreation facilities as a special exception in Table 34-1 Land Use Assigned to Use Groups and Sub-Groups. This offers another reason and purpose for the application to be processed as a request for a special exception approval.

Since the Town's LDC is essentially silent on the specific use, but offers potentially similar uses and definitions as other communities, the LPA and Town Council have the option to make one of two findings related to this definition.

- 1) Find the adult video arcades are not a use which qualifies for a special exception and the use would be inconsistent with the Town's LDC, including but not limited to, LDC Section 34-1 Definitions, and specifically Recreation Facilities, commercial; or
- 2) Find adult video arcades are a use which meets the definition and intent of Recreation Facilities, commercial.

Dependent on which findings the Town Council determine is applicable, then additional considerations may be required for this application. If it is determined that the adult video arcades are consistent with the definition of *Recreation Facilities, commercial* (option 2) and qualify for a special exception within the Downtown zoning district, then the application is still subject to the requirements of LDC Sec 34-88.

Pursuant to the Town's LDC Sec. 34-88, the Town Council shall consider whether to approve, approve with conditions, or deny based on the applicant's ability to comply, or conflict with, Sec 34-88(a), (b), (c), and (d). The considerations include, but not limited to, performance and locational standards and determination if the use is or is not contrary to the public interest and health, life, comfort, convenience, and welfare of the Town's citizens.

Consumption on Premises

The Town Council's review of the application for the consumption on premises shall also consider the same criteria and the applicant's ability to comply, or conflict with, LDC Sec. 34-88. The applicant has indicated that it is their intent to apply for a 2 COP license from the State, which limits sales to beer and wine.

Neighborhood Compatibility:

Review of existing uses and the surrounding neighborhood, staff found the subject property is located within an area that supports similar uses as retail and consumption on premises, including a previous approval for COP at 1250 Old San Carlos in 2001. There are a variety of restaurants and bars located within the Old San Carlos Blvd. and Times Square area. Many offer entertainment and similar sales of on-site consumption of alcohol. It is not known how many offer package sales of alcohol.

The property located at 185 Old San Carlos is approximately 239 feet from Lynn Hall Memorial Park.

Findings and Conclusions:

LDC Sec. 34-88 sets forth the required findings and conclusions for the approval of a special exception (staff analysis applicable only to the consumption on premises):

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

There are no changes proposed to the existing footprint of the property. The retail and consumption of beer and wine on the premises appears to be similar to the surrounding uses. Most consumption on premises in the Old San Carlos block are related to a restaurant.

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

The request is consistent with goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

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

The request meets performance and location standards if approved and conditioned appropriately.

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

The request does not impact the EC zoning district. There are no physical improvements proposed for the site or building other than signage and internal remodeling, if necessary.

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

There is no anticipated negative impact or injury to surrounding properties as the business is similar to others within the Old San Carlos corridor.

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

The request will be in compliance with the applicable zoning provisions and supplemental regulations.

III. RECOMMENDATION

On August 10, 2021, LPA heard the presentation for the special exception. Mrs. Plummer inquired about the parking requirements for downtown businesses. Mr. Green addressed the question by mentioning downtown paid parking and the possible need for a parking agreement between the applicant and a local paid parking lot. LPA members were in favor of a policy decision by Town Council to determine whether the proposed use, "Adult Arcade", is a use the Town wants to add to the Land Development Code and Downtown zoning. The LPA voted, 5-0, to deny the use based on it not fitting within the Town's uses and insisted that a discussion and direction by Town Council is required. The LPA did recommend approval with conditions for the 2COP, with no outdoor consumption.

Staff finds that the special exception for consumption on premises will operate under the provisions of a bar with a 2COP.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of SEZ20210050, for Consumption on Premises with beer and wine (2COP) only.

IV. CONDITIONS OF APPROVAL

1. *The consumption on premises (2COP) is only valid in conjunction with a retail sales operation within the same business.*
2. *No amplified music or entertainment unless within an entirely enclosed building. All activities are subject to the Town's noise ordinance.*
3. *No outdoor seating or consumption of alcohol beyond the footprint of the existing enclosed structure.*
4. *Any violation of the conditions of approval shall render the special exception null and void.*

Staff Report Exhibits:

A – Site Plan

B – Complete Application

C – Letter to Adjacent Property Owners

20210050



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Site Address: 185 OLD SAN CARLOS BLVD FMB 33931
 STRAP Number: 24-46-23-W3-0050A.0130
 Applicant: SUZANNE E. BAHAN Phone: 386-527-2370
 Contact Name: _____ Phone: _____
 Email: suzipilot@gmail.com Fax: _____
 Current Zoning District: DOWNTOWN
 Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL
 FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED

- ☒ Special Exception
- ☐ Variance
- ☐ Conventional Rezoning
- ☐ Planned Development ☐ Commercial ☐ Residential
- ☐ Master Concept Plan Extension
- ☐ Appeal of Administrative Action
- ☐ Vacation of Platted Right-of-way and Easement
- ☐ Other - cite LDC Section: _____

SUPPLEMENTAL FORM REQUIRED

PH-A
PH-B
PH-C
PH-D
PH-E
PH-F
PH-G

Town of Fort Myers Beach

MAY 21 2021

Received by: _____

attach on separate sheet

PART I - General Information

A. Applicant*: SUZANNE E. BAHAN Phone: 386-527-2370
**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*
 Applicant Mailing Address: 163 OLD SAN CARLOS BLVD. FMB. FL. 33931
 Email: suzipilot@gmail.com Fax: _____
 Contact Name: same Phone: same

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
 Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 1 of 11



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

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

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: ROBERT B. BURANDT, ESQ. Phone: 239-542-4733
Address: 1714 CAPE CORAL PARKWAY E. CAPE CORAL FL. 33904
Email: robert@capecoralattorney.com Fax: 239-542-9203

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II - Nature of Request

Requested Action (each request requires a separate application)

- ☒ Special Exception
- ☐ Variance from LDC Section _____ - _____
- ☐ Conventional Rezoning from _____ to _____
- ☐ Planned Development
- ☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
- ☐ Amendment. List the project number: _____
- ☐ Extension/reinstatement of Master Concept Plan. List project number: _____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

☐ Appeal of Administrative Action

☐ Vacation

☐ Right-of-Way

☐ Easement

☐ Other. Please Explain: THE REQUEST IS TO ESTABLISH AN ADULT
ARCADE WITH SOME RETAIL AND FOR THE SALE OF BEER AND
WINE

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: Waive survey & site plan,
this is an existing commercial building.

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: _____ Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, SUZANNE E. BAHAN swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 3 of 11



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

S. E. Bahan
Signature

SUZANNE E. BAHAN
Printed Name

STATE OF FLORIDA COUNTY OF LEE

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

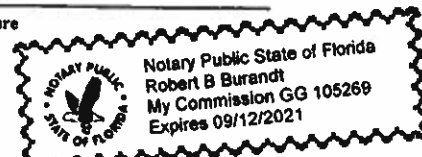
presence OR ☐ online notarization, this 21 day of may, 2021, by

Suzanne E. Bahan ☒ who is personally known to me OR ☐ who has produced

Suzanne E. Bahan as identification.

[Signature]
Notary Public Signature

PART V Property Ownership (Multiple Owners)



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

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

DISCLOSURE OF OWNERSHIP INTEREST

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

Name and Address
Suzanne E. Bahan, 163 Old San Carlos Blvd. FMB 33931

Percentage Ownership
99%

Evelyn M. May 163 Old San Carlos Blvd. FMB FL 33931

1%



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____

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

Name, Address and Office

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____



COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

SE Bahan
Signature

Suzanne E., Bahan
Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, SUZANNE E. BAHAN (name), as MGR (title)
of BERTIE & NEEKA, LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 6 of 11



COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

SUZANNE E. BAHAN/BERTIE & NEEKA, LLC

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

Suzanne E. Bahan

Signature

SUZANNE E. BAHAN

Typed or Printed Name

MGR

Title

5-21-21

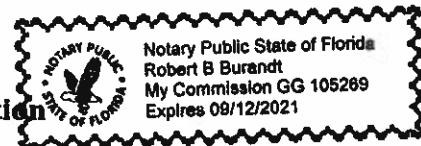
Date

STATE OF FLORIDA COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 21 day of May, 2021, by SUZANNE BAHAN ☒ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature



PART VI- Property Information

A. Legal Description:

STRAP: 24-46-23-103-0050A.0130

Property Address: 185 OLD SAN CARLOS BLVD FMB. 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee

County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: ISLAND SHORES

Book: 9 Page: 25 Unit: 2 Block: A Lot(s): 13&14

B. Boundary Survey:

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

4/30/2021

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Page 7 of 11



**COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING**

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 26 feet
Depth (please provide an average width if irregular in shape) 116.61 feet
Frontage on street: 26 feet. Frontage on waterbody: 0 feet
Total land area: 4312 ☐ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

PROPERTY IS RIGHT ON OLD SAN CARLOS, SO COMING OVER THE BRIDGE
YOU WOULD TURN RIGHT AND THEN RIGHT AGAIN, BUILDING ON YOUR
LEFT

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

- ☐ There are no deed restrictions and/or covenants on the subject property.
☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.
☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

- ☐ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.
☐ Attach a map showing the surrounding property owners as Exhibit 6-7.
☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

- | | |
|--|--|
| ☐ Low Density | ☐ Marina |
| ☐ Mixed Residential | ☐ Recreation |
| ☐ Boulevard | ☐ Wetlands |
| ☐ Pedestrian Commercial | ☐ Platted Overlay |

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| ☐ RM (Residential Multifamily) | ☐ BB (Bay Beach) |
| ☐ RPD (Residential Planned Development) | ☐ EC (Environmentally Critical) |
| ☐ CM (Commercial Marina) | ☒ DOWNTOWN |
| ☐ CO (Commercial Office) | ☐ SANTOS |
| ☐ CB (Commercial Boulevard) | ☐ VILLAGE |
| ☐ CR (Commercial Resort) | ☐ SANTINI |
| ☐ CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Suzanne E. BAHAN swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

PROJECT NUMBER:

DATE:

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

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

SE Bahan

Signature of owner or authorized agent

4/26/2021
Date

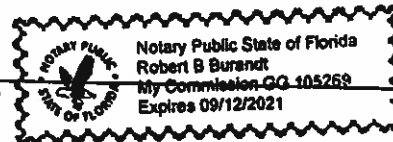
STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 26 day of April
20 21, by SUZANNE E. BAHAN

[Signature]
Notary Public Signature

(SEAL)

[Signature]
Notary Printed Name



Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____ My Commission Expires: 9-12-21

PROJECT NUMBER:

DATE:

PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Suzanne E. BAHAN (name), as MANAGER (title) of BERTIE & NEEKA, LLC (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

BERTIE & NEEKA, LLC
Name of Entity (corporation, partnership, LLP, LLC, etc.)

SE BAHAN
Signature

MANAGER
Title

Suzanne E. BAHAN
Typed or Printed Name

4/26/21
Date

**STATE OF FLORIDA)
COUNTY OF LEE)**

Subscribed and sworn to (or affirmed) before me this 26 day of April, 2021, by SUZANNE E. BAHAN, as (title) MANAGER on behalf of (company name) BERTIE & NEEKA, LLC

Notary Public Signature

(SEAL)



Town of Fort Myers Beach

2525 Estero Blvd., Fort Myers Beach, Florida 33931

Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

Revised 1/6/2017

Page 11 of 15

PROJECT NUMBER:

DATE:

Notary Printed Name

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____ My Commission Expires: 9/12/21

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd., Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

Page 12 of 15

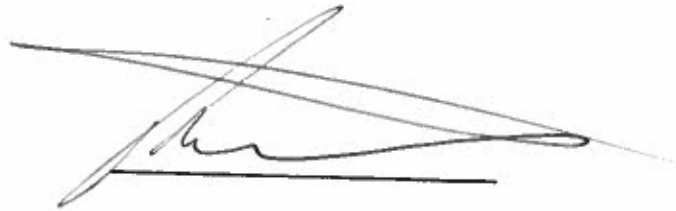
OWNERS AUTHORIZATION TO CONDUCT BUSINESS

I Suzanne E. Bahan as the owner of the property located at 185 Old San Carlos Blvd. FMB 33931 hereby give permission to Bertie & Neeka, LLC to open and operate an adult arcade business with retail and the sale of beer and wine (2-cop license to be acquired) with indoor seating around the machines to operate between the hours of 9am to 12am., seven days a week.

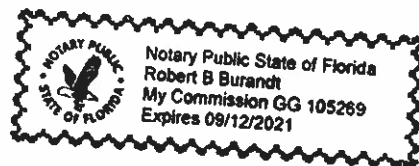


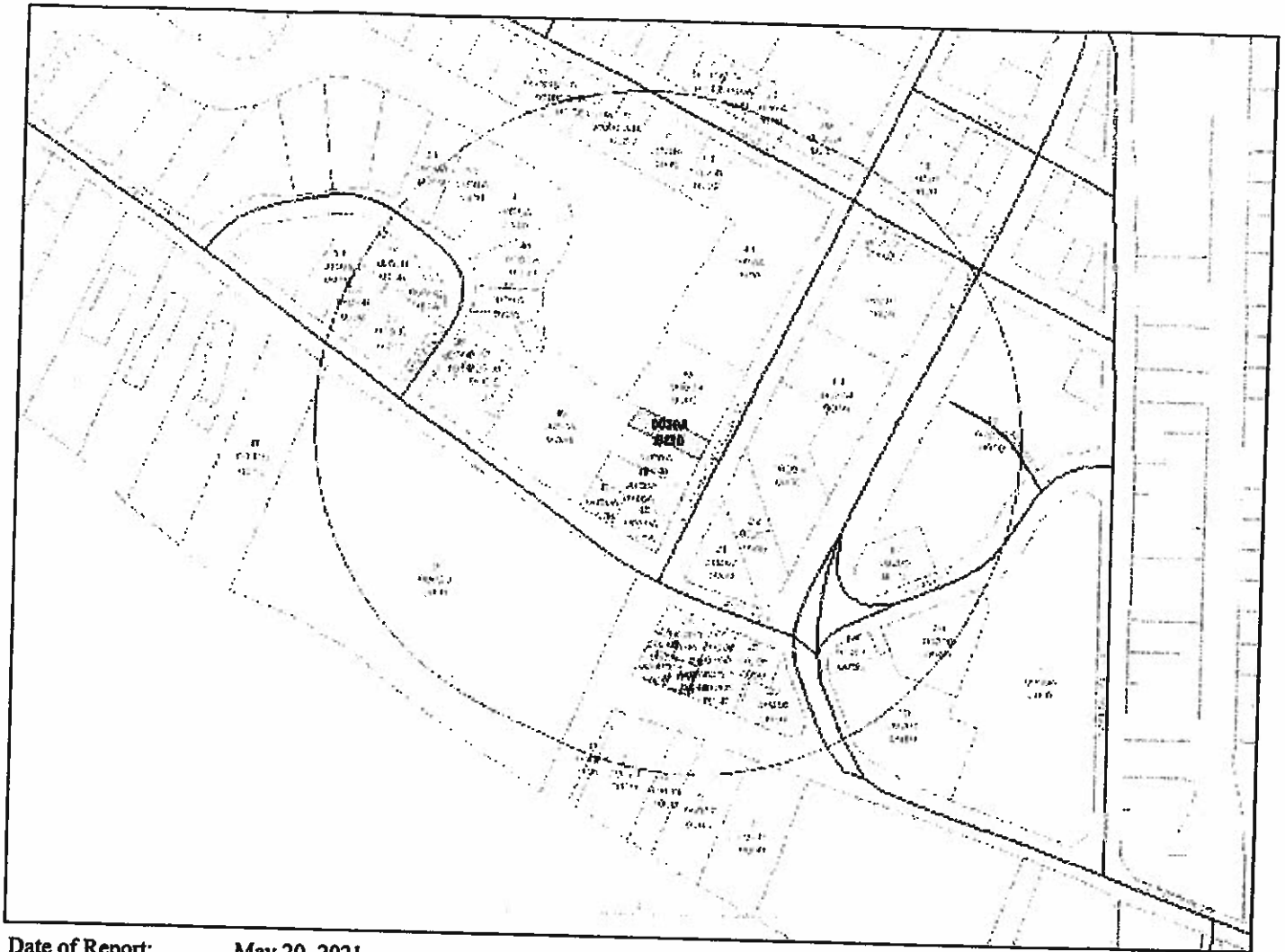
Suzanne E. Bahan

Before me personally appeared Suzanne E. Bahan on this ____ day of May 2021 who is personal known to be and executed this Owners Authorization for Bertie & Neeka, LLC to open an adult arcade business with retail sales and the sale of beer and wine.



(notary)





Date of Report: May 20, 2021

Buffer Distance: 500 feet [Rerun](#)

Parcels Affected: 58

Subject Parcel: 24-46-23-W3-0050A.0130

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

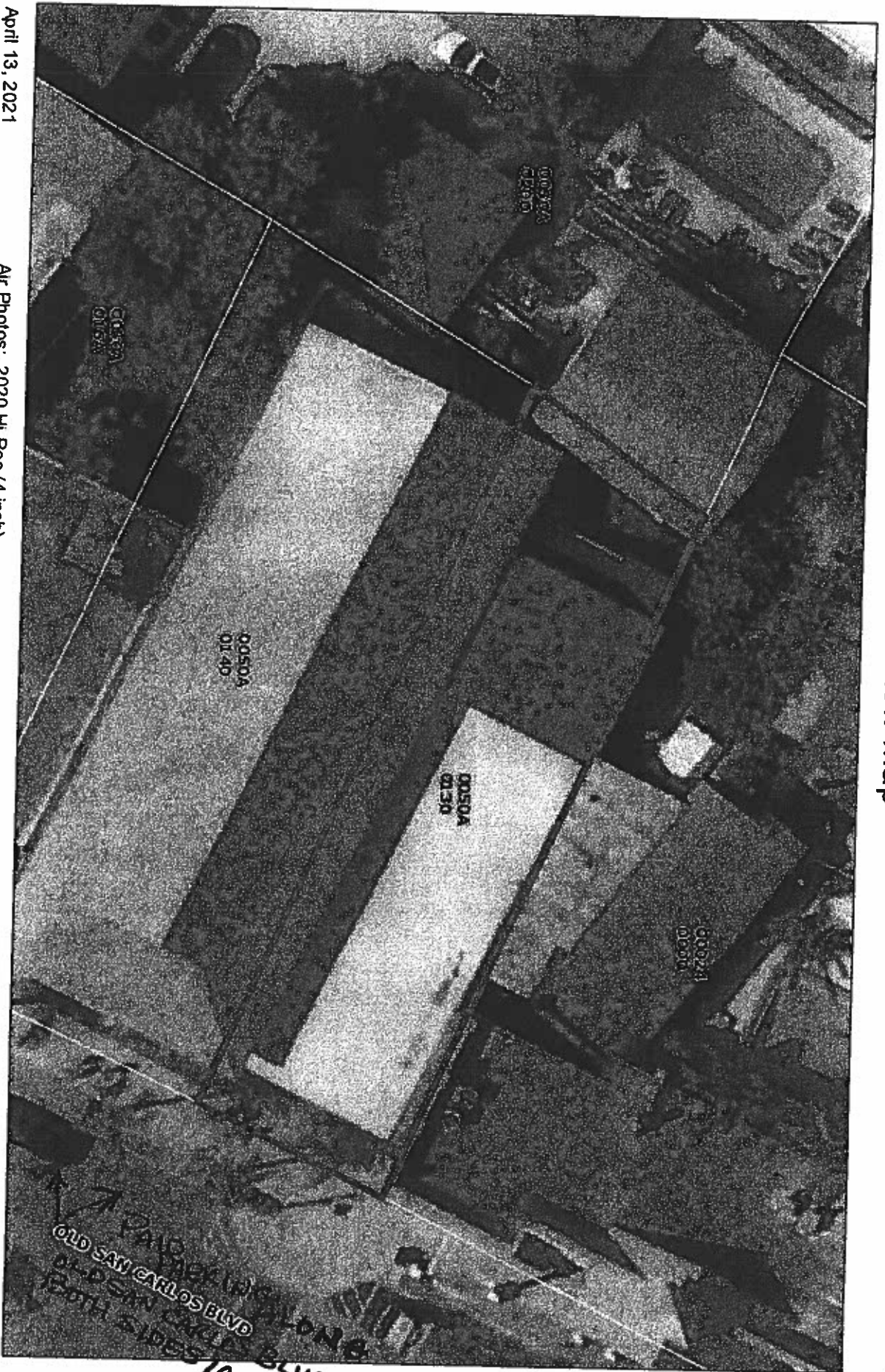
OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 1133-1155 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
LALLO JOHN W + DEBORAH L 14526 RIVERSIDE DR FORT MYERS FL 33905	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC	2
KALYMNIOUS PARTNERSHIP LLP 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC	3
PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	4
PERSAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH	5
BENCIN ENTERPRISES INC 927 PRESCOTT ST	24-46-23-W3-00018.0000 1010 ESTERO BLVD	A PAR AS DESC IN OR 1234 PG 1371	6

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931		
WHITAKER WILLIAM D & 15820 SAN ANTONIO CT FORT MYERS FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE1/4 SEC 24 S OF ESTERO BLVD+E OF SAN CARLOS DR DESC OR 1547 PG 1077	7
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY	8
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00023.0000 950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000	9
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	10
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 2 THRU 5	11
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOT 1	12
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 318/320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	13
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	14
HOLLAND DENNIS TR 570 KULAIWI DR WAILUKU HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	15
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	PORTION OF BUSINESS CENTER BLK 3 & 5 PB 9 PG 9 AND A PORTION OF VACATED FOURTH ST AND PORTION OF VACATED 5TH AVE IN SEC 24 TWP 46 RNG 23	16
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00205.0070 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LOT 7 + LOTS 8 + 9	17
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	18
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	19
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	20
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	21
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	22
CHAVEZ CARLOS L TR 991 AQUA LN	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD	BUSINESS CENTER BLK.8 PB 9 PG 9	23

FORT MYERS FL 33919	FORT MYERS BEACH FL 33931	LOTS 1 + 2 LESS THE W 44	
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2	24
BENSON BRADFORD J TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 PT LOT 4 + ALL LOT 5	25
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427	26
KLC SURF LLC 8201 MOCCASIN TRAIL DR RIVERVIEW FL 33578	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	27
KROHN INVESTMENTS LLC PO BOX 2518 FORT MYERS BEACH FL 33932	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9	28
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10	29
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1	30
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2	31
INTERNATIONAL CAPITAL 20 N MARTINGALE RD STE 180 SCHAUMBURG IL 60173	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3	32
ANDERSON BRENT KORY & 13302 COACHFORD AVE ROSEMOUNT MN 55068	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.A PB 9 PG 40 LOT 4	33
TOMAILO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 2	34
932 THIRD STREET LLC 932 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4	35
DUDDY BRIAN PATRICK TR 14 STETSON PL DUXBURY MA 02332	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 5	36
FOSTER STEPHEN ALLEN 914 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 6	37
TYRELL PETER + 6 BURLEIGH ROAD HEMEL HEMPSTEAD HP2 4PT UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7	38
KOSTER RODNEY A & THERESA A 880 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0080 880 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK.B PB 9 PG 40 LOT 8	39
FIRST CENTRAL INVESTMENT CORP LAWRENCE A YAX 830 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00400.0010 830 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 1 PB 9 PG 24 LOT 1	40
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 1 THRU 12 + VAC LAGOON	41

		R/W OR2858/1391 + OR2660/2863 +2736/3702 + BLK B PB 9 PG 40 LOT 1	
ZOZO INVESTMENTS LLC 173 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	42
JENKINS GEORGE D L PO BOX 280 TILLSONBURG ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	43
151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	44
BENSON BRADFORD J II TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	45
LISAY STEVEN E + CATHERINE M 925 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26	46
HOLBROOK LESLIE E + PO BOX 206 GALION OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32	47
PURTELL JAMES F TR 855 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 33	48
BOYD TODD & JULIE 39 N SHORE RD HAMILTON PARRISH FL 04 BERMUDA	24-46-23-W3-0050A.0340 849/851 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34	49
DULLARD ROBERT TR + PO BOX 2695 FT MYERS BCH FL 33932	24-46-23-W3-0050A.0350 843 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOT 35	50
BLOCD AHL LEASING LLC 3538 TIMBER RIDGE TRL CEDAR RAPIDS IA 52411	24-46-23-W3-0050A.0360 839/841 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 36	51
SOUTHLAND CORPORATION CORPORATE TAX DEPT 2711 N HASKELL AVE DALLAS TX 75204	24-46-23-W3-0050B.0010 841 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 1 THRU 4	52
COURTNEY S MARK & DEBORAH S TR 83 CRANBERRY RD GROVE CITY PA 16127	24-46-23-W3-0050B.0050 831 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 LOTS 5 + 6	53
PAINE FRED 823 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.0070 821/825 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 7 8 + PT LOTS 9 13 14	54
ARTRIP BARBARA K TR 850 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.013A 850 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 PT LOTS 13 + 14	55
SCHWARTZ DEREK & KRISTEN 3329 ROSA AVE NEW SMYRNA BEACH FL 32168	24-46-23-W3-0050B.013B 846/848 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS PT 13 + 14 FROM SE	56
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.00CE SAND CASTLE BEACH CONDO C/E FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMON AREA DESC OR 1463 PG 2328 + CPB 6 PG 230	57
SAND CASTLE BEACH CLUB CONDO A	24-46-23-W3-02500.1010 905 ESTERO BLVD	SAND CASTLE BEACH CLUB A TIME-SHARE OR 1463-2328	58

GeoView Map



April 13, 2021

Air Photos: 2020 Hi-Res (4 inch)

☒ Hospital Locations ☐ School Locations

☒ Library Locations



School Locations Major Roads Medium



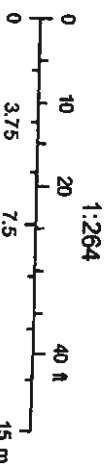
CCC_Parks

1 - 75

County Boundary

US 41

Parcels Near



Other Highways
Other Roads

This map is NOT a legal bird survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or information.

Building Front Photo

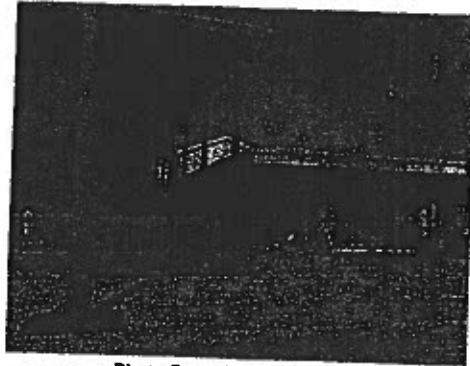
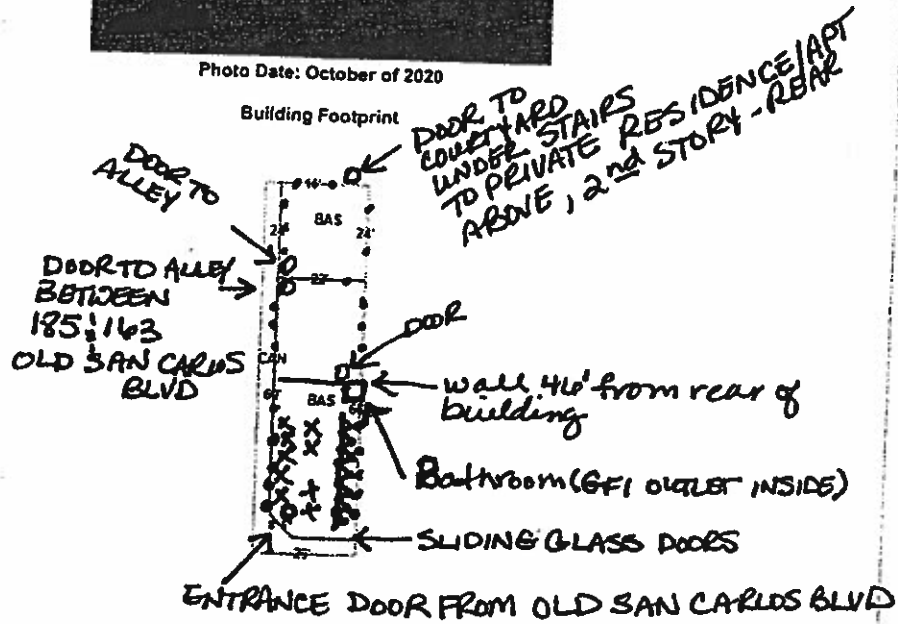


Photo Date: October of 2020

Building Footprint



- = electrical outlet
- = DOOR - EMERGENCY EXIT ILLUMINATED SIGN
- = Bathroom
- ⓓ = GAMING MACHINE
- X = RETAIL / RETAIL DISPLAY

*** GAMING MACHINES ARE 24" WIDE ***

[Previous Parcel Number](#)
[Next Parcel Number](#)
[New Query](#) [Search](#)

TRIM (proposed tax) Notices are available for the following tax years
 [2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020]

[Results](#) [Home](#)



Customer Name: BERTIE & NEeka, LLC

Contact: Suzi BAHAN

Tel: 386-527-2370 Fax: _____

Address: ~~6508~~ OLD SAN CARLOS BLVD
163

City: FORT MYERS BEACH State: FL Zip: 33931

Email: SUZIPILLOT@GMAIL.COM

Multiple Service Locations? ☐ No ☐ Yes

If Yes: ☐ Separate Invoice (each site) ☐ One Invoice

Purchase Order #:

SERVICE DETAILS

SIC#:

CUSTOMER BILLING DETAILS

ACCOUNT DETAILS

20

Location Code: _____ Account #: _____ Site #: _____
Equipment Delivery ("Effective Date"):

Billing Start Date:

SITE SERVICE DETAILS

Name (if different): SAME AS BILLING

Contact:

Tel: 386-527-2370

Address: 185 OLD SAN CARLOS BLVD

City: FOKI MIERS BEACH State: FL Zip: 33931

Transaction Description (enter change reason code):
New Service (select type of service and waste = X) (For compo

Time of Cost = $\frac{\text{Cost of Service and Waste} \times X}{\text{Cost of Service and Waste} - \text{Cost of Service and Waste} \times X}$ (For compactor "COMP" enter: Customer owned = C Advanced owned = A)

1

increase 1x

Decrease ☐

Cancel

Permeability

Temp

Other |

Type of Service				Type of Waste				Service Level		Routing							Schedule of Charges					Permit	Temp	
FL	RL	RO	RESI/COMP	TRASH	OC	REC	OTHER	Qty	Size (yds)	Frequency	S	M	T	W	TH	F	S	Disposal	Collection	Extra	Roll out	Lock Fee	Haul	
	X			X				1	0.50YD	1X				X				\$	6.20	\$	36.99	\$	18.50	\$
	X					X		1	0.50YD	1X					X			\$	8.64	\$	18.40	\$	10.48	\$
																		\$		\$		\$		\$

Type of Service	Type of Waste
Old Service (select type of service and waste = X) (For compactor "COMP" enter: Customer owned = C Advanced owned = A)	

[illegible]

TERMS AND CONDITIONS ARE ON PAGE 2

Comments:

ADDITIONAL INFORMATION

NEW SITE TOTERS ALREADY ON SITE. SERVICE TRASH AND RCY 1X WEEK.

This is a legal binding contract. The undersigned acknowledges that they have read and understand the terms and conditions set forth on the reverse side and that they have the authority to sign on behalf of the customer.

Customer: Alpha Institute LLC

Authorized Signature: [Signature]

Print Name: 214

2121 BATH

Title: Mammals Member Date: 4/15/2021

Contractor: Advanced Disposal Solid Waste Southeast Inc

Date: 11/3/2009

Representative:
JOSHUA HERNANDEZ

ID #	Title:
1	1. The first step in the process of the scientific method is to ask a question.
2	2. The second step in the process of the scientific method is to do background research.
3	3. The third step in the process of the scientific method is to form a hypothesis.
4	4. The fourth step in the process of the scientific method is to test the hypothesis.
5	5. The fifth step in the process of the scientific method is to analyze the data.
6	6. The sixth step in the process of the scientific method is to draw a conclusion.
7	7. The seventh step in the process of the scientific method is to communicate the results.
8	8. The eighth step in the process of the scientific method is to repeat the experiment.
9	9. The ninth step in the process of the scientific method is to evaluate the results.
10	10. The tenth step in the process of the scientific method is to publish the results.

CS LEAD

Date: 4/13/21

Customer elects recycling service with the contractor: ☒ Yes ☐ No

Lee County Mandatory Business Recycling Ordinance 7-25 requires all businesses to have recycling service within 14 days of establishing garbage collection service. Failure to comply with these requirements will result in an assessment being added to your garbage bill (Advanced Disposal Fee) of between \$100 and \$500 per month. For information about requirements of this Ordinance, recycling service providers, educational materials or help in determining what service fits your business, visit www.lee.gov.com/solidwaste or call 533-8000.

Name of current recycling service provider: ADVANCED DISPOSAL

Customer Signature



Case# _____

Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: BERTIE & NEEKA, LLC
Authorized Applicant: SUZANNE E. BAHAN
LEOPA STRAP Number(s): 24-46-23-W3-103-0050A.0130

Current Property Status: BUILDING
Current Zoning: COMMERCIAL
Future Land Use Map (FLUM) Category: PEDESTRIAN COMMERCIAL
Platted Overlay? ☐ yes ☐ no FLUM Density Range:

Requested Action:

☐	Use of premises in the EC (Environmentally Critical) zoning district for:
☒	Use of premises in the <u>downtown</u> zoning district for:
	The establishment of an adult arcade with some retail and the sale of
	beer and wine.



Case# _____

Date Received: _____

PART I
Narrative Statements

A. Request for: (indicate the proposed use that requires a special exception)

The plan is to open a video arcade establishment for adults. We would also sell beach items like, beach wear and beach accessories along with beer and wine.
The code doesn't allow for a video arcade business on Fort Myers Beach.
This is a new type of business for Fort Myers Beach and we believe it would enhance the area and present a new alternative to residents and visitors.

B. Reasons for request: (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties.

Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
The field of video entertainment is changing on a daily basis and this exemption would allow the Town to keep up with the current trends. This would be an adult establishment for people to enjoy video games while being able to shop for beach wear and have a beer or glass of wine. This business will be in the heart of the Fort Myers entertainment district and will tastfully enhance the entertainment district for the beach. All local customs and standards will be adhered to and everyone will be welcome to enjoy the business. There will be no adverse impact to any other business or resident or any environmental areas. The over all appearance both inside and outside will be first class. This request is also in compliance with existing planed uses for the area and will not cause any damage, hazards, nuisances or other detriment to other business or persons and will provide a place for both locals & visitors to associate with one another.



Case# _____

Date Received: _____

Granting the requested Special Exception could impact surrounding properties as follows:
This special exemption will not impact the surrounding areas. The surrounding areas are retail stores, bars & restaurants.

PART 2

Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of \$3800.00/\$3300.00 for an amendment

For New Communication Towers:

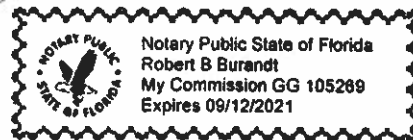
- a. Lee County Application for Communication Tower
- b. Shared-Use Plan Agreement

OWNERS AUTHORIZATION TO CONDUCT BUSINESS

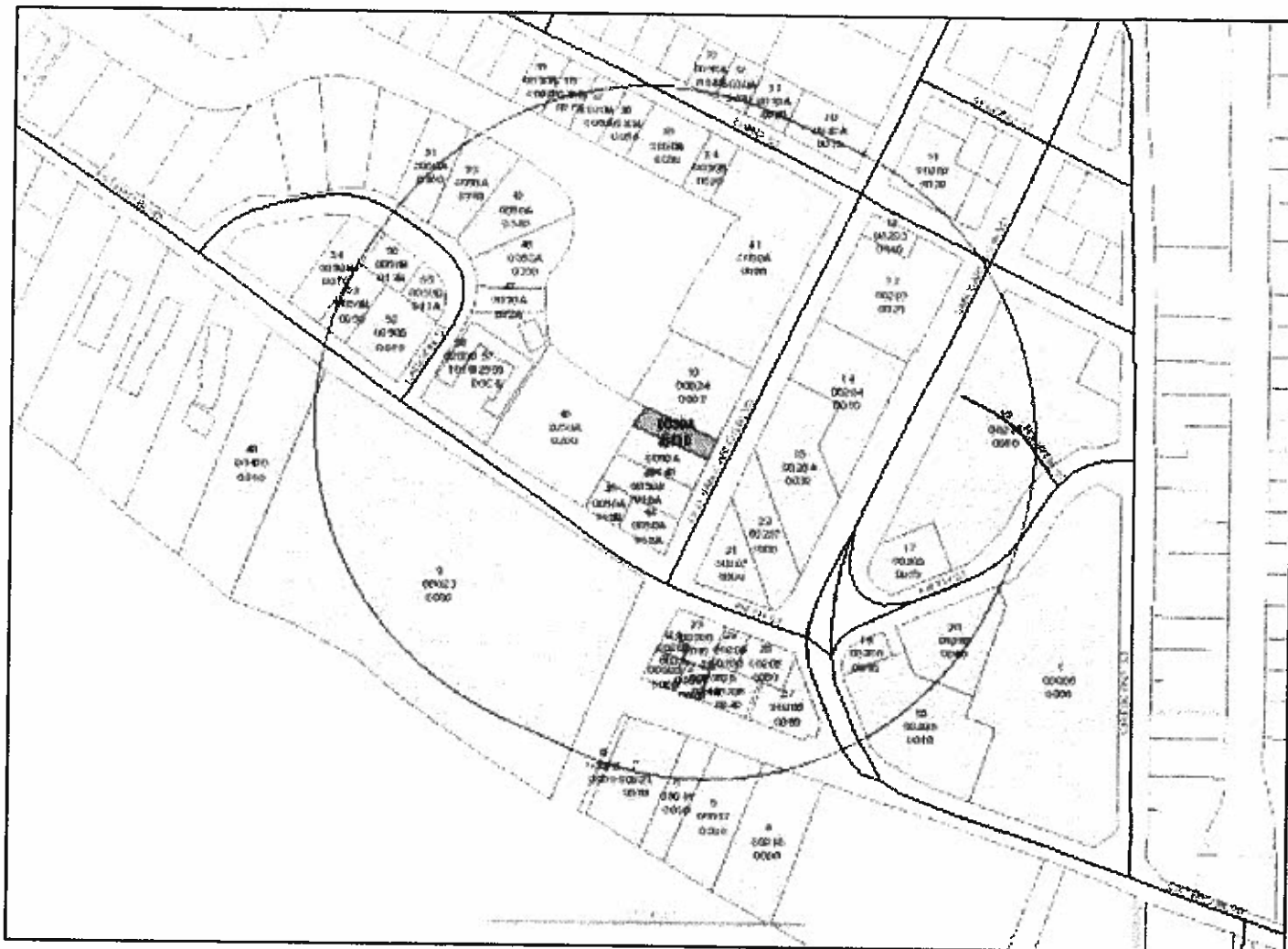
I Suzanne E. Bahan as the owner of the property located at 185 Old San Carlos Blvd. FMB 33931 hereby give permission to Bertie & Neeka, LLC to open and operate an adult arcade business with retail and the sale of beer and wine (2-cop license to be acquired) with indoor seating around the machines to operate between the hours of 9am to 12am., seven days a week.


Suzanne E. Bahan

Before me personally appeared Suzanne E. Bahan on this ____ day of May 2021 who is personal known to be and executed this Owners Authorization for Bertie & Neeka, LLC to open an adult arcade business with retail sales and the sale of beer and wine.



(notary)



Date of Report: May 20, 2021

Buffer Distance: 500 feet

Parcels Affected: 58

Subject Parcel: 24-46-23-W3-0050A.0130

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00006.0000 1133-1155 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR PHILLIPS PB 9 PG 9 LOTS 10 THRU 15 + OR 587/198 LESS R/W 2353/3036	1
LALLO JOHN W + DEBORAH L 14526 RIVERSIDE DR FORT MYERS FL 33905	24-46-23-W3-00007.0000 1005 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 46 23 RUN NWLY AT INC	2
KALYMNOS PARTNERSHIP LLP 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00008.0000 1001 ESTERO BLVD FORT MYERS BEACH FL 33931	FRM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN NW 69 DEG 54 MIN WITH SEC	3
PRESAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00016.0000 1046 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRESCENT PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD	4
PERSAUD PROPERTIES FL 361 SEMINOLE WAY FORT MYERS BEACH FL 33931	24-46-23-W3-00017.0000 1028 ESTERO BLVD FORT MYERS BEACH FL 33931	FROM SW COR BLK E CRES PK ADD ON E LI SEC 24 RUN S ALG SD LI TO S LI CO RD TH	5
BENCIN ENTERPRISES INC 927 PRESCOTT ST	24-46-23-W3-00018.0000 1010 ESTERO BLVD	A PAR AS DESC IN OR 1234 PG 1371	6

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931		
WHITAKER WILLIAM D & 15820 SAN ANTONIO CT FORT MYERS FL 33908	24-46-23-W3-00021.0000 1000 ESTERO BLVD FORT MYERS BEACH FL 33931	PARL IN SE1/4 SEC 24 S OF ESTERO BLVD+E OFSAN CARLOS DR DESC OR 1547 PG 1077	7
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00022.0000 10 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUBD RUN NWLY ALG EXTENED N LINE PIER ONLY	8
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00023.0000 950 ESTERO BLVD FORT MYERS BEACH FL 33931	BEG NW COR BLK 8 BUSINESS CTR SUB RUN NWLY ALG EXTEN NLI PIER ON 22.0000	9
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00024.0000 201 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	FROM NWLY COR BLK 8 BUSINESS CENTER SUBD RUN NWLY ALG PROLONGATION OF	10
HOUSEBOAT LLC 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00202.0020 430 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 2 PB 9 PG 9 LOTS 2 THRU 5	11
SOB INC 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0010 340 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK.3 PB 9 PG 9 LOT 1	12
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00203.0020 318/320 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 3 PB 9 PG 9 LOTS 2 THRU 6 + LTS 22 +23 + POR OF VAC ST	13
STINGRAYS RAW BAR INC 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00204.0010 250 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CTR LTS 1 + 2 BLK 4 LOTS 1 THRU 5 BLK 5 W OF ST RD 865 R/W + POR OF VAC ST	14
HOLLAND DENNIS TR 570 KULAIWI DR WAILUKU HI 96793	24-46-23-W3-00204.0030 200 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 4 PB 9 PG 9 LTS 3 THRU 7 PT 8 + 9 + PT VAC ALLY	15
LIGHTHOUSE ISLAND RESORT INC 1051 FIFTH ST FORT MYERS BEACH FL 33931	24-46-23-W3-00205.0060 1051 FIFTH ST FORT MYERS BEACH FL 33931	PORTION OF BUSINESS CENTER BLK 3 & 5 PB 9 PG 9 AND A PORTION OF VACATED FOURTH ST AND PORTION OF VACATED 5TH AVE IN SEC 24 TWP 46 RNG 23	16
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00205.0070 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 5 PB 935 PG 9 PT LOT 7 + LOTS 8 + 9	17
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-46-23-W3-00206.0010 1113 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB9 PG9 LTS 1-4 LESS R/W + DESC OR 1904/4451	18
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0050 1054 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOT 5 R/W OR 1154 PG 1510	19
TPI-FMB I LLC 103 15TH AVE NW STE 200 WILLMAR MN 56201	24-46-23-W3-00206.0060 1150 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 6 PB 9 PG 9 LOTS 6 THRU 9	20
150 SAN CARLOS BLVD CORP OMG INC 408 BROADWAY NEW YORK NY 10013	24-46-23-W3-00207.0000 150 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 7 PB 9 PG 9 ALL BLK 7	21
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00207.1000 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER R/W OF CENTER STREET LYING BETWEEN BLK 7 BLK 7 PB 9 PG 9	22
CHAVEZ CARLOS L TR 991 AQUA LN	24-46-23-W3-00208.0010 80 OLD SAN CARLOS BLVD	BUSINESS CENTER BLK.8 PB 9 PG 9	23

FORT MYERS FL 33919	FORT MYERS BEACH FL 33931	LOTS 1 + 2 LESS THE W 44	
CHAVEZ CARLOS L TR 991 AQUA LN FORT MYERS FL 33919	24-46-23-W3-00208.002A 50 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT PT 2	24
BENSON BRADFORD J TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0040 1021 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 PT LOT 4 + ALL LOT 5	25
TOWN OF FORT MYERS BEACH FINANCE DEPT 2525 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.004A EASEMENT FORT MYERS BEACH FL 33931	PT LOT 4 AREA 2 SE 1/4 BUSINESS CENTER PB 9 PG 9 IN OR 297 P 427	26
KLC SURF LLC 8201 MOCCASIN TRAIL DR RIVERVIEW FL 33578	24-46-23-W3-00208.0060 1035 ESTERO BLVD FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LT 7 + LOT 6 LESS WLY 6 FT LESS ROW OR3539 PG3351	27
KROHN INVESTMENTS LLC PO BOX 2518 FORT MYERS BEACH FL 33932	24-46-23-W3-00208.0080 1028 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOTS 8 + 9	28
RFN CORP 2401 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00208.0100 1018 FIFTH ST FORT MYERS BEACH FL 33931	BUSINESS CENTER BLK 8 PB 9 PG 9 LOT 10	29
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0010 401 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 1	30
FREEMAN WILLIAM T + COLLEEN C 15341 KILBIRNIE DR FORT MYERS FL 33912	24-46-23-W3-0030A.0020 939 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 2	31
INTERNATIONAL CAPITAL 20 N MARTINGALE RD STE 180 SCHAUMBURG IL 60173	24-46-23-W3-0030A.0030 935 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 3	32
ANDERSON BRENT KORY & 13302 COACHFORD AVE ROSEMOUNT MN 55068	24-46-23-W3-0030A.0040 929 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK A PB 9 PG 40 LOT 4	33
TOMAILO FRANKLIN L + GLORIA J 934 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0020 934 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 2	34
932 THIRD STREET LLC 932 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0030 932 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOTS 3 + 4	35
DUDDY BRIAN PATRICK TR 14 STETSON PL DUXBURY MA 02332	24-46-23-W3-0030B.0050 920 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 5	36
FOSTER STEPHEN ALLEN 914 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0060 914 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 6	37
TYRELL PETER + 6 BURLEIGH ROAD HEMEL HEMPSTEAD HP2 4PT UNITED KINGDOM	24-46-23-W3-0030B.0070 910 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 7	38
KOSTER RODNEY A & THERESA A 880 THIRD ST FORT MYERS BEACH FL 33931	24-46-23-W3-0030B.0080 880 THIRD ST FORT MYERS BEACH FL 33931	MATANZAS VIEW BLK B PB 9 PG 40 LOT 8	39
FIRST CENTRAL INVESTMENT CORP LAWRENCE A YAX 830 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-00400.0010 830 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 1 PB 9 PG 24 LOT 1	40
RICHARD JOHN W TR 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0080 237 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 1 THRU 12 + VAC LAGOON	41

R/W OR2858/1391 +
OR2660/2863 +2736/3702 +
BLK B PB 9 PG 40 LOT 1

ZOZO INVESTMENTS LLC 173 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0140 163 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 PT LOT 14 + LOT 15	42
JENKINS GEORGE D L PO BOX 280 TILLSONBURG ON N4G 4H5 CANADA	24-46-23-W3-0050A.016A 159/161 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS 16 + PT OF LT 17	43
151 OLD SAN CARLOS LLC 17840 SAN CARLOS BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018A 151 OLD SAN CARLOS BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOTS PT 18 + 19	44
BENSON BRADFORD J II TR 927 PRESCOTT ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.018B 959/963 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PT LOTS 17 18 + 19	45
LISAY STEVEN E + CATHERINE M 925 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0200 925 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOTS 20 THRU 26	46
HOLBROOK LESLIE E + PO BOX 206 GALION OH 44833	24-46-23-W3-0050A.032A 859 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 NWLY 40 FT LOT 32	47
PURTELL JAMES F TR 855 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050A.0330 855 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK A PB 9 PG 25 LOT 33	48
BOYD TODD & JULIE 39 N SHORE RD HAMILTON PARRISH FL 04 BERMUDA	24-46-23-W3-0050A.0340 849/851 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 34	49
DULLARD ROBERT TR + PO BOX 2695 FT MYERS BCH FL 33932	24-46-23-W3-0050A.0350 843 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UT 2 BLK A PB 9 PG 25 LOT 35	50
BLOCD AHL LEASING LLC 3538 TIMBER RIDGE TRL CEDAR RAPIDS IA 52411	24-46-23-W3-0050A.0360 839/841 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.A PB 9 PG 25 LOT 36	51
SOUTHLAND CORPORATION CORPORATE TAX DEPT 2711 N HASKELL AVE DALLAS TX 75204	24-46-23-W3-0050B.0010 841 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 1 THRU 4	52
COURTNEY S MARK & DEBORAH S TR 83 CRANBERRY RD GROVE CITY PA 16127	24-46-23-W3-0050B.0050 831 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 LOTS 5 + 6	53
PAINE FRED 823 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.0070 821/825 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS 7 8 + PT LOTS 9 13 14	54
ARTRIP BARBARA K TR 850 LAGOON ST FORT MYERS BEACH FL 33931	24-46-23-W3-0050B.013A 850 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK B PB 9 PG 25 PT LOTS 13 + 14	55
SCHWARTZ DEREK & KRISTEN 3329 ROSA AVE NEW SMYRNA BEACH FL 32168	24-46-23-W3-0050B.013B 846/848 LAGOON ST FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 2 BLK.B PB 9 PG 25 LOTS PT 13 + 14 FROM SE	56
SAND CASTLE BEACH CLUB CONDO 905 ESTERO BLVD FORT MYERS BEACH FL 33931	24-46-23-W3-02500.00CE SAND CASTLE BEACH CONDO C/E FORT MYERS BEACH FL 33931	SAND CASTLE BEACH CLUB A TIME-SHARE COMMON AREA DESC OR 1463 PG 2328 + CPB 6 PG 230	57
SAND CASTLE BEACH CLUB CONDO A	24-46-23-W3-02500.1010 905 ESTERO BLVD	SAND CASTLE BEACH CLUB A TIME-SHARE OR1463-2328	58

GeoView Map



April 13, 2021

Air Photos: 2020 Hi-Res (4 inch)

☒ Hospital Locations
☒ Library Locations

☒ School Locations
☒ School Locations
Major Roads Medium

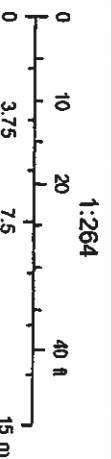
☒ CCC Parks
1 - 75

US 41

Other Highways

Other Roads

Parcels Near



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation.

Building Front Photo

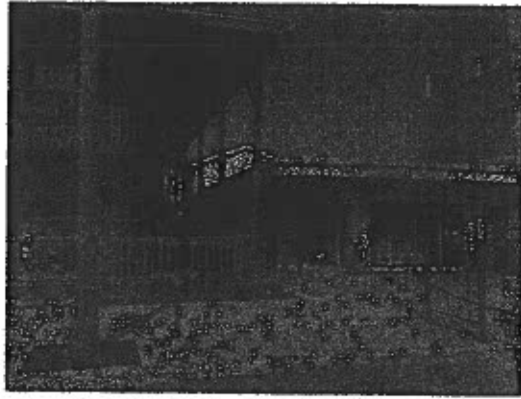
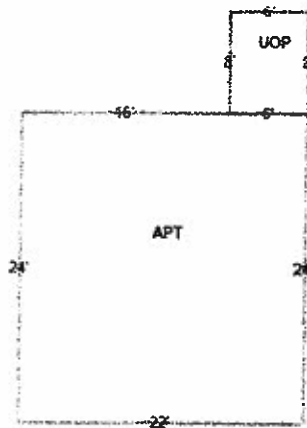
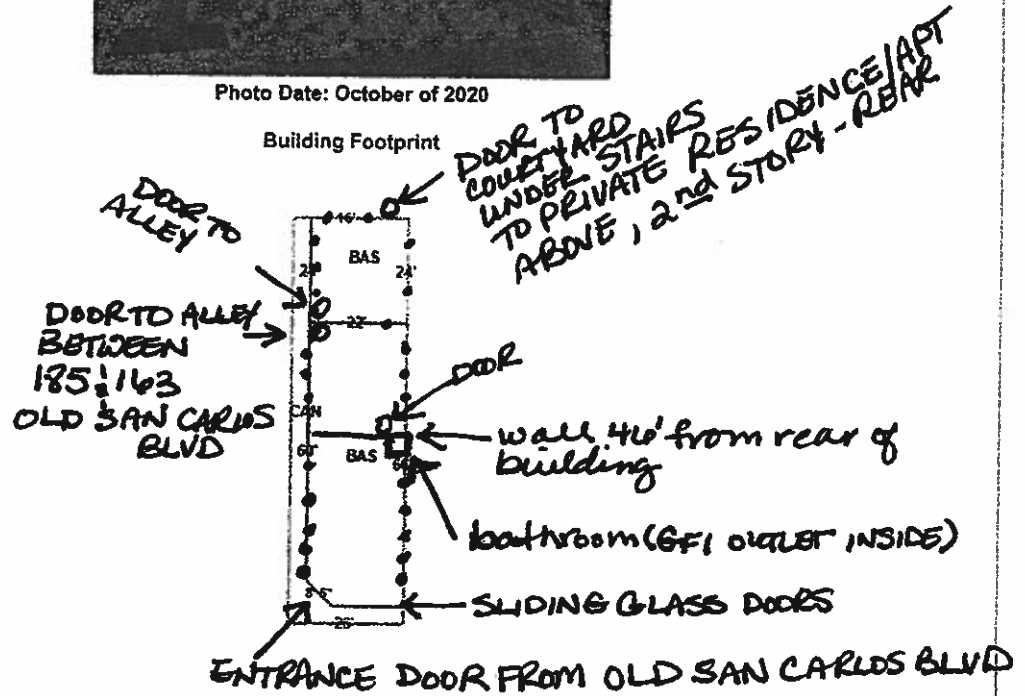


Photo Date: October of 2020

Building Footprint



[Previous Parcel Number](#)
[Next Parcel Number](#)
[New Query Search](#)

TRIM (proposed tax) Notices are available for the following tax years
[2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020]

[Results](#) [Home](#)



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for ADMINISTRATIVE ACTION

This is a two part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit *two paper copies* and *one digital/electronic copy* of all required applications, supplemental information, exhibits and documents.

PROJECT NUMBER: _____ DATE: _____

Site Address: 185 Old San Carlos FMB 33931

STRAP Number: 24-46-23-W3-0050A.0130

Applicant: Bertie&Neeka, LLC,d/b/a The Painted Pineapple Phone: 386-527-2370

Contact Name: Suzanne Bahan Phone: _____

Email: suzipilote@gmail.com Fax: _____

Current Zoning District: Downtown

Future Land Use Map (FLUM) Category: Pedestrian Commercial

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

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|--|--------------------------|
| ☐ Amendment to Planned Development | AA-A |
| ☐ Commercial Antenna | AA-B |
| ☒ Consumption on Premises (COP) | AA-C |
| ☐ Forced Relocation of Business | AA-D |
| ☐ Interpretation of Land Development Code | AA-E |
| ☐ Minimum Use Determination | AA-F |
| ☐ Setback Variance | AA-G |
| ☐ Accessory Apartment Determination | AA-H |
| ☒ Other – cite LDC Section: <u>Arcade/Retail</u> | attach on separate sheet |

PART I – General Information

A. Applicant*: Suzanne E. Bahan Phone: 386-527-2370

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

Applicant Mailing Address: 185 Old San Carlos Blvd. FMB 33931

Email: suzipilote@gmail.com Fax: _____

Contact Name: Suzanne E. Bahan Phone: 386-527-2370

B. Relationship of Applicant to subject property:

- | | | |
|---|---|--|
| ☒ Owner* | ☐ Land Trust* | ☐ Partnership* |
| ☐ Corporation* | ☐ Association* | ☐ Condominium* |
| ☐ Subdivision* | ☐ Timeshare Condo* | ☐ Contract Purchaser* |
| ☐ Authorized Representative* | ☐ Other* (please indicate) _____ | |

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

C. Authorized Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: robert Burandt, Esq. Phone: 239-542-4733

Address: 1714 Cape Coral Parkway E. Cape Coral Fla. 33904

Email: robert@capecoralattorney.com Fax: _____

D. Nature of Request: The Applicant seeks permission to convert the empty building at 185 Old San Carlos Blvd. into an arcade with some retail sales and the sale of beer and wine. This would be a first class establishment and would improve the area of Old San Carlos Blvd. bring people to the area with different interests.

E. Is this request specific to a particular tract of land?

☒ YES*

☐ NO

**If yes, complete PART II of this form*

PART II – Property Information

A. Is the action requested a result of a Code Violation or Notice of Violation?

☐ YES ☒ NO If yes, please provide the date of notice: _____

Specific nature of the Violation: _____

B. Property Owner(s): Susanne Bahan Phone: 386-527-2370

Property Owner Mailing Address: 185 Old San Carlos Blvd. fMB 33931

Email: suzipilot@gmail.com Fax: _____

C. Legal Description:

STRAP: 24-46-23-W3-0050A.0130

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description.

☒ Yes. Property identified in subdivision: _____
Book: 9 Page: 25 Unit: 2 Block: A Lot(s): 13 part of 14

D. Subject Property Dimensions:

Width (please provide an average width if irregular in shape) 26 feet

Depth (please provide an average width if irregular in shape) 116.61 feet

Frontage on street: 26 feet. Frontage on waterbody: 0 feet

Total land area: 4312 ☐ acres ☐ square feet

E. Boundary Survey:

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

F. Property Restrictions (check applicable):

☒ There are no deed restrictions and/or covenants on the subject property.

☐ There are deed restrictions and/or covenants on the subject property. Please attach a separate document listing the restrictions and/or covenants and including a narrative statement detailing how the restrictions/covenants may affect the request.

PART III

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Suzanne Bahan swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;

All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

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

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

S. Bahan
Signature of owner or authorized agent

Susanne Bahan
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 21 day of may 2021, by SUZANNE BAHAN.

[Signature]
Notary Public Signature

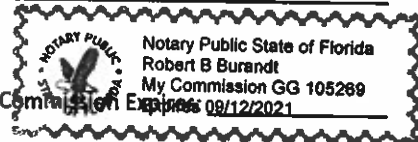
(SEAL)

Notary Printed Name

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____

My Commission Expires 09/12/2021



PART III

AFFIDAVIT

**APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.),
LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, Suzanne E. Bahan (name), as MGR (title)
of Bertie & Neeka, LLC (company), swear or affirm under oath, that I am
the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Bertie & Neeka, LLC

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

Suzanne E. Bahan
Signature

MGR

Title

Suzanne E. Bahan

Typed or Printed Name

5-21-21

Date

STATE OF FLORIDA)

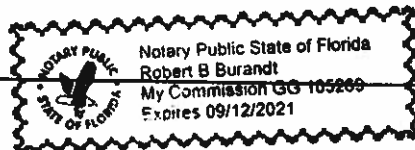
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 21 day of May
2021, by Suzanne Bahan, as (title) _____ on behalf of
(company name) _____.

[Signature]
Notary Public Signature

(SEAL)

Notary Printed Name



Personally Known ☒ or Produced Identification ☐

Type of Identification Produced: _____ My Commission Expires: _____

Revised 1/6/2017

Town of Fort Myers Beach
2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 Permits@FortMyersBeachFL.gov Fax: 239-765-0909

Page 5 of 7

OWNERS AUTHORIZATION TO CONDUCT BUSINESS

I Suzanne E. Bahan as the owner of the property located at 185 Old San Carlos Blvd. FMB 33931 hereby give permission to Bertie & Neeka, LLC to open and operate an adult arcade business with retail and the sale of beer and wine (2-cop license to be acquired) with indoor seating around the machines to operate between the hours of 9am to 12am., seven days a week.

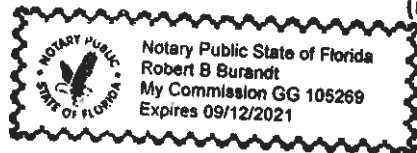


Suzanne E. Bahan

Before me personally appeared Suzanne E. Bahan on this 21 day of May 2021 who is personal known to be and executed this Owners Authorization for Bertie & Neeka, LLC to open an adult arcade business with retail sales and the sale of beer and wine.



(notary)





Case# **SEZ20210050**

Date Received: _____

PART I
Narrative Statements

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

The property qualifies for a Special Exception because:
The field of video entertainment is changing on a daily basis and this exemption would allow the Towns
entertainment district the opportunity to keep up with the current trends. This would be an adult
establishment for people to enjoy video games while being able to shop for beach wear and have a
beer or glass of wine. This business will be in the heart of the Fort Myers entertainment district and will
tastefully enhance the entertainment district for the beach, and will be consistent with the goals , objectives, policies
and intent of the Fort Myers Beach Comprehensive Plan.All local customs and standards will be adhered to
and everyone will be welcome to enjoy the business. This is an indoor entertainment business
and there will be no adverse impact to any other business or resident or any environmental areas.
The over all appearance both inside and outside will be first class. This request is also in compliance with existing
planed uses for the area and will not cause any damage, hazards, nuisances or other detriment to
other business or persons and will provide a place for both locals & visitors to associate with one another.



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: SEZ20210050

Case Name: Consumption on Premises (COP) and an Adult Video Arcade. The applicant requests the approval to open an adult video arcade with retail sales of goods; and consumption on premises of beer and wine requiring a deviation from LDC Sec. 34-1263.(d)(2), within 500 feet of Lynn Hall Memorial Park.

Applicant: Suzanne Bahan

Location: 185 Old San Carlos

STRAP #: 24-46-23-W3-0050A.0130

Zoning: Downtown

Request: Consumption on Premises of beer and wine; Adult Video Arcade with retail sales of goods, within 500 feet of Lynn Hall Memorial Park.

Staff Report: Direct inquiries to:
Carl Benge, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **9:00 AM on August 10, 2021** regarding the case listed above. The hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach will review the case and make a recommendation to the Town Council on this matter. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: SEZ20210050

Case Name: Consumption on Premises (COP) and an Adult Video Arcade. The applicant requests the approval to open an adult video arcade with retail sales of goods; and consumption on premises of beer and wine requiring a deviation from LDC Sec. 34-1263.(d)(2), within 500 feet of Lynn Hall Memorial Park.

Applicant: Suzanne Bahan

Location: 185 Old San Carlos

STRAP #: 24-46-23-W3-0050A.0130

Zoning: Downtown

Request: Consumption on Premises of beer and wine; Adult Video Arcade with retail sales of goods, within 500 feet of Lynn Hall Memorial Park.

Staff Report: Direct inquiries to:
Carl Bengé, Community Development, email: cbenge@fmbgov.com
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that Town Council of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **5:00 AM on September 16, 2021**, regarding the case listed above. The hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

On August 10th, the Local Planning Agency of Fort Myers Beach will review the case and make a recommendation to the Town Council on this matter. If any person should desire to have verbatim record of the proceedings, which record indicates the testimony and evidence presented, that person will have to make arrangements on their own.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Plan to implement Affordable and Workforce housing program.

Definitions

Affordable housing is housing available with rents tied to a portion of the renter's income. These units would not be owned by the Housing Entity, but by a developer or other property owner. The pool of affordable housing units would be created by a series of incentives. These would include the conversion of legal, non-conforming accessory apartments into affordable housing (policy 12-A-1-iv), fee waivers, setback reductions in some zoning districts, density flexibilities, and encouraging residential over retail in the Downtown district (Policy 12-B-2-iii) and in the Heart of the Island district (Policy 12-B-2)

Workforce housing is housing that is available to people who work full time in the Town limits (policy 12-A-3-ii) and is awarded by a points system. Points are awarded for years of full-time employment in the Town, with bonus points for families and for government workers like law enforcement, fire fighters, and Town staff. Workforce housing would be deeded to the Housing Entity and the rental rates would be comparable to near off island rental rates, high enough to cover the operating expenses of the Housing Entity. Workforce Housing inventory would be obtained through density allowances and out right purchases.

Housing Entity could be a housing non-profit, Housing Authority, Land Trust, or the Town directly with an option to use some commercial property managers with Town oversight. The Town could manage the properties directly until there are enough properties in inventory to justify the overhead of a separate Housing Entity. The Town would enter into a contract with the Housing Entity that dictates the criteria for housing, would contribute property and money to the entity to acquire property.

Workforce Housing Unit (WHU). A WHU is a unit of housing that is managed under the Workforce Housing criteria. It could be any size, but intended for a single family or individual.

Affordable Housing Unit (AHU). A WHU is a unit of housing that is managed under the Affordable Housing criteria. It could be any size, but intended for a single family or individual.

Median Sales Price (MSP) is the median sales price for a single housing unit on Fort Myer Beach. It is currently around \$500k

Area Median Income (AMI) – is the median income for the target area that we define, most likely the Town itself, or could be a larger area for a reasonable sampling.

Market Rate Unit (MRU) – A unit of housing that is sold at current market rates.

Housing Contribution Unit (HCU). Any kind of contribution for the housing program. It could be a WHU, AHU, cash, land, or any other contribution that is obtained in exchange for a waiver, but is equivalent to WHUs

Waiver. Used in this document as the granting of a deviation from building codes in exchange for some kind of contribution to the housing program (HCU), as spelled out below.

Acquiring housing units.

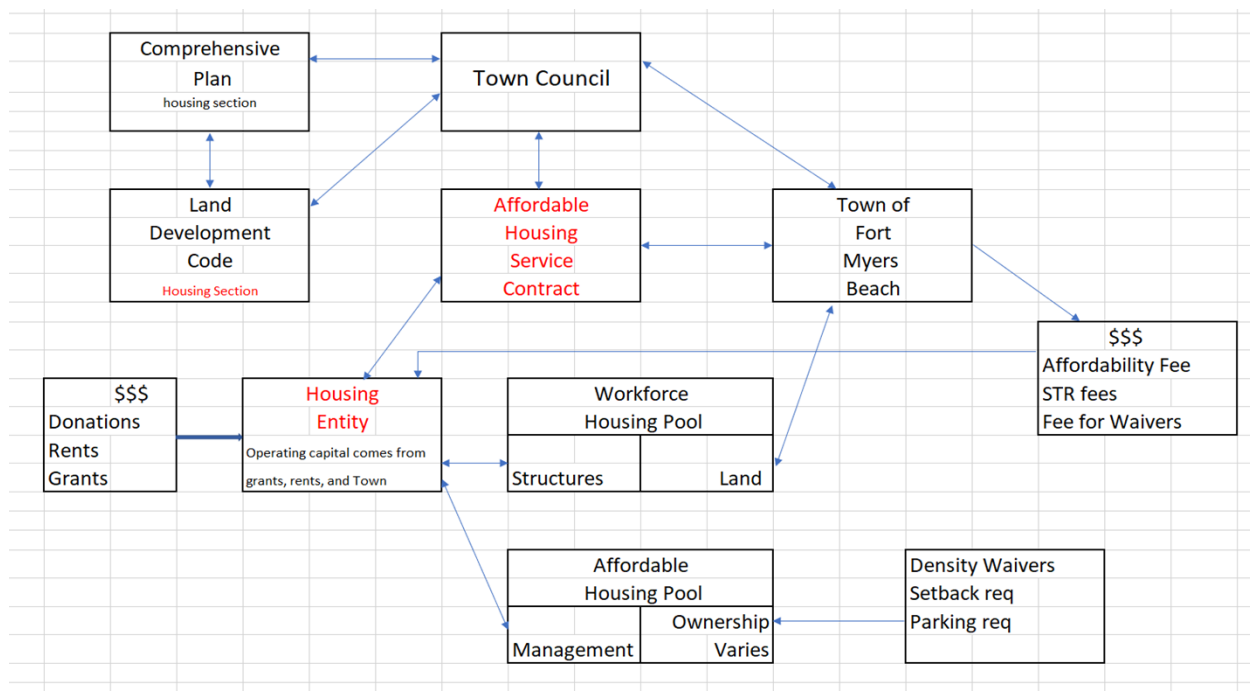
The program has the ability to set rents for property that it owns without restrictions. State law only allows limits on rents by affordability standards, rents that are set to a percentage of income with no consideration of market forces or operating expenses. A sustainable program should be a program that creates enough rental income to pay for the operating expenses of the Housing Entity, including management, repairs, etc. Affordable Housing can be owned by anyone, obtained by a waiver on use, density, or another parameter. It may or may not be managed by the Housing Entity. Workforce housing can be affordable housing, and affordable housing can have an employment requirement. The difference lies exclusively in the ability to set rents and ownership.

1. Workforce housing units. Workforce Housing units are owned by the Housing Entity.
 - a. Outright purchase
 - b. Building on Town controlled lots, or lots that are acquired through trade or waiver.
 - c. Contribution of units in exchange for a waiver.
 - d. Donation of units from individuals or charities.
2. Affordable housing. Affordable housing does not have to be owned by the entity and has limitations on how rents are set. There may be additional housing grants available for Affordable housing.
 - a. Restrictions of legal non-conforming units. Allowing someone to rent a legal accessory unit that would not otherwise be legal to rent.
 - b. Restrictions on part of a development in exchange for a waiver.
 - c. Additional restricted units allow for preferred developments, like shops below, apartments above
3. Waiver examples
 - a. Density waivers. Density is restricted on FMB and additional density has value that can be used to create WHU and AHUs.
 - i. Miami Dade county allows density waivers under certain conditions. Simply stated, they start with allowing an addition MRU per WHU or AHU added to the project. They have the following conditions, some of which are applicable to the TFMB.
 1. WHU/AFUs are Built to same standards as MRUs
 2. Can be elsewhere (within a radius of the project)
 3. Can be cash, calculated as “MSP less house for family of 4 affordable at 60% of AMI”
 4. Can be land within the Town of similar value
 5. Must be executed and available at or before MRUs
 - ii. FMB has a strong strata of housing values from Gulf Front to dry lots. There could be considerable value to a developer to be able to add beach front density while providing dry lot HCU. That value should be reflected in the incentives.
 - b. Parking waivers.
 - i. Reduce the amount of parking required for WFU/AFUs
 - c. Setback waivers.

- i. Reduced setbacks in exchange for HCU. This is probably only feasible for the downtown commercial district and with the consent of adjacent property owners.
 - d. Use waivers.
 - i. Allow additional uses in exchange for HCUs.
- 4. Linkage Fees. Generate cash using fees linked to activities that reduce affordability. The State sets guidelines and a study may be required to implement. A quick sample showed that houses that were bought, torn down, rebuilt, then resold received from 220% to 440% of the original asking price.
 - a. Affordability Fee when a small house is demolished and replaced with a larger, less affordable house. Rates vary from \$0.50/sq ft to \$25/ sq ft.
 - b. Affordability fee for major remodels. Uses the FEMA definition for “major remodel” when the remodel costs more than 50% of the structures accessed value.

Action Items

1. Select a housing entity type and create, or facilitate the creation of a Housing Entity. The preferable entity type for the scope of this program would be a non-profit housing foundation. A Land Trust would be useful if we want to have the ability to enable low-income people to buy property on the island, which has pitfalls. Since we are starting from scratch, an entity with low overhead is preferred.
2. Inventory all Town surplus lands that could possibly be of use for creating housing. (Possible State requirement)
3. Inventory all housing within the Town, limits, categorize them based on affordability and track the balance of housing. This is important to keep track of affordability progress and trends.
4. Work with staff and Mr. Ng in the rewriting of the Comprehensive Plan housing section
5. Work with staff and Mr. Ng in creating a housing section in the LDC
 - a. The Comprehensive Plan and Land Development Code (LDC) would have to add a housing section. Section 102 from Sanibel Land Development Code is attached as a reference.
 - b. This would also outline the mechanisms for acquiring properties for both affordable and workforce housing.
6. Detail the set of waivers and incentives for encouraging WHUs and AHUs.
7. Develop an Affordable Housing Provider contract between the Town and the Housing Entity.
8. Fund the project using STR fees. A consistent funding source is a necessity for the success of this project.
9. Decide whether to allow near off island properties (San Carlos Island) for housing.



Recommendations

1. Model structure of Sanibel's 50-year-old housing program except
 - a. Set rents on WHUs to a similar MRU in the near off island area instead of as a percentage of income.
2. Offer density waivers on a simple 1:1 ratio for a. and b.
 - a. WHU/AFU must be of the same standards as MRU in the project, size, quality, etc.
 - b. Must be executed and available at or before MRUs
 - c. Units from this waiver are owned by the Housing Authority if possible as WHU, or deed restricted in perpetuity as AHUs
3. Use a similar calculation as "Median Sales Price of new units in the development – cost of an affordable unit fit for a family of 4 making 60% on the Area Median Income" for both the cash equivalent for the HCU, but also for the option of supplying WFUs/AFUs on the island but not contained in the project. For example, someone is building a gulf front and want to supply WHUs on cheaper land on the island. They would have to provide HCUs of a value similar to the cash equivalent, not 1:1. Same with providing land in leu of housing.
4. Create a Linkage Fee for rebuilds and remodels at whatever level is legally justifiable.
5. Allow reduced parking requirements and higher density for WHU projects.
6. Consider the acquisition of land that is large enough to support multi family buildings to lower management costs.
7. Allow legal, non-conforming accessory apartments to be rented as AFUs after inspection. This could be managed by the Housing Entity, or by the owner who supplies an affidavit. This could be an immediate addition to affordable housing that benefits the owners and would not require capital expenditures.
8. Encourage work/live arrangements in appropriate zoning districts by allowing higher density apartments above ground floor commercial.

Chapter 102 HOUSING¹

¹Cross reference(s)—Buildings and building regulations, ch. 14; businesses, ch. 18; environment, ch. 30; utilities, ch. 70; development standards, ch. 86; historic preservation, ch. 98; utilities, ch. 118; vegetation, ch. 122; zoning, ch. 126; resort housing districts, § 126-631 et seq.

ARTICLE I. IN GENERAL

Secs. 102-1—102-30. Reserved.

ARTICLE II. BELOW MARKET RATE HOUSING

DIVISION 1. GENERALLY

Sec. 102-31. Purpose.

This article is designed to implement the housing element of the Sanibel Plan and the State Local Government Comprehensive Planning and Land Development Regulation Act, insofar as the such provisions relate to the city's obligation to attempt to make housing available for moderate and lower income residents.

(Ord. No. 85-26, § 1(IV.A.1), 11-27-1985; Ord. No. 89-23, § 49, 8-15-1989)

Sec. 102-32. Housing foundation.

The city, after issuing public notice inviting proposals, may enter into an agreement, by ordinance, with one or more nonprofit private foundations and/or community land trusts created to acquire and hold land for the benefit of the community and provide secure affordable access to land and housing for City of Sanibel residents (a "housing foundation"), duly incorporated under the applicable state laws and approved by the Internal Revenue Service for tax deductibility status for contributions and donations received by it. The housing foundation may cause to be formed a nonprofit, private community land trust, that is an affiliate and/or subsidiary of the housing foundation and is comprised of a board of directors that is appointed by the housing foundation, for the purposes of assuming ownership or rights to land and structures in order to further the purposes of the housing foundation as the operator of the City of Sanibel's Below Market Rate Housing Program ("CLT"), and the housing foundation shall have the right to delegate any of its rights and responsibilities as provided for in this article to the CLT as deemed necessary by the board of directors of the housing foundation. Notwithstanding anything to the contrary as may be contained herein, the city council shall retain full rights, powers and privileges with respect to the implementation of the below market rate housing program provided for in this article.

(Ord. No. 85-26, § 1(IV.A.2), 11-27-1985; Ord. No. 09-013, § 1, 1-5-2010)

Sec. 102-33. Responsibilities of housing foundation.

The housing foundation's responsibilities shall be:

- (1) To designate a housing foundation representative responsible for administrative liaison with the city.
- (2) To provide annual financial and activity report for the city council's review.
- (3) To serve as a clearinghouse for below market rate housing information as to funding sources, building sites, interested contractors, etc.

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- (4) To assess to-be-determined fees for its services.
 - (5) To have authority to buy, sell, receive, rent, develop or donate any land or real or personal or mixed properties in pursuit of its objectives of creating incentives and opportunities for below market rate housing in the city.
 - (6) To have the authority to hold full or less than full fee titles and interests to properties.
 - (7) To administer a below market rate housing program within the city, pursuant to the guidelines of this article, including the following:
 - a. To establish a procedure to screen all applicants for units that are designated to be below market rate housing units under this article.
 - b. To establish and update, at least annually, eligibility criteria for below market rate housing rental applicants, in terms of maximum income, taking into account family composition and total income of all family members, such criteria to be generally based upon the latest available data from the United States Department of Housing and Urban Development, using up to 160 percent of the median income for the county as a guide for families of three persons.
 - c. To establish and update, as needed, eligibility criteria for below market rate housing purchase applicants, in terms of maximum income and net worth, taking into account family composition and total income of all family members, such criteria to be generally developed as provided in subsection (7)b. of this section, but will also take into account the amount and type of assets owned by family members and the liquidity and availability of such assets for the purpose of securing affordable housing.
 - d. To maintain a list of eligible applicants for below market rate housing units who may be designated purchasers or renters as such units become available.
 - e. To establish a selection procedure for offering below market rate housing units to eligible applicants.
 - f. To determine the initial sale price and rental rate for each proposed below market rate housing unit and the current maximum sale and resale price and rental rate of each below market rate housing unit.
 - g. To prepare and update, at least annually, a schedule of rent ranges for below market rate housing units of different characteristics. Such rent ranges shall be based on a semi-annual survey of rents by unit characteristics in the city and the immediate vicinity, adjusted for consistency with income levels for qualified below market rate housing applicants, as identified in subsection (7)i. of this section.
 - h. To prepare and update, as needed, a schedule of maximum sales prices for owners of below market rate housing units of different characteristics, consistent with income levels for qualified below market rate housing applicants as identified in subsection (7)i. of this section, based on sales price data from the annual survey of the characteristics of new housing published by the U.S. Bureau of the Census.
 - i. To prepare and update, at least annually, a schedule of rents payable by below market rate housing tenants, based on U.S. Housing and Urban Development criteria for permissible shelter-to-income ratios. The ratios may be increased to one-third above the HUD maximum in the judgment of the housing foundation.
 - j. To prepare and update, as needed, information and guidelines for prospective investors, developers, purchasers and applicants for below market rate housing units.

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- k. To prepare and modify, as deemed necessary, guidelines for determining the suitability of below market rate housing rental applicants, in terms of their credit ratings, employment records, prior rental histories and other references.
 - l. To prepare and update, at least annually, guidelines for rating below market rate housing applicants in accordance with the criteria established in section 102-102.
 - m. To monitor compliance with all provisions of this article and to refer to the city manager, as appropriate, any persons violating any section of this article. Also, the housing foundation shall have full right and authority to seek enforcement of the provisions of this article by the remedies set forth in this article.
 - n. To accept into the below market rate housing program those units which meet the requirement of this article and the housing needs of eligible applicants as defined in this article.
 - o. To exercise an advisory role in reviewing and commenting on applications relating to below market rate housing units prior to planning commission and city council actions.
- (8) To seek and to develop additional ideas, methods and procedures to accomplish the goals of this article.
 - (9) To monitor conformance of below market rate housing units, either existing or proposed, with the various applicable building, housing, sanitary, and related codes, ordinances, statutes and regulations.

(Ord. No. 85-26, § 1(IV.A.2(a)), 11-27-1985; Ord. No. 88-19, § 1, 6-21-1988; Ord. No. 01-17, § 1, 12-18-2001; Ord. No. 19-005, § 1, 9-9-19)

Sec. 102-34. City's responsibilities.

The city's responsibilities shall be:

- (1) To designate a member of the city staff to assist and act as liaison to the housing foundation.
- (2) To provide, if deemed necessary in the discretion of the city council, a sum to be determined by the council as seed money for the housing foundation.
- (3) To provide, if deemed necessary and advisable in the discretion of the city council, all or part of the administrative overhead of the housing foundation on a continuing or temporary basis, including legal fees and costs and insurance premiums.
- (4) To provide, if deemed necessary and advisable in the discretion of the city council, loans or subsidies to the housing foundation.
- (5) To consider, in its legislative discretion, a relaxation of density limitations and other development regulations in individual cases where such relaxation would not contravene the purposes and principles of the Sanibel Plan and would promote the objectives of providing below market rate housing opportunities.
- (6) To review, as required, the schedules and guidelines established by the housing foundation pursuant to subsections 102-33(7)b., c., g., h., i., k. and l., and to either approve or modify such schedules and guidelines.
- (7) To appoint an entity to temporarily assume the responsibilities of a housing foundation in the event such housing foundation dissolves, terminates, or otherwise becomes defunct or inactive, until such time as another housing foundation can assume the responsibilities of the former housing foundation under the terms of this article.

(Ord. No. 85-26, § 1(IV.A.2(b)), 11-27-1985; Ord. No. 01-17, § 1, 12-18-2001)

Sec. 102-35. Below market rate housing units.

- (a) A below market rate housing unit is any dwelling unit which is made subject to the terms and conditions set forth in this article by the voluntary action of the owner thereof. Any private owners placing units in the below market rate housing program must record restrictive covenants in the public records of the county.
- (b) The restrictive covenants for below market rate housing units shall be negotiated between the housing foundation and the owner. Final approval of such restrictive covenants shall, however, reside with the housing foundation. Such restrictive covenants shall include an initial rent payable to the owner and the term of commitment.
- (c) When a development permit for a privately owned unit or nonresidential development specifies a requirement to provide units or other assistance to the below market rate housing program, no certificate of occupancy shall be issued by the city for such nonbelow market rate housing unit, or nonresidential development, until the requirement has been satisfied.
- (d) Term of commitment for units not owned by the housing foundation. The period of time for which the restrictive covenants shall be effective shall be specified in the restrictive covenants. Such period shall be determined as follows:
 - (1) For below market rate housing units which are not required as a condition of a development permit and are not part of an increased density below market rate housing conditional use, the period shall be not less than three years.
 - (2) For below market rate housing units which are required as a condition of a development permit, the period shall be ten years unless a longer period is specified in the development permit condition. All development permit conditions requiring below market rate housing units must have city council approval.
 - (3) For below market rate housing units which are part of an increased density below market rate housing conditional use, the period shall be not less than ten years nor more than 21 years. In approving the term of commitment for such units, the housing foundation shall give consideration to the initial rents payable to the owner which are established for such units, the total investment of the owner in such units, the potential profit to be derived by the owner from such units due to the city's relaxation of density limitations or other development regulations, and similar factors. The term of the below market rate housing commitment for such units should be established so that such potential profits are significantly offset by a sufficient period of reduced rental income in comparison to market rentals for similar dwelling units not under the below market rate housing limitations.
- (e) *Initial rents.* The initial rents established in the restrictive covenants for each below market rate housing dwelling unit shall be the rent payable to the owner under leases to qualified below market rate housing applicants during the first year after the certificate of occupancy for the unit is issued. Such rents must be at or below the current schedule of maximum rents for units of the same type established by the housing foundation pursuant to subsection 102-33(7)g. Any rent proposed by the owner, at or below the established schedule, may be approved by the housing foundation, provided that, for below market rate housing units which are part of an increased density below market rate housing conditional use, the term of commitment to the below market rate housing program is long enough to accomplish the stated intent of the commitment. To accomplish this intent, the higher the initial rent is established, the longer shall be the term of commitment.
- (f) *Increases.* Following the first year after issuance of the certificate of occupancy for a below market rate housing unit, the rent for such unit may be increased in accordance with the following requirements:

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- (1) Not more than once each year, the owner of a below market rate housing unit may submit to the housing foundation, with supporting documentation, a proposed increase in rent for such unit. The increase in rent shall be based upon actual increases in the owner's costs for taxes, insurance, utilities not paid by tenants, maintenance and repairs. In no event, however, shall a rent increase be approved by the housing foundation which exceeds the current rent by a percentage greater than the percentage increase in the residential rent component of the bureau of labor statistics consumer price index for all urban consumers over the period for which the current rent was in effect. Subject to such limitation, the housing foundation shall approve rent increases when sufficiently and accurately documented by the owner.
 - (2) When rent increases are approved by the housing foundation for a below market rate housing unit, such increased rent shall take effect upon the execution of the next lease or lease renewal for such unit.

(Ord. No. 85-26, § 1(IV.A.3), 11-27-1985; Ord. No. 01-17, § 1, 12-18-2001)

Sec. 102-36. Appeals.

Whenever an appeal is authorized under the below market rate housing guidelines contained in this article, such appeal shall be filed, processed and decided as follows:

- (1) An appeal shall be initiated by the appellant's filing of a written notice of appeal with the housing foundation, 15 calendar days from the mailing of the decision to the appellant by the housing foundation.
- (2) The authorized appeal will be forwarded by the housing foundation to the city manager, who will respond in writing within ten business days of receipt of the appeal.
- (3) If the appellant is not in agreement with the housing foundation's and the city manager's determinations, the appellant may request placement of the issue on the schedule of the next regular city council meeting occurring more than five days after the mailing of the city manager's determination of the filing of the notice of appeal.
- (4) The city council shall consider the issue appealed, based on all information submitted by the appellant, the housing foundation, and the city manager; shall decide the issue as expeditiously as possible; and shall render its decision by resolution.
- (5) The decision of the city council shall be final and binding on the parties. If no decision is reached by the city council at the meeting for which the appeal is placed on the agenda, the original determination shall stand and be final and binding as made.

(Ord. No. 85-26, § 1(IV.B.7), 11-27-1985; Ord. No. 87-23, § 3, 7-21-1987; Ord. No. 01-17, § 1, 12-18-2001)

Sec. 102-37. Enforcement.

The city shall have the full right and standing to enforce the provisions of this article and the housing foundation full right and standing to enforce the covenants hereunder, by applying for civil relief in a court of competent jurisdiction, either in law or equity as the case may be, for injunctive relief, declaration of rights, damages or such other relief as may be just and proper. Further, the city may intervene as a party defendant, without being subordinate and with full right to plead and test the propriety of the parties' pleadings, in any suit to contest the validity of the covenants provided for in this article.

(Ord. No. 85-26, § 1(IV.B.8), 11-27-1985)

Secs. 102-38—102-55. Reserved.

DIVISION 2. HOUSING FOUNDATION

Sec. 102-56. Below market rate housing units acquired by the housing foundation and/or the CLT.

At any time land and dwelling units are committed to the city's below market rate housing program by being titled in the name of the housing foundation and/or the CLT, the city and the housing foundation and/or the CLT (if the CLT is the fee owner of the land and/or dwelling units) shall jointly execute and record restrictive covenants affecting such property which perpetually commit such land and dwelling units to rental or sale pursuant to the terms of the city's below market rate housing program, unless and until such units are released from the below market rate housing program by the city or through purchase at a mortgage foreclosure sale only if specifically provided for in this article.

(Ord. No. 85-26, § 1(IV.D.1), 11-27-1985; Ord. No. 87-15, § 1, 6-2-1987; Ord. No. 01-17, § 1, 12-18-2001; Ord. No. 09-013, § 2, 1-5-2010)

Sec. 102-57. Financing of below market rate housing units and lands and structures acquired by the housing foundation.

Lands and structures acquired by the housing foundation and/or the CLT, which are subject to a below market rate housing commitment, may be used as security by the housing foundation and/or the CLT, and mortgages thereon may be given by the housing foundation and/or the CLT (as the case may be), only in accordance with the following terms and conditions:

- (1) The city council must, by resolution, approve the mortgage and loan terms.
- (2) No such mortgage shall secure future advances greater than 200 percent of the original loan amount or include a security interest in after-acquired property.
- (3) Any such mortgage must include provisions which:
 - a. Require written notice to the city of any default in the terms of the mortgage by the housing foundation and/or the CLT, within 30 days after the occurrence of such default;
 - b. Require written notice to the city of any foreclosure action, at least 90 days before such action is filed;
 - c. Provide authorization for the city to cure any default by the housing foundation and/or the CLT, and to reinstate the mortgage and note, any time prior to the entry of a final judgment of foreclosure, by paying to the mortgage holder, all sums then due and owing thereunder by the housing foundation and/or the CLT (as the case may be);
 - d. Require the housing foundation and/or the CLT (as the case may be) to deed the mortgaged property to the city, upon demand, within 30 days after the city pays to the mortgage holder any amounts necessary to cure a default by the housing foundation and/or the CLT (as the case may be) and to reinstate the mortgage and note; and
 - e. Require agreement by the mortgage holder that the mortgage and loan shall be assumable by, and shall not become due and payable upon transfer to, the city or any successor housing foundation and/or CLT appointed by the city.

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- (4) Should any mortgage approved and executed in accordance with this section be foreclosed and the mortgaged property sold at a foreclosure sale, the mortgage not having been reinstated by either the city, the CLT or the housing foundation, the purchaser at the foreclosure sale and his/her successors in interest shall own the property free and clear of any commitment to the below market rate housing program.
- (5) Below market rate housing purchase units may be used as security by purchaser(s) qualified under guidelines established by the housing foundation pursuant to section 102-33, as amended from time to time, and mortgages thereon may be given by such purchaser(s) only in accordance with the following terms and conditions and any other terms and conditions as may be established by the housing foundation:
- a. The housing foundation must approve the mortgage and loan terms, which approval may be withheld by the housing foundation based on loan guidelines established by the housing foundation.
 - b. Any such mortgage must include provisions which:
 1. Require written notice to the city, housing foundation and CLT of any default in the terms of the mortgage by such purchaser(s) within 30 days after the occurrence of such default;
 2. Require written notice to the city, housing foundation and CLT of any foreclosure action, at least 90 days before such action is filed;
 3. Provide authorization for the city, housing foundation and/or CLT to cure any default by such purchaser(s) and to reinstate the mortgage and note, any time prior to the entry of a final judgment of foreclosure, by paying to the mortgage holder, all sums then due and owing thereunder by such purchaser(s);
 4. Require the purchaser(s) to deed the mortgaged property to the city, housing foundation and/or CLT upon demand by the city, within 30 days after the city, housing foundation and/or CLT pays to the mortgage holder any amounts necessary to cure a default by such purchaser(s) and to reinstate the mortgage and note; and
 5. Require agreement by the mortgage holder that the mortgage and loan shall be assumable by, and shall not become due and payable upon transfer to, the city, housing foundation, and/or CLT as determined by the city.
 - c. Any such mortgage shall be subject to the restrictive covenants pursuant to section 102-56, affecting such mortgaged property, which restrictive covenants shall among other things: (i) survive foreclosure of the mortgage; (ii) allow the holder of the mortgage to foreclose the mortgaged property subject to the restrictive covenants; and (iii) allow any purchaser at foreclosure who does not meet the income qualifications of the city's below market rate housing program to own the mortgaged property for the sole purpose of conveying the mortgaged property to income qualified purchaser(s) and not for purposes of using such mortgaged property for its own residential occupancy purposes.

(Ord. No. 85-26, § 1(IV.D.2), 11-27-1985; Ord. No. 87-15, § 1, 6-2-1987; Ord. No. 01-17, § 1, 12-18-2001; Ord. No. 09-013, § 3, 1-5-2010; Ord. No. 19-001, § 3, 4-2-2019)

Secs. 102-58—102-75. Reserved.

Subpart B - LAND DEVELOPMENT CODE
Chapter 102 - HOUSING
ARTICLE II. - BELOW MARKET RATE HOUSING
DIVISION 3. BELOW MARKET RATE HOUSING RENTAL PROGRAM

DIVISION 3. BELOW MARKET RATE HOUSING RENTAL PROGRAM²

²Editor's note(s)—Ord. No. 01-17, § 1, adopted Dec. 18, 2001, repealed §§ 102-76—102-83 and 102-101 in their entirety. Formerly, said sections pertained to the restrictive covenant program and derived from: Ord. No. 85-26, §§ 1(VI.B.1(a)—(g)), 1(IV.B.2), 1(IV.B.6), adopted Nov. 27, 1985, and Ord. No. 87-23, §§ 4, 5, adopted July 21, 1987.

Secs. 102-76—102-101. Reserved.

Sec. 102-102. Qualification and ranking of applicants.

- (a) *Applications.* All applications for below market rate housing unit rental shall be made to the housing foundation on forms to be supplied by the housing foundation. The housing foundation shall determine whether such applications are sufficiently complete and accurate to determine the qualifications of and to rate the applicants as provided for in this section.
- (b) *Qualification.* Applicants for below market rate housing rental units must meet the current maximum income and net worth schedules established by the housing foundation pursuant to subsections 102-33(7)b and c. Rental applicants shall also be required to meet the suitability guidelines established pursuant to subsection 102-33(7)k. Determination of the qualification of applicants shall be made by the city manager, upon recommendation of the housing foundation.
- (c) *Rating.* All below market rate housing rental applicants who are qualified under subsection (b) of this section shall be rated by the city manager, upon recommendation of the housing foundation, under the following criteria and in accordance with the guidelines established pursuant to subsection 102-33(7)l:

(1)	Financial need (those further below the maximum income and net worth limits receiving the higher score)	0—45 points
(2)	Length and type of employment in the city (higher scores being given for longer employment and for types of work more essential to public services and public health, welfare and safety functions)	0—45 points
(3)	Length of domicile in the city (longer residence receiving the higher score)	0—45 points
(4)	Household characteristics affecting need for housing	0—25 points
(5)	Volunteer community activities (used as a tie breaker)	0—10 points

- (d) *Use of ratings.* The housing foundation shall use the ratings and references of applicants to, in general, contact applicants for the size and type of unit available in descending order of their ratings to determine their desire and ability to rent a particular unit and shall obtain the city manager's approval of all proposed tenants.
- (e) *Notice to applicants.* The housing foundation shall notify each applicant, in writing mailed to the address shown on the application, of the city manager's determination as to the qualification of the applicant under subsection (b) of this section.
- (f) *Appeal.* Within 15 days after notice is mailed to an applicant, the applicant may appeal a determination that such applicant is not qualified or the rating given to the applicant is not accurate, pursuant to section 102-36. The determination of the appeal shall be based upon whether the terms of this article and the schedules and guidelines adopted under this article have been properly interpreted and applied by the city manager.

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- (g) *Qualification at time of occupancy.* All applicants for below market rate housing units must be qualified at the time a lease of a below market rate housing unit is executed. The housing foundation may request the city manager to review the qualification of an applicant prior to such execution and may require additional or updated information from the applicant to permit such review. Any determination by the city manager that an applicant is no longer qualified shall be subject to the notice and appeal provisions of subsections (e) and (f) of this section.
- (h) *Annual review.* The housing foundation shall annually review outstanding applications for and current tenants of below market rate housing units to determine continued qualification and rating, and may require additional or updated information from applicants and tenants to permit such review. Any change in qualification status or rating made by the housing foundation as a result of such review shall be subject to the notice and appeal provisions of subsections (e) and (f) of this section.

(Ord. No. 85-26, § 1(IV.B.3), 11-27-1985; Ord. No. 87-23, § 1, 7-21-1987; Ord. No. 93-01, § 1, 1-19-1993; Ord. No. 01-17, § 1, 12-18-2001)

Sec. 102-103. Rental procedures.

Privately owned below market rate housing units shall be rented only in accordance with procedures established by the housing foundation in its agreement with the owner.

(Ord. No. 85-26, § 1(IV.B.4), 11-27-1985; Ord. No. 87-23, § 2, 7-21-1987; Ord. No. 01-17, § 1, 12-18-2001)

Sec. 102-104. Leases.

All leases of below market rate housing units shall be approved by the housing foundation and shall be executed in accordance with the following requirements and limitations:

- (1) No such lease shall contain any waiver of tenant rights provided for in the landlord tenant statutes of the state.
- (2) All deposits required of tenants shall be reasonable in amount and shall be approved by the housing foundation.
- (3) All below market rate housing leases shall be for a term of 12 months.
- (4) The below market rate housing program shall include an opportunity for the tenant to be reevaluated for continued eligibility for the below market rate housing program, with results of the eligibility evaluation furnished to the tenant, in writing, at least 45 days prior to the end of the current lease.
- (5) Below market rate housing leases may not be terminated by the owner except for violation of the terms and conditions thereof or for good cause as specified in such leases.
- (6) At the time a below market rate housing lease, is executed, the amount of the rent shall be specified and payable monthly to the owner. Depending upon money available for rent subsidies and the housing foundation's current schedule for rents payable by below market rate housing tenants, a portion of the rent may be provided through a rent subsidy, with the balance paid by the tenant.
- (7) At the discretion of the housing foundation, some utility payments may be required to be paid monthly to the owner by the below market rate housing tenant.

(Ord. No. 85-26, § 1(IV.B.5), 11-27-1985; Ord. No. 01-07, § 1, 12-18-2001)

Sec. 102-105. Reserved.

Editor's note(s)—Ord. No. 01-17, § 1, adopted Dec. 18, 2001, repealed § 102-105 in its entirety, which pertained to sale limitations and derived from: Ord. No. 85-26, § 1(IV.B.6), adopted Nov. 27, 1985; and Ord. No. 87-23, § 5, adopted July 21, 1987.

Secs. 102-106—102-120. Reserved.

DIVISION 4. RESERVED³

³Editor's note(s)—Ord. No. 01-17, § 1, adopted Dec. 18, 2001, repealed div. 4 in its entirety. Former div. 4 pertained to alternate procedures and derived from Ord. No. 85-26, § 1(IV.C.1)—1(IV.C.4), adopted Nov. 27, 1995; and Ord. No. 86-24, § 1, adopted June 3, 1986.

Secs. 102-121—102-124. Reserved.