



Fort Myers Beach Town Council

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

Minutes

Thursday, September 16, 2021

5:01 PM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member Atterholt moved to approve the final agenda with items D and E continued; second by Vice Mayor Hosafros.
Motion carried unanimously.

V. PUBLIC COMMENT

Representative Byron Donalds discussed LOSUM (Lake Okeechobee System Operating Manual) and water quality. He encouraged people to contact his website for more information.

Steve Johnson noted that amber lighting was required by the FWCC (Fish & Wildlife Conservation Commission). He discussed the high illumination light in the dual light system.

Emily Asp, Project Specialist from the Sea Turtle Conservancy, recommended using amber lights year-round due to malfunctioning issues with the dual-source system. She suggested that the town review spectrometer readings to verify that the amber lights were not phosphorus coated. She noted that they were working with property owners on the beach concerning lights.

Bonita Springs City Councilman Jesse Purdon discussed community policing in Bonita Springs.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

No items.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

No items.

VIII. APPROVAL OF MINUTES

No minutes.

IX. CONSENT AGENDA

Vice Mayor Hosafros moved to approve the agenda with A. pulled; second by Council Member Atterholt.

Motion carried unanimously.

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

Council Member Veach pointed out clerical errors. Town Attorney Herin, Jr. will make corrections.

Vice Mayor Hosafros moved to approve the resolution with the amendments; second by Council Member Veach.

Motion carried unanimously.

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.

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

Motion carried unanimously.

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.

Council Member Atterholt moved to authorize; second by Mayor Murphy.

Vice Mayor Hosafros indicated that she would prefer someone who was local.

Motion carried unanimously.

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.

Mayor Murphy read the title of the resolution.

Vice Mayor Hosafros moved to table the resolution; second by Council Member Atterholt.

Motion carried unanimously.

Council Member Veach moved to put the resolution back on the floor; second by Vice Mayor Hosafros.

Motion carried unanimously.

Town Attorney Herin, Jr. read the resolution.

Council Member Veach moved to amend the millage rate to .9500 mills; second by Vice Mayor Hosafros.

Town Attorney Herin, Jr. stated that the final operating millage rate was 0.044% greater than the roll-back rate. * Editors note: final roll-back rate computes to 4.44%.

No public comment.

Motion carried unanimously.

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.

Mayor Murphy read the title of the resolution.

No public comment.

Vice Mayor Hosafros indicated that if her motion passed, she would support maintaining the current millage rate.

Vice Mayor Hosafros moved to adopt a budget amended as follows: the amended budget would increase the parking fee to \$5.00 per hour effective January 1, 2022, with the additional income to be allocated to contingencies as previously discussed; that the fee schedule increases the registration fee for short-term rentals to \$300.00 effective January 1, 2022, with the additional income to be allocated to contingencies as previously discussed; and remove

the allocation for community policing from the budget; second by Mayor Murphy.

Council Member Atterholt suggested an amendment to utilize part of the parking revenue to cover the community policing program. Vice Mayor Hosafros did not accept the amendment. Council Member Veach preferred to allocate the funds to a housing program. Vice Mayor Hosafros replied that the contingency would be bound by what they were limited legally to spend the money on. Council Member Veach noted that the revenue could be used for additional policing without a community policing program. He suggested including social services to deal with non-police issues and he expressed concern about cost overruns with the three projects. Council Member Allers agreed with maintaining the current millage rate and suggested earmarking part of the revenues under a public safety umbrella and not necessarily community policing. Discussion was held regarding the effective date of increases.

Council Member Veach moved to amend the motion to include \$25,000.00 for security cameras; second by Mayor Murphy.
Motion carried unanimously.

Vice Mayor Hosafros moved to adopt a budget amended as follows: the amended budget would increase the parking fee to \$5.00 per hour effective January 1, 2022, with the additional income to be allocated to contingencies as previously discussed; that the fee schedule increases the registration fee for short-term rentals to \$300.00 effective January 1, 2022, with the additional income to be allocated to contingencies as previously discussed; and remove the allocation for community policing and to add the requested amount for security cameras; second by Mayor Murphy.

Vice Mayor Hosafros moved to table the motion to go back to the millage rate issue; second by Mayor Murphy.

Council Member Atterholt expressed his support regarding community policing. Council Member Veach discussed social services versus policing. Council Member Allers noted that community policing could assist the town with other issues. Mayor Murphy did not think adding officers would increase their safety.

Motion carried unanimously.

Vice Mayor Hosafros moved to place the amended budget back on the table; second by Mayor Murphy.
Motion carried unanimously.

Vice Mayor Hosafros moved to adopt a budget amended as follows: the amended budget would increase the parking fee to \$5.00 per hour effective January 1, 2022, with the additional income to be allocated to contingencies as previously discussed; that the fee schedule increases the registration fee

for short-term rentals to \$300.00 effective January 1, 2022, with the additional income to be allocated to contingencies as previously discussed; and remove the allocation for community policing; and to add the requested amount for security cameras; second by Council Member Veach.

Motion carried 3-2 with Council Members Atterholt and Allers dissenting.

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

Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: Council Member Allers performed a drive-by. No disclosures by other members.

Community Development Director Jason Green reviewed Property Information, Variance Request, Site Plan, LPA Recommendations and Staff Findings and Recommendations. He noted that the staff recommended approval.

John Cowart from Waldrop Engineering represented applicant Roberto Cadena. He utilized PowerPoint for his presentation. Slides included: Location Map; Property Overview; Variance Requests; Site Plan; Variance Criteria; Approved Variances; Staff Report Conditions and Conclusions. Mr. Cowart noted that neighbors did not oppose.

No public comment.

Vice Mayor Hosafros moved to approve Resolution 21-44 with conditions; second by Council Member Veach.

Motion carried unanimously.

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

Continued to a future meeting.

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

Continued to a future meeting.

XII. FINAL PUBLIC COMMENT

No public comment.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt reported that they would have to discuss landscaping at the foot of the bridge. He indicated that approximately \$130,500.00 for the boating improvement project was recommended for funding. He noted the contract for the Special Magistrate was up for renewal, and if they approved, he would sign the renewal. Consensus was reached to renew the contract.

XIV. TOWN ATTORNEY'S ITEMS

No items.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Allers stated that Council Members could compare amber lights with white lights on Bonita Beach Road right off Highway 41 toward the Collier County line.

Mayor Murphy attended the 9/11 event at Bonita Springs and described the speech by the last person rescued alive from the pile of rubble. He read a proclamation designating October 22, 2021, as an Industry Appreciation Awards day to mark the 29th year of the Horizon Council and the Lee County Economic Development agencies.

No items from other Council Members.

A. Affordable Housing / Workforce Housing

Council Member Veach provided a document with details about housing and included information from Sanibel.

He suggested that staff provide options regarding what other municipalities were doing with housing.

XVI. ADJOURNMENT

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

Motion carried unanimously.

Meeting was adjourned at 7:40 p.m.

Minutes adopted with changes, October 4, 2021; Motion by Vice Mayor Hosafros and seconded by Council Member Allers. Adopted 5-0.



Amy Baker, Town Clerk