



Fort Myers Beach Town Council

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

Minutes

Monday, November 15, 2021

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Vice Mayor Hosafros moved to approve the final agenda with the addition of a special event permit as requested by Director Alison Giesen; second by Mayor Murphy.

Motion carried unanimously.

Director Giesen described the Mistletoe Market Craft special event and thanked Council for adding it to the agenda.

Vice Mayor Hosafros moved to approve the permit for the Mistletoe Market; second by Council Member Allers.

Motion carried unanimously.

V. REORGANIZATION OF COUNCIL

A. Selection of Mayor and Vice Mayor

Selection of Mayor and Vice Mayor in accordance with the Town Charter.

Vice Mayor Hosafros moved to nominate Ray Murphy for Mayor; second by Council Member Veach.

Motion carried unanimously.

Council Member Veach nominated Rexann Hosafros for Vice Mayor; second by Council Member Allers.
Motion carried unanimously.

VI. PUBLIC COMMENT

Cindy Johnson, resident, commented on the lighting plan at Bayside Park and noted the 2010 lighting ordinance needed a few updates. She reviewed the ordinance.

Bill Snyder from SESCO Lighting assisted with the Bayside Park lighting design and controls and was available for questions.

Mayor Murphy recognized Michael Hughes, son of Dan Hughes.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Veach thanked staff for securing the Bay Oaks grant. He announced that the Baptist Church was hosting a walk-in vaccine clinic for first, second and booster shots on Nov. 16, 2021, from 9-12. He noted the vaccines were from Pfizer.

Council Member Atterholt congratulated the Pink Shell for their Four Palm award. He described the requirements for the award and stated they were one of seven hotel recipients in Florida. He commended the Fort Myers Beach Fire Department for their recent open house on Lenell Rd.

Vice Mayor Hosafros expressed condolences to the List family after the passing of Mark List, husband of Jo List. She recognized Council Member Veach for attending the second-level Florida League of Cities class.

No items from other members.

VIII. ADVISORY COMMITTEES ITEMS AND REPORTS

No reports.

IX. APPROVAL OF MINUTES

A. November 1, 2021 Town Council

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

Motion carried unanimously.

B. November 1, 2021 Joint Session w/LPA

Correction: Scott Safford is an LPA Member, not a Town Council Member.

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

Motion carried unanimously.

C. November 4, 2021 Management & Planning Session

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

Motion carried unanimously.

D. November 4, 2021 Joint Session w/PSC

The title of the minutes should read a joint session with the PSC, not a Management & Planning Session.

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

Motion carried unanimously.

X. PRESENTATION

A. FMB Camera Project - Greenwire Technology Solutions

Joe Parker from Greenwire Technology Services stated that his company worked closely with the Lee County Sheriff's Office. He utilized PowerPoint for his presentation. Slides included: FMB Camera/LPR Project; Pricing for License Plate Readers; Pricing for Cameras TBD; San Carlos Blvd./Fifth St.; Pier/Times Square; 1250 Estero Blvd.; 1600 Estero Blvd. and Big Carlos Pass Bridge. A second presentation consisted of slides: System Objectives; Differences Between Real-Time and License Plate Systems; Project Planning: How Much Coverage?; Camera Selection; San Carlos at Fifth Street Coverage; 1250 Estero Blvd., Beach Side; PTZ at Wide View versus Full Zoom; 4 MP Camera, Nighttime with Object 150' Away; Project Planning: Mounting Locations; Example of Aluminum and Concrete Poles; Connectivity Options and Power Considerations. Town Manager Hernstadt stated that this system was intended to supplement the Flock system presented at an earlier Town Council meeting.

Town Manager Hernstadt mentioned partnering with private properties to install poles. Vice Mayor Hosafros supported installing both systems.

Council Members Atterholt and Veach agreed.

XI. CONSENT AGENDA

A. New Year's Eve Fireworks and Bridge Closure

Motion to approve the temporary south bound closure of the Matanzas Pass Bridge to southbound traffic on December 31, 2021 at midnight until January 1, 2022 at 1:30 am for the New Year's Fireworks Event

Council Member Atterholt moved to approve the temporary southbound closure; second by Vice Mayor Hosafros.

Motion carried unanimously.

XII. PUBLIC HEARINGS

A. Ordinance 21-07: Commercial Boulevard Zoning District

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, DIVISION 5, SUBDIVISION V, SECTIONS 34-701 THROUGH 34- 707 “CB ZONING DISTRICT” TO CLARIFY WHAT CONSTITUTES AN EXISTING USE AND HOW AND WHEN THAT EXISTING USE CAN BE CONTINUED OR MODIFIED; TO ALLOW THE CONTINUATION OF EXISTING USES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER’S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE

DATE. Second reading for final adoption.

Mayor Murphy read the title of the ordinance. Town Attorney Herin, Jr. stated the item was properly noticed. Council Member Veach questioned whether they created a list of businesses and their history in the CB (commercial boulevard) district. Community Development Director Jason Green provided a draft of the requested changes.

Council Member Allers thought E. on page 30 of the packet was too vague. Director Green replied that they could look at the language. He reviewed the history of the CB district. Council Member Veach noted the list of businesses did not include the history of the properties. He recommended that they rethink the ordinance and discuss what the CB district needed. Council Member Atterholt questioned whether they could take the step today and then address the broader issues. Council Member Veach commented that there might be options for the client that they did not consider. Mayor Murphy suggested they continue the process and address future issues that come forward. Council Member Veach agreed as long as they added a discussion regarding the CB district and the vision for the town to an M&P Session.

Town Manager Hernstadt stated that they could deal with the zoning on that particular parcel. Mayor Murphy commented that he was willing to proceed with the issue to give the property owner some relief.

Vice Mayor Hosafros stated that the list of properties did not include the history and she questioned the ramifications of other properties. She supported giving relief to the property owner but hesitated to forge ahead without more information concerning ramifications for other properties.

Council Member Allers remarked they were not extending any use to a particular property based on what was currently there but what was used in the past. Director Green agreed.

Town Attorney Herin, Jr. noted they could approve the revised ordinance with the proposed language or continue the matter to the next meeting. Council Member Allers supported moving forward with the modified ordinance.

Public comment:

Attorney Beverly Grady from Roezel and Andress represented the owner of the affected parcel. She stated that the square footage of the outdoor display would be limited to 1,482 square feet. Kara Stewart explained how she calculated the square footage. Attorney Grady requested that they adopt the ordinance.

Public comment closed.

Town Attorney Herin, Jr. suggested that subsection E. be changed from "outdoor display may" to "outdoor display shall be located in the area." The discussion went back and forth regarding helping one property versus the possible ramifications for other properties. Town Attorney Herin, Jr. explained that subsection E. would only affect a specific parcel of land.

Council Member Veach moved to strike all the modifications from the ordinance except for 3. E., Scrivener's corrections addressed by the Town Attorney, the corrected section cited on page 31 and the outdoor display would be limited to 1,500 square feet; second by Council Member Atterholt. Motion carried unanimously by roll call vote.

B. VAR20210039: 71 Chapel Street Setback Variance

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/DENYING VARIANCE 20210039 TO ALLOW A 10 FEET REDUCTION OF THE 25 FEET STREET SETBACK TO ALLOW A SETBACK OF 15 FEET AT 71 CHAPEL STREET; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Murphy read the title of the resolution. Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: Council Member Allers - drive-by; Vice Mayor Hosafros - drive-by; Mayor Murphy - drive-by; Council Member Atterholt - phone conversation with applicant and Council Member Veach - watched the LPA (Local Planning Agency) meeting.

Assistant Community Development Director Carl Bengé reviewed the variance request. The LPA unanimously voted to approve the request with conditions and the staff recommended approval with conditions. Director Green stated that the applicant was confused about the conditions. Property owner Ron Yanke explained his confusion and noted that he thought he was receiving a 10-foot setback with a 15-foot encroachment. He indicated that he was getting 8 feet, but that was not enough and he was not in agreement with this condition. He agreed with an extra buffer and removing the driveway entrances. Town Manager Hernstadt stated that staff recommended a 10-foot encroachment into the 25-foot area, but the applicant requested a 15-foot encroachment. Director Green added that the LPA discussed how much of an overhang to allow. Council Member Allers noted that the applicant was asking for more on the front end but gave back more on the side and rear. Vice Mayor Hosafros pointed out that the variance request was not de minimus.

Mr. Yanke described his proposed home design and setback challenges. He noted that he was planning on enclosing the ground level. Council Member Veach questioned whether it would be acceptable to remove the vegetation barrier if the applicant kept the ground level open. Town Manager Hernstadt replied that there was no sight advantage with the property. Mr. Yanke stated that he would eventually install a pool in the back.

No public comment.

Vice Mayor Hosafros moved to approve Resolution 21-63 based on the information in the staff report and the testimony; the resolution met the standards in the Comprehensive Plan and Land Development Regulations as presented with conditions; second by Council Member Veach. Council Member Veach discussed adding a condition that the ground level had to remain open. He did not receive support.

Motion carried unanimously by roll call vote.

XIII. ADMINISTRATIVE AGENDA

A. Resolution 21-62; Court Street Name Change

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUPPORTING THE RESIDENTS OF COURT STREET REQUEST TO CHANGE THE STREET NAME TO FLAMINGO COURT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Murphy read the title of the resolution.

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

Town Manager Hernstadt stated that if the name change was approved, the sign change would cost the Town around \$100.00.

Motion carried unanimously.

B. LCSO Extra Duty Traffic Detail(s)

Approve Lee County Sheriff's Office Extra Duty Traffic Detail contract(s) for Fiscal Year 2021-2022 in the amount of \$70,580.00; Authorize the Town Manager to execute contract documents as approved in FY2022 budget.

Town Manager Hernstadt stated that this authorization was for the traffic detail, not an increased presence for holidays and peak periods, which is a separate issue. The item was on the agenda because it exceeded his spending authority. An officer would be stationed at the new traffic signal at Old San Carlos and Fifth Street during Thanksgiving and Christmas to help people adjust to the new signal. Council Member Veach recommended that they not include posting an officer at the light. Council Member Allers noted the diagonal crosswalks were unusual and he felt an officer would help to direct pedestrians.

Council Member Allers moved to approve the Town Manager moving forward with the contract documents; second by Vice Mayor Hosafros.

Motion carried unanimously.

- C. Resolution 21-61; Community Aesthetic Feature Agreement with FDOT
Adopt Resolution 21-61; Community Aesthetic Feature Agreement (Town entrance sign) with FDOT for the welcome sign and allowing for all associated documents to be executed by the Town Mayor and/or Town Manager or his designee.
Mayor Murphy read the title of the resolution.
Vice Mayor Hosafros moved to approve Resolution 21-61; second by Council Member Veach.
Motion carried unanimously.
- D. Resolution 21-59; Parking Shade Structure
Approve Resolution 21-59 to allocate and appropriate funds for the purchase of a parking shade structure and accessory items for Fort Myers Beach Elementary Parking Lot pursuant to the Town's agreement with the Lee County School Board in the amount of \$82,942 as budgeted in FY22 budget, piggybacking Lee County School District Contract, C177288LN - Walkway Covers Contract Number.
Mayor Murphy read the title of the resolution.
Council Member Allers moved to approve Resolution 21-59; second by Council Member Veach.
Motion carried unanimously.
- E. STA #11; CEI & Construction Admin - Bayside Park
Approve Supplemental Task Authorization #11 with DRMP, Inc. for construction inspection services and construction administration to Bayside Park in the not to exceed amount of \$42,500 and authorize the Town Manager to execute the contract documents.
Vice Mayor Hosafros moved to approve the supplemental authorization; second by Council Member Allers.
Motion carried unanimously.
- F. Lighting Purchase - Bayside Park
Approve, allocate and appropriate funds in the FY22 budget, for the purchase of lights and accessory items for Bayside Park in the amount of \$112,771.25, waiving the procurement policy as these lights are manufactured by a sole-source, SESCO Lighting.
Mayor Murphy moved to approve; second by Vice Mayor Hosafros.

Council Member Veach questioned whether the lights conformed with their lighting ordinance. Town Manager Hernstadt replied that they would verify before purchasing the lights.
Bill Snyder from SESCO Lighting described the lights and noted the controls were in a cabinet onsite. He stated that they tried to be environmentally sensitive, and they ran photometrics to make sure they provided safe lighting

levels. Council Member Veach questioned uplighting. Mr. Snyder replied that the lights were meant to light something. Paul Benvie from DRMP stated that the lights were approved by staff and complied with town codes. He added that all lights or uprights would be targeted at a shade sail or a tree.

Motion carried unanimously.

XIV. FINAL PUBLIC COMMENT

No public comment.

XV. TOWN MANAGER'S ITEMS

Discussion was held regarding the different types of ground cover.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Herin, Jr. saluted the veterans and wished everyone a happy Thanksgiving.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Allers questioned whether bike racks would be placed under the bridge. Town Manager Hernstadt will look into the issue. Council Member Allers requested an update regarding issues with the owner of parking spaces at the Key Estero Shops. Town Attorney Herin, Jr. stated that staff was creating a list of people who violated codes and accrued large fines. He reviewed the parking situation and noted the owner was still not compliant and was accruing daily fines.

Vice Mayor Hosafros questioned whether she had support to ask the Public Safety Committee to check and report burnt-out street lights to Director O'Riley. She received support and Council Member Allers will bring it up at the next PSC meeting.

Mayor Murphy wished everyone a happy and safe Thanksgiving.

No items from other members.

A. Council Representation to Town Advisory Committees

Designation of a Council representative to the six Town advisory boards/committees.

All Council Members were happy with their current assignments.

B. Council Representation on Outside Committees

Designation of a Council representative and alternate to the seven outside committees on which Council members have previously served.

All Council Members were happy with their current assignments.

XVIII. ADJOURNMENT

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

Motion carried unanimously.

The meeting was adjourned at 11:50 a.m.

Minutes adopted, December 6, 2021; Motion by Council Member Veach and seconded by Vice Mayor Hosafros. Adopted 5-0.

A handwritten signature in blue ink, appearing to read "Amy Baker".

Amy Baker, Town Clerk