



Fort Myers Beach Town Council

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

Agenda

Monday, May 2, 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**
- VIII. PROCLAMATIONS**
 - A. Safe Boating Week
The U.S.Coast Guard Auxiliary respectfully requests May 21- May 27, 2022 be designated as "Safe Boating Week" in the Town of Fort Myers Beach
- IX. APPROVAL OF MINUTES**
 - A. April 18, 2022 Town Council
- X. PUBLIC HEARINGS**
 - A. Ordinance 22-10 Restructuring Advisory Committees
1st Reading and Public Hearing on proposed Ordinance 22-10 entitled: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 2-94 "QUALIFICATIONS AND APPOINTMENTS OF MEMBERS" OF ARTICLE IV "BOARDS, COMMISSIONS, COMMITTEES AND OTHER AGENCIES", CHAPTER 2 OF THE CODE OF ORDINANCES, TOWN OF FORT MYERS BEACH, FLORIDA, DISSOLVING THE BAY OAKS RECREATIONAL CAMPUS ADVISORY BOARD ("BORCAB"), COMMUNITY RESOURCE ADVISORY BOARD ("CRAB"), AND CULTURAL AND ENVIRONMENTAL LEARNING CENTER**

ADVISORY BOARD ("CELCAB"); ESTABLISHING A NEW ADVISORY BOARD TO TAKE OVER THE FUNCTIONS OF BORCAB, CRAB, AND CELCAB; RENAMING THE MARINE RESOURCE TASK FORCE ("MRTF"); AND PROVIDING FOR CODIFICATION; CONFLICTS; SCRIVENER'S ERRORS; SEVERABILITY AND AN EFFECTIVE DATE. Open the first public hearing and schedule for second reading and final adoption on May 16, 2022 at 9:00 AM

B. Ordinance 22-06; Tuckaway Cafe CPD Amendment

Second Reading and Public Hearing for proposed Ordinance 22-06: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPLACING TOWN OF FORT MYERS BEACH RESOLUTION NO. 12-07, AND AMENDING THE SCHEDULE OF USES FOR THE COMMERCIAL PLANNED DEVELOPMENT ZONING FOR THE PROPERTY LOCATED AT 2301, 2307 & 2311 ESTERO BLVD. AND 111 & 121 MANGO ST., FORT MYERS BEACH; AMENDING THE MASTER CONCEPT PLAN FOR THE RESTAURANT USE(S); PROVIDING FOR REVISIONS TO CONDITIONS OF APPROVAL, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. VAR20220021 -- 292 Ohio Ave. -- Pool Setback

Approve/Approve with Conditions/Deny VAR20220021. Jesse Hallman, owner of the property at 292 Ohio Ave., is seeking a 5-foot variance from LDC Sec.34-1174(d)(1)(d), to allow an in-ground pool closer to a side-yard property line than allowed for under current LDC requirements.

XI. ADMINISTRATIVE AGENDA

A. Mulholland Stewardship Award

Select the recipient of the 2022 Mayor John Mulholland Stewardship Award. The MRTF, at their April 13, 2022 meeting, recommended Cindy Johnson for the 2022 Mulholland award by a vote of 5-0 with one member recused. If awarded, the recipient will be recognized at the June 6th Town Council meeting.

B. Purchase of AC unit for Bay Oaks Recreation Center

Authorize the award of a contract to Page Mechanical Group, LLC to install a new AC unit for Bay Oaks Recreation Center, as the low, responsive and responsible bidder, in response to ITB-22-13-PR "Air Conditioner Replacement at Bay Oaks Recreational Campus" in the amount of \$43,900.00; authorizing the Town Manager to execute the contract documents and expend FY22 budgeted Capital funds on behalf of the Town, and to waive the DBE participation form which is not required for this project.

C. Resolution 22-18; FDOT Maintenance Agreement

Adopt Resolution 22-18; Approving a Maintenance Agreement with

FDOT for dinghy dock and features within the leased area under the Matanzas Pass Bridge and allowing for all associated documents to be executed by the Town Mayor and/or Town Manager or his designee.

D. Special Event - Hands Across the Sand

Sierra Club is requesting permission to hold an event in Times Square and on the Beach - Hands Across the Sand. Requesting waiver of the permit fee.

E. Ordinance 21-03: Sea Turtle Conservation

Review the Marine Resources Task Force (MRTF) recommendations and discuss modifying:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE V OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH ENTITLED “SEA TURTLE CONSERVATION” ESTABLISHING AN IMPLEMENTATION SCHEDULE FOR THE FIFTEEN PERCENT (15%) TINTED GLASS LIGHT TRANSMITTANCE VALUE; PROVIDING FOR CODIFICATION; CONFLICTS OF LAW; SCRIVENER’S ERRORS; SEVERABILITY; AND AN EFFECTIVE DATE.

XII. FINAL PUBLIC COMMENT

XIII. TOWN MANAGER’S ITEMS

XIV. TOWN ATTORNEY’S ITEMS

XV. COUNCILMEMBERS ITEMS AND REPORTS

XVI. 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.

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.