



## **Fort Myers Beach Town Council**

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

**Minutes**

**Monday, October 5, 2020**

**9:00 AM**

### **ORDER OF BUSINESS**

#### **I. CALL TO ORDER**

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

#### **II. INVOCATION**

Deputy Town Clerk Amy Baker.

#### **III. PLEDGE OF ALLEGIANCE**

#### **IV. APPROVAL OF FINAL AGENDA**

Council Member Allers moved to approve the final agenda; second by Council Member Veach.

Motion approved; 5-0.

#### **V. PUBLIC COMMENT**

Gail Mason questioned how to move forward with a discussion regarding where to install the arches. She questioned the status of the hazardous handicapped parking steps under the bridge.

Karen Woodson stated her interest in joining the Local Planning Agency. She reviewed her experience.

Barbara Hill spoke as a member of the Island Public Art, a new group of residents who advocated public art. She discussed the mural ordinance and provided recommendations.

#### **VI. PROCLAMATIONS**

A. Red Ribbon Week, October 23-30, 2020

Mayor Murphy read the proclamation. Deborah Comella, Executive Director of the Lee County Coalition for a Drug-Free Southwest Florida thanked the Mayor and Council Members for the proclamation and their support of the program.

## **VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS**

Council Member Veach indicated that an endangered butterfly species appeared at the Mound House. He acknowledged staff and previous Councils for installing native plants that attracted the butterflies.

Vice Mayor Hosafros recognized the Fort Myers Beach Community Foundation for its role in providing grocery gift cards to hospitality workers on the Island who had been financially impacted by the coronavirus. She encouraged people to spread the word regarding the program.

Council Member Allers thanked Amy Baker for her hard work and the start of her new position.

Mayor Murphy recognized all the construction workers on Estero Blvd. for working through the floods.

## **VIII. ADVISORY COMMITTEES ITEMS AND REPORTS**

### **A. Anchorage Advisory Committee**

Chair Katherine Light was available for questions regarding the report she submitted. Town Manager Hernstadt thanked the AAC for providing the report before the meeting and for their hard work. Chair Light clarified that staff was responsible for the contract with Matanzas Inn. Vice Mayor Hosafros added that a new app called Dockwa might solve past issues. Town Manager Hernstadt described the app capabilities. Chair Light stated that they were attempting to obtain financial information to determine whether it would be cost-efficient to bring the upland provider in-house. Delinquent accounts were mentioned and Town Attorney Herin indicated that they were in the process of removing delinquent vessels and attempting to recover funds owed. He noted that most patrons were current with their payments.

## **IX. APPROVAL OF MINUTES**

### **A. Town Council-Regular Meeting-September 21, 2020**

Correction: Town Clerk Michelle Mayher presided over her last Town Council Meeting; however, she is still the Town Clerk.

Under Public Hearings F: Council Member ~~Veach~~ Allers disclosed a bike visit.

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

Motion approved; 5-0.

## **X. CONSENT AGENDA**

- A. Voluntary Utility Easement: 277 Primo Drive  
**Accept a voluntary utility easement from Melinda & Thomas Kolar at 277 Primo Drive for Stormwater outfall installation.**  
Vice Mayor Hosafros moved to approve accepting the utility easement; second by Council Member Allers.  
Motion approved; 5-0.
- B. Special Magistrate Services Renewal FY21  
**Authorize the Town Manager to renew and execute an agreement with the Town's Special Magistrate, Myrnabelle Roche, for an additional year.**  
Vice Mayor Hosafros moved to authorize the Town Manager to renew and execute the agreement; second by Council Member Allers.  
Motion approved; 5-0.

## **XI. PUBLIC HEARINGS**

- A. 2nd Reading: LDC Text Amendments  
**Second Public Hearing and Final Reading for LDC Text Amendment to Sec.34-639: Permitting Survey Requirements**  
Town Attorney Herin, Jr. read the title of the ordinance. He stated the ordinance was properly advertised.  
Community Development Services Director Jason Green spoke off the microphone.  
No public comment.  
  
Council Member Allers moved to approve the amendment; second by Vice Mayor Hosafros.  
Motion approved; 5-0.
- B. RES. 20-44: 253 Ostego LLC Pool Setback Variance  
**Approve/ Approve with Condition/Deny RES. 20-44: 253 Ostego LLC Pool Setback Variance**  
Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: Mayor Murphy, Vice Mayor Hosafros and Council Member Atterholt disclosed drive-bys. None by other members.  
Director Green reviewed the background of the variance request. Part of his discussion was out of range of the microphone. Pervious and impervious surfaces were discussed.  
Peter Albert, owner, mentioned that it was a unique lot and street. He noted their pool was in line with the existing pools. He stated the carport

would be fenced in and used for storage.  
No public comment.

Vice Mayor Hosafros moved to approve RES. 20-44, which specifically includes citation to the comp plan and that the situation qualified under the LDC in the comp plan and specifically contained the four conditions of approval; second by Mayor Murphy.  
Motion approved; 5-0.

## **XII. ADMINISTRATIVE AGENDA**

### **A. Interlocal with Lee County School Board**

**Ratify Resolution 20-45 for an Interlocal agreement with the School Board of Lee County for the exchange of real property and improvements in exchange for property historically used as part of the Bay Oaks Recreational Campus and other commitments**

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

Motion approved; 5-0.

### **B. Resolution 20-40, ADA Plan Report**

**Resolution 20-40 adopting and implementing the ADA Self-Evaluation & Transition Plan Report (required for LAP funding).**

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

Motion approved; 5-0.

### **C. SRF Technical Services - North Estero PH 2 PT 2**

**Authorize the Town Manager to execute a contract not to exceed \$84,288.00 with Angie Brewer and Associates to perform compliance activities required by the State Revolving Fund criteria for Town project North Estero Phase 2 Part 2.**

Council Member Allers moved to authorize the Town Manager to execute the contract; second by Vice Mayor Hosafros.

Town Manager Hernstadt explained the history of the contract as requested by Council Member Atterholt.

Motion approved; 5-0.

### **D. Anchorage Advisory Committee Appointments**

**Appoint Members to the FY2020-2021 Anchorage Advisory Committee (AAC)**

Robert Beasley, Douglas Eckmann, Ted Lawwill, Kathy Light and Sam Lurie were appointed.

### **E. Audit Committee Appointments**

**Appoint Members to the FY2020-2021 Audit Committee**

Richard Cote, Daniel Hughes, Joseph Kirkbridge, James Steele and Bryan Thomas were appointed.

F. BORCAB Appointments**Appoint Members to the FY2020-2021 Bay Oaks Recreational Campus Advisory Board (BORCAB)**

Beth Cherry, Janna Holmes, Betty Simpson and Holly Tribble were appointed.

G. CELCAB Appointments**Appoint Members to the FY2020-2021 Cultural and Environmental Learning Center Advisory Board (CELCAB)**

Barbara Hill, Betty Simpson, Cheryl Smith and Ceel Spuhler were appointed.

H. Marine Resources Task Force Appointments**Appoint Members to the FY2020-2021 Marine Resources Task Force (MRTF)**

Renee Heil, Steve Johnson, Jennifer Rusk and Rose Larkin were appointed.

I. Public Safety Committee Appointments**Appoint Members to the FY2020-2021 Public Safety Committee (PSC)**

Council Member Allers moved to grant waivers to John Goggin, Betty Simpson and Dan Hughes for serving on more than one committee; second by Council Member Atterholt.

Motion approved; 5-0.

John Goggin, Heidi Jungwirth, Dawn Thomas and Holly Tribble were appointed.

Vice Mayor Hosafros moved to grant a waiver to Holly Tribble; second by Council Member Veach.

Motion approved; 5-0.

Susie Bahan did not appear as a nominee after submitting her application. Council Members agreed to a revote.

The revote resulted in John Goggin, Heidi Jungwirth, Dawn Thomas and Susie Bahan being appointed.

J. Local Planning Agency Appointments**Appoint Members to the 2020-2021 Local Planning Agency (LPA)**

Forrest Critser, Megan Heil, Scott Safford, and Patrick Vanasse were appointed.

**XIII. FINAL PUBLIC COMMENT**

Ms. Bahan noted she applied to the Public Safety Committee, but her name did not appear on their documents. She introduced herself and described her experience.

Robert Howell thanked Council for considering his application even though he did not live within city limits.

**XIV. TOWN MANAGER'S ITEMS**

Town Manager Hernstadt stated that the QR codes regarding water quality were working. Lee County representatives will attend the October 19, 2020 meeting for an update on various projects. He stated that ADA issues would be addressed, including the parking bumpers. The water and stormwater reports were scheduled for an M&P.

**XV. TOWN ATTORNEY'S ITEMS**

Town Attorney Herin, Jr. stated that they were working on the mural ordinance, turtles and special events. He stated that they received a notice of appeal on one of the code enforcement cases, but they had not received the actual appeal. He will forward the information to Council once he receives it.

**XVI. COUNCILMEMBERS ITEMS AND REPORTS**

Council Member Veach apologized for the maskless photo at the last meeting. He commented that COVID-19 was still out there.

Mayor Murphy commented that he did not believe there was a problem with the fish in the Gulf.

No items from other members.

**XVII. ADJOURNMENT**

Mayor Murphy adjourned the meeting at 1:53 p.m.