



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

FINAL

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Council Member 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 Veach 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 Veach moved to approve the minutes; second by ViceMayor Hosafros.
Motion carried unanimously.

IX. CONSENT AGENDA

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

- A. Utility Easement with Charlie's Boathouse
Authorize the Town Manager to execute a Utility Easement agreementfor 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.

Minutes adopted, January 10, 2022; Motion by Vice Mayor Hosafros and seconded by Council Member Veach. Adopted 5-0.

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

Amy Baker, Town Clerk