



Fort Myers Beach Town Council

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

Agenda

Monday, January 10, 2022

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. PUBLIC COMMENT**
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
- VII. ADVISORY COMMITTEES ITEMS AND REPORTS**
 - A. Marine Resources Task Force (MRTF)
- VIII. APPROVAL OF MINUTES**
 - A. December 6, 2021 Town Council
 - B. December 8, 2021 Management & Planning Session
- IX. PUBLIC HEARINGS**
 - A. VAR20210073 6036-38 Estero Boulevard Pool Setback
Approve/Approve with Conditions/Deny VAR20210073 6036-38 Estero Boulevard Pool Setback
 - B. Ordinance 22-01; Minimum Setbacks for Large Homes and Lots
First Reading and Public Hearing: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, ARTICLE III., DIVISION 3, SECTIONS 34-638 MINIMUM SETBACKS AND TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONS ZONING DISTRICTS; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on January 24, 2022 at 9:00 a.m.

X. ADMINISTRATIVE AGENDA

- A. Special Event- Concert Series.
FMB Community Foundation Special Event - #We Are FMB Concert Series at Santini Plaza
- B. TDC Grant Request FY23
Approve Tourist Development Council Grant Request for Fiscal Year 2023
- C. Resolution 22-01; Lee Tran Advertising Interlocal Agreement
Approve Resolution 22-01 authorizing the Town to enter into an Interlocal Agreement with Lee Tran for Advertising
- D. Resolution 21-60: Playground Equipment Purchase
Approve Resolution 21-60 authorizing the purchase of playground equipment and accessory items for Fort Myers Beach Elementary and Bay Oaks via a piggyback contract in an amount not to exceed \$320,280.
- E. Ratify the Town Manager's implementation of emergency repairs to the south water storage tank.
Ratify the Town Manager's implementation of emergency repairs to the south water storage tank.

XI. FINAL PUBLIC COMMENT**XII. TOWN MANAGER'S ITEMS**

Swings at Newton Park

4th of July Parade

Pop-Up Volunteers

XIII. TOWN ATTORNEY'S ITEMS**XIV. COUNCILMEMBERS ITEMS AND REPORTS**

- A. Vacation Rental Registration / Hourly Parking Rate

XV. ADJOURNMENT

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

	For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.
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In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.



Fort Myers Beach Town Council

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

Minutes

Monday, December 6, 2021

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

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

Motion carried unanimously.

V. PUBLIC COMMENT

Phil Winter, resident, commented that he did not receive a response from Council Members after two requests. He pointed out issues with the traffic lights and crosswalks. He listed reasons why Fort Myers Beach was not included in the top ten beaches in two surveys. He noted that people left their trash out too long. He indicated that the pedestrian traffic officer did not stay at their post for the entire shift.

Ron Usenza from Cape Coral was starting a Segway touring company. He requested permission to use the Miramar access to take tours of the beach. Mayor Murphy suggested that he contact staff and fill out an application.

Steve Johnson, resident, stated why the proposed lighting plan was not compliant with the lighting ordinance. He noted that up lights were not safe and produced glare. He discussed the cons of installing two different colored lights.

Tom Hoten, owner of La Ola Restaurant, requested a waiver for open container in Times Square on New Year's Eve from 12:00 p.m. to 1:00 a.m.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Allers noted the Beach and Brew event raised \$17,000.00 for charity and he congratulated the Chamber of Commerce for the largest boat parade ever.

Council Member Atterholt provided an update regarding clean water efforts at the state level. He encouraged the community to continue contacting their legislators. Council Member Veatch noted many holiday events were upcoming and encouraged residents to check the calendar.

Mayor Murphy noted the water projects were massive and would provide relief for the river in the future.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

- A. Cultural and Environmental Learning Center Advisory Board (CELCAB) Vice Chair Cherie Smith reported that seasonal programs were starting in December. She commented that the kayak tours were the most popular and reservations were required. She listed upcoming events and programs. She noted they were trying to work in collaboration with four Native American tribes in the US regarding artifacts on Mound Key. Beach walks from Newton Beach Park have started back up and are very popular. She stated that the bocci ball courts were not being used and noted they were considering installing swings in their location instead. She indicated that Ellen Vaughan was a new CELCAB Member.

VIII. APPROVAL OF MINUTES

- A. November 15, 2021 Town Council meeting
Council Member Veatch moved to approve the minutes; second by Vice Mayor Hosafros.
Motion carried unanimously.

IX. CONSENT AGENDA

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

- A. Utility Easement with Charlie's Boathouse
Authorize the Town Manager to execute a Utility Easement agreement for a new outfall between Charlie's Boathouse and the Town of Fort Myers Beach.
Council Member Allers moved to authorize; second by Vice Mayor Hosafros. Motion carried unanimously.

X. PUBLIC HEARINGS**A. VAR20210073 6036-38 Estero Boulevard Pool Setback**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/DENYING VARIANCE 20210066 TO ALLOW AN ACCESSORY STRUCTURE – POOL- IN FRONT OF THE PRINCIPAL STRUCTURE AND WITHIN THE STREET SETBACK FOR THE PROPERTY LOCATED AT 6036/38 ESTERO BLVD; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Murphy read the title of the resolution. Town Attorney Herin, Jr. stated the hearing was properly noticed, but the applicant was not in attendance. He suggested they continue the matter to an indefinite date.

Vice Mayor Hosafros moved to continue the matter to an indefinite date; second by Council Member Atterholt.
Motion carried unanimously.

XI. ADMINISTRATIVE AGENDA**A. Resolution 21-64: STA #17; CEI & Construction Admin - Downtown Sidewalks**

Adopt Resolution 21-64, approving Supplemental Task Authorization #17 with Tetra Tech Inc. for construction inspection services and construction administration for the downtown sidewalks project in the not to exceed amount of \$73,640 and authorizing the Town Manager to execute the contract documents.

Vice Mayor Hosafros moved to adopt Resolution 21-64; second by Council Member Allers.

Motion carried unanimously.

B. LCSO Extra Duty Boat Detail(s)

Approve Lee County Sheriff's Office Extra Duty Boat Detail contract(s) for Fiscal Year 2021-2022 in the amount of \$50,000; Authorize the Town Manager to execute contract documents as approved in FY2022 budget. (Grant is \$25,000).

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

Motion carried unanimously.

XII. FINAL PUBLIC COMMENT

No public comment.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt stated that the open container request for Times Square on New Year's Eve was a long-standing practice.

Vice Mayor Hosafros moved to approve the request as long as it followed past parameters; second by Council Member Veach.

Motion carried unanimously.

Town Manager Hernstadt noted the audiovisual equipment was ready to be installed. He suggested that the February 22, 2022, Town Council meeting be canceled to allow the contractor to install the system. Council Members agreed.

XIV. TOWN ATTORNEY'S ITEMS

No items.

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Veach expressed concern regarding the lighting plan for Times Square. He suggested that they avoid uplights. Mayor Murphy agreed. Town Manager Hernstadt suggested discussing the lights with the consultant at their next presentation. Council Member Veach described an accident involving a single-wheel surfboard (Onewheel) on the beach. He questioned whether they could modify their motorized vehicle ordinance to include this type of transportation also. Town Attorney Herin, Jr. replied affirmatively. Consensus was reached to add the item to a future agenda. Council Member Veach brought up requiring prop guards on rental boats. Mayor Murphy supported discussing the topic. Town Manager Hernstadt commented that they could create an educational card for boat rental companies. Vice Mayor Hosafros suggested involving Bonita Springs. Council Member Veach suggested creating guidelines for corner lot setbacks, so property owners did not have to come before the Town Council. Vice Mayor Hosafros agreed to discuss the topic.

Council Member Atterholt listed locations where residential permits were accepted and excluded. Town Manager Hernstadt provided an update regarding the space under the bridge.

Vice Mayor Hosafros commented that recent diagrams in variance requests did not include enough information. Town Attorney Herin, Jr. will ensure that sufficient information is included in site plans. Town Attorney Herin, Jr. suggested that staff only accept complete applications.

Council Member Allers was concerned regarding the name of a new business and did not think it was family-friendly. Council Member Allers described the upcoming Woman's Club Christmas Tree event and encouraged everyone to attend.

Mayor Murphy wished everyone a happy holiday.

XVI. ADJOURNMENT

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

The meeting was adjourned at 10:14 a.m.



Fort Myers Beach Management & Planning Session

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

Minutes

Wednesday, December 8, 2021

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Bus Shelter Installation/Advertising Discussion

Discussion on Bus Shelter Installation/Advertising

Town Manager Hernstadt discussed the options available and included proposed locations with examples of advertising. He noted bus shelters cost around \$10,000.00 each. Council Member Veach questioned whether advertising would be on both sides.

Dawn Huff from LeeTran stated that typically advertising was on both sides, but they could put advertising on one side and a route schedule on the other side. She noted that they were applying for a grant to pay for the shelters, which did not include an advertising requirement. Public Works Director Chelsea O'Riley explained that the grant required a maintenance agreement with LeeTran and allowing advertising on the shelters would help offset the cost.

Mayor Murphy questioned who would solicit advertising. Ms. Huff replied that the marketing department was particular about any advertising. Council Member Allers questioned whether beach businesses would have first dibs with advertising. Ms. Huff thought the county would entertain the idea. She was unsure about the advertising rates and thought locations were awarded on a first-come, first-serve basis. She was confident that the county would agree with advertising on the inside of benches with the route schedule on the outside.

Town Manager Hernstadt suggested that the county give first preference to beach businesses. Ms. Huff agreed.

Vice Mayor Hosafros suggested that the shelter by the library be expanded.

Town Manager Hernstadt replied that it should not be a problem.

Public Works Director O'Riley stated it would be a federally funded LAP (Local Agency Program) project and the availability of funding could be July of 2022. The next step would be a formalized interlocal maintenance agreement between the Town and Lee Tran.

Ron Gagoi from the MPO (Metropolitan Planning Commission) described the grant and commented that he had already coordinated with FDOT (Florida Department of Transportation). He noted the grant was Covid-related for infrastructure funds. He described the MPO and LAP funds. Director O'Riley pointed out the Town would be responsible for managing the project.

Council Member Veach recommended moving forward with the grant. He suggested including funding for emergency call capabilities and additional benches in high traffic areas. Town Manager Hernstadt indicated that they would determine what features, if any, were grant eligible. He noted there were ongoing costs for emergency shelters. Ms. Huff stated that the recommended shelters were solar-powered.

B. TDC Projects for Grant Cycle FY22/23

Discussion of TDC funded projects for FY22/23

Town Manager Hernstadt explained that they wanted to have a final project list for discussion by January.

C. FMB Camera Project

FMB Camera Project updates

Town Manager Hernstadt commented that they received additional information from Flock but not Greenwire. He questioned whether they wanted to wait for Greenwire's response before proceeding. Mayor Murphy and Council Member Veach felt they should wait. Town Manager Hernstadt preferred moving forward with installing Flock cameras at both bridges first. Greenwire cameras would be installed at other locations. Consensus was reached to move ahead with requesting six Flock cameras.

D. Water Sports and Chair Rentals

A discussion of water sports and chair rentals as requested by TownCouncil.

Council Member Veach felt there were unintended consequences and suggested modifying the ordinance. He identified three issues: problems with storing equipment, limited permits were linked to people rather than property and property owners did not have control over their property. He suggested they permit the property owner rather than the vendor, remove the ability to sit on the permit without using it and create an additional performance clause, so property owners have some rights.

Town Manager Hernstadt brought up allowing properties to self-perform by having their own jet skis, chairs or parasailing equipment. He described grandfathered permits.

Vice Mayor Hosafros agreed with preventing vendors from receiving permits and not using them. She suggested hearing from property owners for input regarding changing who held the permit. Council Member Veach agreed with hearing from everyone affected. Town Manager Hernstadt recommended drafting the changes and then meeting with vendors.

Vice Mayor Hosafros commented that they had to make sure they do not allow proliferation, allow properties to self-operate, allow vendors without property to continue to operate and do not allow permits to remain inactive for longer than a year. She received support. Town Manager Hernstadt stated they would draft language and meet with the vendors.

Mayor Murphy read a status report regarding paving on Estero Blvd. The final phase was tentatively scheduled to be completed in early 2022.

IV. AGENDA MANAGEMENT

A. December 2021

Add raising parking and short-term rental rates to the January agenda. Add a discussion regarding collecting fines to the next M&P.
Add a discussion concerning motorized single-wheel vehicles.
Add a discussion about requiring boat rental companies to install propguards.

V. ADJOURNMENT

Council Member Veach moved to adjourn; second by Council Member Allers. Motion carried unanimously.

The meeting was adjourned at 10:28 a.m.

1. Requested Motion:

Meeting Date: January 10, 2022

Approve/Approve with Conditions/Deny VAR20210073 6036-38 Estero Boulevard Pool Setback

Why the action is necessary:

An application has been submitted to reduce the street setback for a pool along Shelby Lane. The LPA is responsible for reviewing the application and providing the Town Council with a recommendation.

What the action accomplishes:

Approval of the application will permit the property owner to construct a pool closer to Shelby Lane than allowed by Table 34-3.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Resolution to be reviewed by
the Town Council

4. Submitter of Information:

5. Background:

Eran Epstein, the applicant for 6036/38 Estero Blvd, is requesting a variance from the Town's Land Development Code (LDC). LDC Table 34-3, establishes a minimum street setback in the RC zoning district of 25 feet. The applicant is requesting to reduce 25 feet street setback by 18 feet 11 inches along the Shelby Lane, resulting in a 6 feet 1 inch street setback to pool edge. The house was built in 1996. The current owners bought the house in 2021.

The lot is through-lot with a street on each end of the parcel. LDC Sec. 34-1174.(b)(8), on through lots, accessory uses, buildings, and structures may be placed closer to the street opposite the street that provides principal vehicular access than the principal building as long as the minimum setbacks for street setbacks are maintained. The property owner has been provided a driveway onto Estero during the Estero Boulevard redevelopment. This action has switched their front and primary access away from Shelby Lane. The proposed pool improvements will further that effort by closing any access to Shelby Lane and converting the area adjacent to Shelby Lane into their functioning rear yard.

Town staff have coordinated with Lee County and were informed that the driveway on Estero is conditional. The property owner needs to provide evidence that at least two cars can turn around on the site and pull out forward facing, not reverse, onto Estero Boulevard. Staff has incorporated similar conditions related to providing evidence and attempting to ensure that the maximum impervious surface ratio (67%) is maintained. This may require the property owner to remove existing concrete, pavement, or pavers in order to achieve a sufficient area to accomplish the Lee County driveway condition.

This application was continued from the October meeting due to the applicant not being present.

This application was continued from the December meeting due to the applicant not being present.

Attachments:

1. 21-65, Resolution 21-65 re 6036-38 Estero Blvd.
2. VAR20210073 - 6036-38 Estero Blvd - Staff Report - LPA_finalrev
3. 9221117-Proposed Pool Plan - Final
4. 9221121-6036-38 estero application of public hearing
5. 9535083-Variance Supplement PH-B
6. 9221120-6036 survey

Financial Impact:

6. Alternative Action

Deny, Approve, Approve with conditions

7. Management Recommendations:

Approve 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 - 1/4/2022
Approved - 1/4/2022
Approved - 1/6/2022
Final Approval - 1/6/2022

RESOLUTION NUMBER 21-65

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/DENYING VARIANCE 20210066 TO ALLOW AN ACCESSORY STRUCTURE – POOL- IN FRONT OF THE PRINCIPAL STRUCTURE AND WITHIN THE STREET SETBACK FOR THE PROPERTY LOCATED AT 6036/38 ESTERO BLVD; 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 Eran Epstein is requesting a variance from Sec. 34-1174(b) of the Town of Fort Myers Beach Land Development Code (“LDC”), to allow a pool forward of the principal structure, and Table 34-3 of the LDC to allow the pool to encroach into the required 25 feet setback by 19 feet, resulting in approximately a 6 feet setback; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-00600.0060 (“Property”); and

WHEREAS, the Property is in the “Boulevard” 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 November 17, 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 December 6, 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/did not meet its burden of proof that the requested Variance does meet the requirements of the Town Comprehensive Plan and LDC and approving/denying 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 Variances from Sec. 34-1174(b) of the LDC, to allow a pool forward of the principal structure, and from Table 34-3 of the LDC, to allow the pool to encroach into the street setback by 19 feet.

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/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying approval/denial of the variance are/are not the result of actions of the Applicant taken after the adoption of the regulation in question.
- C. The variance is/is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation(s) to the Property.
- D. The granting/denial of the variance will/will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property are/are not 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' Type B Buffer shall be installed along Shelby Lane with a reduction to six feet along the pool area. 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 site improvements are subject to the Town's maximum impervious surface requirement of 67% and no net increase greater than 500 square feet unless an Approved on-site stormwater management system is provided. The property owner is responsible for demonstrating that the site complies with this requirement, along with removing existing compacted soils that qualify as impervious surfaces in the rear yard if additional impervious surfaces are added to complete the Estero Boulevard driveway requirements and conditions of approval required by Lee County. The Shelby Lane ROW shall be restored.

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

F. Property must obtain Lee County approval for driveway ingress/egress before applying for permits through the Town of Fort Myers Beach.

G. New drainage must address the proposed alterations to the site by providing stormwater as found in Sec. 6-14 of the LDC, if applicable. The proposed drainage plan and support documents shall provide evidence that post-development conditions are the same or improved from the pre-development (existing) conditions.

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	_____

[SIGNATURES ON FOLLOWING PAGE]

ADOPTED this 6th day of December 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 December 2021.



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance

CASE NUMBER: VAR20210073

CASE NAME: 6036/38 Estero Blvd, to allow accessory structure in front of principle structure and within the street setback.

LPA

HEARING DATE: November 17, 2021 at 1:30PM

STAFF

RECOMMENDATION: Approve with conditions

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

I. APPLICATION SUMMARY

Applicant/Owner: Eran Epstein

Request: The applicant is seeking a variance of 19 feet from Table 34-3 Street Setback, to allow a pool within six feet of Shelby Lane.

Subject property: See attached site plan

Physical Address: 6036/38 Estero Blvd

STRAP #: 33-46-24-W3-00600.0060

FLU: Boulevard

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North:	INSTITUTIONAL (IN) Diocese of Venice
South:	RESIDENTIAL CONSERVATION (RC) Single-Family Houses
East:	RESIDENTIAL CONSERVATION (RC) Single-Family Houses
West:	RESIDENTIAL CONSERVATION (RC) Single-Family Houses

II. BACKGROUND AND ANALYSIS

Background:

Eran Epstein, the applicant for 6036/38 Estero Blvd, is requesting a variance from the Town's Land Development Code (LDC). LDC Table 34-3, establishes a minimum street setback in the RC zoning district of 25 feet. The applicant is requesting to reduce 25 feet street setback by 18 feet 11 inches along the Shelby Lane, resulting in a 6 feet 1 inch street setback to pool edge. The house was built in 1996. The current owners bought the house in 2021.

Analysis:

The lot is through-lot with a street on each end of the parcel. LDC Sec. 34-1174.(b)(8), on through lots, accessory uses, buildings, and structures may be placed closer to the street opposite the street that provides principal vehicular access than the principal building as long as the minimum setbacks for streets setbacks are maintained. The property owner has been provided a driveway onto Estero during the Estero Boulevard redevelopment. This action has switched their front and primary access away from Shelby Lane. The proposed pool improvements will further that effort by closing any access to Shelby Lane and converting the area adjacent to Shelby Lane into their functioning rear yard.

Since the October meeting, Town staff has learned that Lee County staff conditionally approved the driveway on Estero Boulevard by requiring the property owner to provide evidence that they can turn around at least two vehicles in order to exit the property forward facing onto Estero Boulevard. This is to prevent backing out onto Estero Boulevard, which the County staff determined to be a safety hazard.

Neighborhood Compatibility:

In review of the aerial photography of the neighborhood, staff found some examples of properties with similar layouts as that found at 6036/38 Estero Blvd. Shelby Lane, the street from which the setback is measured from, 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 property is a through lot, which means the lot has a 25 feet street setback on each side (front and back) of the property. The applicant's request includes locating the pool 6 feet 1 inch from the Shelby Lane setback. Adjusting the pool's orientation could add extra feet to the Shelby Lane setback. The proposed setback from Shelby Lane is consistent with typical rear yard setbacks. In addition, Shelby Lane has been occasionally referred to as an "alley" and under LDC Section 34-1174 (d)(1), properties not served by an alley require a five-foot setback for residential accessory structures. While this does not apply to pools, it is indicative of the flexibility provided by the LDC.

- 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 1996, just after the Town adopted regulation prohibiting accessory structures forward of the primary structure. The current property owners acquired the property in 2021. The lot is a through lot and has been since it was created. The property owner is attempting to create a rear yard consistent with adjacent neighbors.

- 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 the pool be 25 feet from the street setback. The location of the house does not allow for a pool of any size to be located 25 feet or greater from Shelby Lane. The proposed plan includes the pool area, including minor landscaping modifications, are similarly setback as other pools in the neighborhood and meeting the setback required of typical rear yards.

- 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. Staff has included a condition to provide a Type B buffer along Shelby Lane.

- 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. 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 through lots are typically unique in their layout.

III. RECOMMENDATION

Staff finds that the variance of 18 feet inches inch from the 25 feet street setback to allow a setback of six feet and one inch adjacent to Shelby Lane is consistent with the standards required by Sect. 34-87.

Therefore, staff recommends **APPROVAL WITH CONDITIONS** of VAR20210073, to allow a variance of 18 feet and 11 inches for the pool to be within the street setback of Shelby Lane and maintain a setback of six feet and one inch.

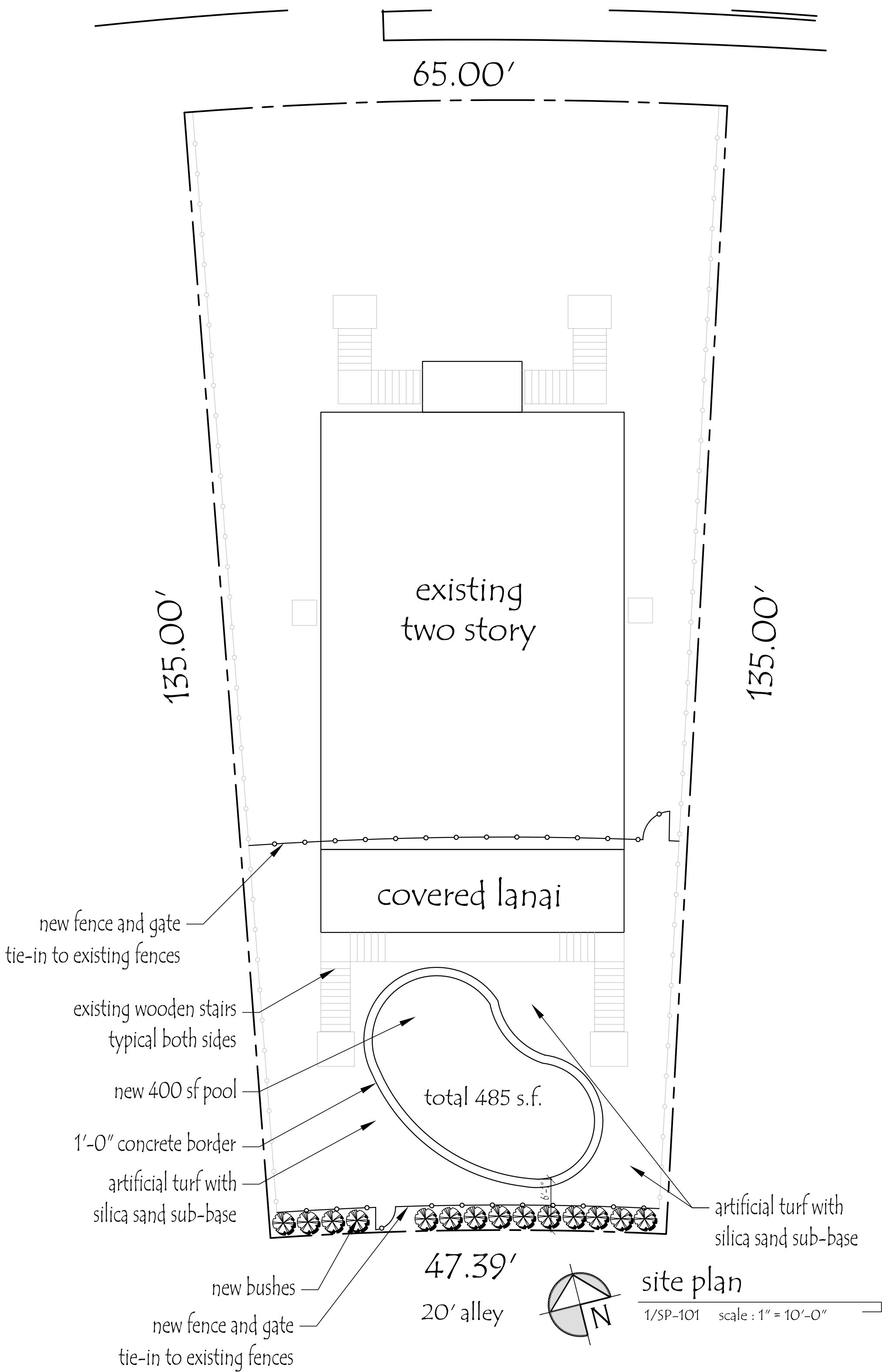
IV. CONDITIONS OF APPROVAL

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 installed along Shelby Lane with a reduction to six feet along the pool area. 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 site improvements are subject to the Town's maximum impervious surface requirement of 67% and no net increase greater than 500 square feet unless a on-site stormwater management system is provided. The property owner is responsible for demonstrating that the site complies with this requirement, along with removing existing compacted soils that qualify as impervious surfaces in the rear yard if additional impervious surfaces are added to complete the Estero Boulevard driveway requirements and conditions of approval required by Lee County.. Shelby Lane ROW shall be restored.*

5. *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





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: 6036 Estero Blvd
STRAP Number: 33-46-24-W3-00600.0060
Applicant: Pura Vida Vacation, LLC Phone: 239-230-2424
Contact Name: Eran Epstein Phone: 239-230-2424
Email: eran@escllc.com Fax: 212-656-1210
Current Zoning District: RC
Future Land Use Map (FLUM) Category: Mixed Residential
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
attach on separate sheet

PART I - General Information

A. **Applicant***: Pura Vida Vacation, LLC Phone: 239-230-2424
**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: 8853 Stonebriar Drive, Clarence NY 14032
Email: eran@e2mcorp.com Fax: 212-656-1210
Contact Name: Eran Epstein Phone: 239-230-2424



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: Eran Epstein Phone: 239-230-2424
Address: 8853 Stonebriar Drive, Clarence NY 14032
Email: eran@e2mcorp.com Fax: 212-656-1210

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 - 638
- ☐ 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: Setback Variance from section 34-638. 25 Foot setback
requirement from Shelby Lane. Prior Approval at 6041 Gulf Road which also abuts
Shelby Lane in the rear.

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: 34-638 Description: Setback
Reduce 25' Setback as previously approved at 6041 Gulf Road to permit a pool installation.

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, _____ 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

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

Printed Name

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical

presence OR ____ online notarization, this ____ day of _____, 20____, by

_____, ☐ who is personally known to me OR ☐ who has produced

_____ as identification.

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

Percentage Ownership



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
Eran Epstein 8853 Stonebriar Drive, Clarence NY 14032 - Member	50%
Irina Epstein 8853 Stonebriar Drive, Clarence NY 14032 - Member	50%

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.

_____ Signature	_____ 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, Eran Epstein (name), as Member (title)
of Pura Vida Vacation, 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.



COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

Pura Vida Vacation, LLC

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature Eran Epstein

Eran Epstein

Typed or Printed Name

Member

Title

6/29/2021

Date

STATE OF New York COUNTY OF Erie

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 12 day of July, 2021, by Eran Epstein ☐ who is personally known to me OR ☒ who has produced NYDL as identification.

Christa A Kenney
Notary Public Signature

CHRISTA A KENNEY
Notary Public, State of New York
Reg. No. 01KE8023824
Qualified in Niagara County
Commission Expires 4/26/2023

PART VI- Property Information

A. Legal Description:

STRAP: 33-46-24-W3-00600.0060

Property Address: 6036 Estero Blvd

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: Estero Park

Book: 9 Page: 8 Unit: _____ Block: _____ Lot(s): 6

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) 56 feet
Depth (please provide an average width if irregular in shape) 135 feet
Frontage on street: 65 feet. Frontage on waterbody: 0 feet
Total land area: 7,560 ☐ acres ☒ square feet

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

Across the street from the Church of Ascension.

☒ 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 |

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: 2021-0073
Project Name: 6036/38 Estero Blvd
Authorized Applicant: Eran Epstein
LeePA STRAP Number: 33-46-24-W3-00600.0060

Current Property Status: Approval	
Current Zoning: RC	
Future Land Use Map (FLUM) Category: Mixed Residential	
Comp Plan Density:	Platted Overlay? ☐ Yes ☒ No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-638	Setback Requirement

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from **34-638** (LDC Section number)

Explain the specific regulation contained in this section from which relief is sought:

The regulation requires a 25 foot setback from a roadway.

Reasons for request

Explain why the variance is needed:

We are seeking a variance from the 25 foot setback requirement in the rear of the house because this roadway is a secondary roadway to the property. A similar variance has been granted to 6041 Gulf Road to install a pool. This is the same variance we are requesting.

Explain the possible effect the variance, if granted, would have on surrounding properties:

The only effect that would be result from the variance being granted is appreciation in property values.

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

The property is located between two roadways thereby no offering the ability to have a normal "rear" yard. Furthermore, 6041 Gulf Road has already been granted relief from this section of the code. This is not a unique situation.



Section 34-268(a)(1)b states that a variance to a street setback can be granted to an existing structure if it does not increase the height of the structure. A pool will not increase the height of our structure. Furthermore, in section 34-268(b) 1, 2 and 3 will not be adversely affected by the installation of a pool. Lastly, a similar setback variance was already approved at 6041 Gulf Lane.

PART 2

Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - [iworq \(talktomycity.com\)](http://iworq.talktomycity.com)

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
- Fee in the amount of \$1800.00 (residential)/Additional Variance \$500.00
- Variance (non-residential) \$2800.00/ Additional Variance \$700.00

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

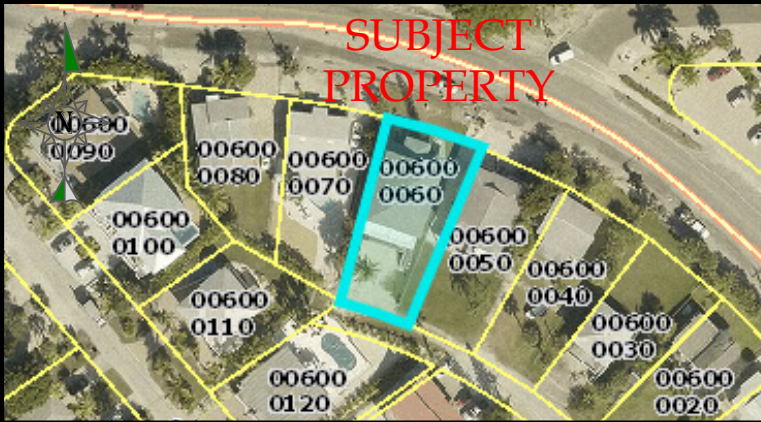
The guidelines for decision-making regarding a request for a variance are as follows:

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.



GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 205
CAPE CORAL, FL 33904
ASSISTANCE@GEOMETRICSURVEYING.COM
(239)-540-6257
(239)-471-2237



LOCATION SKETCH
SCALE = N.T.S.

VIEW OF SUBJECT PROPERTY
6036/38 ESTERO BLVD, FORT MYERS, FLORIDA 33931

ABBREVIATIONS

A	= ARC.	ELEV.	= ELEVATION	PVMT.	= PAVEMENT	T	= TANGENT
A/C	= AIR CONDITIONER PAD	ENCR.	= ENCROACHMENT	PL	= PLANTER	TB	= TELEPHONE BOOTH
A.E.	= ANCHOR EASEMENT	F.H.	= FIRE HYDRANT	P.B.	= PLAT BOOK	T.B.M.	= TEMPORARY BENCHMARK
A.R.	= ALUMINUM ROOF	F.I.P.	= FOUND IRON PIPE	P.G.	= PAGE	T.U.E.	= TECHNOLOGY UTILITY EASEMENT
A.S.	= ALUMINUM SHED	F.I.R.	= FOUND IRON ROD	P.L.	= PROPERTY LINE	TSB	= TRAFFIC SIGNAL BOX
ASPH.	= ASPHALT	F.F.E.	= FINISHED FLOOR ELEVATION	P.C.C.	= POINT OF COMPOUND CURVATURE	T.S.P.	= TRAFFIC SIGNAL POLE
B.C.	= BLOCK CORNER	F.N.D.	= FOUND NAIL & DISK	P.C.P.	= PERMANENT CONTROL POINT	TWP	= TOWNSHIP
BLDG.	= BUILDING	FT.	= FEET	P.C.	= POINT OF CURVATURE	UTIL.	= UTILITY
B.M.	= BENCH MARK	NFIP.	= NATIONAL FLOOD INSURANCE PROGRAM	P.O.T.	= POINT OF TANGENCY	U.E.	= UTILITY EASEMENT
B.O.B.	= BASIS OF BEARING	F.N.	= FOUND NAIL	P.O.C.	= POINT OF COMMENCEMENT	U.P.	= UTILITY POLE
B.S.L.	= BUILDING SETBACK LINE	H.	= HIGH OR (HEIGHT)	P.O.B.	= POINT OF BEGINNING	W.M.	= WATER METER
(C)	= CALCULATED	IN.&EG.	= INGRESS AND EGRESS EASEMENT	P.R.C.	= POINT OF REVERSE CURVATURE	W.F.	= WOOD FENCE
C.B.	= CATCH BASIN	I.C.V.	= IRRIGATION CONTROL VALVE	P.W.Y.	= PARKWAY	W.P.	= WOOD PORCH
C.B.S.	= CONCRETE BLOCK STUCCO	ID?	= IDENTIFICATION ILLEGIBLE	P.R.M.	= PERMANENT REFERENCE MONUMENT	W.R.	= WOOD ROOF
C.B.W.	= CONCRETE BLOCK WALL	I.F.	= IRON FENCE	P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER	W.V.	= WATER VALVE
CH.	= CHORD	L.B.	= LICENSED BUSINESS	P.L.S.	= PROFESSIONAL LAND SURVEYOR	M/L	= MONUMENT LINE
CH.B.	= CHORD BEARING	L.P.	= LIGHT POLE	P.P.	= POWER POLE	CL	= CENTER LINE
CL.	= CLEAR	L.F.E.	= LOWEST FLOOR ELEVATION	P.P.S.	= POOL PUMP SLAB	Δ	= DELTA
C.O.	= CLEAN OUT	L.M.E.	= LAKE MAINTENANCE EASEMENT	P.U.E.	= PUBLIC UTILITY EASEMENT		
C.L.F.	= CHAIN LINK FENCE	I	= MINUTES	(R)	= RECORD		
C.M.E.	= CANAL MAINTENANCE EASEMENT	(M)	= MEASURED	R.R.	= RAIL ROAD		
CONC.	= CONCRETE	M.B.	= MAIL BOX	RES.	= RESIDENCE		
C.U.P.	= CONCRETE UTILITY POLE	M.E.	= MAINTENANCE EASEMENT	R/W	= RIGHT-OF-WAY		
C.P.	= CONCRETE PORCH	M.H.	= MAINHOLE	RAD.	= RADIUS OR RADIAL		
C.S.	= CONCRETE SLAB	N.A.P.	= NOT A PART OF	RGE.	= RANGE		
C.W.	= CONCRETE WALK	NAVD	= NORTH AMERICAN VERTICAL DATUM 1988	R.O.E.	= ROOF OVERHANG EASEMENT		
D.E.	= DRAINAGE EASEMENT	NGVD	= NATIONAL GEODETIC VERTICAL DATUM 1929	SEC.	= SECTION		
D.H.	= DRILL HOLE	NO ID	= NO IDENTIFICATION	STY.	= STORY		
D.M.E.	= DRAINAGE MAINTENANCE EASEMENT	N.T.S.	= NOT TO SCALE	SWK.	= SIDEWALK		
DRIVE	= DRIVEWAY	# OR NO.	= NUMBER	S.I.R.	= SET IRON ROD		
o	= DEGREES	O/S	= OFFSET	S.I.P.	= SET IRON PIPE		
EB	= ELECTRIC BOX	O.H.	= OVERHEAD	S.N.D.	= SET NAIL & DISK		
E.T.P.	= ELECTRIC TRANSFORMER PAD	O.H.L.	= OVERHEAD UTILITY LINES	S	= SOUTH		
		O.R.B.	= OFFICIAL RECORDS BOOK	S.P.	= SCREENED PORCH		
		O.V.H.	= OVERHANG	S.V.	= SEWER VALVE		
				"	= SECONDS		

SURVEYOR NOTES :

- THIS SURVEY IS TO BE USED EXCLUSIVELY AS AN AID TO OBTAIN TITLE INSURANCE, NO OTHER WARRANTIES ARE HEREBY EXTENDED.
- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY MAY BE SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS, ENCUMBRANCES OR EASEMENTS OF RECORD THE SAME THAT MAY NOT BE NOTED OR DEPICTED HEREON.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT, UNLESS NOTED OR DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" REFERS TO ABOVE GROUND INTRUSIONS OF IMPROVEMENTS ONTO SUBJECT PROPERTY FROM ADJOINERS PROPERTY OR ONTO ADJOINERS PROPERTY FROM SUBJECT PROPERTY.
- ARCHITECTS AND ENGINEERS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLANS WITH CORRECT INFORMATION TO BUILDING AND ZONING OFFICIALS OR ANY OTHER AUTHORITIES FOR APPROVAL OF PLANS FOR NEW CONSTRUCTION. THEY WILL ALSO BE RESPONSIBLE FOR SUBMITTING PLANS WITH CORRECTPROPOSED BUILDING HEIGHTS AND PROPOSED FINISHED FLOOR ELEVATION WITH DATUM FOR NEW BUILDINGS TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE SHOWN RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT.
- UNDERGROUND UTILITIES ARE NOT DEPICTED HEREON
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE UNDERGROUND FOOTINGS AND/OR FOUNDATIONS.
- FENCE OWNERSHIP NOT DETERMINED.
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.
- FENCE TIES ARE TO CENTERLINE OF THE SAME.
- WALL TIES ARE TO THE FACE OF THE SAME.

FLOOD ZONE INFORMATION:

THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:
FLOOD ZONE: "AE"
BASE FLOOD ELEVATION: 13.00 FT.
COMMUNITY: 120673
PANEL: 0566
SUFFIX: F
DATE OF FIRM: 08/28/2008
THE SUBJECT PROPERTY LIES IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR'S CERTIFICATION:

THEREBY CERTIFY: THAT THE SKETCH OF THIS BOUNDARY SURVEY WAS PREPARED UNDER MY SUPERVISION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17.050.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472 OF THE FLORIDA STATUTES AND THAT THE SKETCH HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MIGUEL J. GARAY

03/25/2021

(DATE OF FIELDWORK)

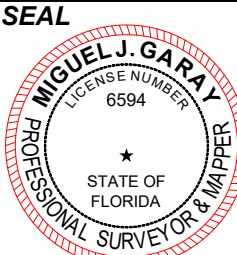
PROFESSIONAL SURVEYOR AND MAPPER LS# 6594 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: _____

REVISED ON: _____

DRAWN BY:	EMV
FIELD DATE:	03/25/2021
SURVEY NO:	21-00299
SHEET:	1 OF 2

THIS PAGE IS NOT VALID WITHOUT ALL OTHERS



L.S.#6594 L.B.#8203



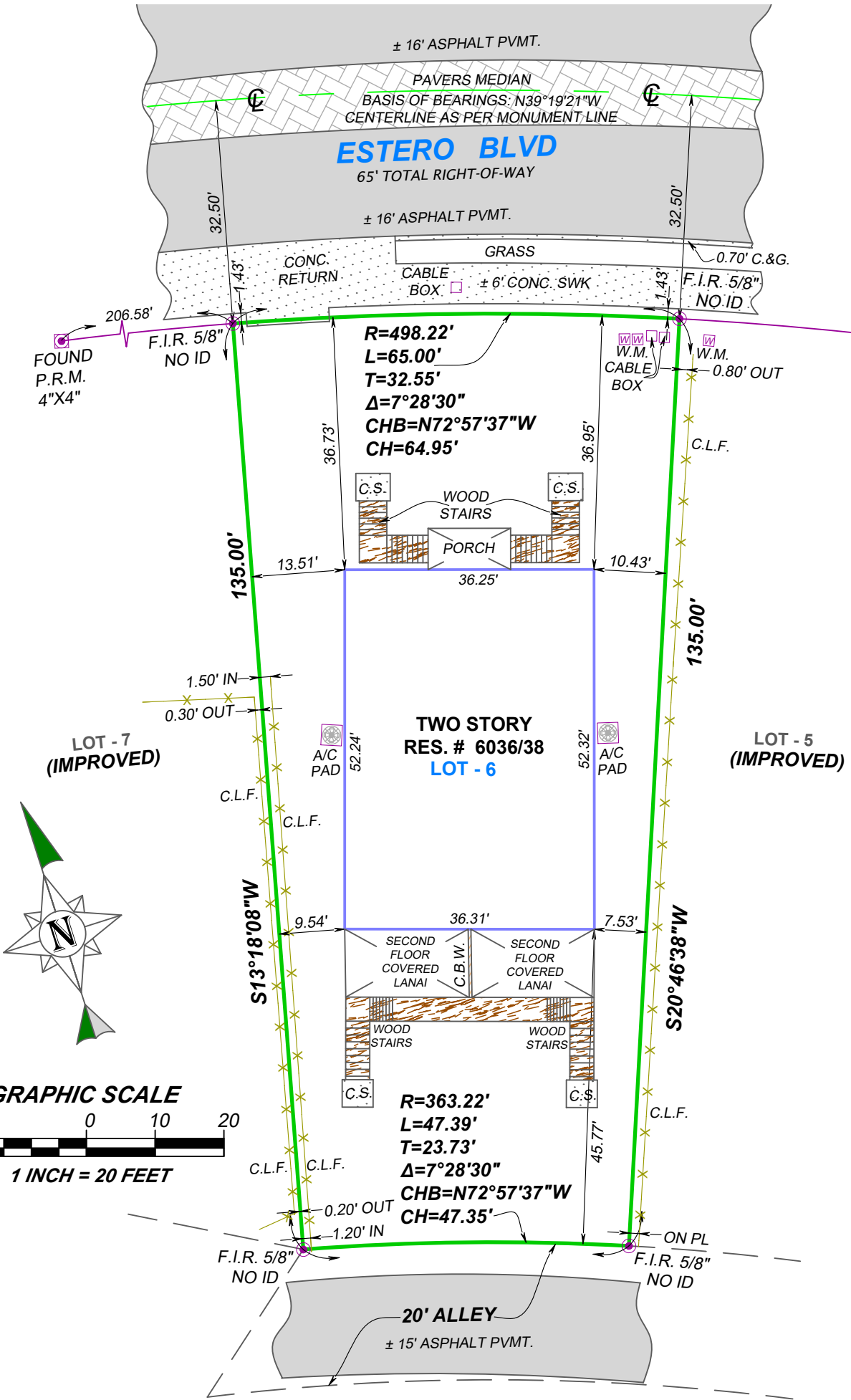
GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 205
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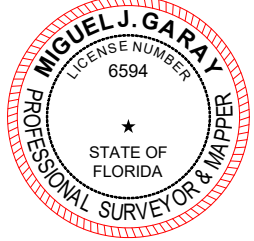


MAP OF BOUNDARY SURVEY

6036/38 ESTERO BLVD, FORT MYERS, FLORIDA 33931



SEAL



L.S.#6594 L.B.#8203

LEGAL DESCRIPTION:

LOT 6 OF THAT CERTAIN SUBDIVISION KNOWN AS ESTERO PARK, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 9, PAGE 8, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CERTIFICATION:

ERAN EPSTEIN AND IRINA EPSTEIN
SANIBEL CAPTIVA COMMUNITY BANK
OLD REPUBLIC NATIONAL TITLE INSURANCE
SUN NATIONAL TITLE COMPANY

THIS PAGE IS NOT VALID WITHOUT ALL OTHERS

DRAWN BY:

EMV

FIELD DATE:

03/25/2021

SURVEY NO:

21-00299

SHEET:

2 OF 2

1. Requested Motion:

Meeting Date: January 10, 2022

First Reading and Public Hearing: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, ARTICLE III., DIVISION 3, SECTIONS 34-638 MINIMUM SETBACKS AND TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONS ZONING DISTRICTS; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on January 24, 2022 at 9:00 a.m.

Why the action is necessary:

The Town Council has instructed staff to create options for additional setbacks or other design criteria for large lot single-family residential development.

What the action accomplishes:

Creates options for developers of large lot or combined lots.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance, required due to Resolution 21-42, a zoning in progress to address large lot development.

4. Submitter of Information:

5. Background:

The Town Council adopted Resolution 21-42, Invoking a Zoning in Progress to consider amendments to the Town's Land Development Code related to single-family homes built on consolidated lots. The Town staff has reviewed the comments from Town Council members and researched a variety of ways to achieve what is intended. During staff discussions and research, it was recognized that addressing this issue by tying it to the number of lots that are assembled created challenges to ensuring compliance, since platted lots can range from 25 feet in width to occasionally 100 feet, or larger. In addition, the ability to assemble portions of platted lots created difficulties in applying these regulations across the board and, by default, created potential exemptions.

As a result, staff determined that the best way to address what the Town Council seemed to be interested in, which is limiting the size of a single-family home along the frontage of a roadway, was to simply limit the length of the facade along the street frontage before additional regulations and design criteria are triggered. This approach is often referred to as addressing the massing of the structure along the street frontage. The proposed text creates an additional street setback once a structure's facade along the street frontage exceeds 65 feet. Any house width over 65 feet has to be setback an additional 12 feet from the right of way, or 37 feet from the front property line. Additionally, to address massing concerns, language has been added to allow no more than 80% of the structure built to the front setback line to be taller than one story above flood elevation. This regulation will ensure height variation.

In addition to providing amendments to introduce limits on the length of the facade, staff has drafted a new side setback requirement for lots 80 feet or greater in width. Lots that meet this size are proposed to use a percentage of lot width as the means by which to measure the setback. This approach does not adversely impact the buildable envelope or building footprint percentage currently allowed by the LDC.

An option has also been provided that would exempt the residence from the additional front and side setbacks if the ground floor mostly open. Any home that is built with no more than 650 square feet and 30 feet in width of enclosed space below the lowest habitable floor and used only for parking, storage, or access, will be exempt from these proposed new setback requirements. The ten-foot side yard setback adopted in January 2021 would apply.

In addition, staff has prepared an edit to the porches that are permitted to encroach into the street setback. The edit limits the width of the porches and entries. Previous edits didn't account for a limit on the size and width of the porch that can encroach up to ten feet of the street setback. This was provided to fix a current issue since the section was being edited for other purposes.

Note: There are two memos addressing the topics of facade length along street frontage and side setbacks. These are provided separately to offer the Town Council the ability to consider these approaches independent of each other.

Attachments:

1. 22-01, LDC Amendment 34-638 Minimum Setbacks and Table 34-3
2. Consolidated Lots Side Setbacks Memo
3. Residential Structure Front Setback Memo
4. Email from Architect
5. Email from Designer

Financial Impact:

No expected financial impact.

6. Alternative Action

Deny, modify

7. Management Recommendations:

Approve

8. Recommended Approval:

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

Created/Initiated - 1/3/2022
Approved - 1/3/2022
Approved - 1/6/2022
Final Approval - 1/6/2022

ORDINANCE 22-01

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN AMENDMENT TO TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, ARTICLE III., DIVISION 3, SECTIONS 34-638 MINIMUM SETBACKS AND TABLE 34-3 DIMENSIONAL REGULATIONS IN CONVENTIONS ZONING DISTRICTS; PROVIDING FOR SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Town Council desires update the Fort Myers Beach Land Development Code to clarify, improve, and create consistency among sections; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 17, 2021, at which the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and the LPA voted 5-0, with one member absent, to recommend approval of the requested amendment to Sec. 34-638 and Table 34-3 with additional language discussed during the meeting, and

WHEREAS, on January 10, 2022, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the proposed edits to the Land Development Code, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, the Town Council set a second reading of the proposed Ordinance and a public hearing on this matter to be legally advertised and held before the Town Council on January 24, 2022; at which time the Town Council gave full and complete consideration to the request, the recommendation of the LPA, the recommendation of staff, consistency with the Comprehensive Plan and Land Development Code, the documents in the record, and the testimony of all interested persons.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS: ¹

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.

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as strikethrough.
127534271.2

Section 2. Article III, Division 3, Section 34-638, and Table 34-3 of the Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-638. - Minimum setbacks.

(a) *Generally.* Most zoning districts require minimum setbacks between all buildings and structures and the street, the side lot line, the rear lot line, and any waterbody.

(1) Setbacks are minimum horizontal distances between a property line and the nearest point of all structures that ensure a minimum area without buildings. Detailed definitions are provided under "setback" in § 34-2 of this LDC.

a. Where an unusual lot configuration or orientation makes it unclear which property lines are street, side, or rear lot lines, the director will establish street, side, and rear lot lines for setback purposes after taking into account existing buildings on the same block as well as the intent of this code. Where access is provided by a shared driveway rather than a street, the director may determine that no street setback applies to that lot.

b. Once established through this process, the same setbacks will be applied by the director to other lots on that block.

(d) *Exceptions to setback dimensions.* In addition to the following general exceptions to minimum setbacks, commercial buildings that are subject to the commercial design standards may encroach into certain setbacks as provided in §§ 34-991—34-1010 of this chapter.

(2) *Exceptions to street setbacks.* Certain structures are exempt from the street setback requirements as follows. See also § 34-1174 of this chapter.

a. *Build-to lines.* Some zoning districts do not have any street setback requirements but instead have build-to lines, as described in § 34-662 of this chapter. Awnings, canopies, balconies, bay windows, porches, stoops, arcades, and colonnades may extend forward of the build-to line provided that they comply with the

commercial design standards (see § 34-995(e) of this chapter).

- b. *Porches, balconies, and stoops.* Porches, balconies, and stoops may extend up to ten feet into the street setback zone of residential buildings, provided that:
 - 1. Any walls, screened areas, or railings in the setback zone extend no higher than 42 inches above the floor of the porch, balcony, or stoop; and
 - 2. No portion of a porch or balcony and no walls or screened areas may be closer than ten feet to the edge of any street right-of-way or street easement.
 - 3. Porches, balconies, and stoops, which extend into the front setback, may not exceed 35 feet in width.

(3) *Waterbody setbacks.*

(4) *Exceptions for certain nonconforming lots.*

- a. Certain nonconforming residential lots are subject to the modified side and rear setback requirements that are found in § 34-3273 of this chapter.
- b. Certain nonconforming mobile home lots in the village zoning district are subject to the modified side and rear setback requirements that are found in § 34-694 of this chapter.
- c. Certain nonconforming commercial lots are subject to the modified side and rear setback requirements that are found in § 34-3277 of this chapter.

(5) *Additional street setbacks for single-family and two-family homes exceeding 65 feet in width.*

- a. Single-family and two-family homes exceeding 65 feet in width, in RS, RC and RM zoning districts, shall have additional street setback requirements.
 - 1. No more than 65 feet of frontage may be constructed between the street setback line (25 feet from right of way property

line) and 37 feet from the street property line. Any portion of the structure exceeding 65 feet in width shall be set back an additional 12 feet (37 feet from the right of way property line).

2. No more than 80 percent of the portion of the structure between the street setback line (25 feet from right of way property line) and 37 feet from the street property line may be taller than one story above flood elevation. Any portion of the building behind the 37-foot front setback may be built to the maximum buildable height for that zoning district.

(6) Additional side setbacks for single-family and two-family homes on lot greater than 80 feet in width.

- a. Single-family and two-family homes on lots 80 feet, or more, wide in the RS, RC and RM zoning districts must provide side setbacks equal to 15% of the lot width, on each side.

1. Lot width is measured from the property line adjacent to the right of way. Where the property is a corner lot, the front will be the side of the property that is deemed the front based on the setbacks (in relation to where the front setback, rear setback, and side setbacks are applied).

2. The cumulative total of the side setbacks shall be 30% of the parcel width, however, the setbacks do not have to be equal on both sides. No side setback shall be less than 10% of the parcel width.

3. The setback measurement shall be rounded to the nearest half-foot.

- b. Exemption from additional setbacks for open ground level. A residential structure greater than 65 feet in width will be exempt from the additional setback requirements Sec. 34-638(d)(5) and (6), if the ground-level enclosed or screened area is limited to no more than 650 square feet and 30 feet in width, as viewed from the ROW.

Table 34-3— Dimensional Regulations in Conventional Zoning Districts

	street	side - waterfront lot	side - non- waterfront	rear	water body (1)	Gulf of Mexico (2)	area	width	depth	ratio	percentage		feet	stories
ZONING DISTRICT	Setbacks (see § 34-638 for explanation and exceptions)					Lot size (see § 34-637 for explanations and exceptions)				F.A.R. §34-633	Building Coverage § 34-634	Density § 34-632	Height (see § 34-631)	
<i>RS Residential Single-family</i>	25 (9)	7.5 (8) (10)	7.5 (8)	20	25	50	7,500	75	100	-	40%	(3), (4)	25	3
<i>RC Residential Conservation</i>	25 (9)	7.5 (10)	7.5	20	25	50	4,000	45	80	-	40%	(3), (4), (5)	25	3
<i>RM Residential Multifamily</i>	25 (9)	20 (6) (10)	20 (6)	20	25	50	7,500	75	100	1.2	-	(3), (4), (5)	30	3
<i>CR Commercial Resort</i>	10	20	15	20	25	50	20,000	100	100	1.2	-	(3)	30	3
<i>CM Commercial Marina</i>	20	20	20	20	0	50	20,000	100	100	1.0	-	-	35	3
<i>CO Commercial Office</i>	10	10	7	20	25	50	7,500	75	100	1.2	-	(3), (4), (5)	30	3
<i>Santos</i>	10	7	5	20	25	50	5,000	50	100	0.6	-	(3), (4), (5)	25	3
<i>IN Institutional</i>	20	10	7	20	25	50	7,500	75	100	0.8	-	(3)	35	3
<i>CF Community Facilities</i>	20	15	10	20	25	50	N/A	N/A	N/A	0.1	-	(3)	35	3
<i>BB Bay Beach</i>	— see § 34-651(b) —													
<i>EC Environmentally Critical</i>	20	25	-	25	20	50	(7)	N/A	N/A	.01	-	(3), (7)	25	2

Note (1): An additional wetland buffer is required for new development; see § 34-638(c).

Note (2): See § 34-638(d)(3)a.

Note (3): Maximum densities are established by the Fort Myers Beach Comprehensive Plan; see § 34-632.

Note (4): Accessory apartments are allowed in owner-occupied homes under certain conditions; see §34-1178.

Note (5): A second dwelling unit or accessory apartment may be allowed on larger lots; for details, see §§ 34-632, 34-1177, and 34-1178.

Note (6): Single-family and two-family homes on waterfront lots in the RM zoning district must maintain only a 7.5-foot side setback.

Note (7): See § 34-652(e)(3).

Note (8): For all RS lots fronting on Matanzas Street and Matanzas Court, all side setbacks shall be at least 10 feet.

Note (9): Maximum 65 feet of house may be built to the 25-foot front setback. Any house frontage exceeding 65 feet in length shall be built 37 feet from the front property line. See §34-638(d)(5)a.

Note (10): For parcels exceeding 80 feet in length, each side setbacks will be equal to 15% of the property width. See § 34-638(d)(5)b.

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

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

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

Section 6. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Code of Ordinances, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification.

Section 7. Any typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 8. This Ordinance shall become effective upon adoption by the Town Council.

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

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

ADOPTED this ____ day of January 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

**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Town Council
From: Sarah Propst, Community Development
Date: January 10, 2022
Re: Additional Setbacks on Consolidated Lots

BACKGROUND

Multiple lots are being combined to develop single-family and two-family residential homes. The massing of the larger homes with only a typical side setback of 7.5 feet, impacts the viewshed of the neighborhood. Staff has been asked to provide options to address this issue. The options contained in this memo are intended to apply to lots 80 feet wide or wider.

PROPOSED SOLUTIONS

A discussion regarding how to address setbacks for large lots was held at the October 20th LPA meeting, the November 1st joint session between the LPA and Council and the November 17th LPA meeting. Based on feedback at those meetings, staff is recommending the adoption of language to implement a 15% percent setback to lots 80 feet, or more, wide.

The current side setbacks for a residential lot are 7.5 feet. On an average, 50-foot wide, lot the 7.5-foot setback on each side of the parcel is 15%. If a property owner were to consolidate multiple parcels to build a home, applying a 15% setback would be proportionate to the current average lot setback. For example, for three consolidated, 50-foot wide, lots the setback would be 15% of the entire lot width 22.5 feet. This would be the combined total of all of the setbacks from the three lots that are being combined. For larger lots the setback would increase proportionate to the size lot.

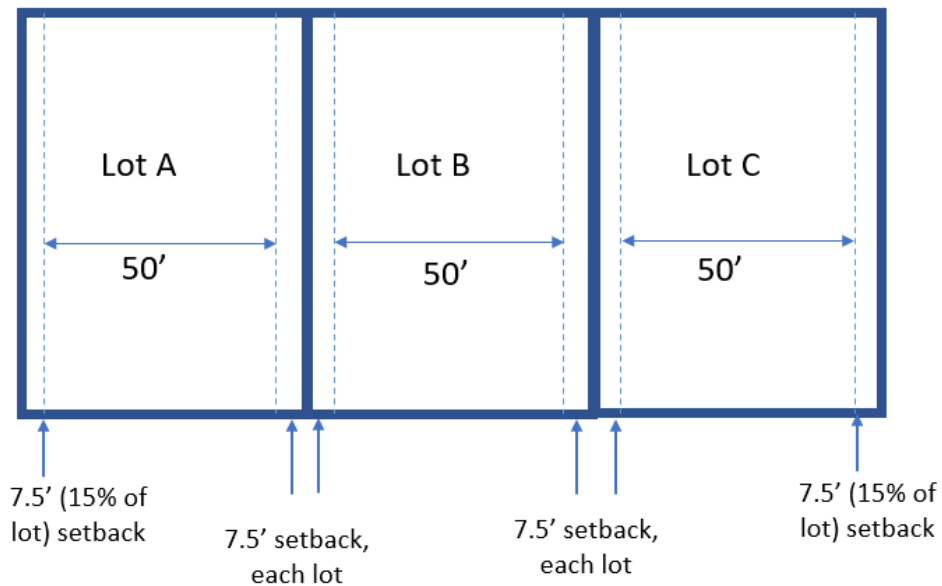
While the original request was to determine the best way to address consolidated lots, staff recommends that this side setback percentage apply to all lots 80 feet wide or more. This would ensure that the larger setbacks applied when properties are combined will remain in effect even when redevelopment of a property occurs. For example: Three properties are combined in 2022 and a new home is built. Staff recognizes that a greater setback needs to be applied to the new home being built because the properties were consolidated shortly before development permits were applied for. However, if new development occurs 10 or 15 years after lot consolidation, such as an addition or complete rebuild, will staff know that the additional setbacks need to be applied? Combined properties can be identified through GIS or in a spreadsheet, but maintenance of these documents can become a problem and staff turnover can lead to a loss of this knowledge.

Staff recommends the option to allow the property owner to decide how to divide up the setback width between the sides. For example, the three-lot consolidation (50-foot lots) would result in a total of 45 feet of side setback. Rather than requiring the setbacks to be even on both sides, the property owner could choose to divide the total required setback to allow a smaller setback on one side and a larger setback on the other. It would be important that no setback be too small. Staff recommends no one side may ever be less than 10% of the lot width. On an 80-foot lot that would be 8 feet, on a 100-foot lot the smallest side setback would be 10

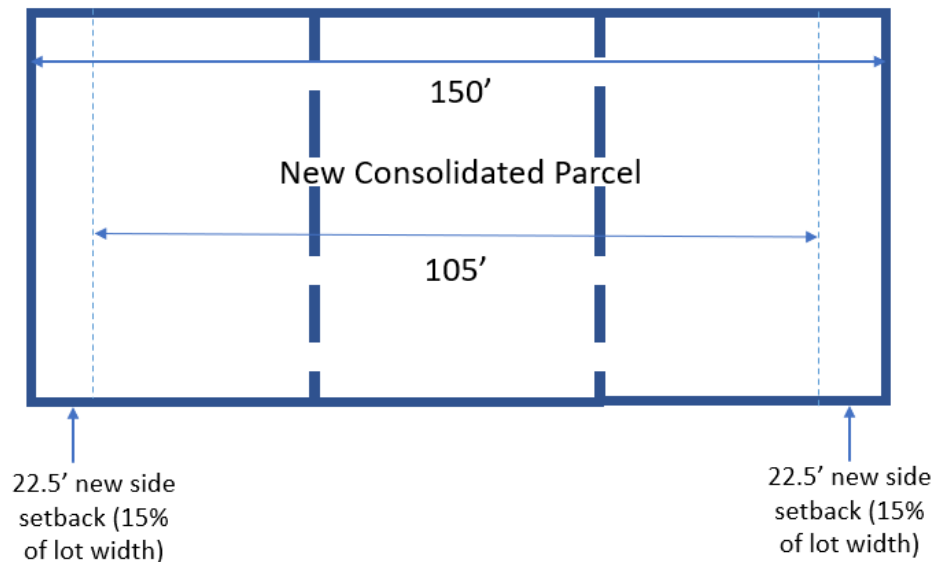
feet. This would potentially allow for larger trees to be planted in the larger side yard and may create more usable space and a nice viewshed.

EXAMPLE 1: The first diagram shows three, 50-foot wide, lots the setback would be 15% of the entire lot width 22.5 feet. The second diagram shows how those lots would look combined with the 15% setback on both sides.

Three separate lots with required setbacks

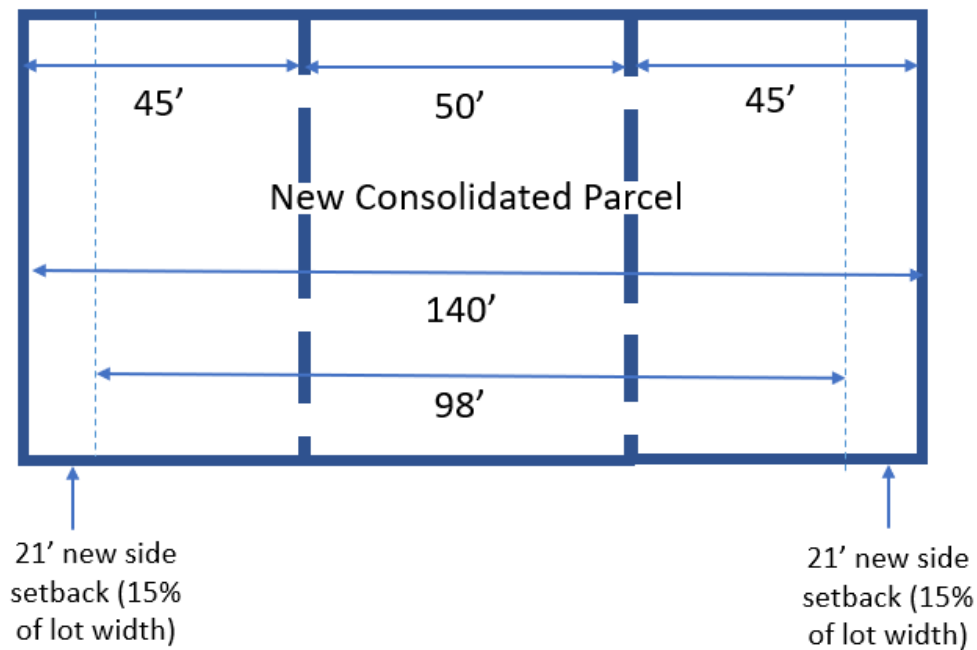


Three lots combined into a single parcel

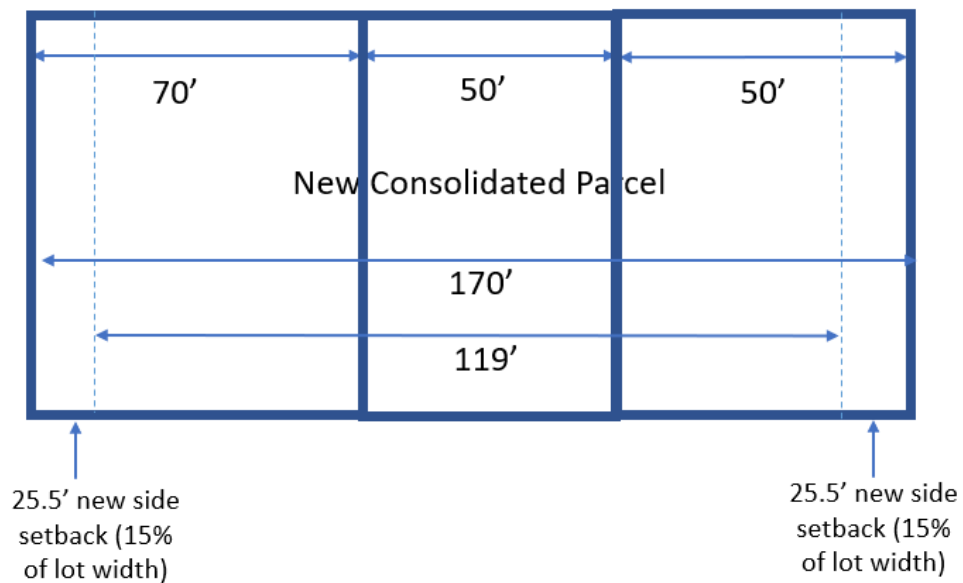


Example 2: Shows how two consolidated lots of different sizes would have setbacks based on the consolidated property width.

Three lots combined
into a single parcel



Three lots combined into
a single parcel





INPUT FROM PROFESSIONALS

Since the November 17th LPA hearing, staff has contacted four architects and one designer who are registered to do architectural or design work on Ft. Myers Beach. As of this writing three responses were received. One architect sent an e-mail in strong support of the code changes. He felt that the increased side setbacks were not a hardship on parcels of that size and that they are necessary to respect the existing neighborhood. The design needs to be in context with the surroundings. A designer who responded was not in favor of any additional regulations to size or scale and requested that some of the current regulations be reduced. One architect responded that he was unable to assist at this time.

CODE MODIFICATION

The proposed strikethrough underline language is provided in Exhibit A. The changes proposed in this memo and the memo "Front Setbacks for Large Residential Structures," would require changes to two code sections, Sec. 34-638 Minimum Setbacks and Table 34-3 Dimensional Regulations. An exemption from both the side and front setback increases has been included for any residential development which chooses to enclose or screen 650 square feet or less of the ground floor of the home. Limited ground floor development decreases the visual magnitude of the structure and also reduces potential flood impacts. 650 square feet allows for a 25-foot by 25-foot, oversized, garage plus 25 square feet for an elevator. This is more storage space than an average house has in the garage.

EXHIBITS

Exhibit A - Ordinance 22-01

Exhibit B – E-mail from Architect

Exhibit C – E-mail from Designer



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Town Council
From: Sarah Propst, Community Development
Date: January 10, 2022
Re: Front Setbacks for Residential Structures over 65 Feet in Width

BACKGROUND

When multiple lots are combined, large residential structures that may not be compatible with the neighborhood may be developed. Inappropriate massing for a residential street can result in a negative visual impact, even if the home is quite nice. The comprehensive plan places high value on infill compatibility and renovation mixing gracefully with the existing neighborhood. Policy 3-B-1¹ recommends the review of setbacks and lot sizes as well as design guidelines. Staff has been asked to provide options to address the issue of houses that could be visually overwhelming to a neighborhood.

PROPOSED SOLUTION

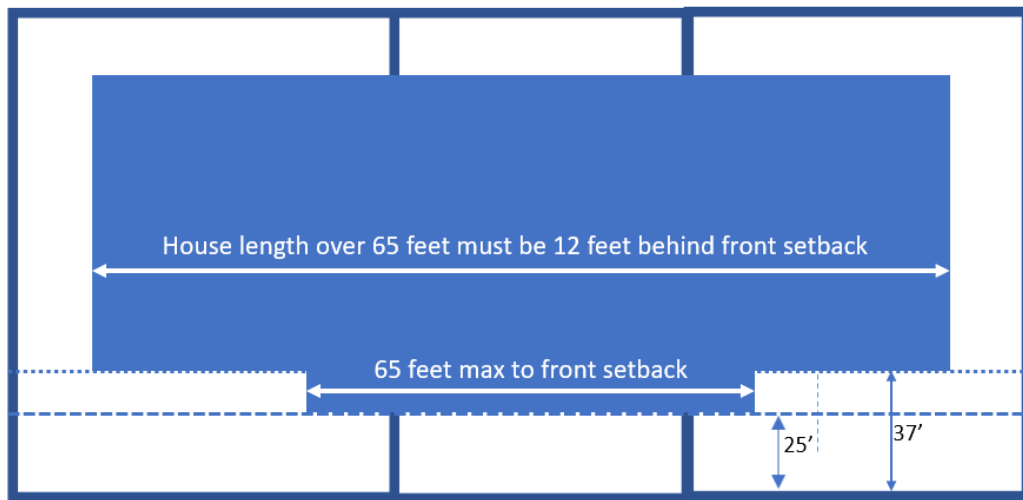
A discussion regarding massing and front setbacks for large lots was held at the October 20th LPA meeting, the November 1st joint session between the LPA and Council and the November 17th LPA meeting. Based on feedback at those meetings, staff is recommending the adoption of language to implement a limitation on frontage length of a residence at the front setback line and an additional setback for frontage width over that amount as well as massing requirements at the front setback line.

The proposed language allows up to 65 feet of the structure's frontage to be built to the 25-foot street setback. Of those 65 feet of structure at the front setback, no more than 80 percent may be taller than one story above flood elevation. Any house length over 65 feet must be set back an additional 12 feet. All other criteria such as the allowable coverage, front and rear setbacks and building height would still apply. The resulting house will still be substantially larger than current homes in the majority of neighborhoods but will appear less impactful from the right of way.

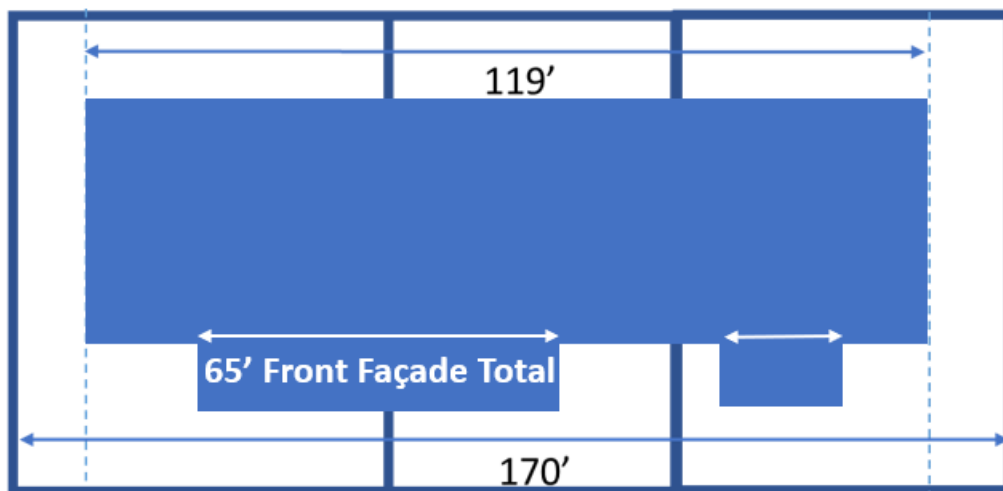
¹ Policy 3-B-1 The town shall prepare and adopt land development regulations to apply to the older "near-town neighborhoods" that will encourage renovations and compatible infill development, using the following types of techniques: i. modifying lot size, setback, and parking requirements where the current regulations hinder redevelopment; ii. adding design guidelines to encourage front porches, decks, and other elements from the cottage design tradition to help frame public spaces and define private areas;

Examples 1 & 2: Both examples show a 170' parcel with a total buildable width of 119' (with 25.5' setbacks on each side, based on 15% side setbacks). The house is designed in such a way that 65 feet of the front of the house can be built to the 25-foot front setback. The remainder of the allowed house width would be allowed 12 feet behind the front setback (37 feet behind the front property line). The front façade would not have to be continuous; it could be divided. Example 2 shows a non-continuous façade.

Example 1

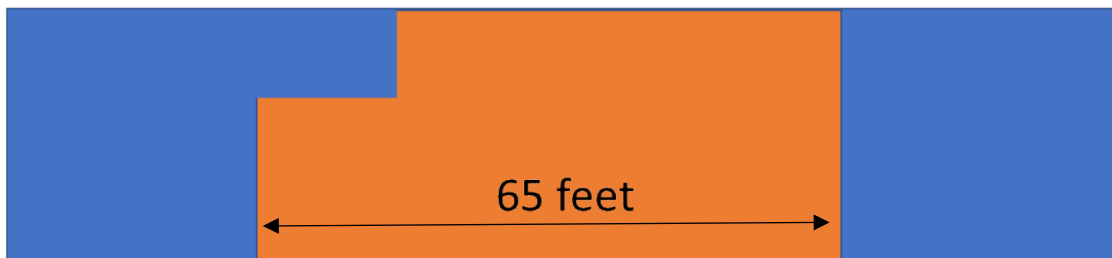


Example 2



Example 3: Front View Diagram, below, the blue is set back 37 feet from the ROW. Orange is set back 25 feet from the ROW.

Front View Diagram



INPUT FROM PROFESSIONALS

Since the November 17th LPA hearing, staff has contacted four architects and one designer who are registered to do architectural or design work on Ft. Myers Beach. As of this writing I have received responses from three of the people I contacted. One architect sent an e-mail in strong support of the code changes and recommended that the height limitation of one floor over flood be clarified and also felt that the one-story limitation should apply to 80% of the frontage and allow only 20% of the frontage to be built 2 stories above flood. The suggested clarification to the one-story language has been included, however the 20% to 80% switch was not; this option can be discussed. A designer who responded was not in favor of any additional regulations and requested that some of the current regulations be reduced. One architect responded that he was unable to assist at this time. Both of the e-mail responses have been included as exhibits.

CODE MODIFICATION

The proposed strikethrough underline language is provided in Exhibit A. The changes proposed in this memo and the memo "Additional Setbacks on Consolidated Lots," would require changes to two code sections, Sec. 34-638 Minimum Setbacks and Table 34-3 Dimensional Regulations. An exemption from both the side and front setback increases has been included for any residential development which encloses or screens 650 square feet or less and no more than 30 feet in width, as viewed from the right of way, of the ground floor of the home. Limited ground floor development decreases the visual magnitude of the structure and also reduces potential flood impacts.

In addition to these specific changes, staff is also recommending an addition to the section of the code pertaining to porches, balconies and stoops. Currently the code allows porches, balconies and stoops to extend 10 feet into the street setback. The proposed language would limit the length of these structures to 35 feet. This would ensure that a front porch, balcony or stoop, encroaching 10 feet into the street setback, would not extend the entire 65 feet of a house.

EXHIBITS

Exhibit A - Ordinance 22-01

Exhibit B – E-mail from Architect

Exhibit C – E-mail from Designer

Jason Green

From: Sarah Propst
Sent: Tuesday, December 21, 2021 2:19 PM
To: Jason Green
Subject: FW: Input on Ft. Myers Beach code changes

From: Lowell Benson <Lowell@bensonarchitect.com>
Sent: Tuesday, December 21, 2021 12:31 PM
To: Sarah Propst <sarah.propst@fmbgov.com>
Subject: Re: Input on Ft. Myers Beach code changes

Good morning--

I am glad to see some effort toward controlling the scale of buildings on Fort Myers Beach. Communities do change, but as an architect and long time, over 50 year, Lee County resident it's disappointing to see the impact of the new residences which are out of scale with the existing beach community.

As for the specific changes, Section 34-638(d)(5)a, regarding the 65' max frontage and 12' additional setback, is absolutely feasible from a design perspective. The 12' depth is sufficient as the "bay" dimension of many residential room functions, such as bedroom, kitchen, smaller living room, etc. The depth offset would likely establish a structural line in the building but that would make sense in plan and structure of the building.

The second portion of that section seems to have a minimal limiting factor if I am reading it correctly. It says, "No more than 80percent of the portion [in the 25' to 37' setback] may be taller than one living story." Does that mean that 80% can be taller than one story? I would make it read the reverse, to limit most of the front elevation to one story. When designing single family residential projects, I always recommend breaking up the building and stepping down at the perimeter, especially the front, to lessen the mass of the structure. To build a three story box is harsh in almost any locale. That stepping inward with the mass of the building is as important as the setbacks.

And what is defined by "one living story"? I have seen some very tall living spaces in current homes.

Regarding the new Section 6 following, the increase in side setbacks is no hardship. If the residence is that large in plan, then there is no serious loss of use to trim the footprint of the building plan. The building is already going multistory because of the flood requirements if nothing else.

The new owners should be allowed to utilize their land, but the new structures need to acknowledge the existing neighbors, which may often remain the low slung beach cottages. Architecture 101 teaches that you design in context with the surroundings, including both built and natural environments.

In general, the setback and building massing requirements are helpful toward the city council's concerns.

This may be the subject for a future change, but the Sanibel lot coverage requirements have helped maintain the scale of residential building there. They are sometimes overly restrictive in the developed coverage, such as walkways and drives, but the lot coverage limits serve to control designs based simply on the premise that bigger is better.

Hope this helps! Please let me know if you need other input.
Lowell Benson

On Tue, Dec 21, 2021 at 10:51 AM Sarah Propst <sarah.propst@fmbgov.com> wrote:

Good morning Lowell,

I wanted to touch base with you and see if you had an opportunity to look at the code; I've re-attached it here. I will be preparing a report next week for the January 10th City Council meeting. Any input you may have would be appreciated.

Thank you so much and have a great holiday,

Sarah Propst, AICP, PMP

Sr. Planner/Project Manager



1111 Cambridge Square

Alpharetta, GA 30009

757.269.1203 Cell

sarahpropst@axiscompanies.com

From: Sarah Propst

Sent: Monday, December 6, 2021 10:45 AM

To: lowell@benensonarchitect.com

Cc: Jason Green <green@fmbgov.com>

Subject: RE: Input on Ft. Myers Beach code changes

From: rangfan1@aol.com
To: [Sarah Propst](#)
Subject: RE: Input on Ft Myers Beach code changes
Date: Tuesday, December 21, 2021 11:19:53 AM
Attachments: [image001.png](#)

Sarah,
Hope your well,
Nice to have you back.

I have reviewed the proposed revisions to the Beach building code.
As you can imagine, i am not in favor of limiting any kind of development, size or scale.

I feel the city has asked its citizens to give up too much already.
The 67% rule, has been a disaster!

I have spoken to other designers also about the planned revisions, all had same answer.
Spoke with land owners, not in favor of any more limitations and property rights.

We can discuss if you want to!

Thanks always for your assistance on my projects!

John

[Sent from the all new AOL app for Android](#)

On Tue, Dec 21, 2021 at 10:52 AM, Sarah Propst
<sarah.propst@fmbgov.com> wrote:

Good morning John,

I wanted to touch base with you and see if you had an opportunity to look at the code; I've re-attached it here. I will be preparing a report next week for the January 10th City Council meeting. Any input you may have would be appreciated.

Thank you so much and have a great holiday,

Sarah Propst, AICP, PMP

Sr. Planner/Project Manager

1. **Requested Motion:**

Meeting Date: January 10, 2022

FMB Community Foundation Special Event - #We Are FMB Concert Series at Santini Plaza

Why the action is necessary:

Ord.20-17

What the action accomplishes:

Allows for events to happen.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Ord.20-17

4. **Submitter of Information:**

5. **Background:**

This Concert Series has been approved by Town Council since 2015. The event will be held in the Propeller Lounge at Santini Plaza from 7pm to 9 pm, January 27, February 24th and March 24, 2022.

Fish-Tale Waterfront Dining will be serving alcohol and will be applying for an extension of premise. Approximately 200 tickets are to be sold for each event.

Attachments:

1. 211871 Completed Application

Financial Impact:

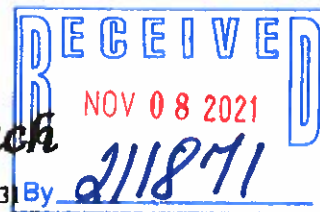
6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Patty Prevost, Code Supervisor/STR Coordinator
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 12/14/2021
Approved - 1/5/2022
Approved - 1/6/2022
Approved - 1/6/2022
Final Approval - 1/6/2022



Town of Fort Myers Beach

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

Name of event #We Are FMB Concert Series
Attach separate sheet of paper with detailed description of event

Date(s) and times of event January 27, February 24, March 24, 2022

Address of event Fish-Tale Marina
7225 Estero Blvd, FMB 7-9

Expected # of participants/attendees 250 people

Sponsoring Organization FMB Community Foundation

Organization address PO Box 2834, FMB 33932

Contact Person/Phone# Janeen Paulauskis 239-980-4381

E-mail janeen@barefooteventgroup.com

Amplified Music Y ☒ N ☐ 500 Ft Notifications ☒ Copy of Letter ☒

Renting Town Property Y ☐ N ☒ Renting Parking Spaces Y ☐ N ☒

How many Spaces? _____ How many hours _____

Extension of Premises? Y ☐ N ☒ ABT Form _____ (Over 3 days needs to go to Council)

Letters of Permission to use Property X

Letters of Permission to use Parking X Parking Plan X

Site Plan X Insurance X (Naming Town of FMB as Certificate Holder)

Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒

Y ☐ N ☐ Y ☐ N ☒

Y ☐ N ☒ Y ☒ N ☐

Applicant Signature Janeen Paulauskis

Printed Name Janeen Paulauskis

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

Applicant to Complete:

Company managing trash removal: Existing Contract at

No. of dumpsters: _____ Type of dumpsters: Fish-Tale Marina

Who is responsible for clean-up and payment: _____

City right-of-way Parking Use: _____ Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202 Fax (239)765-0909

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

September 27, 2021



Permit #: 211871

Permit Date: 11/08/2021

Review Date: 11/08/2021

Permit Type:

Review Type:

Target Date: 11/09/2021

Scheduled Time: 00:00

Completed Date:

Description:

Review Status: Approved

Assigned To: Martin Pitts

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Notes

11/08/2021 No parking in town right of way

Property Information

Parcel#: 034724W1000110010

SOUTHERN MARINAS FISH TALE LLC

7225 ESTERO BLVD

Zoning: SANTINI**Lot:** 0010**Block:** 00011

SOUTHERN MARINAS FISH TALE LLC

PMB 453 6671 W INDIANTOWN RD STE 50

JUPITER, FL 33458

Patty Prevost

From: Fort Myers Beach <wo@iworq.net>
Sent: Tuesday, November 9, 2021 9:17 AM
To: Patty Prevost
Subject: Fort Myers Beach Permit # 211871

Click [Here](#) to open review



Permit #: 211871

Permit Date: 11/08/2021

Review Date: 11/08/2021

Permit Type:

Review Type: SEP-Environmental

Target Date: 11/09/2021

Scheduled Time: 00:00

Completed Date: 11/09/2021

Description:

Review Status: Reviewed w/ Conditions

Assigned To: Chadd Chustz

Time In: 00:00

Time Out: 00:00

Hours: 0.0

Notes

Sec. 26-115. - Discharge of waste material prohibited.

(a)It is unlawful for any person to discharge or permit or control or command to discharge any raw sewage, garbage, trash, or other waste material into the waters of the Town of Fort Myers Beach.

11/09/2021

Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder (Sec. 22-12).

Property Information

Parcel#: 034724W1000110010

SOUTHERN MARINAS FISH TALE LLC

7225 ESTERO BLVD

Zoning: SANTINI Lot: 0010 Block: 00011

SOUTHERN MARINAS FISH TALE LLC

PMB 453 6671 W INDIANTOWN RD STE 50

JUPITER, FL 33458

211871

FORT MYERS BEACH FIRE DEPT

17891 San Carlos Blvd – 3rd Floor, Fort Myers Beach, FL 33931

Tel (239) 590-4210

Fax (239) 463-6761

Fire Guards: (how many?) 1 certified crowd manager for every 250 expected attendees. Invoice

2112022568508 provided.

Fee: _____

Flammable Vegetation: Not Permitted.

First Aid Equipment: Not onsite.

Fire Extinguishing Equipment: Proper fire extinguishers, with a current state inspection tag, is required in accordance with the Florida Fire Prevention Code for the stage, and accessible if event is outside.

Special Arrangements:

A site inspection will be conducted to review the proposed area and setup. ****If Event is moved inside**** The space will need to be inspected for setup prior to event, and comply with requirements for a temporary assembly use. ~~This includes posting a temporary occupant load for use of the space. Ensure road is not blocked.~~

Jennifer Campbell

Print Name

Jennifer Campbell
Approval Signature

12-2-21

Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239)477-1830 Fax (239)432-0268

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

September 27, 2021

FORT MYERS BEACH FIRE DEPT

17891 San Carlos Blvd – 3rd Floor, Fort Myers Beach, FL 33931

Tel (239) 590-4210

Fax (239) 463-6761

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fmbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239) 477-1830 Fax (239) 432-0268

Parking: According to permit application, all parking will be on-site & will not impede the normal flow of traffic.

Deputies (how many?) None required for this.

Traffic Control: None required for this.

Fees: None required for this.

Special Arrangements: All amplified sound must adhere to the Town of FMB noise ordinances. If traffic for this event is found to impede the normal flow of traffic vendor may be required to hire extra duty detail deputies at their own expense.

Steven Brady Steven Brady 12/14/21
Print Name Approval Signature Date

September 27, 2021

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for DEP Minor Event Approval Document <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT:

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: N/A

Check list: Application _____ Site Plan _____ Description _____

Florida DEP approval: _____ Date: _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: N/A

Turtle Time approval: _____ Date: _____

September 27, 2021

DESCRIPTION OF EVENT

ORGANIZATION: Fort Myers Beach Community Foundation

CONTACT: Janeen Paulauskis, Barefoot Event Group
(239) 980-4381
janeen@barefooteventgroup.com

EVENT NAME: #WeAreFMB Concert Series

DATES OF EVENT: January 27, February 24, March 24

This special event permit application is being made to the Town of Fort Myers Beach.

The Fort Myers Beach Community Foundation will be hosting the inaugural 2022 #WeAreFMB Concert Series running monthly from January through March 2022. All concerts will be held at Fish-Tale Marina Propeller Lounge (Barn 2) and the surrounding outdoor space of 7225 Estero Boulevard.

Residents and visitors are being invited to enjoy the music of Jeff Coffey (former lead singer of Chicago, performing with Back to Chicago, Caribbean Chillers (A Jimmy Buffet Tribute Band) and The Atlantic City Boys (A Frankie Valley tribute band) as the Fort Myers Beach Community Foundation raises funds to give back to the community through their 501(c)3.

Fish-Tale Waterfront Dining will be serving alcohol and therefore will be applying for an Extension of Premises.

We are expecting to sell approximately 200 tickets for each event.

Fish-Tale Marina will set-up chairs and some tables for each two-hour event, as well as providing trash and maintenance for the events.

Most of the attendees are from neighboring condominiums and walk to the event. Parking will be easily accommodated in the Fish-Tale Marina parking lot.

Proceeds from this event will benefit the Fort Myers Beach Community by the FMBCF mission statement of encouraging philanthropy to improve the overall quality of life on Fort Myers Beach. The FMBCF responds to the changing and emerging needs of our community. The FMBCF provides support for education, health and welfare, and are active participants in the preservation of our natural environment and history.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/02/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley CA 95945		CONTACT NAME: Will Maddux PHONE (A/C, No, Ext): (530) 477-6521 E-MAIL: info@theeventhelper.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Lloyds Syndicate 2623 INSURER B: Lloyds Syndicate 623 INSURER C: INSURER D: INSURER E: INSURER F:		NAIC # AA-1128623 AA-1128623
INSURED Fort Myers Beach Community Foundation Nancy Bouchard PO Box 2834 Fort Myers Beach FL 33931				

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☒ CLAIMS-MADE ☐ OCCUR ☒ Host Liquor Liability ☐ Retail Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:	Y	EH-771321-L2338466	SEE BELOW	SEE BELOW	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ INCLUDED Deductible \$ 1,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				PER STATUTE OTH ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder listed below is named as additional insured per attached CG 20 26 07 04 for the following dates: 01/27/2022, 02/24/2022 & 03/24/2022. Attendance: 300. Event Type: Concerts - 50's, 60's, 70's, or 80's Music.

CERTIFICATE HOLDER

CANCELLATION

Town of Fort Myers Beach 2525 Estero Boulevard Fort Myers Beach FL 33931	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

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- Marker #59**





FORT MYERS BEACH COMMUNITY FOUNDATION

P.O. Box 2834, Fort Myers Beach, FL 33932

www.FMBCommunityFoundation.com

October 29, 2021

Dear Neighbor:

The Fort Myers Beach Community Foundation will be holding the #WeAreFMB Concert Series on Thursday, January 27th, Thursday, February 24th and Thursday, March 24th at Fish-Tale Marina. Per the Town of Fort Myers Beach Ordinance 16-03 pertaining to special events, it is our duty to notify you of amplified music at the event. These events will be monitored by a noise decibel reader by our team and sound technician.

The events will begin at 6:00 pm and end by 9:00 pm. Music will be from 7:00 pm to 9:00 pm sharp. We hope you will consider joining us and supporting the Fort Myers Beach Community Foundation and their goal to provide support for education, health and welfare, and the preservation of our natural environment and history here on Fort Myers Beach.

We thank you for your patience and should you have any concerns, please contact Town Manager Roger Hernstadt at (239) 765-0202 by November 30th.

Sincerely,

Nancy Bouchard, DDS

Co-President

Fort Myers Beach Community Foundation

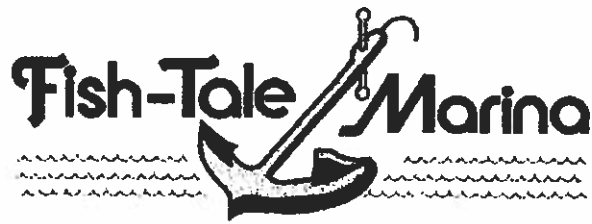
The Fort Myers Beach Community Foundation seeks to empower our members and our community by encouraging philanthropy to improve the overall quality of life in Fort Myers Beach. The Fort Myers Beach Community Foundation responds to the changing and emerging needs of our community by providing support for its education, health and welfare, and through our active participation in the preservation of our natural environment and history.

FMBCF Notice of Concert Letter Notice

Subjects: 1
Index

Buffer: 500 Mailings

FolioId	OwnerName	MailAddress	MailCity	MailState	MailZip
0	10231725 WCSJR II CORPORATION	PO BOX 2630	WESTPORT	CT	6880
1	10231714 FMBH LLC	501 GOODLETTE RD N STE D100	NAPLES	FL	34102
2	10231716 TOWN OF FORT MYERS BEACH	2525 ESTERO BLVD	FORT MYERS BEACH	FL	33931
3	10231715 ESTERO BAY IMPROVEMENT ASSN	3435 10TH ST NORTH #201	NAPLES	FL	34103
4	10231719 ROBERTS RALPH L SR TR	PO BOX 8000	WILMINGTON	OH	45177
5	10231720 SOUTHLAND CORPORATION	2711 N HASKELL AVE	DALLAS	TX	75204
6	10231721 CLEVELAND MEADOWS LLC	1 CVS DR	WOONSOCKET	RI	2895
7	10231722 FORT MYERS BEACH FIRE CONTROL	PO BOX 2880	FORT MYERS BEACH	FL	33932
8	10231723 MULTILATERAL PARTNERS	7825 FAY AVE STE 200	LA JOLLA	CA	92037
9	10231726 FISH TALE MARINA	7225 ESTERO BLVD	FORT MYERS BEACH	FL	33931
10	10231727 FISH TALE MARINA	7225 ESTERO BLVD	FORT MYERS BEACH	FL	33931
11	10231728 FISH TALE MARINA	7225 ESTERO BLVD	FORT MYERS BEACH	FL	33931
12	10558389 OSTEGO BAY YACHT CLUB ASSN INC	13831 VECTOR AVE	FORT MYERS	FL	33907
13	10231738 ISLAND REEF CLUB CONDO ASSN	4061 BONITA BEACH RD STE 201	BONITA SPRINGS	FL	34134
14	10462376 CRECIENTE CONDO SOUTH	7150 ESTERO BLVD OFC	FORT MYERS BEACH	FL	33931
15	10462377 CRECIENTE CONDO NORTH	7150 ESTERO BLVD OFC	FORT MYERS BEACH	FL	33931
16	10462379 CRECIENTE CONDO EAST	7150 ESTERO BLVD OFC	FORT MYERS BEACH	FL	33931
17	10232098 SAND CAPER CONDO ASSN INC	27180 BAY LANDING DR STE 4	BONITA SPRINGS	FL	34135
18	10232161 ESTERO BEACH + TENNIS	6719 WINKLER RD STE 200	FORT MYERS	FL	33919
19	10462381 TERRA MAR CONDO	PO BOX 100	SANIBEL	FL	33957
20	10232674 SANTA MARIA RESORT CONDO	7317 ESTERO BLVD	FORT MYERS BEACH	FL	33931
21	10232700 ESTERO COVE CONDO ASSOCIATION	6891 ESTERO BLVD	FORT MYERS BEACH	FL	33931
22	10462382 ROYAL PELICAN BOATING	6719 WINKLER RD STE 200	FORT MYERS	FL	33919
23	10233169 SANTA MARIA II CONDO ASSOC	6640 ESTERO BLVD	FORT MYERS BEACH	FL	33931
24	10233230 SANTA MARIA MASTER ASSOC INC	7317 ESTERO BLVD	FORT MYERS BEACH	FL	33931
25	10233447 SANTA MARIA DOCK COOPERATIVE	7317 ESTERO BLVD	FORT MYERS BEACH	FL	33931
26	10233662 OSTEGO BAY II CONDO ASSOC INC	1661 ESTERO BLVD STE 22	FORT MYERS BEACH	FL	33931
27	10458408 PALM HARBOR CLUB AT BAY BEACH	150 LENELL RD OFC	FORT MYERS BEACH	FL	33931



November 2, 2021

Fort Myers Beach Community Foundation
PO Box 2834
Fort Myers Beach, FL 33932

This letter is to give the Fort Myers Beach Community Foundation permission to use the Propeller Lounge (Barn 1) and surrounding areas at Fish-Tale Marina for the #WeAreFMB Concert Series.

As sponsors of the event, they will be assigned facilities for their concerts from January until March 2022. They are free to utilize all parking spaces at Fish-Tale Marina for the concerts as the Marina is closed during concert hours.

Sincerely,

Chuck Fortin
General Manager

7225 Estero Boulevard Fort Myers Beach FL 33931 * Phone: (239) 463-3600 * Fax: (239) 463-8992

www.TheFishTaleMarina.com
FTMarina@aol.com



Email:



FORT MYERS BEACH FIRE DEPARTMENT

100 VOORHIS STREET · FORT MYERS BEACH, FLORIDA 33931
MAILING ADDRESS: POST OFFICE BOX 2880 · FORT MYERS BEACH, FLORIDA 33932

Special Events Application and Guidebook

Event Type:

☐ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 11/2/2021		Date of Event: JANUARY 27, February 24, March 24
Location: FISH-TALE MARINA 7225 ESTERO BLVD, FMB 33931		
Event Start Date/Time: 1/27, 2/24, 3/24 7:00p		Event End Date/Time: 1/27, 2/24, 3/24 9:00p
Setup Date: 1/27, 2/24, 3/24	Setup Time: 3:00p	Inspection Time:
Event Sponsor: FORT MYERS BEACH COMMUNITY FOUNDATION		
Sponsor Contact: JANEEN PAULLAUSKIS	Sponsor Phone #: 239-980-4381	Sponsor Email: janeen@barefooteventgroup.com
Anticipated Number of Attendees: 200	Anticipated Number of Event Workers: 15	
Will there be carnival or mechanical rides: NO	Number of Stages: 1	
Total Number of Vendors: 0	Total Number of Hot Food Vendors: 0	
Number of Tents larger than 20 x 20: 0	Number of 10 x 10 Tents: 0	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors with full contact information must be provided to the Fort Myers Beach Fire Department. This information will include contact name, number, and e-mail. All inspection fees will be due at time of service. All fees must be paid prior to releasing any permit.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

- A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
- A life safety evaluation may be required based on the size of the event in accordance with the fire code.
- All vendors should review FMBFD guidelines, on our website at www.FMBFire.org
- Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

JANEEN PAULLAUSKIS Submitting Party Name (Print) Submitting Party Name (Sign) Date: 11/2/2021	Administrative Use Only Date Received: Received By: Fees Due: Forwarded for Review:	Paid: ☐
--	---	-----------------------------------

1. **Requested Motion:**

Meeting Date: January 10, 2022

Approve Tourist Development Council Grant Request for Fiscal Year 2023

Why the action is necessary:

Council approval needed to move forward with the grant request.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Lee County Tourist and Development Council

In 1982, Lee County citizens voted by referendum to form a tourism organization that would promote Lee County's off-season vacation assets in the United States and abroad. A two-percent tax on short-term accommodations was approved to support the new Lee County Tourist Development Council (TDC) and its promotions. In 1988, an additional one percent tourist tax was levied to a total of three percent to support the Beach & Shoreline Capital Improvement Program.

The Tourist Development Council is a nine-member Council appointed as an advisory committee to the Lee County Board of County Commissioners (BOCC). TDC members oversee the entire tourist development tax fund, provide direction on programs and budget, and review the expenditures of the Lee County Visitor & Convention Bureau (VCB) quarterly.

The TDC appointed seats are comprised of three elected officials, three representatives from accommodations collecting the tourist tax, and three representatives from tourism-related industries, as directed by Florida Statute 125.0104.

Each year the TDC approves funding for the maintenance of Lee County beaches, for beach renourishment projects, and for beach and shoreline capital projects such as piers, boardwalks, parks and re-vegetation.

In 2005, the BOCC approved an additional two percent tourist tax to a total of five percent in order to compete in an ever-changing world and an increasingly competitive travel market. Our beaches and ecology are the main draw of visitors to Lee County, and the beach and shoreline program serves as a great enhancement to these assets with funding provided by the tourist development tax. Utilizing 26.4% of the five-cent bed tax, this program has provided more than \$100 million dollars to variety of county wide projects related to beach maintenance, beach nourishment, and park development. Each of these projects represents a cooperative effort with governmental agencies in Lee County from our local municipalities to the federal government. With the countywide nature of the program, new recreational opportunities are being provided in areas of Lee County that our visitors have not historically frequented, thus encouraging further exploration.

This program provides direct benefits to visitors and residents alike, all with the goal of promoting tourism while preserving and enhancing our beaches and shoreline. Many of these projects have proven to have a major impact on visitor activity.

For more information, visit <https://www.leevcb.com/funding-programs/beach-and-shoreline>.

Attachments:

1. Town of Fort Myers Beach TDC Project Requests FY22 23
2. Ineligible lists of B S items

Financial Impact:

The TDC has provided the Town of Fort Myers Beach with millions of dollars of funding over the years for Beach Renourishment, Beach Monitoring and the Maintenance of the Beach Accesses including Mound House and Newton Beach Park properties. See attached proposal for past funding amounts.

6. Alternative Action

Do not approve.

7. Management Recommendations:

To approve.

8. Recommended Approval:

Alison Giesen, Director of Cultural, Parks & Recreation
Alison Giesen, Director of Cultural, Parks & Recreation
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 12/20/2021
Approved - 12/20/2021
Approved - 1/5/2022
Approved - 1/5/2022
Final Approval - 1/6/2022

Beach and Shoreline projects to submit to Lee County Tourist and Development Council (TDC) for funding

Fiscal Year 2022/2023

Maintenance Project Request:

Beach and Shoreline Maintenance – (Approximately \$1,000,000 request)

Funding by the Lee County Tourist and Development Council (TDC) provides the Town of Fort Myers Beach the ability to maintain beach and shoreline properties in a clean, attractive, and accessible manner. TDC Funding also allows the Town to protect and enhance the natural environment of the beaches and elevate the overall visitor experience.

The Town is requesting funding for the equivalent of seven full-time positions (including overtime) and 1 part-time position, and 34% of Beach Patrol's time to dedicate for beach and shoreline maintenance activities. These activities include litter, waste and recycling removal, landscape maintenance and maintenance to pedestrian pathways that provide visitor access. Funds requested also include maintenance and upkeep of 29 Beach Accesses including repairs to existing boardwalks, Mound House native landscape, 216 Connecticut Street native landscape, Newton Beach Park native landscape and janitorial requirements for the public restroom facilities at Newton Beach Park and Mound House and Palm Avenue Beach Access Restroom Trailer. At various peak times throughout the year, the Town uses contracted labor to supplement staffing to maintain a quality beach experience. Out of the 7 full-time employees and 3 part-time employees, 2 full-time equivalent positions maintain the Mound House, 216 Connecticut Street and Newton Beach Park landscapes and public restroom facilities.

The Town of Fort Myers Beach is requesting funds for the replacement of an F250 and tractor as well as the repair and maintenance of equipment only used for beach and shoreline operations as well as the costs for trash and recycling removal. Trade in/auction of equipment will offset purchases of new equipment. It is the Town's intention, in addition to the on-going maintenance related work, to continue the enhancements to its beach accesses by adding native landscaping, maintaining the natural beauty of the beaches, signage and improving accessibility. New equipment purchases request of a bucket truck used for high trimming of palm trees and landscaping.

Mound House, Estero Bay (Approximately 205,000 request)

Located directly off Estero Bay on Fort Myers Beach, Mound House serves thousands of visitors annually who come to fish, boat, kayak the Great Calusa Blueway Paddling Trail, and learn about the site's unique history and ecology as they stroll along the beautifully landscaped shoreline property. To maintain a high-quality visitor experience and to help protect the natural surroundings, Mound House is requesting funds to maintain the native landscaping, existing outdoor interpretive signage, and public restroom facilities that are used by visitors on a daily basis. This request also includes maintaining the native landscape at 216 Connecticut Street. The pet-friendly grounds are open every day from sunrise to sunset. Slight increase in request due to upgrades needed to current public restrooms (better ventilation and flooring).

Newton Beach Park, Gulf of Mexico (Approximately \$82,000 request)

Newton Beach Park is located at 4650 Estero Boulevard directly on the Gulf of Mexico and is one of the most popular beach accesses on Fort Myers Beach. This native landscaped property contains several shade structures, areas for recreational activities, public restrooms, and a beach shower station. Interpretive signage is located throughout the property that educate visitors about the natural environment and the site's unique history. Free environmental programming is conducted weekly by Mound House interpretive staff to enhance the visitor experience. The Town of Fort Myers Beach is requesting funds to help maintain the native landscape, public restroom facilities, beach shower station and shade structures at this popular beachfront property. Funds

awarded will continue to enable the Town to provide a clean, attractive public facility to meet the needs of visitors to Fort Myers Beach.

Beach Profile Monitoring, Gulf of Mexico (Approximately \$32,013 request)

Conduct beach profile monitoring surveys of the active beach zone along the shoreline of Estero Island at each R-Monument, from R-174A to R-210. Profiles surveys shall extend landward to the FDEP monument location or approximately 150 feet landward of the vegetation line, whichever is more seaward. If the point 150 feet landward of the vegetation line cannot be reached because of an obstruction, such as a building, bay water, mangroves or other impassible vegetation or obstacle, then the survey line may be stopped at the obstacle and shall be noted as such in the survey field book. Coastal armoring is generally not an impassible obstacle and is normally to be surveyed. Upland profiles shall extend seaward to a waiting depth deep enough to provide an approximate 50-foot overlap with the offshore portion of the profile survey where environmental conditions allow. Offshore profile surveys will extend seaward 3,000 feet from MHW or to the profile closure, whichever is more landward.

The survey report shall include beach profile plots depicting the 2022 and 2023 surveys, 2023 MHW shoreline position and 2021-2022 MHW change tables, and 2022-2023 beach profile volume changes to seaward point of active transport.

Beach Project Renourishment (Approximately \$9,791,183 request)

The project proposes to dredge sand from the ebb shoal borrow area and place the sand along approximately 6.5 miles of critically eroding gulf shoreline along Estero Island, Lee County. The Project boundary extends from the terminal groin to Florida Department of Environmental Protection (FDEP) Reference Monument R-207. The total length of shoreline within the Project boundary is 33,923 feet. The length of shoreline that has an established Erosion Control Line (ECL) is approximately 24,177 feet (terminal groin to R-198). The Project is consistent with the State's Strategic Beach Management Plan (FDEP, 2021) including these components:

- Restore critically eroding beaches;
- Maximize the infusion of beach-quality sand into the coastal system;
- Implement projects that contribute most significantly to addressing the state's beach erosion problems;

The project proposes renourishment of the north and central beach segments and initial restoration and subsequent renourishment of the south beach segment utilizing offshore sand sources, use of approved upland quarries for hot-spot maintenance and post-storm recovery, and maintenance grading of historic ponding areas.

Up to 900,000 CY are proposed for Project construction. The previously utilized Borrow Area has over 1 MCY remaining and is proposed for the initial event. The Preliminary Opinion of Probable Project Cost including design and permitting, construction, construction phase services, and first year monitoring is approximately \$23,068,000.

Hot-spot maintenance and post-storm recovery will be implemented based on monitoring surveys utilizing FDEP approved upland sand sources, as will maintenance grading, through the life of the Permits. Annual monitoring will be performed in accordance with the FDEP approved Physical Monitoring Plan. The beach will be tilled for three years subsequent to construction in accordance with state and federal requirements.

FY20/21 Design and Permitting: **\$300,000 (18-Months)**

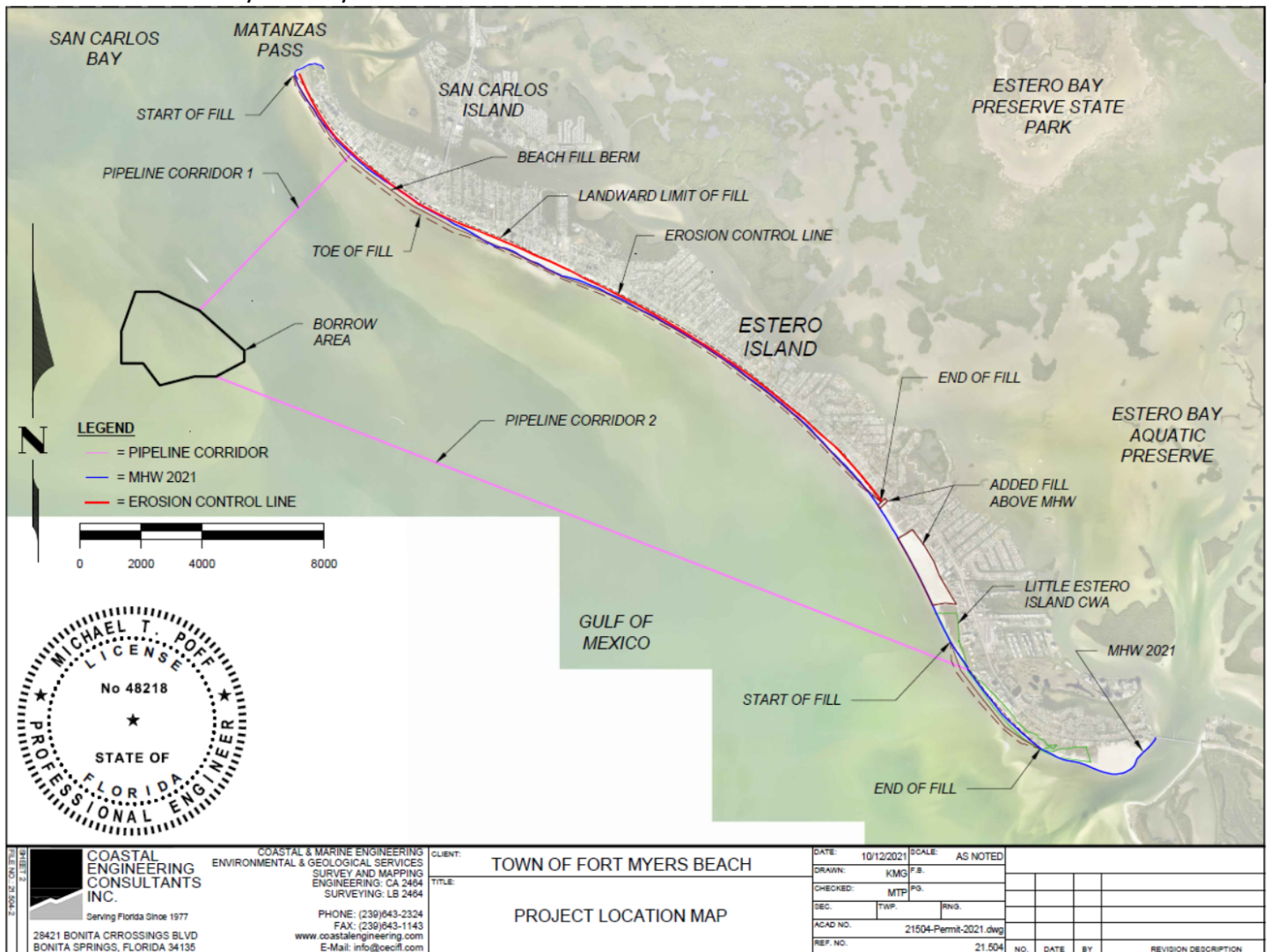
FY21/22 Design and Permitting: **\$40,000 (12-Months)**

FY22/23 Construction/First Year Monitoring: **\$22,686,000 [\$22,524,000-Const, \$162,000-Mon] (9 Months)**

Table 1. Summary of Construction Cost Allocations

Entity	Cost Share	Cost Allocation
FDEP	40.5%	\$9,124,472
Lee County	43.5%	\$9,791,183
Ft. Myers Beach	16.0%	\$3,608,345
Total	100%	\$22,524,000

The Project will restore storm damage reduction benefits, enhance recreational use of the beach, and provide nesting habitat for sea turtles and shorebirds. The beach will be widened as sand is imported from outside the system. The added beach width will afford greater recreational opportunities at popular beach parks, pier, and hotels that are heavily used by residents and tourists alike.



Total Request for FY 22/23

\$11,110,196 (\$9,791,183 beach nourishment project)

Funding History**Previous Year TDC Approved Funding****FY21/22**

\$934,888

Capital Projects

Palm Ave Restroom: \$95,000

FY20/21

\$1,267,625

FY19/20

\$1,135,230

\$127,038 (Out of cycle request) Additional funds for Newton Beach Park Restroom Renovation

FY18/19

\$1,340,970

FY17/18

\$955,400

TDC Beach & Shoreline Program Items ineligible for funding

Beach access security cameras¹

Bike paths¹

Concessionaires

Facilities not open to the public¹

Fencing / Gates

General law enforcement¹

Picnic tables¹

Playground equipment

Privately owned facilities¹

Volleyball court

Travel related items (Tolls, etc)²

Communication devices (cell phones, radios)²

Indirect Costs²

Uniforms²

Insurance premiums²

Please note:
This list is intended to serve as a guideline only.
All requests are subject to a legal review by the
Lee County Attorney's Office.

Unless otherwise noted the items on this list are excluded from funding based on Lee County Attorney's Office interpretations of Attorney General Opinions.

¹ items were expressly discussed in Attorney General Opinions

² items listed were directed to be excluded based on TDC motion effective 2/13/09

revised 1/2016

1. Requested Motion:

Meeting Date: January 10, 2022

Approve Resolution 22-01 authorizing the Town to enter into an Interlocal Agreement with Lee Tran for Advertising

Why the action is necessary:

To provide clarification of maintenance responsibilities and advertising restrictions for LeeTran.

What the action accomplishes:

Provides a formal agreement between LeeTran and the Town of Fort Myers Beach.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Resolution

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

During the December Management and Planning Session, after discussing, Town Council chose to allow LeeTran to place advertising on bus shelters and benches, providing priority is offered to local businesses and route information/mapping is also provided. The revenue from the advertising helps offset the long-term maintenance costs of the amenities. The Town and Lee Tran will be applying to the Metropolitan Planning Organization (MPO) for funding for the procurement of bus shelters for Fort Myers Beach. As part of that grant application, the MPO requires a long-term maintenance plan. This interlocal meets the requirement set forth by the MPO as well as clarifies responsibilities between the Town and LeeTran.

Attachments:

1. Resolution 22-01 re ILA for Bus Bench and Shelter Advertising(129336406.1)-C
2. DRAFT Bus Benches and Shelters ILA with Lee County(129362060.1)-C
3. Advertising Policy 700-03 FINAL (002)
4. 5832 Lee County Stamped Drawings

Financial Impact:

6. Alternative Action

Do not approve the interlocal agreement.

7. Management Recommendations:

Approve the Interlocal Agreement.

8. Recommended Approval:

Chelsea O'Riley, Public Works Director
Chelsea O'Riley, Public Works Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 12/21/2021
Approved - 12/21/2021
Approved - 1/6/2022
Approved - 1/6/2022
Final Approval - 1/6/2022

RESOLUTION NUMBER 22-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN AND LEE COUNTY, FLORIDA ALLOWING FOR ADVERTISING ON BUS SHELTERS AND BENCHES WITHIN THE TOWN'S JURISDICTIONAL LIMITS AND, CLARIFYING MAINTENANCE RESPONSIBILITIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("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 Town desires to have bus benches and shelters throughout the bus routes within Fort Myers Beach that are provided by Lee County, Florida through LeeTran ("County"); and

WHEREAS, the County collects fees for advertising on its bus benches and shelters to offset maintenance costs of the bus benches and shelters; and

WHEREAS, the Town Council previously discussed with the County allowing advertising on bus benches and shelters located within the Town and applying for grant funding for the procurement of bus benches and shelters and offset maintenance costs of the bus benches and shelters; and

WHEREAS, it is in the best interest of the Town, its business owners, property owners, residents, and visitors to enter into the Interlocal Agreement with the County attached as Exhibit "A" to this Resolution, to provide bus benches and shelters within the Town and to allow the County to collect fees for advertising on its bus benches and shelters to offset maintenance costs of the bus benches and shelters.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA 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 Interlocal Agreement ("Agreement") between the Town and the County attached as Exhibit "A" is approved and the Mayor is authorized to execute the Agreement

128455213.1

129336406.1

on behalf of the Town and the Town Manager or designee is authorized to take necessary actions to implement this Resolution and the Agreement.

Section 3. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

Section 4. This Resolution shall become effective upon adoption by the Town Council.

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

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

ADOPTED this 10th day of January 2022 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 _____, 2022

128455213.1

129336406.1

**INTERLOCAL AGREEMENT FOR TRANSIT SERVICE
BY AND BETWEEN LEE COUNTY, FLORIDA AND
THE TOWN OF FORT MYERS BEACH, FLORIDA**

THIS INTERLOCAL AGREEMENT ("*Interlocal Agreement*") is made and entered into this _____ day of _____, 2022, by and between **Lee County**, a political subdivision and charter county of the State of Florida (hereinafter referred to as "*County*"), acting by and through its **Board of County Commissioners**, the governing body thereof, and the **Town of Fort Myers Beach**, a municipal corporation of the State of Florida (hereinafter referred to as "*Town*"), acting by and through its **Town Council**, the governing body thereof (collectively the "*Parties*" hereto).

RECITALS

WHEREAS, both the County and Town are duly empowered pursuant to Florida Statutes, in particular, Section 163.01, to enter into Agreements for the sharing of certain governmental powers and obligations; and

WHEREAS, the County owns and operates a mass transit system known as LeeTran which provides bus service to the Town; and

WHEREAS, the County maintains bus stops and shelters, benches, trash receptacles and bike racks (hereinafter referred to as Amenities) at LeeTran bus stops in the Town; and

WHEREAS, the Town is responsible for trash removal at LeeTran bus stops in the Town; and

WHEREAS, Florida Statutes § 337.408 allows bus stops and Amenities to be installed within rights-of-way, provided that the bus stops and Amenities are for the comfort and convenience of the general public or at designated stops on official bus routes; and

WHEREAS, the County operates a bus shelter and bench advertising program that generates revenue for the County to offset cost associated with maintaining bus stops; and

WHEREAS, the County and Town find that entering into this Agreement serves a public purpose and is to the public's benefit.

NOW, THEREFORE, the Parties agree with one another as follows:

SECTION I: RECITALS ADOPTED

A. The above recitals are hereby adopted by the Parties as being true and accurate to the best of their knowledge, and as if set out further at length in this Agreement.

SECTION II: AMENITIES PLACEMENT, SPECIFICATIONS, AND ILLUMINATION

A. The County may place Amenities only along officially designated LeeTran bus routes within the corporate limits of the Town. The Town may request additional bus stops and Amenities along officially designated LeeTran bus routes, at the Town's expense, with the County's approval. Town requested Amenities shall be replaced by the Town at the end of its useful life. All shelter specifications shall at all times be in accordance with all federal, state, County and Town specifications. The Town shall pay the cost to install, relocate or remove Amenities as required by the Town, for the Town's work, within or adjacent to the Town, County and/or Florida DOT (FDOT) maintained rights-of-way.

B. For consistency of transit bus stops, the County shall have the right to determine, in its sole discretion, the style, colors, and advertising content used for the Amenities placed within the Town. Acceptable advertising content based on the County's strict and thorough advertising policy.

C. Any shelter the County wishes to illuminate will be subject to Florida Statutes § 337.408 and prior approval must be obtained from the Town's Building & Zoning Department, to include local lighting requirements. If the Town receives complaints regarding the intensity of illumination, the County will work to address the complaints. The County will illuminate shelters, which during the permitting process, have been identified for safety or security reasons.

SECTION III: PERMITTING

A. The County, Town or its agent shall follow normal permitting procedures prior to placing bus stops and Amenities within the corporate limits of the Town. Both the Town and the County shall obtain all necessary easements, rights-of-way, or permissions. During the permitting process, the Town and the County will have an opportunity to review and approve the locations within its jurisdiction. The Town and County will direct its contractor to submit all permit requests to the appropriate Building & Zoning Department. The Town's Building & Zoning, Fire, Police and Engineering Department will review all plans. All plans must be countersigned as to location by the Town Engineer before approval. The Town agrees to waive any permit fee required in permitting the placement of bus stops and amenities within Town limits.

SECTION IV: MAINTENANCE AND ADMINISTRATION

A. The County shall be responsible for the maintenance of all bus stops and Amenities in the Town in a clean and workmanlike manner, and shall make all repairs

within a reasonable timeframe, agreed upon with the Town from any written request from the Town. Safety-related repairs shall be made immediately. If the County fails to make any repair within the agreed upon timeframe or make any safety- related repair within seventy-two (72) hours of receipt of written request, the Town may undertake repairs and bill the County for the cost of such repairs. The County, upon receipt of such invoice, shall reimburse the Town for the cost of such repairs. Amenities whereas the Town has requested or installed will be replaced by the Town at the end of its useful life.

B. Trash within receptacles at the bus stops will be collected by the Town and must be emptied when full, but in any event, not less than once every seven (7) days.

C. The County shall provide all necessary administrative services for the operation of a mutually beneficial bus stop program within the corporate limits of the Town.

SECTION V: ADVERTISING REVENUE

A. The County will receive proceeds generated through the bus shelter and bench advertising program to offset maintenance of bus stops and their Amenities and associated costs.

SECTION VI: LIABILITY

A. The Parties agree that by execution of the Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for in Section 768.28, Florida Statutes, as may be revised or amended from time to time.

SECTION VII: TERM

- A. This Interlocal Agreement will remain in full force and effect for a term of ten (10) years from the date of approval by the Parties. At the end of the initial ten (10) year term, the Agreement shall automatically renew for an additional ten (10) year period unless either Party elects to terminate the Agreement. Any party desiring not to renew the Agreement shall send written notice at least sixty (60) days prior to the expiration of the term.

SECTION VIII: ENTIRE UNDERSTANDING

A. This Agreement constitutes the entire understanding for general bus stop and Amenities placement and maintenance between the Parties, and any previous Agreements pertaining to the above-stated, whether written or oral, shall be superseded by the Agreement.

SECTION IX: MODIFICATIONS, DISPUTE RESOLUTION, AND TERMINATION

A. All modifications or amendments to this Agreement must be in writing signed by both Parties with the same formality as that contained herein.

B. If both parties agree, any disputes arising from this Agreement which cannot be resolved by the Parties may be settled through voluntary mediation. The Parties may also utilize any other legal remedies available under Florida law to either Party with respect to the disputed matters.

C. Either Party may terminate this Interlocal Agreement for any reason by giving the non-terminating party ninety (90) days written notice of its cancellation. In the event of termination, the Town will be responsible for paying any costs per this Interlocal Agreement incurred up to the date of termination and the County will retain ownership of the Amenities.

SECTION X: NOTICE

A. All notices or demands are deemed to have been given or made when delivered in person or delivered by certified or registered mail, return receipt requested, postage prepaid, United States mail, and addressed to the respective Parties as follows:

Lee County: LeeTran Director
3401 Metro Parkway
Fort Myers, Florida 33901

Town of Fort Myers Beach: Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, Florida 33931

The address to which any notice or demand may be given to either party may be changed in writing.

SECTION XI: SEVERABILITY

A. If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Agreement shall nevertheless be in full force and effect.

SECTION XII: FILING

A. This Agreement and any subsequent amendments hereto shall be filed with the Lee County Clerk of the Circuit Court, Minutes Department, and the Clerk of the Town of Fort Myers Beach.

(Balance of Page Left Intentionally Blank)

IN WITNESS WHEREOF, the PARTIES have caused this Interlocal Agreement to be executed on the day and year first above written.

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

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
[Signature]

[Type or Print Name]

BY: _____
[Signature]

[Type or print name]

APPROVED AS TO FORM FOR RELIANCE OF LEE COUNTY ONLY:

BY: _____
Lee County Attorney's Office

700-03 Advertising Policy

Effective Date

June 16, 2020

Purpose

The purpose of this policy is to establish guidelines for interior and exterior advertising on LeeTran vehicles, benches, shelters, digital displays, and printed guides. The purpose of this policy is to clearly define the use of both LeeTran's revenue-generating advertising space and informational advertising space on its transit-related properties.

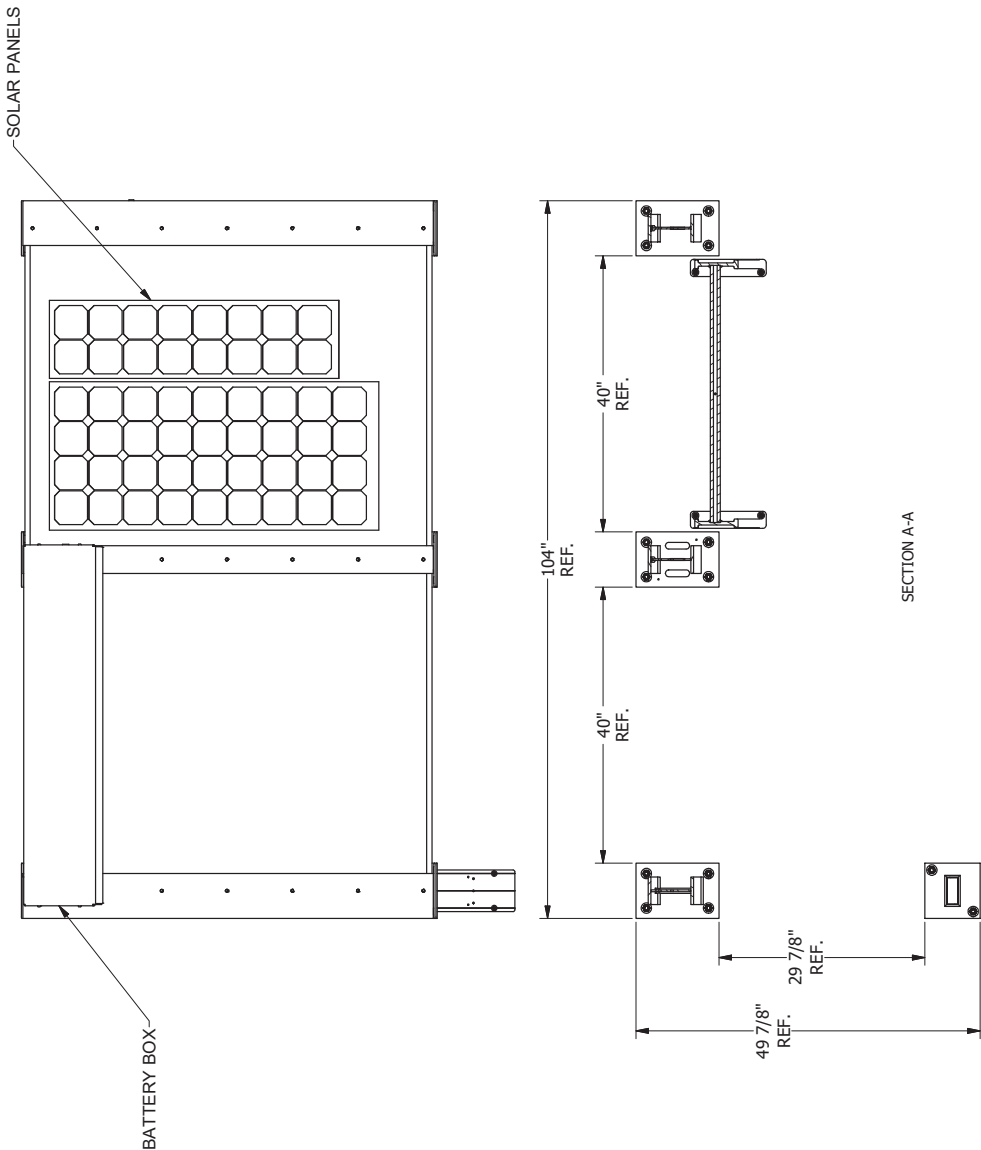
Procedures

Advertising displayed with LeeTran may be commercial or personal in nature and purpose. LeeTran serves persons of all ages and backgrounds and strives to create a comfortable and enjoyable experience for all passengers. The following types of advertising are strictly prohibited:

- Materials that contain false, misleading, libelous, slanderous, or deceptive images.
- Advertising for tobacco, tobacco-related products, alcoholic products, and illegal drugs.
- Advertising for adult products, services or entertainment directed to sexual stimulation.
- Advertising that depicts sexually explicit, obscene and/or pornographic images or words.
- Advertising that portrays graphic violence.
- Advertising that contains discriminatory, derogatory, negative or personal attacks against individuals, groups, or organizations.
- Advertising that states or implies endorsement of a product or service by LeeTran.
- Advertising that is political in nature.
- Advertising that is religious in nature.
- Advertising that is directed to inciting or producing imminent lawless action, or is likely to incite or produce such action, including but not limited to unlawful actions.
- Advertising that promotes illegal activity of any kind.
- Advertising that encourages persons to refrain from using LeeTran or public transit in general.
- Advertising messages that conflict with the mission of LeeTran

Issue-oriented ads may not contain political, partisan, religious or advocacy messaging. LeeTran maintains the right to decline advertising opportunities to organizations that fall under any of these categories with or without the messaging portraying such affiliation.

Reference: Board of County Commissioners Administrative Code AC-1-19 – Lee County Advertising Policies and Standards

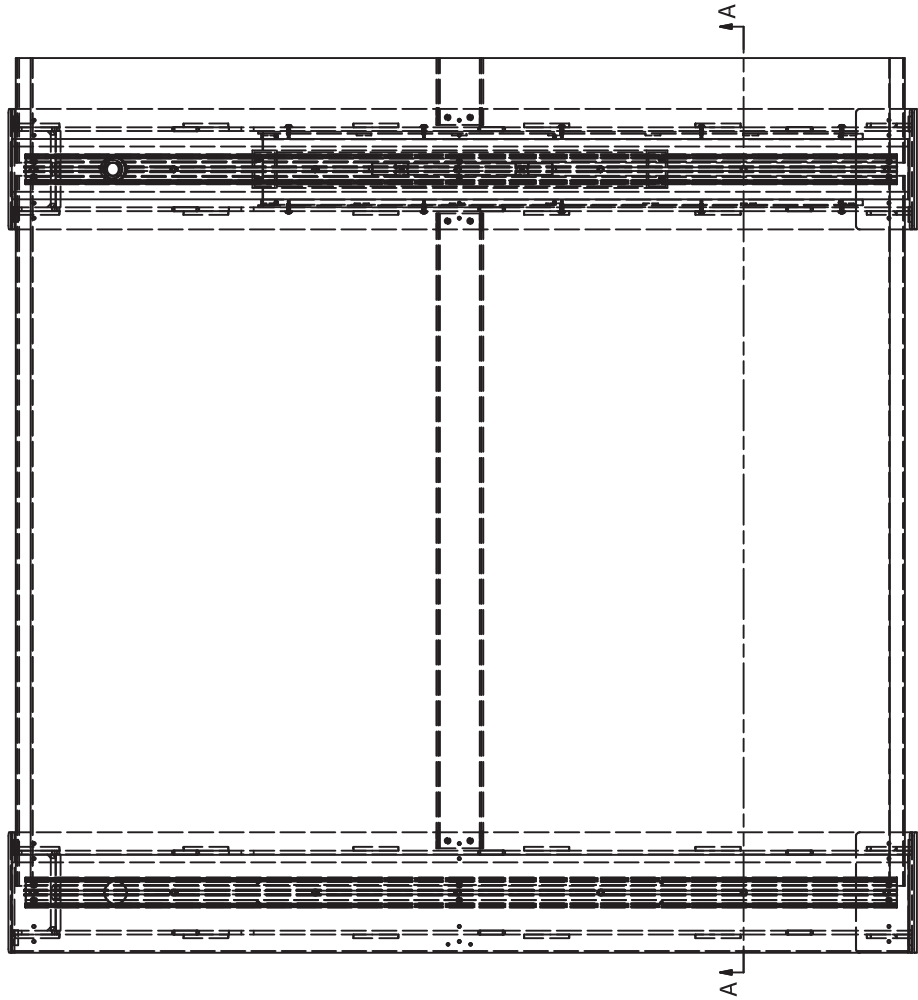


QUANTITY (5) SHELTERS THUS

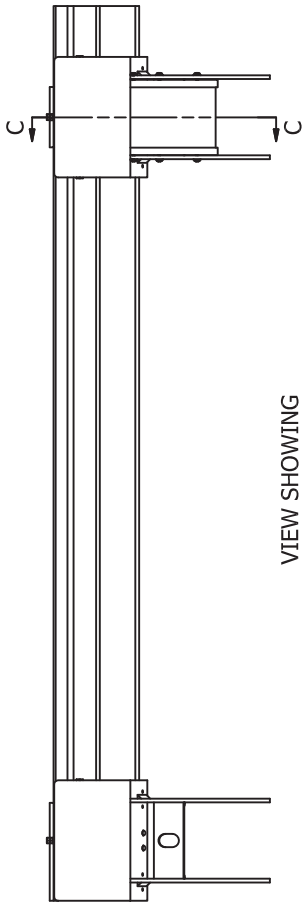
POWDER COATED ALUMINUM STRUCTURE (COLOR T.B.D.)
BACKWALL WITH PERFORATED INFILL PANELS (COLOR T.B.D.)
ARCHED ROOF WITH 3/16" ALUMINUM GLAZING (COLOR T.B.D.)
(1) 3/6" INTERLUDE BENCH WITH ARMREST (COLOR T.B.D.)
SOLAR LIGHTING PACKAGE WITH 6 WATT LIGHT AND LIT AD BOX
BATTERY CLOSURE ON ROOF FOR SOLAR LIGHT AND AD BOX
20 GALLON PERFORATED METAL TRASH RECEPTACLE WITH FL
SINGLE HOOP BIKE RACK WITH LOGO PLATE (NOT SHOWN)



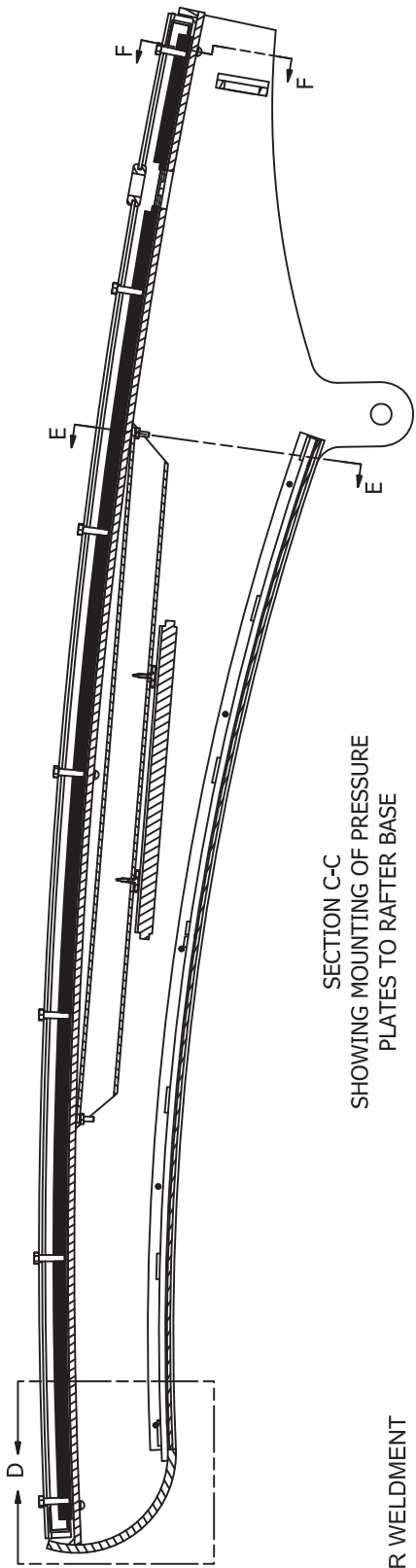
	CUSTOMER: J		CHECKER: BMB NCR
	PROJECT: INTERLUDE TRANSIT SHELTER		DATE: 5/23/19
BRASCO INTERNATIONAL, INC. 32400 INDUSTRIAL DR. MADISON HEIGHTS, MICHIGAN 48071 1-800-893-3665 WWW.BRASCO.CO.COM	MODEL: INJ0508-0-0-AR-PC-PA-0-0	JOB # 5832-B	REVISION: A
	THIS DRAWING IS CONFIDENTIAL AND IS FOR THE SOLE USE OF OUR CUSTOMERS AND MAY NOT BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM BRASCO INTERNATIONAL.		



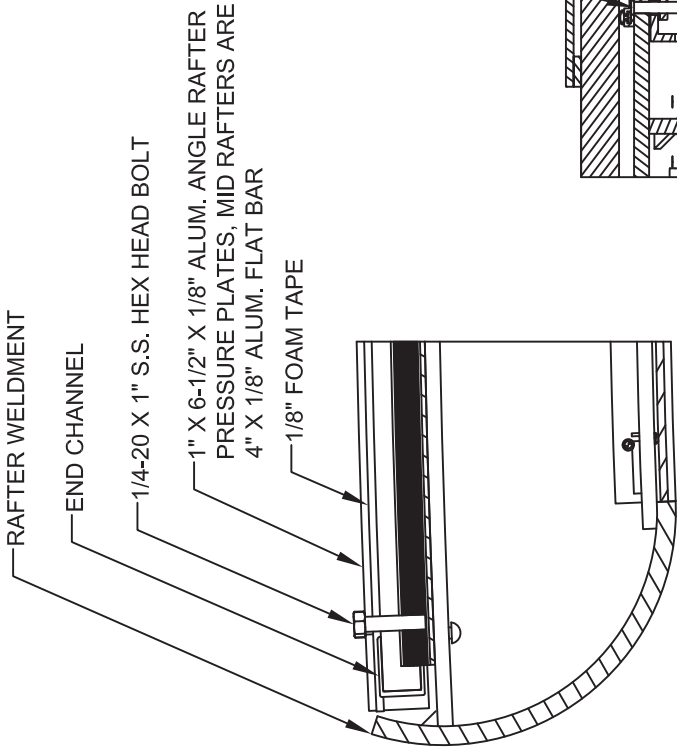
VIEW SHOWING
ROOF TOP



VIEW SHOWING
FRONT ROOF, END RAFTER (LEFT),
AND MID RAFTER (RIGHT)

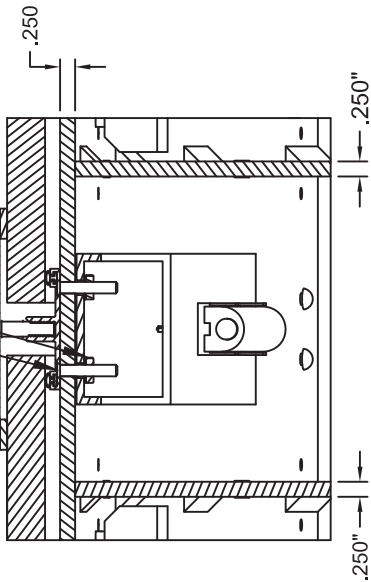


SECTION C-C
SHOWING MOUNTING OF PRESSURE
PLATES TO RAFTER BASE



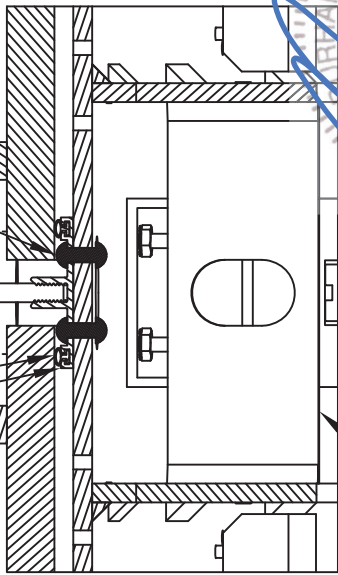
DETAIL D
SHOWING TYPICAL PCSS COVER ON
FRONT AND REAR OF THE SHELTER

- #10-24 X 1" LG. S.S. CINCH STUD
(4) PER LIGHT FIXTURE
- #10-24 EXTERNAL LOCK
WASHER "K" LOCKNUT
(4) PER LIGHT FIXTURE
- 4" X 1/8" ALUM. FLAT BAR
MID RAFTER PRESSURE PLATE
- 1/8" FOAM TAPE

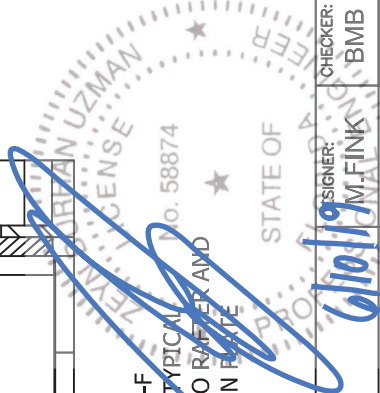


SECTION E-E
VIEW SHOWING TYPICAL
LIGHT MOUNTING TO RAFTER

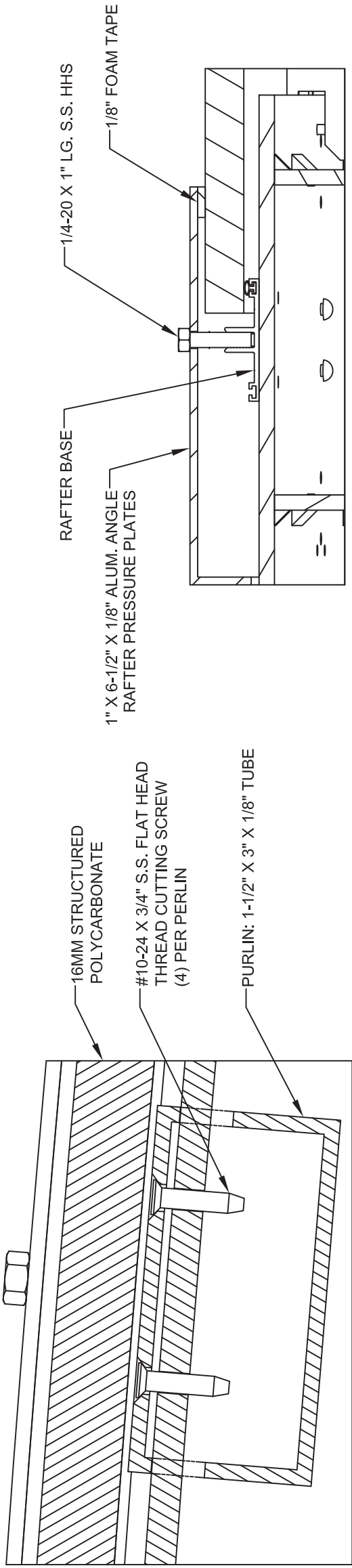
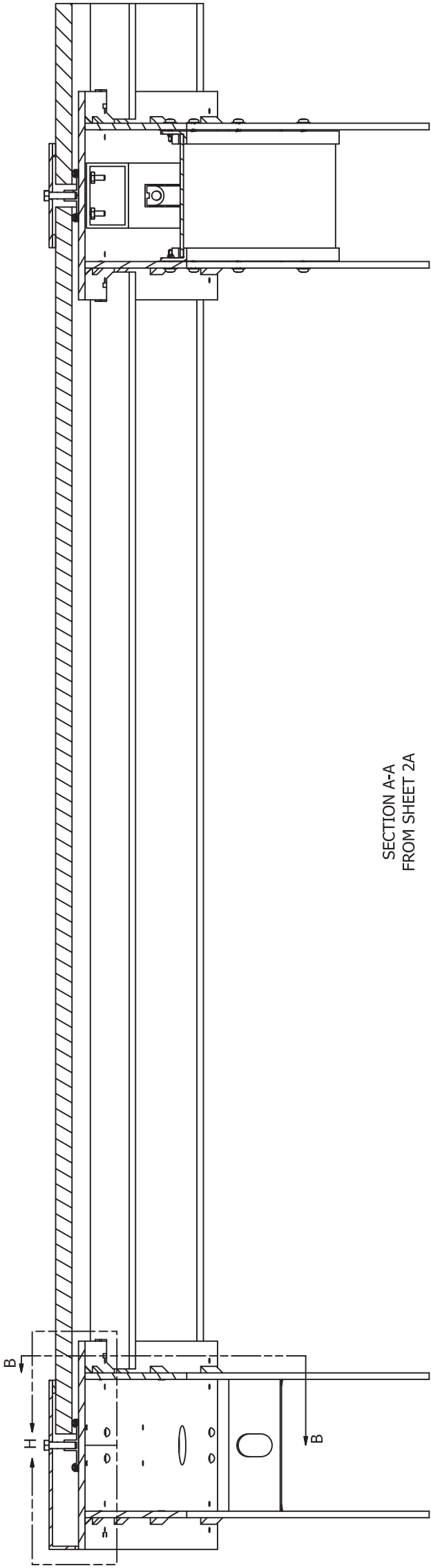
- BULB VINYL
(2) PER RAFTER
- RAFTER BASE
- (6) 3/16" X 1/4" POP RIVET



SECTION F-F
VIEW SHOWING TYPICAL
RAFTER BASE MOUNT TO RAFTER AND
ARM CONNECTION PLATE



	CUSTOMER: BRASCO INTERNATIONAL		CHECKER: BMB	
	PROJECT: INTERLUDE TRANSIT SHELTER		DATE: 5/2/19	
	MODEL: LIGHT, PRESSURE PLATE, AND RAFTER REAT CONNECTIONS		DATE: 5/8/19	
THIS DRAWING IS CONFIDENTIAL AND IS FOR THE SOLE USE OF OUR CUSTOMERS AND MAY NOT BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM BRASCO INTERNATIONAL.		JOB #	SHEET:	REVISION:
		STD.	2A	A



SECTION B-B
SHOWING TYPICAL PURLIN
CONNECTIONS TO COLUMN RAFTERS
(TYPICAL ALL SHELTER STYLES)

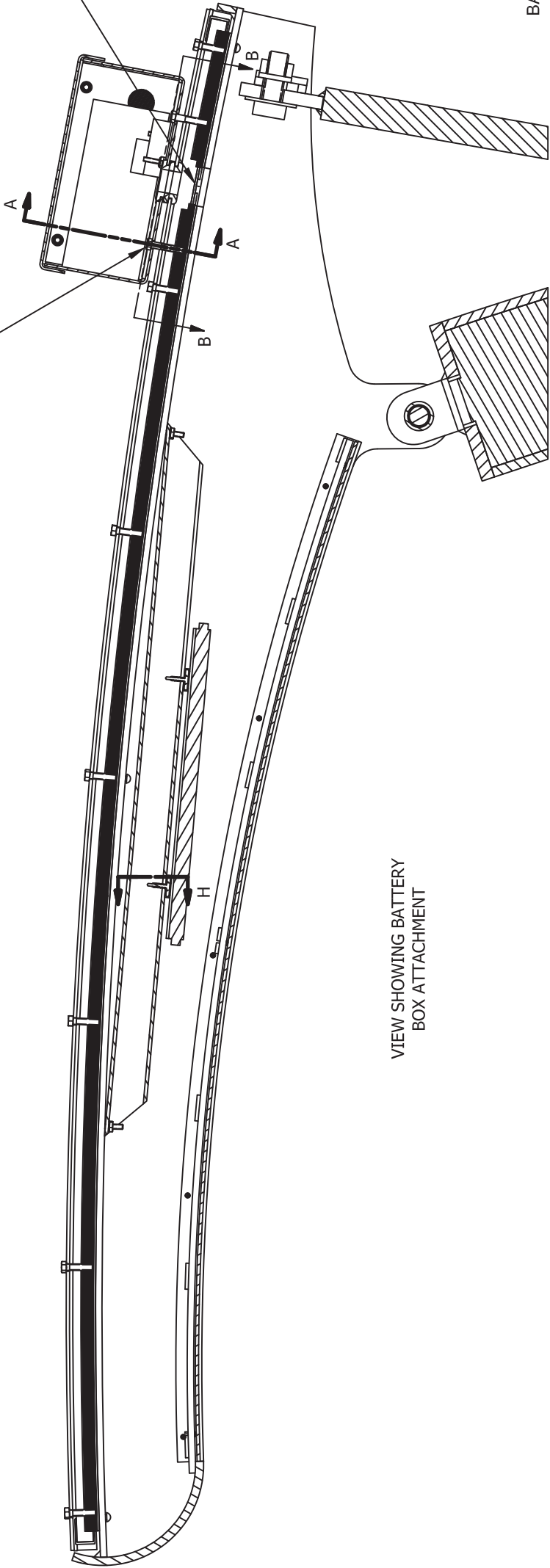
DETAIL H
SHOWING TYPICAL CONNECTIONS OF
ROOF PANELS TO END RAFTERS AND
PRESSURE PLATES TO RAFTER BASE
(TYPICAL FOR ALL SHELTER STYLES)



	BRASCO INTERNATIONAL, INC. 32400 INDUSTRIAL DR. MADISON HEIGHTS, MICHIGAN 48071 1-800-893-3665 WWW.BRASCO.COM	CUSTOMER: BRASCO INTERNATIONAL		DESIGNER: M.FINK	CHECKER: BMB
		PROJECT: INTERLUDE TRANSIT SHELTER		DATE: 5/2/19	DATE: 5/8/19
		MODEL: PRESSURE PLATE AND PURLIN CONNECTIONS		JOB # STD.	SHEET: 2B
	THIS DRAWING IS CONFIDENTIAL AND IS FOR THE SOLE USE OF OUR CUSTOMERS AND MAY NOT BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM BRASCO INTERNATIONAL.			REVISION: A	

SECURE BATTERY BOX TO ROOF
WITH (4) 1/4-20 X 1-1/4" HEX HEAD BOLTS

THRU HOLE FOR WIRE
ACCESS

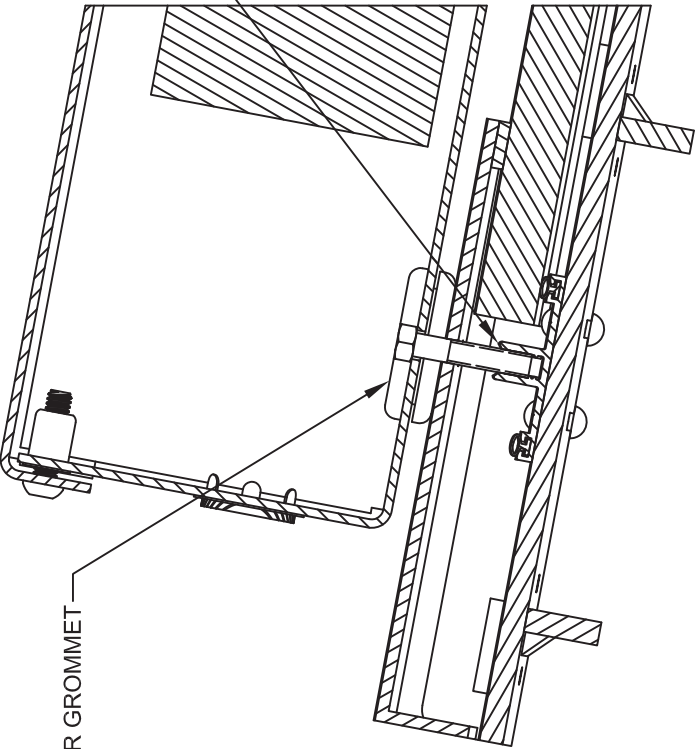


VIEW SHOWING BATTERY
BOX ATTACHMENT

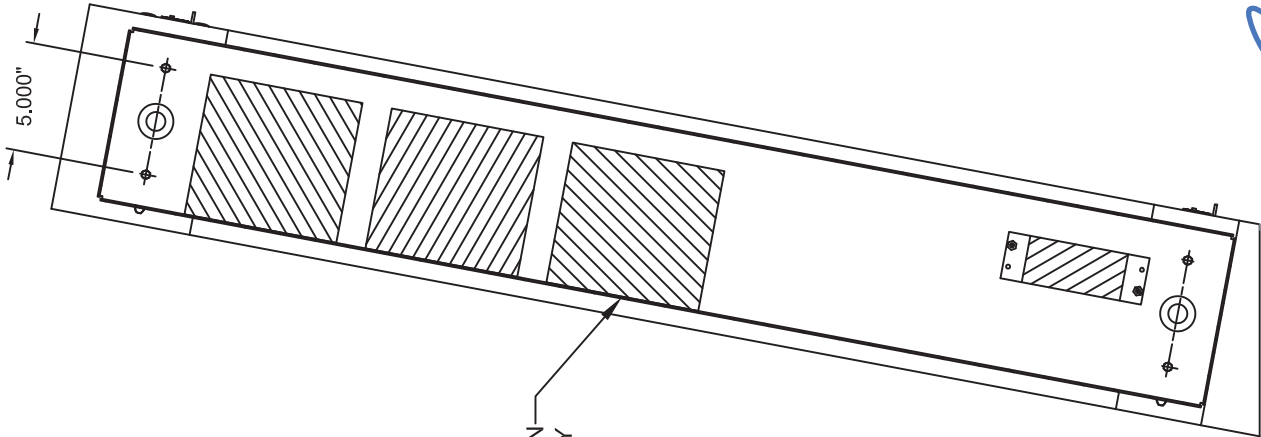
BATTERIES SHOWN
FOR REF. ONLY

ALIGN BATTERY BOX GROMMET HOLES TO
HOLES IN ROOF. SECURE BATTERY BOX TO ALUM.
CONDUIT SERRATED SLOT AS SHOWN
(REPEAT FOR RAFTER COVERS)

RUBBER GROMMET



SECTION A-A

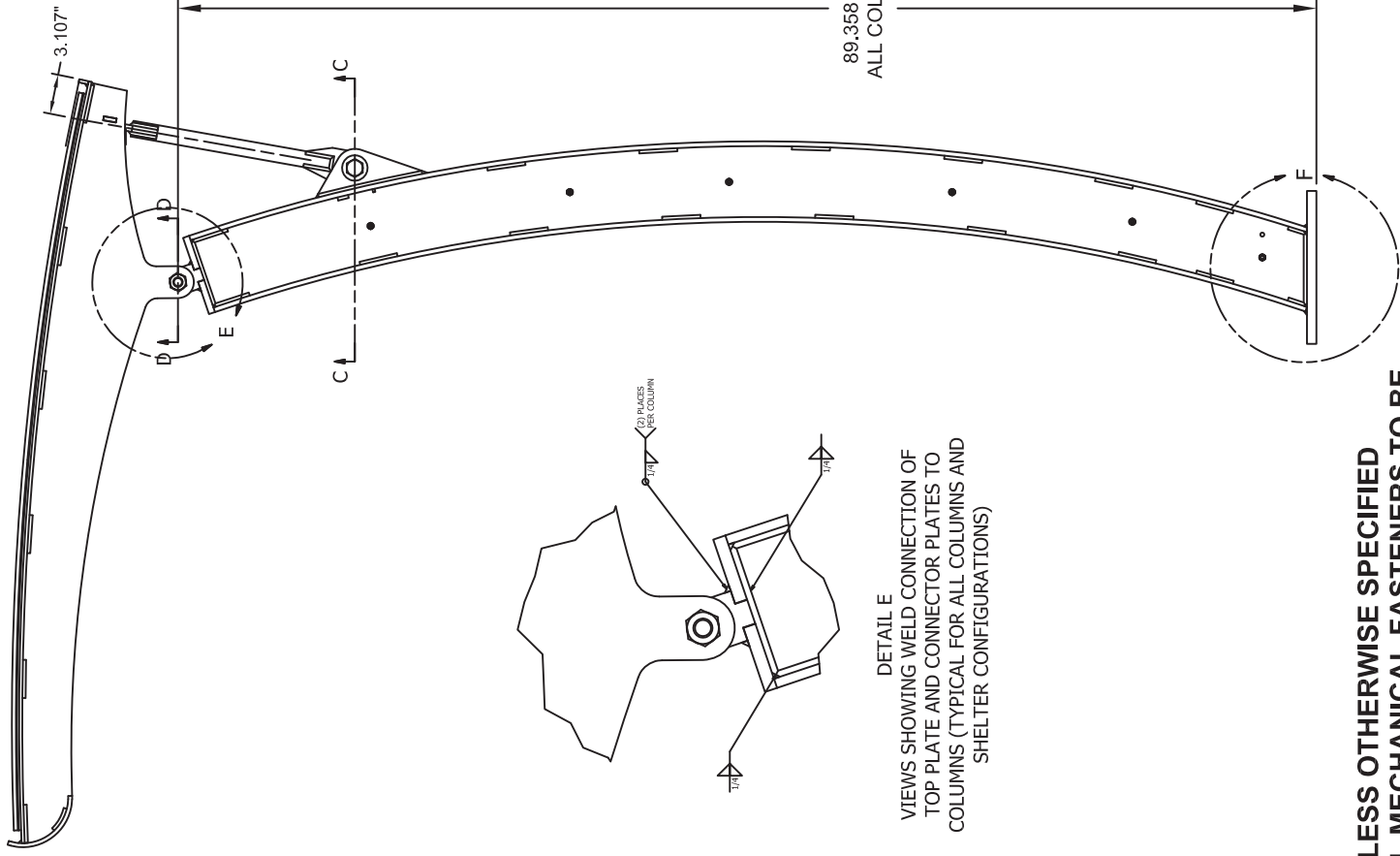
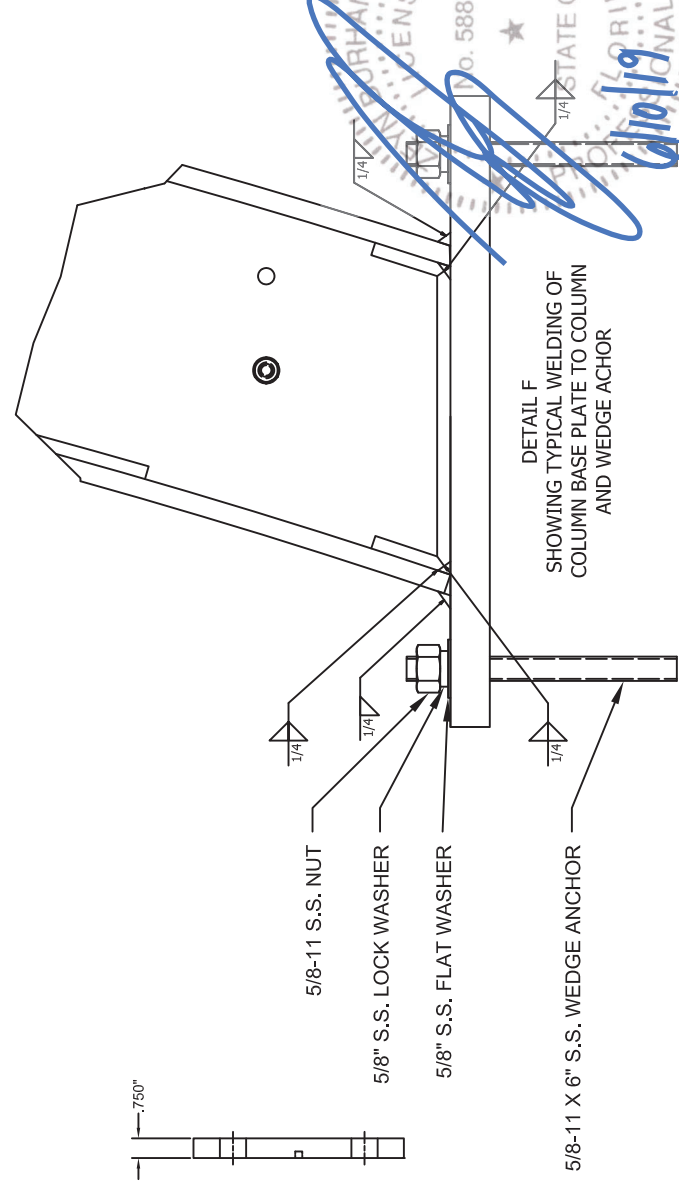
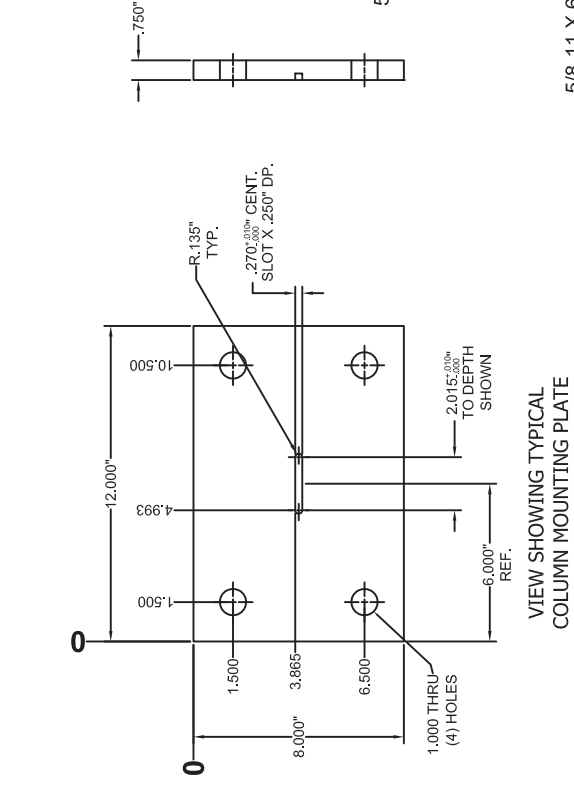
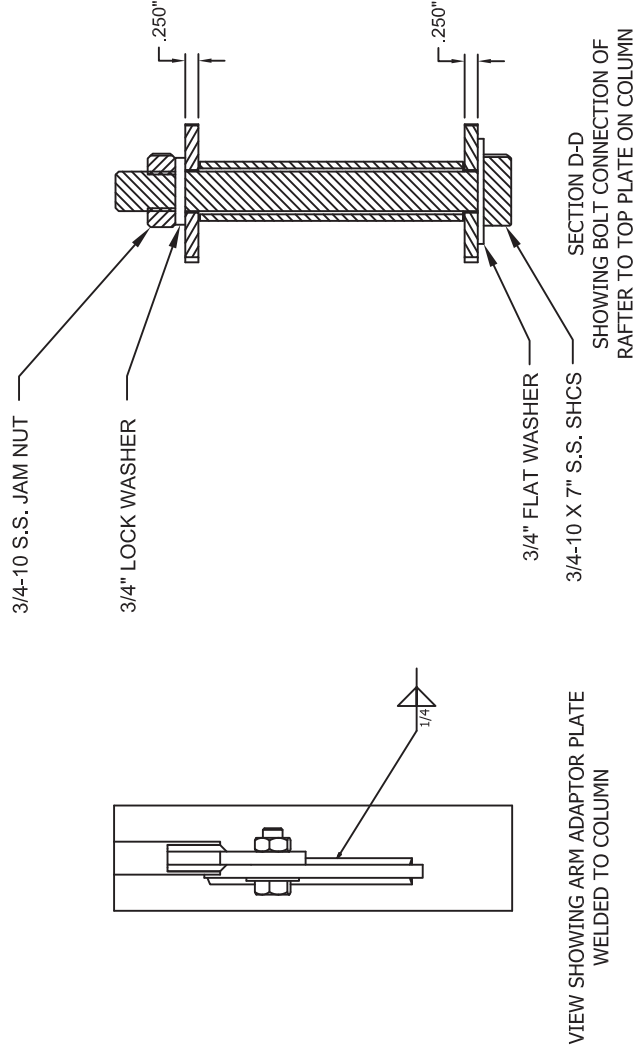
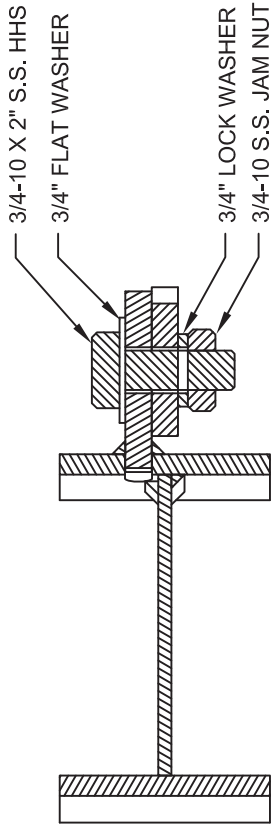
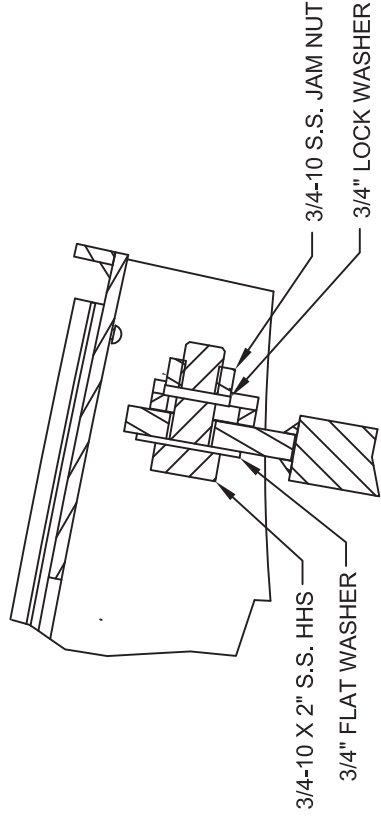
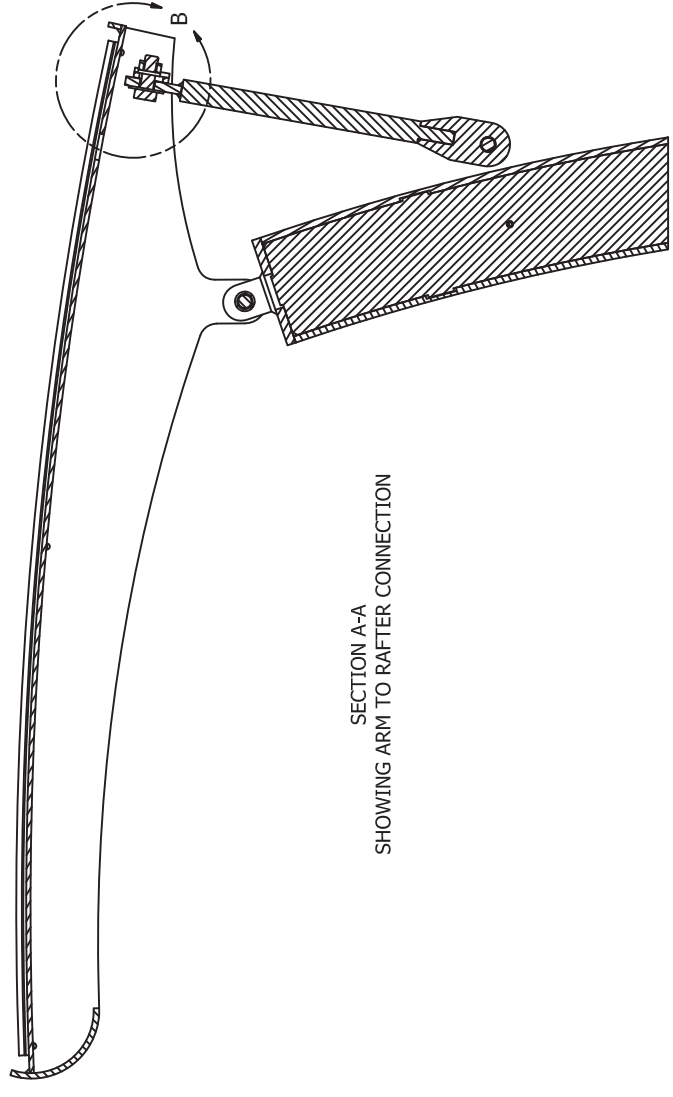


SECTION B-B

BRASCO INTERNATIONAL, INC.
32400 INDUSTRIAL DR.
MADISON HEIGHTS, MICHIGAN 48071
1-800-893-3665
WWW.BRASCO.COM

	CUSTOMER: BRASCO INTERNATIONAL		DESIGNER: M.FINK	CHECKER: BMB
	PROJECT: INTERLUDE TRANSIT SHELTER		DATE: 5/2/19	DATE: 5/8/19
	MODEL: BATTERY BOX CONNECTION		SHEET: 3	REVISION: A
	JOB # STD.			

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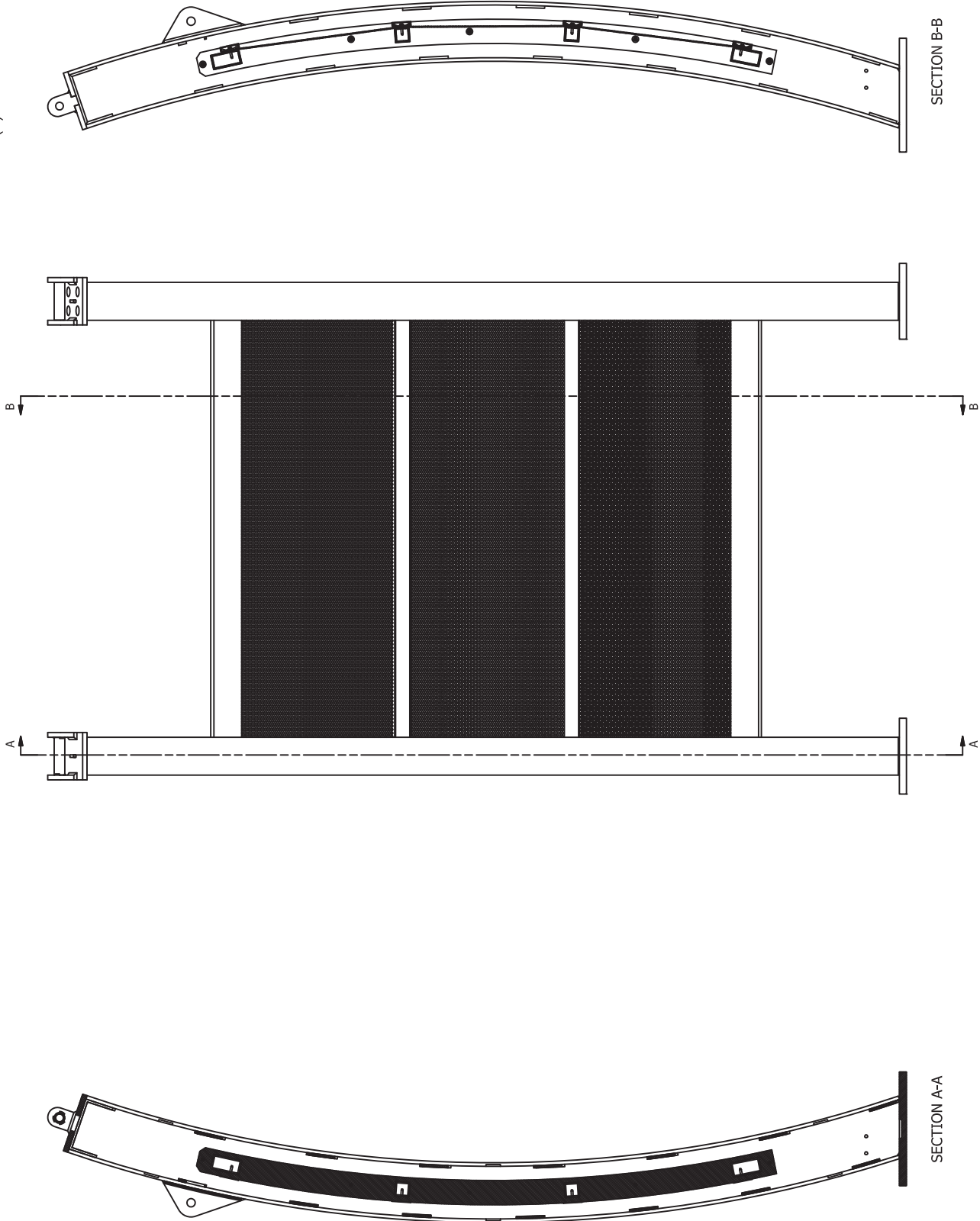
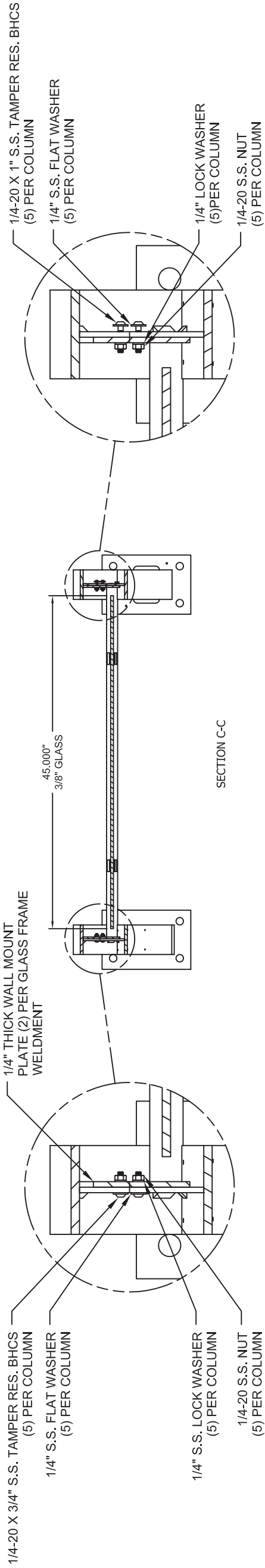


**UNLESS OTHERWISE SPECIFIED
ALL MECHANICAL FASTENERS TO BE
TORQUED SNUG TIGHT DURING
INSTALLATION**

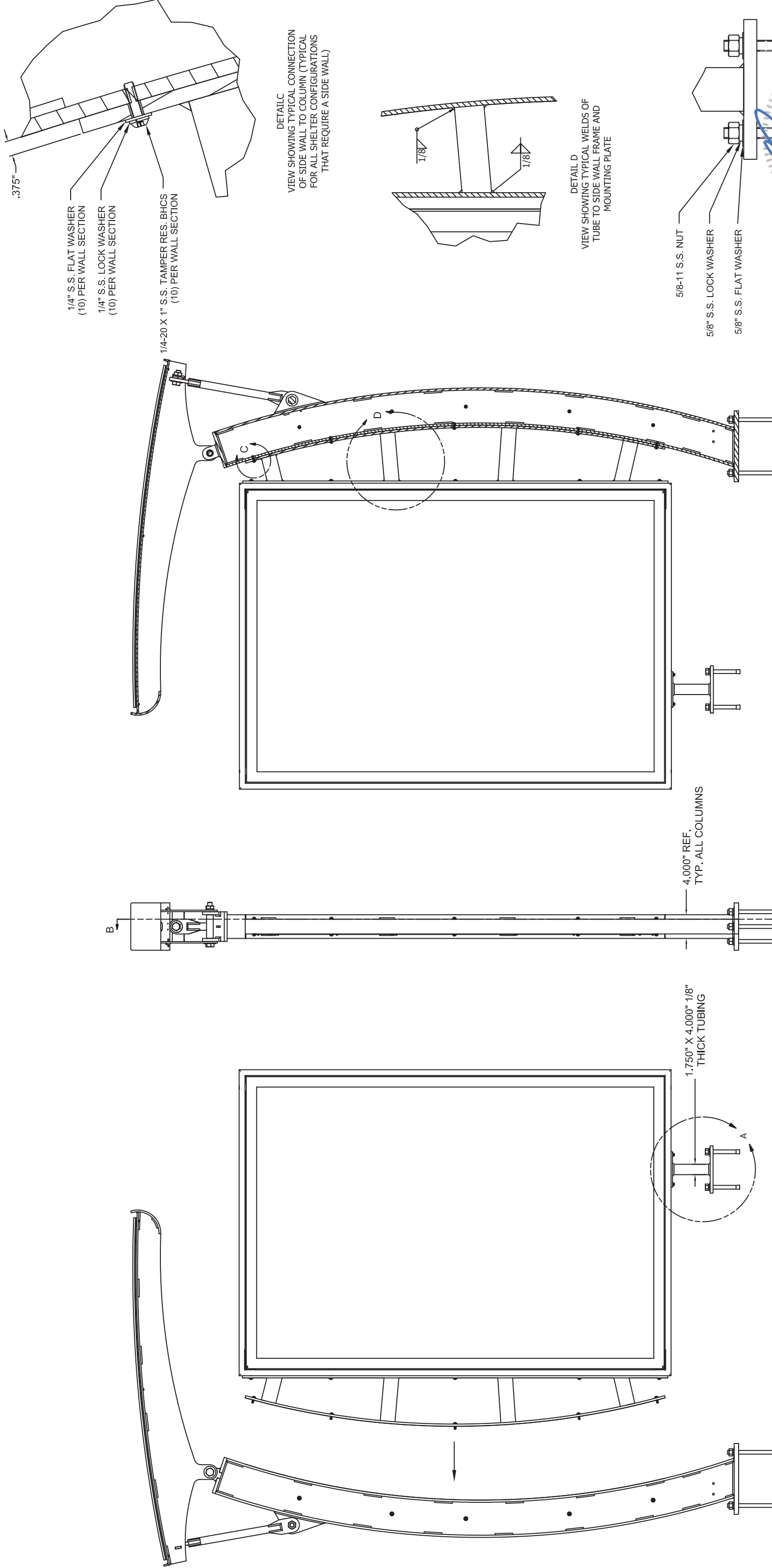
NOTE:

U.S. IS ABBREVIATION FOR STAINLESS STEEL

	BRASCO INTERNATIONAL, INC. 32400 INDUSTRIAL DR. MADISON HEIGHTS, MICHIGAN 48071 1-800-893-3885 WWW.BRASCO.COM		CUSTOMER'S BRASCO INTERNATIONAL		DISCARNES M.FINK	ORDERER BMB
	PROJECT INTERLUDE TRANSIT SHELTER		DATE 5/2/19	DATE 5/8/19	REGION A	
	THIS DRAWING IS CONFIDENTIAL AND IS FOR THE USE OF THE CUSTOMERS AND MAY NOT BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM BRASCO INTERNATIONAL		MODEL COLUMN TO ROOF BEAM CONNECTION	JOB # STD.	SHEET 4	



	BRASCO INTERNATIONAL, INC. 32400 INDUSTRIAL DR. MADISON HEIGHTS, MICHIGAN 48071 1-800-893-3665 WWW.BRASCO.COM		CUSTOMER: BRASCO INTERNATIONAL		DESIGNER: M.FINK	CHECKER: BMB
	THIS DRAWING IS CONFIDENTIAL AND IS FOR THE SOLE USE OF OUR CUSTOMERS AND MAY NOT BE REPRODUCED OR COPIED WITHOUT WRITTEN PERMISSION FROM BRASCO INTERNATIONAL.		PROJECT: INTERLUDE TRANSIT SHELTER		DATE: 5/2/19	DATE: 5/8/19
			MODEL: REAR WALL CONNECTIONS (PERF.)		SHEET: 5	REVISION: A
			JOB # STD.			



WALL FRAME WELDMENT AND ASSEMBLY IS SHOWN DETACHED FOR ILLUSTRATION PURPOSES ONLY

SECTION B-B
SHOWING TYPICAL SIDE WALL MOUNTING TO REAR COLUMN

DETAIL C
VIEW SHOWING TYPICAL CONNECTION OF SIDE WALL TO COLUMN (TYPICAL FOR ALL SHELTER CONFIGURATIONS THAT REQUIRE A SIDE WALL)

DETAIL D
VIEW SHOWING TYPICAL WELDS OF TUBE TO SIDE WALL FRAME AND MOUNTING PLATE

DETAIL A
SHOWING SIDE WALL MOUNTING PLATE WELDS TO COLUMN (TYPICAL FOR ALL SHELTER CONFIGURATIONS THAT REQUIRE A SIDE WALL)

	CUSTOMER:		BRASCO INTERNATIONAL, INC.	CHECKER:		BMB
	DESIGNER:		M.FINK	DATE:		5/8/19
	PROJECT:		INTERLUDE TRANSIT SHELTER	SHEET:		6
	MODEL:		AD BOX SIDE WALL CONNECTIONS	STD.		A

BRASCO INTERNATIONAL, INC.
32400 INDUSTRIAL DR.
MADISON HEIGHTS, MICHIGAN 48071
1-800-883-3665 WWW.BRASCO.COM

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1. Requested Motion:

Meeting Date: January 10, 2022

Approve Resolution 21-60 authorizing the purchase of playground equipment and accessory items for Fort Myers Beach Elementary and Bay Oaks via a piggyback contract in an amount not to exceed \$320,280.

Why the action is necessary:

As set forth in the Property Exchange Interlocal with the Lee County School Board, the Town is expected to make certain improvements on the School Board's Property including a new playground apparatus, shade structure, parking lot improvements and a parking lot shade structure within 9 months of the fully executed interlocal agreement. This purchase will satisfy 2 out of 4 of the requirements within the allotted timeframe.

What the action accomplishes:

Approves and authorizes the purchase of playground equipment for Fort Myers Beach Elementary School and replacement of current playground equipment at Bay Oaks.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Other

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

The lead time on the playground equipment is 12-14 weeks. The Town is required to complete all School District Improvements by May 16th.

Attachments:

1. 21-60, Piggyback Playground Equipment
2. Piggyback Contract re Playground Equipment
3. School Binder
4. Bay Oaks Binder
5. 21-0053-MR Tab revised 11-19-2020
6. 21-0053-MR APPROVED BW

Financial Impact:

\$320,280 budgeted in Fund 41, Community Enhancement Fund

6. Alternative Action

Do not approve the purchase and piggyback.

7. Management Recommendations:

Approve and authorize the purchase.

8. Recommended Approval:

Chelsea O'Riley, Public Works Director
Chelsea O'Riley, Public Works Director
John R Herin Jr, Town Attorney

Created/Initiated - 12/20/2021
Approved - 12/20/2021
Approved - 1/5/2022

Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Approved - 1/5/2022
Final Approval - 1/6/2022

RESOLUTION NO. 21-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, OPPOSING FLORIDA SENATE BILL 522 AND HOUSE BILL 219, WHICH WOULD PREEMPT REGULATION OF SHORT-TERM RENTALS TO THE STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Senator Manny Diaz, Jr., and Representatives Jason Fischer and Anthony Sabatini are leading the effort to preempt regulation of short-term rentals to the state; and

WHEREAS, Senator Diaz's Senate Bill 522 and Representatives Fischer and Sabatini's House Bill 219 would, except for ordinances adopted prior to June 1, 2011, preempt all local government regulation of short-term rentals to the State of Florida; and

WHEREAS, a "one size fits all" approach by state regulation of short-term rentals in Florida ignores the fact that communities throughout our state are unique and have different needs with regard to this issue; and

WHEREAS, the Town of Fort Myers Beach ("Town") is composed of year-round residents and seasonal visitors who live, work, raise families, patronize local businesses, and engage in recreation in our Town; and

WHEREAS, laws preempting the City's control over preserving the quality of life for those residents by regulating short-term rentals would dramatically impair many of the characteristics that make the Town a great place to live, visit, work, raise families, do business, and engage in recreation; and

WHEREAS, decisions regarding matters directly impacting the quality of life of Florida's localities should be left to Florida's local governments; and

WHEREAS, the Town seeks to preserve and protect home rule authority for Fort Myers Beach and local governments; and

WHEREAS, the Town joins many local governments across the State in this effort.

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

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. Florida cities value the property rights of all citizens, but Senate Bill 522 and House Bill 219 would prevent cities from balancing the property rights of all. Therefore, the

Town Council of the town of Fort Myers Beach opposes Senate Bill 522 and House Bill 219, preempting local regulation of short-term rentals.

Section 3. The Town Council directs the Town Clerk to transmit a copy of this Resolution to the Florida Governor, the Lee County Florida Legislative delegation, and the Florida League of Cities for distribution.

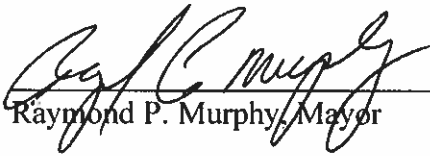
Section 4. This Resolution shall become effective immediately upon adoption.

The forgoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Hosafros and seconded by Mayor Murphy, and upon being put on a vote, the results was as follows:

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

ADOPTED this 5th day of April, 2021 by the Town Council of the Town of Fort Myers Beach, Florida

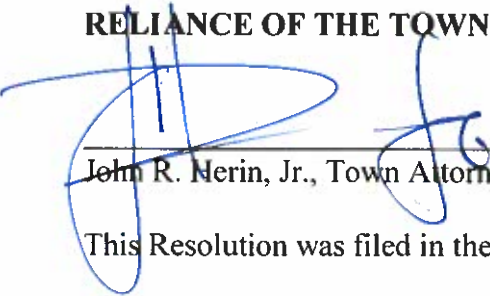
TOWN OF FORT MYERS BEACH


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. Nerin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 7 day of April, 2021

**AGREEMENT TO PIGGYBACK A CONTRACT FOR GOODS AND SERVICES
COMPETITIVELY PROCURED BY ANOTHER GOVERNMENTAL ENTITY**

THIS AGREEMENT is made and entered into this ___ day of January, 2022, by and between the Town of Fort Myers Beach, Florida (“Town”), a Florida municipal corporation whose principal place of business is 2525 Estero Blvd., Ft. Myers Beach, FL 33391 and Swartz Associates Inc., a Florida corporation, (“Contractor”) whose principal place of business is P.O. Box 112783, Naples FL. 34108 (“Contract”). Town and Contractor may also be referred collectively as the “Parties.”

WHEREAS, Contractor and Manatee County School District, Florida entered into a competitively procured contract known as 21-0053-MR Park and Playground Equipment, as amended (“County Contract”); and

WHEREAS, Town needs fencing services to implement portions of the Interlocal Agreement between the Town and the Lee County School Board regarding the shared use of Fort Myers Elementary School and Bay Oaks Recreational Campus (“Project”); and

WHEREAS, the Town desires to have Contractor construct the Project; and

WHEREAS, under the Town Code, the purchase of goods and services under a contract awarded by another governmental entity is authorized provided the finance department director makes a written determination that time and expense factors make it financially advantageous for the Town to do so; and

WHEREAS, Contractor is willing to construct the Project, subject to the terms and conditions of the County Contract, with the specific modifications set forth herein; and

WHEREAS, the Town’s finance department director has determined that piggybacking on the County Contract is financially advantageous to the Town.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained herein, the parties do mutually agree as follows:

1. Incorporation of County Contract. This Contract incorporates by reference, the Manatee County School District Contract, which is attached as Exhibit A.
2. Scope of Service. During the Term of this Contract, Contractor will construct the Project.
3. Pricing. The Town will pay Contractor a sum not to exceed \$320,280 for the Project. This sum will be Contractor’s sole compensation for the goods and services provided by Contractor under this Contract.
4. Contract Term. The Term of this Contract begins on the date set forth above and ends one hundred eighty (180) days thereafter. The Town has the option to renew this Contract up

to two (2) ninety (90) day periods with written notice to the Contractor at least thirty (30) days before the Contract expires.

5. Designated Representative. The Town's Public Works Director, or designee, shall be the Town's Designated Representative in matters arising under Contract.

Ms. Chelsea O'Riley, Public Works Director
Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL. 33931
(Chelsea@fmbgov.com)

6. Modifications to County Contract. Notwithstanding the incorporation of the County Contract into this Contract as referenced, the Parties hereby agree to certain modifications to the County Contract, as follows:

- a. All references in the County Contract to terms such as "County" or "City" will be deemed to refer to the Town. In addition, all references within the County Contract to specific officers/departments/divisions, or to specific locations (such as for delivery of goods/services, receipt of Contractor invoicing, etc.), if not specifically addressed in this Contract, will be deemed to refer to the equivalent Town officers/departments/divisions, and Town locations, as hereafter designated by the Town's Designated Representative.
- b. Town's performance and obligation to pay under the Contract is contingent upon an annual appropriation by the Town Council.
- c. The Contractor (and its subcontractors) have an obligation to utilize the U.S. Department of Homeland Security's (DHS) E-Verify system for all newly hired employees. By executing this Contract, the Contractor certifies that it is registered with, and uses, the E-Verify system for all newly hired employees. The Contractor must obtain an affidavit from its subcontractors in accordance with paragraph (2)(b) of §448.095, Fla. Stat., and maintain a copy of such affidavit for the duration of the Contract.
- d. This section serves as notice to the Contractor regarding the requirements of §448.095, Fla. Stat., specifically sub-paragraph (2)(c)l, and the Town's obligation to terminate the Contract if it has a good faith belief that the Contractor has knowingly violated §448.09(1), Fla. Stat. If terminated for such reason, the Contractor will not be eligible for award of a public contract for at least one year after the date of such termination. The Town reserves the right to order the immediate termination of any contract between the Contractor and a subcontractor performing work on its behalf should the Town develop a good faith belief that the subcontractor has knowingly violated §448.095(1), Fla. Stat.
- e. By execution of this Contract, in accordance with the requirements of §§287.135 and 215.473, Fla. Stat., Contractor certifies that Contractor is not participating in a boycott of Israel. Contractor further certifies that Contractor is not on the Scrutinized Companies that Boycott Israel list, not on the Scrutinized Companies with Activities in Sudan List, and not on the Scrutinized Companies with Activities

in the Iran Petroleum Energy Sector List, or has Contractor been engaged in business operations in Syria. Subject to limited exceptions provided in state law, the Town will not contract for the provision of goods or services with any scrutinized company referred to above. Submitting a false certification shall be deemed a material breach of Contract. The Town shall provide notice, in writing, to Contractor of the Town's determination concerning the false certification. Contractor shall have five (5) days from receipt of notice to refute the false certification allegation. If such false certification is discovered during the active Contract term, Contractor shall have ninety (90) days following receipt of the notice to respond in writing and demonstrate that the determination of false certification was made in error. If Contractor does not demonstrate that the Town's determination of false certification was made in error then the Town shall have the right to terminate the contract and seek civil remedies pursuant to §287.135, Fla. Stat., as amended from time to time.

- f. The following provisions are required by §119.0701, Fla. Stat., and may not be amended. Contractor shall keep and maintain public records required by the Town to perform the services required under this Contract. Upon request from Town's custodian of public records, Contractor shall provide Town with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. Contractor shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract's term and following completion of the Contract if Contractor does not transfer the public records to Town. Upon completion of the Contract, Contractor may transfer, at no cost, to Town all public records in possession of Contractor or keep and maintain public records required by Town to perform the services required under the Contract. If Contractor transfers all public records to Town upon completion of the Contract, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion of the Contract, Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to Town, upon request from Town's custodian of public records, in a format that is compatible with Town's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (239) 765-0202, FMBPUBLICRECORDS@FMBGOV.COM, 2525 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as below.

TOWN OF FORT MYERS BEACH

CONTRACTOR

Roger T. Hernstadt, Town Manager

By: _____
Its: _____

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



TO: Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL 33931
239-765-0202 ext.1700

Attn: Chelsea O'Riley
chelsea@fmbgov.com

Fort Myers Beach School Playground

QUOTATION # 12151

Date:	December 15, 2021
Ship Date:	Allow 12-14 Weeks Lead
Terms:	Net 30 Days
F.O.B.:	Destination
Salesperson:	Robb Brooks
Shipped Via:	CC

Quantity	Description	Unit Price	Total
	<u>Henderson Recreation</u>		
1	#B504133R1 Modular Structure w/ 5" O.D. Posts (see drawings)	\$ 156,233.45	\$ 156,233.45
1	#SW360/361(3) 8' Arch Swing w/ 8 Belt Seats	\$ 4,638.04	\$ 4,638.04
1	#TE031 Orbiter	\$ 3,610.94	\$ 3,610.94
1	#TE045 Stand Up Spinner	\$ 1,755.23	\$ 1,755.23
1	#TE066 Sit Down Spinner	\$ 1,714.17	\$ 1,714.17
			\$ 167,951.83
	Material Surcharge		\$ 9,607.00
			\$ 177,558.83
	Less 6% Discount (per Manatee Co. S.B. Bid #21-0053-MR)		\$ (10,653.53)
			\$ 166,905.30
	Shipping & Handling		\$ 4,548.00
			\$ 171,453.30
	Additional Preferred Customer Discount		\$ (3,853.30)
	Total Delivered Henderson		\$ 167,600.00
	<u>Forestry Resources</u> (Based on approx. 8,550 s.f. @ 12" Depth)		
470	Playsafe Plus-B IPEMA Mulch (measured in cubic yards)	\$ 29.00	\$ 13,630.00
5	Weed Barrier (6' x 300' Roll)	\$ 225.00	\$ 1,125.00
			\$ 14,755.00
	Less 10% Discount (per Manatee Co. S.B. Bid #21-0053-MR)		\$ (1,475.50)
			\$ 13,279.50
	Shipping & Handling		\$ 1,488.00
			\$ 14,767.50
	Additional Preferred Customer Discount		\$ (407.50)
	Total Delivered Forestry Resources		\$ 14,360.00
	Total Delivered Materials		\$ 181,960.00
	Optional Installation & Concrete Border		\$ 68,000.00
	TOTAL PRICE		\$ 249,960.00
	Price based on Manatee Co. S.B. Bid #21-0053-MR. Price does not include any permits or associated fees, if applicable. Price valid for 30 days. Optional installation by Kennico, Inc. or others. - Includes removal & disposal of old equipment & excavation of sites. 378 Lineal Feet of Concrete Border by Queen Landscaping or others.		Thank you.



Henderson®
Providing Playground Fun

Model No. B504133R1

FORT MYERS BEACH SCHOOL



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1-800-265-5462 | Fax 519-426-1132 | www.hendersonplay.com
11 Gilbertson Drive, Simcoe, Ontario, Canada, N3Y4K8
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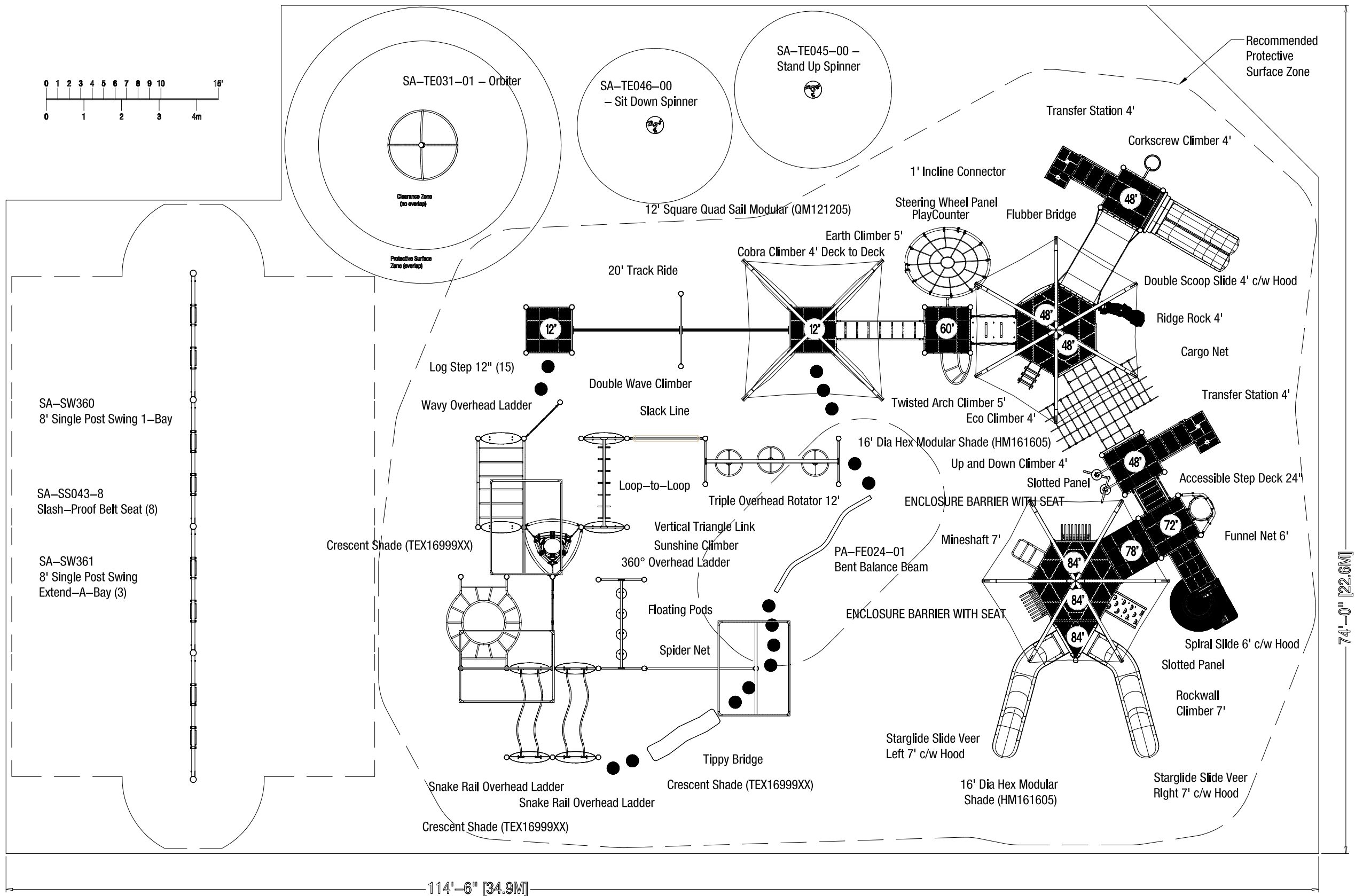
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Model No. B504133R1

Swartz Associates
Fort Myers Beach School

Henderson Recreation Equipment Ltd.
PO Box 68, 11 Gilbertson Drive
Simcoe, ON, Canada, N3Y 4K8
T. 1.800.265.5462
F. 519.426.9380
www.hendersonplay.ca

Salesperson | AC
Drawn By | TD
Date Drawn | 10-08-2021
Revised By | R.H.
Revision Date | November 9, 2021

Product Line | MAX
Standard Compliance | **ASTM F1487-19** CPSC
Best User Age | 5 TO 12 YEARS
Protective Surfacing Type | Wood Chips
Accessibility | Yes
Number of Children | 110
Fall Height | 9'

Border Area | 7,953 sq/ft
Border Perimeter | 369'
Installation Type | Inground

WARNING: All play equipment shall have a protective surfacing zone that consists of an obstacle free soft resilient surfacing, as specified for each type of equipment and at depths to meet the critical fall heights as specified by the CAN/CSA Z614, ASTM F1487 and the U.S. Consumer Product Safety Commission.



Community Park Playground

QUOTATION # 12152

TO: Town of Fort Myers Beach
2525 Estero Boulevard
Fort Myers Beach, FL 33931
239-765-0202 ext.1700

Attn: Chelsea O'Riley
chelsea@fmbgov.com

Date:	December 15, 2021
Ship Date:	Allow 12-14 Weeks Lead
Terms:	Net 30 Days
F.O.B.:	Destination
Salesperson:	Robb Brooks
Shipped Via:	CC

Quantity	Description	Unit Price	Total
	<u>Henderson Recreation</u>		
1	#B503920R2 Modular Structure w/ 5" O.D. Posts (see drawings)	\$ 44,458.00	\$ 44,458.00
1	#TE064 Barrel Spinner	\$ 2,073.00	\$ 2,073.00
1	#MT213 Shark Motion Toy	\$ 848.00	\$ 848.00
			\$ 47,379.00
	Material Surcharge		\$ 2,709.00
			\$ 50,088.00
	Less 6% Discount (per Manatee Co. S.B. Bid #21-0053-MR)		\$ (3,005.28)
			\$ 47,082.72
	Shipping & Handling		\$ 1,900.00
			\$ 48,982.72
	Additional Preferred Customer Discount		\$ (1,082.72)
	Total Delivered Henderson		\$ 47,900.00
	<u>Forestry Resources</u> (Based on approx. 2,132 s.f. @ 12" Depth)		
90	Playsafe Plus-B IPEMA Mulch (measured in cubic yards)	\$ 29.00	\$ 2,610.00
2	Weed Barrier (6' x 300' Roll)	\$ 225.00	\$ 450.00
			\$ 3,060.00
	Less 10% Discount (per Manatee Co. S.B. Bid #21-0053-MR)		\$ (306.00)
			\$ 2,754.00
	Shipping & Handling		\$ 248.00
			\$ 3,002.00
	Additional Preferred Customer Discount		\$ (82.00)
	Total Delivered Forestry Resources		\$ 2,920.00
	Total Delivered Materials		\$ 50,820.00
	Optional Installation & Concrete Border		\$ 19,500.00
	TOTAL PRICE		\$ 70,320.00
	Price based on Manatee Co. S.B. Bid #21-0053-MR. Price does not include any permits or associated fees, if applicable. Price valid for 30 days. Optional installation by Kennico, Inc. or others. - Includes removal & disposal of old equipment & excavation of sites. 192 Lineal Feet of Concrete Border by Queen Landscaping or others. Thank you.		



Henderson®
Providing Playground Fun

Model No. B503920R2

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1-800-265-5462 | Fax 519-426-1132 | www.hendersonplay.com
11 Gilbertson Drive, Simcoe, Ontario, Canada, N3Y4K8
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FORT MYERS BEACH COMMUNITY PARK

Brought to you by your local representative:





Henderson®
Providing Playground Fun

Model No. B503920R2

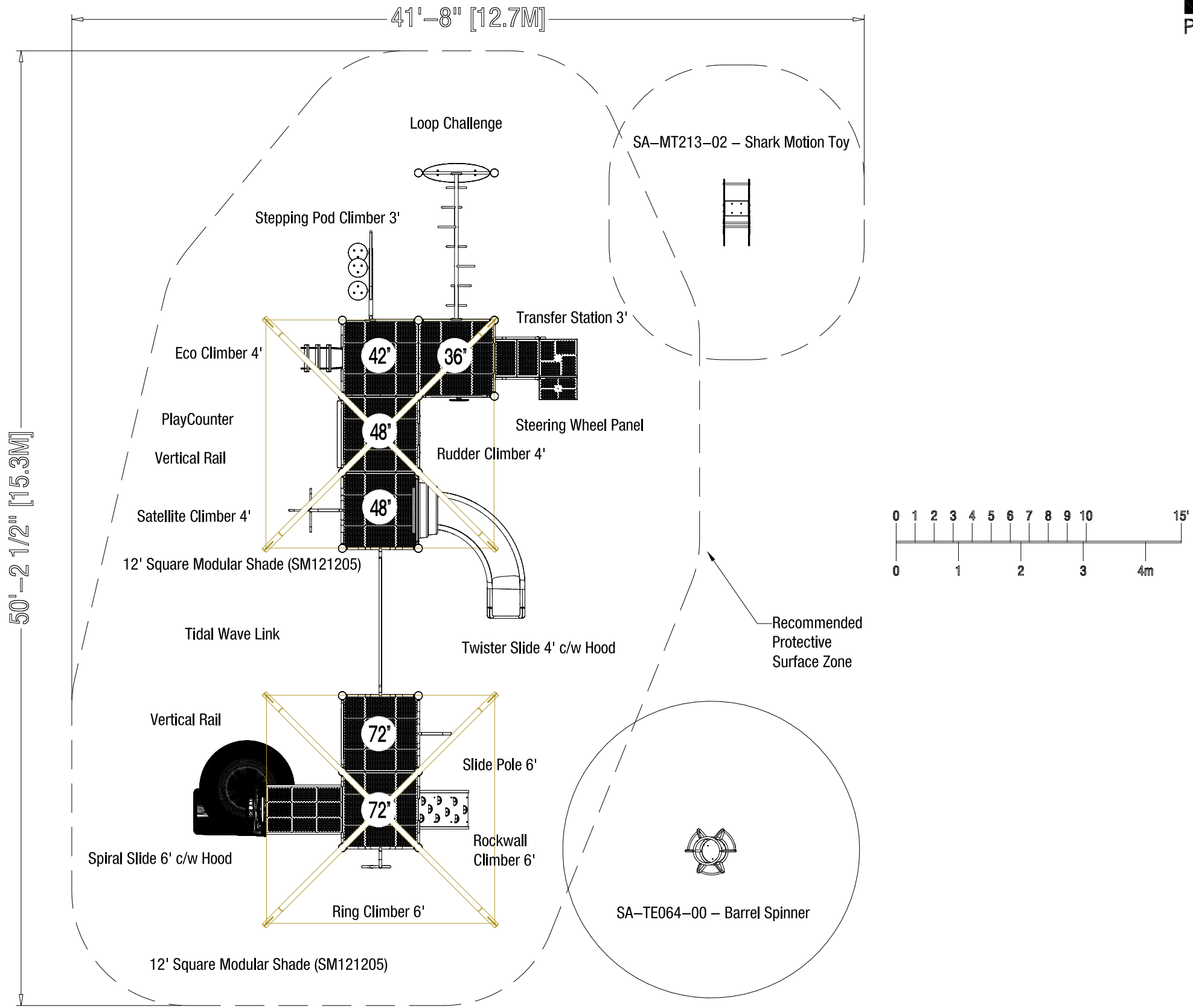
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FORT MYERS BEACH COMMUNITY PARK

Brought to you by your local representative:





Model No. B503920R2
Swartz Associates
Fort Myers Beach Community Park

Henderson Recreation Equipment Ltd.
PO Box 68, 11 Gilbertson Drive
Simcoe, ON, Canada, N3Y 4K8
T. 1.800.265.5462
F. 519.426.9380
www.hendersonplay.ca

Salesperson | AC
Drawn By | TD
Date Drawn | 04-07-2021
Revised By | TD
Revision Date | 04-21-2021

Product Line | Playsteel MAX
Standard Compliance | CAN/CSA-Z614
Best User Age | 5 TO 12 YEARS
Protective Surfacing Type | Wood Chips
Accessibility | Transfer Station
Number of Children | 35
Fall Height | 6'

Border Area | 2100 SQ/FT
Border Perimeter | 182'
Installation Type | Inground

WARNING: All play equipment shall have a protective surfacing zone that consists of an obstacle free soft resilient surfacing, as specified for each type of equipment and at depths to meet the critical fall heights as specified by the CAN/CSA Z614, ASTM F1487 and the U.S. Consumer Product Safety Commission.

NOTICE OF INTENT TO AWARD

BID ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR

CONTRACT PERIOD: SEPTEMBER 1, 2020 THROUGH AUGUST 31, 2023

BOARD APPROVED ON AUGUST 25, 2020

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSO No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 1: PLAYGROUND EQUIPMENT		
	Catalog Name	Number	Discount
A&B Management Group, Inc. dba Southern Park and Play Systems	SRP Components	2020	5%
	SportsPlay	2018	5%
	Superior Recreation	2019 (1)	5%
	Athletic Connection	2020	5%
	Bison	2020-21	5%
	Jaypro	2019-2020 (2)	5%
	Hadar Athletic	2014	5%
Advanced Recreational Concepts	Playcraft Systems	1	2%
	R3/Grounds for Play	2	2%
	UltraPlay	3	2%
	Id Sculpture	4	2%
	Childforms	5	2%
	Playtopia	6	2%
	Freenotes Harmony	7	2%
	SRP Parts	9	2%
	SportsPlay	10	2%
	Dynamo	20	2%
Apollo Sunguard Systems, Inc.	No Bid	No Bid	No Bid
Bliss Products and Services, Inc.	Play and Park Structures	44	10%
	Big Toys	33	5%
	UltraPlay	X	5%
	Freenotes Harmony	19	5%
	Snug Play	X	5%
	Sportsplay	X	5%
	Elephant Play	X	5%
	Adventurous Child	X	1%
	AAA State of Play	X	1%
	Cemrock	X	5%
	Everlast Climbing	X	5%
	Jensen Swing	X	5%
	Action Play System	X	5%
	Forte Products	X	5%
	Store.blissproducts.com	X	5%
	Dynacushion	X	5%
	Superior Play	X	5%
	World OF Wow	X	5%
	Waterworks International	X	5%
	Compac Water Play	X	5%
Creative Shade Solutions	No Bid	No Bid	No Bid
Industrial Shadeports, Inc.	Industrial Shadeports	2020	10%
Kompan, Inc.	Kompan US Price List		9%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCS D No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 1: PLAYGROUND EQUIPMENT		
	Catalog Name	Number	Discount
Lanier Plans, Inc. dba Korkat	SRP - Superior Play	2020	5%
	SRP - Superior Play Components	2020	5%
	SRP - Grounds for Play	2020	5%
	SRP - Freenotes Harmony Park	2020	5%
	Big Toys	2020	5%
	Dynamo	2020	5%
MeTEOR Education, LLC	Kidstuff Playsystems	1005	ADD 34% (15)
Miller Recreation Equipment & Design, Inc./Miracle Recreation Equipment,	Miracle Recreation Equipment Company	2020	8% (21)
			12% (21)
			15% (21)
			18% (21)
			20% (21)
	Bleachers		10% (22)
PlayCore Wisconsin DBA Game Time	UPC Parks		5%
	Action Play Systems		5%
Playmore West, Inc.	Game Time	2020	10%
Playspace Services, Inc.	Playworld	2020	5%
	Berliner	2020	3%
Playpower LT Farmington, Inc.	Playcraft Systems	1	Install Only
	R3/Grounds for Play	2	Install Only
	UltraPlay	3	Install Only
	Id Sculpture	4	Install Only
	Childforms	5	Install Only
	Playtopia	6	Install Only
	Freenotes Harmony	7	Install Only
	SRP Parts	8	Install Only
	Sports Play	10	Install Only
	Dynamo	20	Install Only
Playpower LT Farmington, Inc.	Little Tikes Commercial	2020	25% (25)(26)
	Little Tikes Commercial	2020	5% (26)(27)

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 1: PLAYGROUND EQUIPMENT		
	Catalog Name	Number	Discount
Project Innovations, Inc.	Jambette	2019 - 20	4%
	Play Ground Equipment.com	Volume 2	10%
	Kids Pro Surf Turf & Play Pad	Project Innovations	5%
Rep Services. Inc.	Landscape Structures, Inc.		3%
Superior Park Systems, Inc.	Adventure Playground Systems	Playground & Park Design	3%
	Kidstuff Playsystem	Catalog # 1005	3%
	Childforms	Volume 12	3%
	Childforms	Sales Brochure	3%
Swartz Associates, Inc.	Henderson Recreation	2020 Price List	6%
	Action Play Systems	2020 Price List	10%
Top Line Recreation, Inc.	BCI Burke	01	5%
Varsity Sports dba BSN Sports, LLC (42)	BSN Sports Equipment	20-57307	10%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 2: SITE EQUIPMENT		
	Catalog Name	Number	Discount
A&B Management Group, Inc. dba Southern Park and Play Systems	Pilot Rock	260 - 2019	5%
	Ultra Site	2020	5%
	Ultra Play	2020	5%
	Polly Products	2019	5%
	Stern Williams	2020	5%
	Superior Site Amenities	2020	5%
Advanced Recreational Concepts	Ultrasite	11	2%
	SRP Amenities	12	2%
	Paris Fitness and Amenities	13	2%
	ActionFit	14	3%
	Bison	15	3%
	The Park Catalog	theparkcatalog.com	2%
	JayPro	16	3%
	NRS Bleachers	19	3%
Apollo Sunguard Systems, Inc.	Kay Park	21	2%
	No Bid	No Bid	No Bid
Bliss Products and Services, Inc.	Ultrasite	33	5%
	Superior		5%
	Jayhawk Plastics/Frog Furnishings		5%
	Doty & Sons Concrete Products		5%
	Crimson Poolside		5%
	Action Fit		5%
	Bark Park		5%
	Evertlast Climbing	X	5%
	Sportsfield Specialties	X	5%
	National Recreation Systems	X	5%
	Dero	X	5%
	Jaypro	X	5%
	Athletic Connections	X	5%
	GT Grandstand	X	5%
	Murdock Fountains	X	5%
	Most Dependable Fountains	X	5%
	Kings River Castings	X	5%
	Webcoat	X	5%
	Store.blissproducts.com	X	5%
	Colorado Time Systems	X	5%
	Spectrum Aquatics	X	5%
	Gared Sports	X	5%
	Power Systems	X	5%
	Stewart Tennis	X	5%
	US Tennis	X	5%
Creative Shade Solutions	No Bid	No Bid	No Bid
Industrial Shadeports, Inc.	Industrial Shadeports	2020	10%
Kompan, Inc.	TPP Price List		5%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSO No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 2: SITE EQUIPMENT		
	Catalog Name	Number	Discount
Lanier Plans, Inc. dba Korkat	SRP - Superior Amenities	2020	5%
MeTEOR Education, LLC	Kidstuff Playsystems	1005	ADD 34% (15)
Miller Recreation Equipment & Design, Inc./Miracle Recreation Equipment,	Miracle Recreation Equipment Company	2020	5%
	Douglas Industries		5%
	Bison Sports		5%
	Kay Park		5%
	Wabash Valley		5%
	Foresite Designs		5%
	Murdock Fountains		5%
	Most Dependable Fountains		5%
	RCP Shelters		5%
	Coverworx Shelters		5%
PlayCore Wisconsin DBA Game Time	DogIPot (Pet Stations)		5%
	GT Site	2020	5%
	Ultra Site	2020	5%
Playmore West, Inc.	Wabash Valley	2020	5%
Playspace Services, Inc.	Ultrasite	11	Install Only
	SRP Amenities	12	Install Only
	Paris Fitness and Amenities	13	Install Only
	ActionFit	14	Install Only
	Bison	15	Install Only
	The Park Catalog	theparkcatalog.com	Install Only
	JayPro	16	Install Only
	NRS Bleachers	19	Install Only
	Kay Park	21	Install Only
Playpower LT Farmington, Inc.	Little Tikes Commercial	2020 (29)	5% (30)

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCS D No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 2: SITE EQUIPMENT		
	Catalog Name	Number	Discount
Project Innovations, Inc.	Play Ground Equipment.com	Volume 2	10%
	Frog Furnishings	2018	3%
Rep Services. Inc.	DuMor Site Furnishings		3%
	Superior Amenities	2020 Catalog	2%
Superior Park Systems, Inc.	Kay Park Recreation	2020 Catalog	2%
	Adventure Site Amenities	Playground & Park Design Guide	2%
Swartz Associates, Inc.	Sitescapes, Inc.	2020 Price List	5%
	Kay Park Recreation	2020	6%
	Ultra Site	2020 Price List	8%
	Frog Furnishings	2020 Price List	8%
	Vista Furnishings	2020 Price List	5%
	Superior Site Amenities	2020 Price List	8%
	Blue Valley Industries	2020 Price List	5%
	Jaypro Sports	2020	7%
	National Recreation Systems	2020 Price List	6%
	MyTCoat	2020 Price List	8%
Top Line Recreation, Inc.	Premier Polysteel	02	3%
Varsity Sports dba BSN Sports, LLC (42)	BSN Sports Equipment	20-57307	10%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 3: SHADE STRUCTURE		
	Catalog Name	Number	Discount
A&B Management Group, Inc. dba Southern Park and Play Systems	Fiberbuilt	2019	5%
	Superior Shade	Volume 11	5%
	SkySpan	2020	5%
Advanced Recreational Concepts	SRP Shade	17	5%
	Ultra Shade	18	5%
	Ball Fabrics	ballfabrics.com	1%
	ICON Shelters	22	5%
	Cedar Forest Products	23	5%
	RCP Shelter	24	5%
	SRP Shelter	25	5%
Apollo Sunguard Systems, Inc.	Apollo Sunguard	2019	8% (6)
Bliss Products and Services, Inc.	Shade Systems		5%
	Shade America		5%
	Ultra Shade		5%
	Ultra Shelter		5%
	Cedar Forest		55%
	USA Shade		5%
	Superior		5%
	Discounmt Awnings	X	5%
	Accent Awnings	X	5%
	Creative Shade	X	5%
	Apollo Sunguard	X	5%
	Play and Park Structures	X	5%
Creative Shade Solutions	Creative Shade (10)	1	15%
Industrial Shadeports, Inc.	Industrial Shadeports	2020	10%
Kompan, Inc.	TPP Price List		4%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 3: SHADE STRUCTURE		
	Catalog Name	Number	Discount
Lanier Plans, Inc. dba Korkat	SRP - Superior Amenities	2020	5%
MeTEOR Education, LLC	Kidstuff Playsystems	1005	ADD 34% (15)
Miller Recreation Equipment & Design, Inc./Miracle Recreation Equipment,	USA Shade	2020	5%
PlayCore Wisconsin DBA Game Time	GT Shade	2018 / 2020	5%
Playmore West, Inc.	USA Shade	2020	3%
	Shade Systems	2020	3%
	Apollo Sunguard	2020	3%
	Superior Shelters	2020	3%
Playspace Services, Inc.	SRP Shade	17	Install Only
	Ultrashade	18	Install Only
	Ball Fabrics	ballfabrics.com	Install Only
	ICON Shelters	22	Install Only
	Cedar Forest Products	23	Install Only
	RCP Shelter	24	Install Only
	SRP Shelter	25	Install Only
Playpower LT Farmington, Inc.	Little Tikes Commercial	2020 (31)	5% (32)

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 3: SHADE STRUCTURE		
	Catalog Name	Number	Discount
Project Innovations, Inc.	Pro Shade	Project Innovations, Inc.	3%
Rep Services. Inc.	SkyWays Shades		3%
	USA Shade		3%
	Porter Corp		3%
Superior Park Systems, Inc.	Shade Systems, Inc.	Product Catalog	3%
	Adventure Shade Structures	Playground & Park Design Guide	3%
Swartz Associates, Inc. (37)	Ultra Shade	2020 Price List	4%
	Ultra Shelter	2020 Price List	4%
Top Line Recreation, Inc.	Shade System, Inc.	03	5%
	Americana	04	5%
Varsity Sports dba BSN Sports, LLC	BSN Sports Equipment	20-57307	10%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 4: SURFACING MATERIALS		
	Catalog Name	Number	Discount
A&B Management Group, Inc. dba Southern Park and Play Systems	Garick	2020-21 Quotation	5%
Advanced Recreational Concepts	Rubber Designs Playspace ADA Wood Mulch	8 per regional supplier	5% (3) 5% (4)
Apollo Sunguard Systems, Inc.	No Bid	No Bid	No Bid
Bliss Products and Services, Inc.	Safety 1st		5%
	Wood Mulch Products		5%
	Xgrass		5%
	Zeager		5%
	Fibar		5%
	East Coast Mulch		5%
	IMC Outdoor		5%
	Rubber Recycle	X	5%
	OTS	X	5%
	Forever Lawn	X	5%
	Tot Turf	X	5%
	Forestry Resources	X	5%
	Kemfer Sawmill	X	5%
	Express Mulch Blowing	X	5%
	American Mulch	X	5%
	Rubber Surfacing Specialists	X	5%
	Choppers	X	5%
	Shady Surfacing	X	5%
	Store.blissproducts.com	X	5%
Creative Shade Solutions	No Bid	No Bid	No Bid
Industrial Shadeports, Inc.	Industrial Shadeports	2020	10%
Kompan, Inc.	Fibar EWF		4%
	Turf Surfacing		4%
	PIP Surfacing		4%
	Rubber Safety Tiles		4%
	Rubber Mulch		4%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCS D No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 4: SURFACING MATERIALS		
	Catalog Name	Number	Discount
Lanier Plans, Inc. dba Korkat	Outdoor Safety Surfacing		5%
MeTEOR Education, LLC	Kidstuff Playsystems	1005	ADD 34% (15)
Miller Recreation Equipment & Design, Inc./Miracle Recreation Equipment,	Rubber Recycle (Shredded Rubber)		5%
	Fibar Systems (EWF)		5%
	Forever Lawn (Artificial Turf)		5%
	NoFault (Poured in Place Surfacing)		5%
	Durable Lawn (Artificial Turf)		5%
PlayCore Wisconsin DBA Game Time	GT Impax	2020	5%
Playmore West, Inc.	Robertson TOT Turf		3%
	No Fault		3%
	X Grass		3%
	Forever Lawn		3%
	Mulch & Soil, Co.		3%
	Zeager		3%
Playspace Services, Inc.	Rubber Designs	8	5% (24)
	Playspace ADA Wood Mulch	Per Regional Supplier	5% (25)
Playpower LT Farmington, Inc.	No Fault	N/A	5% (33)

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSO No. 21-0053-MR			
Bids Due: 3:00 p.m., July 22, 2020			
BIDDERS:	ITEM 4: SURFACING MATERIALS		
	Catalog Name	Number	Discount
Project Innovations, Inc.	Kids Pro Surf Turf & Play Pad	Project Innovations, Inc.	5%
Rep Services, Inc.	Forever Lawn		3%
	VitriTurf		3%
	No Fault Sports Group		3%
	iMulch		3%
	Irvine		3%
Superior Park Systems, Inc.	Forever Lawn	Product Catalog	3%
	Forever Lawn	Playground Grass	3%
Swartz Associates, Inc.	Forestry Resources	2020 Price List	10%
	Cowart & Mulch	2020 Price List	10%
	IMC Outdoor	2020 Price List	6%
	Pierecton Rubber Products	2020 Price List	5%
Top Line Recreation, Inc.	No Bid	No Bid	No Bid
Varsity Sports dba BSN Sports, LLC (42)	BSN Sports Equipment	20-57307	10%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCS D No. 21-0053-MR		
Bids Due: 3:00 p.m., July 22, 2020		
BIDDERS:	ITEM 5: INSTALLATION OF PLAYGROUND EQUIPMENT, SITE EQUIPMENT, SHADE STRUCTURE AND SURFACING MATRERIAL	
	Installer/Sub Contractor Name	Percentage Mark up
A&B Management Group, Inc. dba Southern Park and Play Systems	Ultimate Attitude, LLC	30%
	Southern Park and Play Systems	20%
Advanced Recreational Concepts	Playspace Services - playgrounds	37%
	Playspace Services - Shade Install	49%
	Playspace Services - Site Furnishings	75%
	Playspace Services - Safety Surfacing	*(5)
	Playspace Services - Shelters	69%
Apollo Sunguard Systems, Inc.	Cocozza Construction & Consulting	75%
	Dragon Recreation Services	75%
	Someson Homes	75%
	The Best of Southwest Framing	75%
Bliss Products and Services, Inc.	Bliss Products	50% (7)(8)
	Shady Surfacing	50% (7)(8)
	Jammin Playgrounds	50% (7)(8)
	Complete Construction	50% (7)(8)
	Premier Recreation	50% (7)(8)
	Stewart Tennis	50% (7)(8)
Creative Shade Solutions	Creative Shade (10)	50% (11)
Industrial Shadeports, Inc.	Industrial Shadeports	130% (41)
Kompan, Inc.	Precision Playgrounds, Inc.	30% - 100% (12)(13)

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR		
Bids Due: 3:00 p.m., July 22, 2020		
BIDDERS:	ITEM 5: INSTALLATION OF PLAYGROUND EQUIPMENT, SITE EQUIPMENT, SHADE STRUCTURE AND SURFACING MATRERIAL	
	Installer/Sub Contractor Name	Percentage Mark up
Lanier Plans, Inc. dba Korkat	Lanier Plans, Inc. dba KorKat	35%
MeTEOR Education, LLC	Kidstuff Playsystems - Play Equipment	50% (16) (19)
	Kidstuff Playsystems - Safety Surfacing	60% (16) (17) (19)
	Kidstuff Playsystems - Shade Structures	100% (18) (19)
Miller Recreation Equipment & Design, Inc./Miracle Recreation Equipment,	Ryan's Maintenance	27%
PlayCore Wisconsin DBA Game Time	John Fitzgerald, Inc.	No Bid
	Playground Equipment	30%
	Site Amenities	30%
	Shade	30%
Playmore West, Inc.	Playmore West, Inc. - Playground Equipment	32%
	Playmore West, Inc. - Site Equipment	32%
	Playmore West, Inc. - Shade Structures	180%
	Playmore West, Inc. - Surfacing (23)	100%
Playspace Services, Inc.	Playspace Services - Playgrounds	37%
	Playspace Services - Shade Install	49%
	Playspace Services - Site Furnishing	75%
	Playspace Services - Safety Surfacing	*(26)
	Playspace Services - Shelters	69%
Playpower LT Farmington, Inc.	Playworx Playsets LLC - Playground and Playground Parts	47% (34)
	Playworx Playsets LLC - Site Amenities	35%
	Playworx Playsets LLC - Shade	100%
	No Fault - Pour in Place Surface (34)	25%

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR		
Bids Due: 3:00 p.m., July 22, 2020		
BIDDERS:	ITEM 5: INSTALLATION OF PLAYGROUND EQUIPMENT, SITE EQUIPMENT, SHADE STRUCTURE AND SURFACING MATRERIAL	
	Installer/Sub Contractor Name	Percentage Mark up
Project Innovations, Inc. (36)	Project Innovations-Playground Equipment	38%
	Project Innovations-Pro Shades	80%
	Project Innovations-Kids Pro Suft Turf & Play Pad	*(35)
	Project Innovations-Frog Furnishings	60%
Rep Services. Inc.	Johnny Pitts Construction	85%
	Al Bosgraaf and Sons, Inc.	85%
Superior Park Systems, Inc.	FFG Development and Construction	100%
	Sports Systems International, Inc.	100%
	Hurley Construction	100%
	Superior Park Systems, Inc.	100%
	Easygreens	100%
	Forever lawn	100%
Swartz Associates, Inc.	Kennico, Inc.	34% - 110% (38)(39)
	Rida Group Construction	34% - 110% (38)(39)
Top Line Recreation, Inc.	Hurley Construction, Inc.	36%
	Al Bosgraaf & Sons, Inc.	36%
Varsity Sports dba BSN Sports, LLC (42)	No Bid	No Bid

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR		
Bids Due: 3:00 p.m., July 22, 2020		
BIDDERS:	ITEM 6: REPAIRS HOURLY RATE- PER HOUR	ITEM 7: PERCENTAGE MARK UP FOR REPAIR MATERIAL
A&B Management Group, Inc. dba Southern Park and Play Systems	\$150.00	No Bid
Advanced Recreational Concepts	\$197.50	30%
Apollo Sunguard Systems, Inc.	No Bid	No Bid
Bliss Products and Services, Inc.	\$250.00 (9)	25% (9)
Creative Shade Solutions	\$125.00	10%
Industrial Shadeports, Inc.	\$265.00	15%
Kompan, Inc.	\$200.00	*(14)

Digital Catalogs

Digital Catalogs

Digital Catalogs

Printed Catalogs

Digital Catalogs
Printed Catalogs

Digital Catalog

Digital Catalog
Printed Catalogs

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR		
Bids Due: 3:00 p.m., July 22, 2020		
BIDDERS:	ITEM 6: REPAIRS HOURLY RATE- PER HOUR	ITEM 7: PERCENTAGE MARK UP FOR REPAIR MATERIAL
Lanier Plans, Inc. dba Korkat	\$75.00	35%
MeTEOR Education, LLC	\$75.00 (20)	20% (20)
Miller Recreation Equipment & Design, Inc./Miracle Recreation Equipment,	\$150.00	0%
PlayCore Wisconsin DBA Game Time	\$100.00	10%
Playmore West, Inc.	\$125.00	30%
Playspace Services, Inc.	\$197.50	30%
Playpower LT Farmington, Inc.	\$100.00	25%

Digital Catalog

Digital price list/ No cat

No Catalog

Printed Catalogs

Digital Catalog
Printed Catalogs

Digital Catalog with inst

Printed Catalogs

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BIDDERS:	ITEM 6: REPAIRS HOURLY RATE- PER HOUR	ITEM 7: PERCENTAGE MARK UP FOR REPAIR MATERIAL
Project Innovations, Inc.	\$400.00	45%
Rep Services. Inc.	No Bid	No Bid
Superior Park Systems, Inc.	\$285.00	30%
Swartz Associates, Inc.	\$200.00 (40)	No Bid
Top Line Recreation, Inc.	\$350.00	30.00%
Varsity Sports dba BSN Sports, LLC (42)	No Bid	No Bid

Digital Catalog
Printed Catalogs

Printed Catalogs

Printed Catalogs

No Catalogs

Digital Catalog

No Catalogs

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCS D No. 21-0053-MR

Bids Due: 3:00 p.m., July 22, 2020

NOTES:

- (1) Open Market/Playgrounds
- (2) Allsport/2020 Athletic Eqpn
- (3) or discounts applied in catalog
- (4) per discount applied in Playspace catalog
- (5) Discounts included in Playspace/Rubber Designs catalog
- (6) See attached copy of price list
- (7) This does not include any site prep, permitting or concrete work. Shelter and shade foundations will be additional. Some vendors offer a delivered and installed price which will be discounted appropriately in the product discount. Site work and concrete including foundations will be priced per job. Sport court construction priced per job.
- (8) Only Big Toys and Play and Park Structures require installer certification
- (9) Rental Equipment Mark Up will be 10% as allowed on Page 12
- (10) 2020 Manatee Schools Catalog
- (11) Shade Price
- (12) 30% Equipment, 60% Site Equipment, Shade 100%
- (13) Mat Installation is based upon each unit - \$35.00 per unit
 - Border Installation is based upon each unit - \$15.00 per unit
 - Pour in Place Pricing and Turf includes installation
 - EWf installation is based on cubic yard - \$16 per cubic yd
 - Rubber Tile Installation is based upon square footage - \$3 per sq. ft.
 - Rubber Mulch Installation is based upon square footage - \$10.00 per sq. ft.
- (14) Markup for Repair Materials: Repair materials would be Kompan Spare Parts. Kompan has over 65,000 spare parts for current product lines as well as past product lines. Each part has a retail price and includes all markups. We would be happy to provide a Parts Price List in electronic format, if SDMC would like to view the list.
- (15) Sell Price + (ADD) %
- (16) Minimum \$3500.00
- (17) 60% of safety surfacing cost
- (18) 100% of shade structure cost
- (19) Please note all items may be negotiated for a particular job
- (20) Kidstuff Playsystems will only service equipment manufactured by Kidstuff Playsystems, Olympic Recreation or Recreation Creations, LLC.
- (21) 8% \$0000 - \$4999
 - 12% \$5000 - \$9999
 - 15% \$10000 - \$14999
 - 18% \$15000 - \$24999
 - 20% \$25000 - Above Discount does not include freight, specials/sales flyer, parts
- (22) Bleachers Discount does not include freight, specials/sales flyer, parts
- (23) Engineered Wood Fiber

TABULATION OF BIDS ON PARK AND PLAYGROUND EQUIPMENT, MCSD No. 21-0053-MR

Bids Due: 3:00 p.m., July 22, 2020

NOTES:

- (24) or per discounts applied in catalog
- (25) per discount applied in Playspace catalog
- (26) Discounts included in Playspace/Rubber Designs Catalog
- (27) Off Playgrounds Sets - Excludes Tot Builders, Custom Design Studio, Early Childhood Clever Climbers and Tot Tree
- (28) Off Parts
- (29) Pages 182 to 185
- (30) off site amenities
- (31) Pages 186 and 187
- (32) Off Shade
- (33) pff Safety Surface (PIP)
- (34) Which equates to 35% of equipment list price before discount
- (35) Included in Price
- (36) Permits/Signed & Sealed Engineered Drawings not included. Prices TBD per Project
- (37) Note: Prepay + Add Freight for all manufacturers. Any permitting requirements and costs (if applicable) will incur an additional fee.
- (38) Playground Equipment - 34%
 - Site Equipment - 35%
 - Shade Structure - 110%
 - Surfacing Materials
 - Forestry Resources - 60%
 - Cowart Mulch - 60%
 - IMC Outdoor - 40%
 - Pierection Rubber Products 40%
- (39) Prepay & Add freight for all manufacturers
- (40) \$900.00 Minimum charge for installation
- (41) Industrial Shade Port manufactures and installs our own equipment
- (42) BSN Sports Exceptions to percentage off bid Spring 2020 catalog-see list

Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes.



School Board of Manatee County, FL
August 25, 2020 – Regular Meeting
Action Item

Title:

21-0053-MR Park and Playground Equipment NTE \$550,000.00

Executive Summary

Park and playground equipment is requested by schools and departments periodically throughout the school year to replace broken equipment and to add/replace entire play areas. Each vendor listed agrees to adhere to all required codes and standards and provide the School District of Manatee County with a fixed percentage discount on various manufacturers plus installation where applicable. Based on this criteria and to offer the schools a variety of manufacturer's equipment, it is recommended to award to all responsive bidders. Tentative plans to replace playground equipment at District school sites include Abel Elementary School, Bashaw Elementary School, Miller Elementary School, Sea Breeze Elementary School, and Stewart Elementary School as well as potential individual school funded purchases.

Approval of this agenda item does not indicate immediate or complete expenditure of approved funds.

The requested contract is for the period of September 1, 2020 through August 31, 2023. This bid is for a period of three years with the option to renew for two additional one-year periods.

Evaluation prices are based on Florida Statute 287.084, Preference to Florida Business in procurement of Personal Property and Services, giving preference to vendors located in Florida, effective July 1, 2012.

Historical expenditures for the first renewal period of September 9, 2018 through September 8, 2019, were \$382,968.52 and \$522,740.07 for the second renewal period of September 9, 2019 through current.

The bid is recommended for award to:

- A&B Management Group, Inc. dba Southern Park and Play Systems, Viera, FL, Florida Document No. P12000010491
- Advanced Recreational Concepts, Fort Pierce, FL, Florida Document No. L03000023078
- Apollo Sunguard Systems, Inc., Sarasota, FL, Florida Document No. F06000005042
- Bliss Products and Services, Inc., Plantation, FL, Florida Document No. G95904
- Creative Shade Solutions, Tarpon Springs, FL, Florida Document No. P07000037393
- Industrial Shadeports, Inc., Boca Raton, FL, Florida Document No. P160000586011
- Kompan, Inc., Tallahassee, FL, Florida Document No. F12000002586
- Lanier Plans, Inc. dba Korkat, Jacksonville, FL, Florida Document No. F09000003271
- MeTEOR Education, LLC, Gainesville, FL, Florida Document No. L08000093733
- Miller Recreation Equipment & Design, Inc./Miracle Recreation Equipment, Bradenton, FL/Plantation, FL, Florida Document No. P97000049934/F06000007491
- PlayCore Wisconsin DBA Game Time, Plantation, FL, State, Florida Document No. F07000002689
- Playmore West, Inc., Fort Myers, FL, Florida Document No. P000000016534
- Playspace Services, Inc., Fort Pierce, State, Florida Document No. V52938
- Playpower LT Farmington, Inc., Plantation, FL, State, Florida Document No. F07000002768
- Project Innovations, Inc., Tarpon Springs, FL, Florida Document No. P10000094250

- Rep Services Inc., Maitland, FL, Florida Document No. L25288
- Superior Park Systems, Inc., Hollywood, FL, State, Florida Document No. P00000021472
- Swartz Associates, Inc., Naples, FL, Florida Document No. L49389
- Top Line Recreation, Inc., Sanford, FL, Florida Document No. P11000073376
- Varsity Sports dba BSN Sports, LLC, Tampa, FL, Florida Document No. L19000206027

The Superintendent recommends approval of the Bid for Park and Playground Equipment, SDMC No. 21-0053-MR, not to exceed \$550,000.00 annually.

Recommendation

Motion and approval of the Bid for Park and Playground Equipment, SDMC No. 21-0053-MR, not to exceed \$550,000.00 annually.

Financial Impact

The estimated cost to implement this agenda item will not exceed \$550,000.00 annually. The funding sources for this expenditure will be the Capital Improvement/General Funds/Internal Accounts, and is included in the Maintenance, Operations & Central Distribution Warehouse Department and School Sites proposed budgets for 2020-2021.

Contact:

Prepared by: Melody Ryan

Initiated by: Todd Henson, Maintenance and Operations

School Board Meeting: August 25, 2020

Attachments:

21-0053-MR Tab (PDF)

A&B Management Group, Inc. dba Southern Park Contract of Award Agreement with JLA CFR 200 (DOCX)

Advanced Recreational Concepts Contract of Award Agreement with JLA CFR 200 (DOCX)

Apollo Sunguard Systems Contract of Award Agreement with JLA CFR 200 (DOCX)

Bliss Products and Services Contract of Award Agreement with JLA CFR 200 (DOCX)

Creative Shade Solutions Contract of Award Agreement with JLA CFR 200 (DOCX)

Industrial Shadeports Contract of Award Agreement with JLA CFR 200 (DOCX)

Kompan Contract of Award Agreement with JLA CFR 200 (DOCX)

Lanier Plans Contract of Award Agreement with JLA CFR 200 (DOCX)

MeTEOR Education Contract of Award Agreement with JLA CFR 200 (DOCX)

Miller-Miracle Contract of Award Agreement with JLA CFR 200 (DOCX)

PlayCore Contract of Award Agreement with JLA CFR 200 (DOCX)

Playmore West, Inc. Contract of Award Agreement with JLA CFR 200 (DOCX)

Playpower LT Farmington, Inc. Contract of Award Agreement with JLA CFR 200 (DOCX)
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Swartz Associates, Inc. Contract of Award Agreement with JLA CFR 200 (DOCX)
Top Line Recreation, Inc. Contract of Award Agreement with JLA CFR 200 (DOCX)
Varsity Sports dba BSN Sports Contract of Award Agreement with JLA CFR 200 (DOCX)

1. Requested Motion:

Meeting Date: January 10, 2022

Ratify the Town Manager's implementation of emergency repairs to the south water storage tank.

Why the action is necessary:

The repairs have been initiated.

The chlorine residual was dropping in the tank while the chlorine residual in the system was remaining constant. After draining the tank and refilling, the chlorine residual continued to drop. The decision was made to take the tank out of service. After an inspection of the tank it was determined that the lining of the tank needed to be replaced. We began repairs on the tank on 1/3/22. The Town has two potable water storage tanks (North and South). The North tank will remain in service. It should be noted that the tanks are inspected every 5 years and last inspection in 2018 indicated no deficiencies.

What the action accomplishes:

Cleans and replaces the lining in the tank. The tank will then be certified by an engineer and put back in service. The total cost will not exceed \$150,000 maximum.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

4. Submitter of Information:

5. Background:

Attachments:

Financial Impact:

6. Alternative Action

There are no alternative actions. The tank must be repaired.

7. Management Recommendations:

Approve

8. Recommended Approval:

Sarah Lisenko, Administrative Officer
Christy Cory, Utilities Director
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 1/6/2022
Approved - 1/6/2022
Approved - 1/6/2022
Approved - 1/6/2022
Final Approval - 1/6/2022

1. **Requested Motion:**

Meeting Date: January 10, 2022

A discussion of Short Term Rental (STR) registration and hourly parking rates as requested by Town Council.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

COUNCILMEMBERS ITEMS AND
REPORTS

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Effective January 1, 2022

Parking \$5.00/hr

Short Term Rental \$300/year

Attachments:

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 - 1/4/2022

Approved - 1/6/2022

Approved - 1/6/2022

Final Approval - 1/6/2022