



Fort Myers Beach Town Council

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

Agenda

Monday, October 5, 2020

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. PROCLAMATIONS
 - A. Red Ribbon Week, October 23-30, 2020
- VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS
- VIII. ADVISORY COMMITTEES ITEMS AND REPORTS
 - A. Anchorage Advisory Committee
- IX. APPROVAL OF MINUTES
 - A. Town Council-Regular Meeting-September 21, 2020
- 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.
 - 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.
- 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

- B. RES. 20-44: 253 Ostego LLC Pool Setback Variance
Approve/ Approve with Condition/Deny RES. 20-44: 253 Ostego LLC Pool Setback Variance

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
- B. Resolution 20-40, ADA Plan Report
Resolution 20-40 adopting and implementing the ADA Self-Evaluation & Transition Plan Report (required for LAP funding).
- 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.
- D. Anchorage Advisory Committee Appointments
Appoint Members to the FY2020-2021 Anchorage Advisory Committee (AAC)
- E. Audit Committee Appointments
Appoint Members to the FY2020-2021 Audit Committee
- F. BORCAB Appointments
Appoint Members to the FY2020-2021 Bay Oaks Recreational Campus Advisory Board (BORCAB)
- G. CELCAB Appointments
Appoint Members to the FY2020-2021 Cultural and Environmental Learning Center Advisory Board (CELCAB)
- H. Marine Resources Task Force Appointments
Appoint Members to the FY2020-2021 Marine Resources Task Force (MRTF)
- I. Public Safety Committee Appointments
Appoint Members to the FY2020-2021 Public Safety Committee (PSC)
- J. Local Planning Agency Appointments
Appoint Members to the 2020-2021 Local Planning Agency (LPA)

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

XVI. COUNCILMEMBERS ITEMS AND REPORTS

XVII. 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.

1. **Requested Motion:**

Meeting Date: October 5, 2020

Red Ribbon Week, October 23-30, 2020

Why the action is necessary:

Demonstrates the Town's support for for Red Ribbon Week, which raises awareness of prevention resources available to Lee County students.

What the action accomplishes:

2. **Agenda:**

3. **Requirement/Purpose:**

4. **Submitter of Information:**

Other

5. **Background:**

Lee County will be celebrating National Red Ribbon Week and Lee County's Drug Free Kids the week of October 23-30, 2020.

Attachments:

1. Red Ribbon Week 2020

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Proclaim October 23-30, 2020 as Red Ribbon Week

8. **Recommended Approval:**

Jason Freeman, Contracts Manager
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/25/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020

Town of Fort Myers Beach Proclamation

Whereas, Red Ribbon Week is the oldest drug prevention program in the nation, commemorating the tragic death of DEA Agent Kiki Camarena who was murdered by drug traffickers in Mexico City; and

Whereas, hundreds of Lee County students participate in Red Ribbon Week events in their schools led by their extraordinary teachers and principals; and

Whereas, for every dollar spent on prevention, seven dollars are saved in treatment according to United States Government Surveys; and

Whereas, the Lee County Coalition for a Drug-Free Southwest Florida has a dedicated Board of Directors and Advisory Council committed to its mission “to reduce substance abuse in Lee County by raising awareness of prevention resources through collaboration, education and inspiration; and

Whereas, prevention is working in Lee County, with alcohol use among teens dropping 15% in the past ten years; and

Whereas, families in Lee County show an extraordinary commitment to prevention and the health and wellness of their children as demonstrated by their participation in prevention programs like Red Ribbon Week and Drug House Odyssey; and

Whereas, this year’s theme of Red Ribbon Week is “Be Happy, Be Brave, Be Drug Free!”; and

Whereas, the Lee County Coalition for a Drug-Free Southwest Florida and the School District of Lee County will celebrate National Red Ribbon Week on October 27, at a ceremony honoring Lee County’s drug-free kids.

Now, Therefore, the Town Council of the Town of Fort Myers Beach does hereby proclaim October 23-31, 2020 as

Red Ribbon Week

Given under my hand and the office of the Mayor this 5th day of October, 2020.

Raymond P. Murphy, Mayor

Anchorage Advisory Committee

Report to Town Council

September 2020

1. Upland Service Provider – The AAC continues to work on this. At our recent meeting held on 9-16-2020, the AAC made a motion to recommend to Council they consider taking the upland services in house. The AAC identified Harbor House and Bay Oaks as the best of the potential sites presented to us by staff but are open to considering other suggestions. Both sites have pros and cons. We would like to know the costs, technical and physical challenges involved with both locations to compare to keeping the provider at Matanzas Inn. The AAC has been trying to get this information since the idea of taking the provider in house was first presented to us in December 2018. Additionally, the AAC moved to recommend the Town look into purchasing the submerged piece of property by where Topps was. It is adjacent to the kayak launch at the end of Gulf Beach Road. There would need to be research done to see if there is a clear title and whether it could be used for dockage of any kind.

2. Expansion of the Mooring Field – Staff has been working on combining the land leases of three areas (our current mooring field, the dinghy dock under the bridge and the potential mooring field expansion area west of the bridge) into one lease. They have received the Army Corps of Engineers permit and are awaiting approval from the DEP.

3. Strategic Plan – The AAC had two sessions in January and February and completed a strategic plan for the mooring field. Because of Covid 19, many of the goals and target dates need to be reviewed and adjusted. We will be working on these this fall.

4. Mooring Field staff report – The AAC receives an extensive staff report each meeting dealing with a wide range of topics. These topics include but are not limited to pump-out issues, derelict boats, delinquent accounts, field and dock maintenance and mooring system issues. We have recently had the Town's Director of Finance at our meetings to work on better financial and occupancy reports for the mooring field.

Respectfully submitted,

Katherine Light, chair, Anchorage Advisory Committee



Fort Myers Beach Town Council

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

Minutes

Monday, September 21, 2020

5:01 PM

DRAFT

I. CALL TO ORDER

The meeting was called to order at 5:01 PM by Mayor Ray Murphy

A. Roll Call

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

II. INVOCATION

Town Clerk Mayher.

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENT

•Adam Botana, Bonita Springs, introduced himself and thanked everyone for their support during the primary.

•Tona Shott represented her parents. She stated that their driveway at 310 Nature View Court continued to flood every time it rained. She noted they contacted the Town in September and provided photos. She was told it would be taken care of during construction but now it was worse. She requested that their area be addressed.

V. APPROVAL OF FINAL AGENDA

RESULT:	APPROVAL [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Bill Veach, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

A. Community Rating System - Class Notification

Class Notification of Community Rating System of the State Floodplain Management Program.

Mayor Murphy displayed a plaque and read part of the letter from Department of Homeland Security regarding the change in rating, which resulted in a 25% discount on insurance for property owners who participated in the National Flood Insurance Program. Town Manager Hernstadt explained savings to the Town, specifically \$2.3 million savings for the Town and potentially \$363.00 for the average policy.

Council Member Allers recognized Ron and Jan Fleming and their dog Rocco for their stewardship on the Island.

Council Member Hosafros recognized Town Clerk Michelle Mayher for attending more Town Council meetings than anyone on the beach. She noted that the meeting was her last as Town Clerk. She wished her well in her future endeavors and noted they would miss her.

Council Member Veach recognized Brad Cornell with Audubon, Chad Chutz and Penny Jarrett for organizing the sand spur collection. He thanked volunteers who served on committees and encouraged residents to get involved.

Council Member Atterholt thanked Town Clerk Mayher for her many years of public service to the Town of Fort Myers Beach.

Town Manager Hernstadt recognized the volunteers from many groups for cleaning up the beach over the weekend.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

No reports

VIII. APPROVAL OF MINUTES

A. Town Council - Management & Planning - Sep 3, 2020 9:00 AM

RESULT:	ACCEPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Ray Murphy, Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

B. Town Council - Regular Meeting - Sep 10, 2020 5:01 PM

Resolutions 20-35 and 20-36 were both tabled then voted on. It should be made clear that both resolutions passed unanimously.

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Ray Murphy, Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

IX. CONSENT AGENDAA. Lobbyist Ronald L. Book, P.A. Contract Renewal

Authorize the Town Manager to renew and execute an agreement in the amount of \$45,000 with the Town's State Lobbyist, Ronald L. Book, P.A.

Council Member Atterholt discussed why a lobbyist was important. He suggested that they invite Mr. Book to a Council meeting for a legislative update. Town Manager Hernstadt responded that he would get Mr. Book scheduled for a meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

B. RFQ-20-22-AD and RFQ-19-17-AD; Ongoing Miscellaneous Professional Services

Approve the Town Manager's recommendation in response to RFQ-20-22-AD; Ongoing Miscellaneous Professional Services and authorize the Town Manager to negotiate and execute an agreement for as needed services with each of the recommended firms and authorize one-year renewals for existing agreements under RFQ-19-17-AD.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

C. Resolution 20-41: LeeCARES Subrecipient Agreement

Resolution 20-41: LeeCARES Subrecipient Agreement to provide the Town with the opportunity to submit eligible COVID-19 expenses for reimbursement.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

D. Resolution 20-33 - Local Support for the Estero Island Shore Protection Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA IN SUPPORT OF THE FLORIDA BEACH EROSION CONTROL PROGRAM; APPROVING A REQUEST FOR FUNDING FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE ESTERO ISLAND SHORE PROTECTION PROJECT; AND AUTHORIZING LOCAL MATCHING FUNDS FOR FUNDING RECEIVED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

E. Parking Lot Lease Agreement

Parking Lot Agreement with Mitchell & Stark Construction Company, Inc. for use as a staging area during the North Estero Phase 2, Part 2 Utilities project pending FDOT approval.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

F. 2020 Audit Engagement

Authorize the Town Manager to sign 2020 Audit Engagement Letter received from Mauldin & Jenkins

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

G. FY21 Contract Employee Exceeding the Town Manager's \$25,000 Expenditure Authority

Authorize Town Manager to approve and execute the employee contract(s) for FY 2021 which exceed the Town Manager's \$25,000 expenditure authority.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

X. PUBLIC HEARINGS

A. Final Reading and Public Hearing: Ordinance 20-13; Nuisance Abatement Board

ORDINANCE NO. 20-13 AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING A NEW ARTICLE V, OF CHAPTER 16 OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH ENTITLED "NUISANCE ABATEMENT BOARD", PROVIDING FOR THE CREATION OF A NUISANCE ABATEMENT BOARD; INTENT AND JURISDICTION; PROVIDING FOR CERTAIN ACTIVITIES TO BE DECLARED NUISANCES; DEFINITIONS; ORGANIZATION; INITIATION OF PROCEEDINGS; CONDUCT OF HEARINGS; COSTS AND FINES; APPEALS; ENFORCEMENT; RIGHTS RESERVED; AND PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING AN EFFECTIVE DATE.

Mayor Murphy read the title of the ordinance. Town Attorney Herin stated that the notice was properly advertised.

Public comment:

- Lani Kai Attorney Ellyn Bogdanoff expressed a desire that the ordinance not pass. She noted that the Town passed a Safety Task Force in 1998 and an ordinance in 1999 that provided civil fines for violation of any ordinances. She felt the mechanisms to address their concerns were already in the ordinances. She reported that the Lani Kai would be working with the Sheriff's Office regarding using the Lani Kai address for every call. She thanked Council for their time and patience.

- Attorney Michael Witt represented the Conidaris family. He suggested that the Town review their budget because there were problems with the ordinance as drafted. He stated that references in the proposed ordinance were not covered in the enabling ordinances. He noted that the Town Clerk and Town Attorney would be taking on additional duties and expenses. He described several other expenses related to the ordinance. He indicated that any citizen of Lee County could file an action seeking an injunction. He commented that a nuisance abatement board would cost a lot of money and they already had the tools in place. He asked that Council vote no on the ordinance.

- Ken Conidaris stated that he would work with the Town Council on any issue to avoid the creation of a nuisance abatement board. He noted that they required wrist bands, they were screening rentals and they had moved the entry point and extra security guards were hired for weekends and holidays. He stated that everything that was suggested to them was put in place. Mr. Conidaris stated that they closed at 10:00 p.m. instead of 2:00 a.m. He described training procedures.

Public comment closed.

Town Attorney Hernstadt reviewed proposed changes to the ordinance. Council Member Atterholt proposed that all board members except the Chair be residents of the Town. Council Member Allers and Vice Chair Hosafros agreed. Council Members agreed with all proposed changes.

Council Member Veach questioned the budget ramifications with a nuisance abatement board. Town Manager Hernstadt replied that if there were cases, they would need an additional attorney and a part-time staff person but expenses would be driven by the number of cases. He described the Sheriff's role in the process. He commented that he would start with a budget of \$50,000.00.

Council Member Atterholt read a statement in support of creating a nuisance abatement board.

Council Member Allers stated that it was difficult to put a price on public safety and the ordinance was a proactive tool.

Town Attorney Herin stated that Attorney Witt's concerns were taken care of in the draft ordinance.

RESULT:	ADOPTED AS AMENDED [3 TO 2]
MOTION BY:	Dan Allers, Council Member
SECOND BY:	Jim Atterholt, Council Member
AYES:	Dan Allers, Jim Atterholt, Bill Veach
NAYS:	Rexann Hosafros, Ray Murphy

B. Resolution 20-42, Setting Final Millage Rate for FY 20-21

Approve Resolution 20-42 setting the final operating ad valorem rate for tax year 2020-2021 at .9500 mills.

Town Attorney Herin stated the item was properly advertised. He noted that the item had to be tabled first then take up the final budget, table the budget and go back to voting for the millage and budget.

MOTION: Council Member Atterholt moved to table Resolution 20-42 to discuss the final budget; second by Vice Mayor Hosafros.

VOTE: Motion approved; 5-0.

MOTION: Vice Mayor Hosafros moved to take back up Resolution 20-42; second by Council Member Allers.

VOTE: Motion approved; 5-0.

Town Attorney Herin read the title of the resolution and Section 2.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Jim Atterholt
SECOND BY:	Bill Veach, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

C. Resolution 20-43, Final FY20-21 Operating and Capital Budget Hearing

Approve Resolution 20-43 adopting the Final Town operating budget, capital budget and associated fee schedule for FY 2020-2021 and finding that it is consistent with the requirements of the Town Comprehensive Plan.

Mayor Murphy read the title of the resolution.

No public comment.

Council Member Atterholt questioned the increase in fines and forfeitures over the last three years. He requested that in the future the fines and forfeitures be broken out in the budget to get a better sense of where the fines were coming from. He discussed educating the public so there was less conflict between the Town and the public. Town Manager Hernstadt explained the increases and noted that they would try to enhance the reports. He stated that they took the laws of all the Town Councils seriously and enforced them when applicable. Council Member Atterholt discussed educational opportunities with local media to prevent conflict with the Town. Town Manager Hernstadt responded that they encouraged people to call the Town for answers to their questions but many times they did not take that first step.

Council Member Allers questioned the status of the enhanced services agreement from the Lee County Sheriff's Office. Town Manager Hernstadt

replied that Town Council was going to discuss whether they wanted to move forward with the idea. He explained amendments to the budget.

MOTION: Vice Mayor Hosafros moved to table the budget pending resolution of the millage; second by Council Member Allers.

VOTE: Motion passed; 5-0.

MOTION: Vice Mayor Hosafros moved to take back up Resolution 20-43; second by Council Member Allers.

VOTE: Motion approved; 5-0.

Vice Mayor Hosafros questioned whether they needed an amendment to appropriate \$50,000.00 from reserves since the nuisance abatement board was approved. Town Manager Hernstadt agreed.

Council Member Veach amended his motion to include \$50,000.00 to the budget and Vice Mayor Hosafros seconded the amended motion.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOTION BY:	Bill Veach, Council Member
SECOND BY:	Rexann Hosafros, Vice Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

D. Fee Schedule

FY 2021 Fee Schedule

Town Manager Hernstadt reviewed the item. Council Member Allers suggested that they delay the rental increase for Times Square merchants that was scheduled to take effect on October 1, 2020. Council Member Atterholt agreed that it was appropriate given the pandemic. He supported the effort to postpone the increase for as long as possible. Vice Mayor Hosafros questioned current leases. Town Manager Hernstadt replied that leases could be adjusted. Vice Mayor Hosafros suggested a delay until the end of March, 2021.

MOTION: Council Member Allers moved to amend the fee schedule for outdoor seating to suspend the fees until April 1, 2021; second by Council Member Veach.

VOTE: Motion approved; 5-0.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Bill Veach, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

E. 2nd and Final Reading and Public Hearing; Ord. 20-14, All Year Slow Speed Manatee Protection Zone

ORDINANCE NO. 20-14 AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA REPEALING ARTICLE II OF CHAPTER 32 OF THE FORT MYERS BEACH CODE OF ORDINANCES AND AMENDING ARTICLE V OF CHAPTER 16 OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH ENTITLED "BOATING RESTRICTED AREAS, VESSEL CONTROL AND WATER

SAFETY” TO INCLUDE A “MANATEE IDLE SPEED ZONE” IN MATANZAS PASS, PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER’S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Mayor Murphy read the title of the ordinance. Town Attorney Herin stated that the item was properly advertised.

Public Comment:

•Sue Morris thanked Town Council and staff for all their time and effort to make the action happen.

Public comment closed.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Bill Veach, Council Member
SECOND BY:	Rexann Hosafros, Vice Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

F. VAC 20200053- Petition to Vacate a Portion of Ibis St

Approve/ Approve with condition/ Deny Vacating a portion of the plat identified as Ibis Street R/W located generally between 281 Ibis St and 290 Ibis St

Town Attorney Herin swore in those providing testimony. Ex parte communication: Council Member Veach disclosed a bike visit. None from Vice Mayor Hosafros, Mayor Murphy and Council Member Atterholt.

Planning Services Planner Kalyani Bhutada utilized PowerPoint to review the vacation request. She noted that staff recommended approval with conditions.

Attorney Beverly Grady with Roetzel and Andress represented the respondent. She submitted affidavits into the record and distributed the PowerPoint presentation. Slides included: Subdivision plat Units 1 and 2; Survey of Lot 37; Sketch of Vacation and Proposed 10’ utility easement. She questioned why the Town needed a 10’ x 60’ easement for a water meter in the corner of the property. She explained that new pavers triggered the vacation request and she described how the property owners maintained the right-of-way. She pointed out errors in the resolution regarding two Exhibit A’s and no gas line on the property. She questioned whether they would accept a 7.5’ setback for the easement instead of 10’. She noted that the property owners wanted to complete installing their pavers. Town Manager Hernstadt recommended that they maintain the 10’ easement. He stated that if the Town had to pull up the pavers they would be replaced.

Tim Carson, owner, stated that the pavers would encroach on the easement by approximately three feet. Attorney Grady distributed a drawing of the property. Mr. Carson questioned why they would need access for water since there were no drainage issues. Town Manager Hernstadt replied that there could be an issue in the future. Attorney Grady stated they were good with the 10’ easement. No public comment.

Town Attorney Herin stated they would create a new Exhibit A. Town Manager Hernstadt added that it would be properly labeled.

Vice Mayor Hosafros amended the motion to include a newly created Exhibit A and delete the words, “and the existing private gas line” from Section 3 on Page 136.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Ray Murphy, Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

G. VAC20200074 - Vacation Portions of School St. Right-of-Way

Approve/Approve with conditions/Deny: Vacation of a portion of Town right-of-way on School Street.

Community Development Services Director Jason Green reviewed the request. He noted that staff and the LPA recommended approval. Town Manager Hernstadt stated that the recording of the property change would happen after the interlocal was approved by all parties.

No public comment.

MOTION: Council Member Veach moved to approve the vacation of a portion of Town right-of-way on School Street; second by Vice Mayor Hosafros.

VOTE: Motion approved; 5-0.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Bill Veach, Council Member
SECOND BY:	Rexann Hosafros, Vice Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

H. VAC20200072 - Vacating a Portion of Bay Road Right-of-Way

Approve/Approve with conditions/Deny: Vacation of a portion of Town right-of-way on Bay Road.

Director Green reviewed the request. He noted that staff and the LPA recommended approval with conditions.

No public comment.

MOTION: Council Member Veach moved to approve the vacation of a portion of Town right-of-way on Bay Road; second by Vice Mayor Hosafros.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Bill Veach, Council Member
SECOND BY:	Rexann Hosafros, Vice Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

I. 1st Reading and Legislative Hearing: LDC Text Amendment Sec. 34-639.- Permitting Survey Requirements

ORDINANCE 20-15 AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-639 ENTITLED "PERMITTING SURVEY REQUIREMENTS" OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, REVISING THE SURVEY REQUIREMENTS AND PROVIDING FOR STORMWATER COMPLIANCE AND INSPECTION; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND PROVIDING FOR AN EFFECTIVE DATE. Open the public hearing

and set the second and final reading for October 5, 2020 at 9:00 a.m.

Mayor Murphy read the title of the ordinance. Director Green reviewed the background and described the proposed changes.

No public comment.

MOTION: Vice Mayor Hosafros moved to set the second public hearing to October 5, 2020 at 9:00 a.m.; second by Council Member Allers.

VOTE: Motion approved; 5-0.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Rexann Hosafros, Vice Mayor
SECOND BY:	Dan Allers, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

XI. ADMINISTRATIVE AGENDA

A. 2nd Public Hearing - Resolution 20-25; Adopting Water Rates

2nd Public Hearing - Approve 20-25, Resolution Adopting Water Rates, implementing Town Council policy for the continued periodic adjustment of rates necessary to fund the water improvement program.

Mayor Murphy read the title of the resolution. Town Manager Hernstadt reviewed why the action was necessary. He reported that he received one negative email concerning the rate change.

No public comment.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Dan Allers, Council Member
SECOND BY:	Rexann Hosafros, Vice Mayor
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

II. FINAL PUBLIC COMMENT

No public comment.

XIII. TOWN MANAGER'S ITEMS

Town Manager Hernstadt reported that they received the TDC (Tourist Development Council) agreements for next year for over \$900,000.00 of funding. The Town was notified by FDOT (Florida Department of Transportation) that their sidewalk construction project on Connecticut Street would begin soon.

XIV. TOWN ATTORNEY'S ITEMS

A. Legal Services Contract Renewal

Authorize the Mayor and Town Manager to execute a renewal agreement for Legal Services with John R. Herin Jr. for an additional one year.

Town Attorney Herin stated that the terms of the contract were the same as last year.

Vice Mayor Hosafros brought up billing for extra services for involvement in the nuisance abatement board. Town Attorney Herin replied that they could expand his existing flat rate to include those services. Vice Mayor questioned whether he would include those services in his current flat rate. Town Attorney Herin requested an increase and noted he would negotiate with the Town Manager. He agreed to bill separately for extra work regarding the nuisance abatement board if he was needed.

RESULT:	ADOPTED [UNANIMOUS]
MOTION BY:	Dan Allers, Council Member
SECOND BY:	Bill Veach, Council Member
AYES:	Hosafros, Murphy, Allers, Atterholt, Veach

XV. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Allers - reported that the Outreach Center was being used. He questioned whether he had support for sending the enhanced services proposal from the Lee County Sheriff's Office to the Public Safety Committee (PSC) for review. Council Members Veach and Atterholt agreed.

Vice Mayor Hosafros - noted that staff provided monthly reports from the various departments. She was in favor of renewing the FDEP permit regarding the beach dune management plan that expired in 2017. Council Members Veach and Atterholt agreed.

Council Member Atterholt - questioned the erosion on parts of the south end of the beach. He questioned who determined when an additional restoration was required. Vice Mayor Hosafros replied that the TDC provided funding for restoration. She noted the Town paid a consultant to determine when restoration was needed. Council Member Atterholt brought up leasing property to Nervous Nellies. He questioned whether the Town Manager would negotiate a short-term arrangement and use the funds towards creating a veteran's memorial in Bayside Park. Town Manager Hernstadt replied that a revised version of Bayside Park would be presented in October. Vice Mayor Hosafros and Mayor Murphy did not support moving in that direction. Council Member Veach agreed.

Council Member Veach - brought up creating a reef from the Old San Carlos bridge debris. He noted it was a County project it but could benefit the beach. Mayor Murphy pointed out that a fishing platform was supposed to be built under the bridge to accommodate fishermen. He supported the reef idea and added that he would make some phone calls. Council Member Veach remarked that Bay Oaks would have more parking than they needed. He questioned changing the parking requirements. Vice Mayor Hosafros stated that theater performances would require additional parking spaces. She noted that other activities were conducted on the property and she would hesitate to reduce parking. Council Member Veach questioned having fewer paved parking spaces and parking on the grass. Council Member Atterholt agreed and indicated they might be able to save money without cutting corners on quality. Council Member Veach stated that the survey CRAB (Community Resource Advisory Board) conducted

concerning amenities at Bay Oaks was available digitally and he directed questions to Utilities Director Christy Cory. Council Member Veach questioned the status of landscaping on Estero Boulevard. Town Manager Hernstadt replied that they had not received the signed interlocal from the County. Council Member Veach recommended that MRTF or the Native Plant Society make suggestions concerning what to plant. Town Manager Hernstadt replied that he would be happy to meet with them.

No items from Mayor Murphy.

XVI. ADJOURNMENT

The meeting was closed at 7:50 PM

DRAFT

1. **Requested Motion:**

Meeting Date: October 5, 2020

Accept a voluntary utility easement from Melinda & Thomas Kolar at 277 Primo Drive for Stormwater outfall installation.

Why the action is necessary:

Provides legal acceptance from the Town Council of the utility easement on Primo Drive.

What the action accomplishes:

Accepts easement

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

In discussion with Mr. Kolar it was determined that the Stormwater project on Primo Drive could use an additional outfall location. Mr. Kolar volunteered a utility easement on his property.

Attachments:

1. 277 Primo Drive

Financial Impact:

6. **Alternative Action**

Do not accept

7. **Management Recommendations:**

8. **Recommended Approval:**

Christy Cory, Utilities Director
Christy Cory, Utilities Director
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020

Prepared by and After Recording Return to:
Town of Fort Myers Beach, Florida
2525 Estero Blvd.
Fort Myers Beach, FL 33931
Attn: Mrs. Christy Cory

PERMANENT UTILITY EASEMENT AGREEMENT

THIS PERMANENT UTILITY EASEMENT (“Agreement”) is made as of this 25 day of September, 2020, by and between Melinda & Thomas Kolar, whose mailing address is 277 Primo Drive, Fort Myers Beach, FL. 33931, (“Grantor” or “Town”) and the TOWN OF FORT MYERS BEACH, a Florida municipal corporation whose address is 2525 Estero Blvd., Fort Myers Beach, Florida 33931 (“Grantee”). Wherever used herein, the terms, “Grantor” and “Grantee” shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.

WHEREAS, Grantor is the owner of certain real property in the Town of Fort Myers Beach, Lee County, Florida (“Town”) more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (“Grantor’s Property”);

WHEREAS, the Town desires a perpetual, non-exclusive easement for public use and to construct and install, and thereafter use, operate, inspect, maintain and repair sewer, water and storm sewer facilities and related appurtenances and facilities (“Facilities”) on, over, across and under a portion of Grantor’s Property more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference (“Easement Property”);

WHEREAS, for this purpose, Grantor is willing to convey this permanent easement to the Town, which allows the Town to install, operate, use, repair and maintain the Facilities upon and beneath the surface of the Easement Property; and

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained here, Grantor and the Town mutually agree as follows:

1. Recitals. The recitals set forth above are hereby incorporated as if fully set forth herein.
2. Grant of Easement. Grantor hereby grants to the Town, its successors and assigns, lessees, licensees and agents, a permanent, perpetual, non-exclusive easement (“Easement”) to enter, re-enter, occupy and use the Easement Property to construct, reconstruct, use, operate, maintain, repair, patrol, replace, enlarge and remove the Facilities in, through, over, across, under and above the Easement Property.
3. Construction and Maintenance Rights. The Town and its employees, agents, contractors, representatives, successors and assigns shall have and exercise the right of ingress and egress in, to, through, over, under, above and across the Easement Property for access to perform construction, reconstruction, operation, installation, use, maintenance, repair, replacement,

upkeep, monitoring, and removal of the Facilities. All Facilities installed by the Town on the Easement Property shall remain the Town's property.

4. Non-exclusive Use. The Town agrees, following written request to and approval by the Town, that other public utilities may be installed in the Easement Property if such utilities do not interfere with the Town's rights as herein granted or the Town's use of the Easement and Easement Property. The Town must approve all surface and subsurface uses of the Easement Property in writing prior to installation.

5. No Interference. Grantor shall not construct or place any structure or building, shrub, tree, woody plant or nursery stock, whether temporary or permanent, of any kind or nature situated on the Easement Property that will interfere with or obstruct the access or Easement granted herein. The Town may remove any prohibited structure or item placed on the Easement Property at Grantor's expense and without liability to the Town for damages arising therefrom. Grantor shall retain the right to the use and occupancy of the Easement Property to the extent that it does not interfere with the Town's rights or its use of the Easement.

6. Maintenance of Grantor's Improvements. Grantor shall be solely responsible for the maintenance of all Grantor's improvements located within the Easement Property.

7. Easement Runs with the Land. So long as this Agreement remains in effect, this Agreement, and the easements, covenants, conditions and provisions herein, shall run with the Grantor's Property and the Easement Property and will be binding upon the Parties hereto and their respective heirs, devisees, personal representatives, successors, transferees and assigns, except as otherwise provided herein.

8. Title Warranties. Grantor warrants that Grantor has good and indefeasible fee simple title to and possession of the Easement Property and that it has good and lawful right to grant this Easement. Grantor represents that execution and delivery of this Agreement and performance of its obligations pursuant to this Agreement will not violate any agreement, instrument, order, judgment, decree, permit, approval, license, law, regulation or ordinance to which Grantor is a party or by which Grantor or Grantor's assets or the Grantor Property is bound or which otherwise affects the Grantor Property. Grantor shall indemnify, defend and hold Grantee and its successors and assigns harmless from and against all claims, damages, liabilities, losses, costs and expenses, including, without limitation, reasonable attorneys' fees arising from a breach of the representations, warranties, guarantees or covenants of Grantor contained in this Agreement.

9. Authority. The undersigned person executing this Agreement on behalf of Grantor represents and certifies that he or she has been fully empowered to execute and deliver this Agreement; that Grantor has full capacity to convey the Easement and other rights herein; and that all necessary action for the making of such conveyance has occurred. The undersigned person executing this Agreement on behalf of Grantee represents and certifies that he or she has been fully empowered to execute and deliver this Agreement; and that all necessary action for the execution of this Agreement has occurred.

10. Recordation. Except as otherwise expressly provided herein, all provisions of this Agreement, including the benefits, burdens and covenants, are intended to run with the land and

shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties. The Town shall record this Agreement in timely fashion in the official records of Lee County and may re-record it at any time as may be required to preserve its rights in this Agreement.

11. No Merger. It is the express intent of the Parties that the doctrine of merger shall not apply to this Agreement and there will be no merger of estate between the Easement granted by this Agreement and the Property.

12. Notices. All notices, demands and requests required or permitted to be given under this Agreement must be in writing and addressed to the appropriate Party at the appropriate address as set forth below and shall be deemed given and received (i) when hand delivered to the intended recipient, by any means; (ii) three (3) business days after the same is deposited in the United States mails, with adequate postage prepaid, and sent by registered or certified mail, with return receipt requested; (iii) one (1) business day after the same is deposited with an overnight courier service of national or international reputation having a delivery area encompassing the address of the intended recipient, with the delivery charges prepaid; or (iv) when received via electronic mail at the intended recipient's email address set forth below (provided such email delivery and receipt is confirmed via return receipt of the noticing Party). The initial addresses of the parties shall be:

If to Grantor: Melinda & Thomas Kolar
277 Primo Drive
Fort Myers Beach, FL. 33931
T_kolar@yahoo.com

If to Grantee: Town of Fort Myers Beach
2525 Estero Blvd.
Fort Myers Beach, FL 33931
Attn: Mrs. Christy Cory
Email: Christy@fmbgov.com

A Party may change its address, intended recipient party or email address by notice given in accordance with this Section.

13. Amendment and Termination. This Agreement may only be amended or terminated by a written agreement signed by the Parties.

14. Counterparts. This Agreement may be executed in one or more counterparts, each of which when executed shall be deemed an original, all of which together shall constitute one instrument.

15. Enforcement; Attorneys' Fees. In the event that any Party is required to commence any action or proceeding against the other in order to enforce or interpret the provisions hereof, the prevailing Party in such action shall be awarded, in addition to any amounts or relief otherwise awarded, all reasonable costs incurred in connection therewith, including attorneys' fees.

16. Severability. If any provision in this Agreement is held invalid, illegal, or unenforceable in any jurisdiction, the validity, legality, and enforceability of the remaining provisions of this Agreement shall not be impaired thereby.
17. Governing Law. The laws of the State of Florida shall govern this Agreement, and venue for any legal action concerning this Agreement shall be Lee County.
18. Interpretation. Nothing contained herein is to be construed as creating a joint venture or partnership between Grantee and Grantor.
19. Headings. The Section headings are included only for convenience, and shall not be construed to modify or affect the covenants, terms or provisions of any Section.
20. No Third Party Rights. Nothing contained in this Agreement shall create a contractual relationship with or duties, obligations or causes of action in favor of any third party.
21. Remedies Cumulative. The rights and remedies given in this Agreement and by law to a non-defaulting party shall be deemed cumulative, and the exercise of one of such remedies shall not operate to bar the exercise of any other rights and remedies reserved to a non-defaulting party under the provisions of this Agreement or given to a non-defaulting party by law.
22. No Waiver. One or more waivers of the breach of any provision of this Agreement by any party shall not be construed as a waiver of a subsequent breach of the same or any other provision, nor shall any delay or omission by a non-defaulting party to seek a remedy for any breach of this Agreement or to exercise the rights accruing to a non-defaulting party of its remedies and rights with respect to such breach.
23. Governmental Immunity. The Town and its officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by sovereign immunity under Florida law, or otherwise available to the Town, its officers, attorneys or employees.
24. Subject to Annual Appropriation. Consistent with the Florida Constitution and state law, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.
25. Continuing Cooperation. The Parties hereto covenant and agree that they will from time to time, upon the request of another Party, and without further consideration, execute, acknowledge, and deliver in proper form any further instruments, and take such other actions, as such Party may reasonably require in order to carry out the intent of this Agreement.

WAIVER OF JURY TRIAL. EACH PARTY WAIVES ALL RIGHTS TO ANY TRIAL BY JURY IN ALL LITIGATION RELATING TO OR ARISING OUT OF THIS AGREEMENT.

IN WITNESS WHEREOF, this Utility Easement is entered into as of the date first set forth above.

GRANTOR:

WITNESSES:

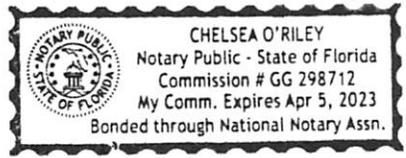
[Signature]
By: THOMAS KOLAR
Its: _____

[Signature]
Name: Melinda Kolar
THOMAS KOLAR

[Signature]
Name: Christy L. Cory

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 25 day of SEPTEMBER 2020, by THOMAS KOLAR, of OWNER, a State of Florida corporation, on behalf of the corporation; who (check one) [] is personally known to me or [X] produced a valid K460-826-62-2560 driver's license as identification.



[Signature]
Print or Stamp Name: CHELSEA O'RILEY
Notary Public, State of Florida at Large
Commission No.: ARRE GG 298712
My Commission Expires: APRIL 5, 2023

EXHIBIT A

Legal Description of Grantor's Property

[Faint, illegible text]

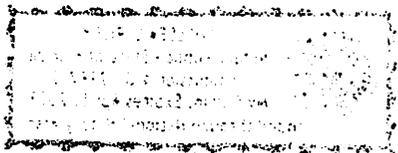


EXHIBIT "A"

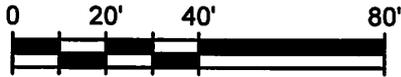
A certain parcel of land lying and being in the County of Lee, and State of Florida, more particularly described as follows:

Lot 26, Block D, less the South 46 feet thereof, of that certain Subdivision known as CRESENT PARK ADDITION, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 4, Page 46, Public Records of Lee County, Florida, together with that strip of land lying between the Westerly boundary of said described land and the canal to the West thereof, together with a strip of land lying North of Lot 26 in Matanzas Pass, together with the Riparian Rights of said Bay. Together with a permanent 15 foot Easement for ingress and egress over that portion of the Northeasterly corner of that portion of Lot 26 conveyed by instrument recorded in O.R. Book 1228, Page 1420, Public Records of Lee County, Florida.

DR2589 PG2309

EXHIBIT B

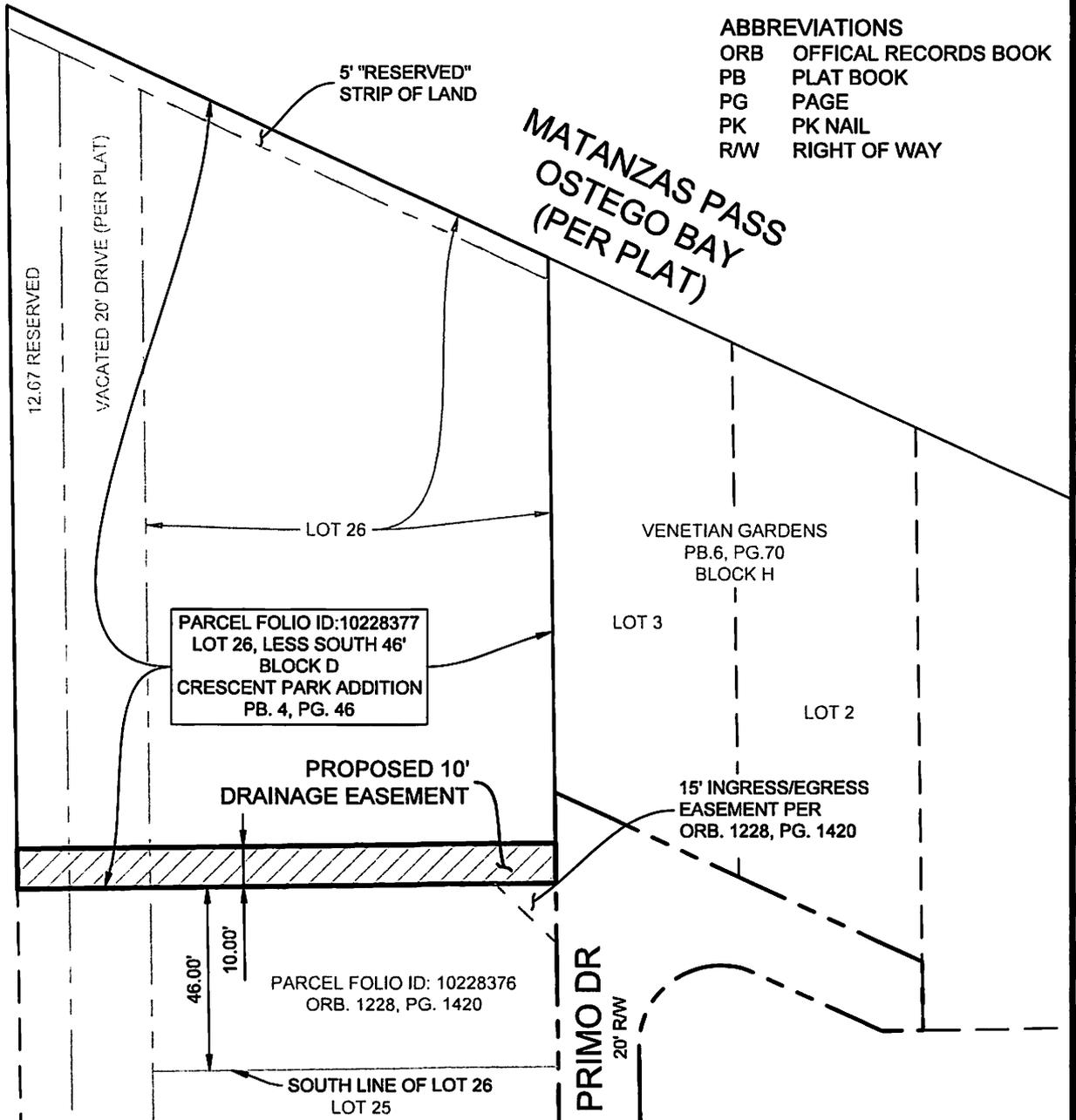
Legal Description of Easement Property



ABBREVIATIONS

- ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PG PAGE
- PK PK NAIL
- R/W RIGHT OF WAY

60' CANAL WATER WAY



Friday, February 28, 2020 10:37:16 AM DRAWING: C:\Projects\Orlando\IER\74765\200-74765-16002\CAD\Survey\DWG\IV_XP_EASEMENT_PRIMO.DWG



TETRA TECH

www.tetratech.com

201 EAST PINE STREET, SUITE 1000
ORLANDO, FL 32801
PHONE: 407-839-3955 FAX: 407-839-3790

**PROPOSED
10' DRAINAGE
EASEMENT**

**FORT MYERS BEACH
LEE COUNTY, FLORIDA**

Project No.: 200-74765-16002

Date: 02-13-2020

Designed By: BLS

Drawing No.

V-101

PARCEL FOLIO I.D.: 10228377
 OWNER: KOLAR, THOMAS & MELINDA

SKETCH OF DESCRIPTION

(NOT A BOUNDARY SURVEY)

PROPOSED EASEMENT: THE SOUTH 10 FEET OF THE FOLLOWING DESCRIBED PARCEL.

A CERTAIN PARCEL OF LAND LYING AND BEING IN THE COUNTY OF LEE, AND STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 26, BLOCK D, LESS THE SOUTH 46 FEET THEREOF, OF THAT CERTAIN SUBDIVISION KNOWN AS CRESCENT PARK ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN PLAT BOOK 4, PAGE 46, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH THAT STRIP OF LYING BETWEEN THE WESTERLY BOUNDARY OF SAID DESCRIBED LAND AND THE CANAL TO THE WEST THEREOF, TOGETHER WITH A STRIP OF LAND LYING NORTH OF LOT 26 IN MATANZAS PASS, TOGETHER WITH THE RIPARIAN RIGHTS OF SAID BAY, TOGETHER WITH A PERMANENT 15 FOOT EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF THE NORTHEASTERLY CORNER OF THAT PORTION OF LOT 26 CONVEYED BY INSTRUMENT RECORDED IN O.R. BOOK 1228, PAGE 1420, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CONTAINING 1326.7 SQUARE FEET OR 0.0304 ACRES.

SURVEYOR'S NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF LOT 26, HAVING THE ASSUMED BEARING OF N00° 43' 05"W.
2. THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORDS AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE LANDS SHOWN HEREON.
3. NO UNDERGROUND INSTALLATIONS, FOUNDATION FOOTINGS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
4. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. THIS SKETCH WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

LAWRENCE E. JENKINS
 PROFESSIONAL
 SURVEYOR AND MAPPER
 FLORIDA REGISTRATION #5364
 TETRA TECH - LB #26

Project No.: 200-74765-16002

Date: 02-13-2020

Designed By: BLS

Drawing No.
V-100



TETRA TECH

www.tetrattech.com

201 EAST PINE STREET, SUITE 1000
 ORLANDO, FL 32801
 PHONE: 407-839-3955 FAX: 407-839-3790

PROPOSED
 10' DRAINAGE
 EASEMENT

FORT MYERS BEACH
 LEE COUNTY, FLORIDA

Friday, February 28, 2020 10:37:12 AM DRAWING: O:\Projects\Orlando\NERV74765\200-74765-16002\CAD\Survey\DrawIV_XP_EASEMENT_PRIMO.DWG

1. **Requested Motion:**

Meeting Date: October 5, 2020

Authorize the Town Manager to renew and execute an agreement with the Town's Special Magistrate, Myrnabelle Roche, for an additional year.

Why the action is necessary:

The current agreement needs to be renewed.

What the action accomplishes:

Provides Special Magistrate services for the Town for an additional year.

2. **Agenda:**

CONSENT AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Ms. Roche has been serving as the Special Magistrate for the Town for the past two years. This agreement will extend her services for another year.

Attachments:

1. Myrnabell Roche resume
2. Special Magistrate Draft FY21

Financial Impact:

- Maximum fee for case preparation per case \$95.00 (one half hour of hourly rate)
- Maximum fee for conducting case hearing, including continuances and any mitigation hearing per case \$190.00, with a 2 hour minimum
- Maximum fee to issue findings of facts per case \$95.00 (one half hour of hourly rate)
- External post hearing activities in defense of findings of facts \$47.50 (one quarter hour of hourly rate) per 15 minutes
- No additional fees or costs shall be permitted

6. **Alternative Action**

Do not renew the contract and issue a Request for Proposals for an alternative for Special Magistrate Services or reestablish a code enforcement board.

7. **Management Recommendations:**

To renew and execute a renewal agreement for the Town's Special Magistrate Services

8. **Recommended Approval:**

Jason Freeman, Contracts Manager
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/25/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020

Myrnabelle Roche, Esq.

MRN Law PA

1000 West McNab Road, Suite 153

Pompano Beach, FL 33069

Phone (954) 784.7001

mroche@mrnlawpa.com

EXECUTIVE SUMMARY

Over fourteen years working in the construction industry with architects, engineers, general contractors, sub-contractors, property owners, insurance companies, surety companies, real estate professionals and governmental agencies. Twelve years of civil litigation, trial work and appellate law experience, primarily in the areas of construction litigation, surety and insurance claims, construction defects, professional liability, Florida lien law, creditor law, priority of secured creditors on real property, title claims, and complex commercial litigation. Twelve years of transactional experience primarily in the areas of construction, real estate development (including property acquisitions, due diligence and financing), land use and zoning, community association law and leasing. Over seven years of supervisory, training and management experience as founding Partner for a medium sized Fort Lauderdale based boutique law firm. Two years of in-house/staff counsel and corporate representative experience working for one of the nation's largest commercial insurance carrier.

Extensive experience as first chair in large and complex trials and arbitration proceedings. Extensive experience developing and executing winning litigation strategies, taking and defending depositions, initiating and responding to discovery matters, settlement negotiations and mediations. Highly experienced and comfortable handling high risk/ high exposure cases and volume.

Five years quasi judicial experience as a Member and eventually Chair of the City of Fort Lauderdale's Code Enforcement Board.

Certified Circuit Civil Mediator by the Florida Supreme Court

SKILLS, KNOWLEDGE & ABILITIES

- Senior level advanced knowledge and experience with all aspects of construction and real estate development
- Excellent verbal and written communication, negotiation and presentation skills.
- Excellent negotiation, consultative and facilitation skills with the ability to effectively interact with all internal and external business partners.
- Ability to exercise independent judgement, and to work with and maintain confidential and sensitive information.
- Excellent analytical and problem solving skills, and senior level skill in managing ambiguous situations and issues.
- Proven ability to take a proactive long-term view of business goals and objectives in order to achieve strategic business results.
- Superior knowledge of Microsoft Office Suite, Perfect Practice, Timeslips and other business related software
- Completely fluent in both English and Spanish.

PROFESSIONAL EXPERIENCE

City of Marco Island Marco Island, FL Title: Special Magistrate	December 2014- present
Roche White LLC Attorneys at Law Pompano Beach, FL Title: Managing Attorney	June 2014- present
CNA Insurance Companies Inc. Staff Counsel Plantation, FL Title: Senior Litigation Attorney	2012-2014
Shapiro, Fishman and Gache, LLP Attorneys at Law Boca Raton, FL Title: Lead Litigation Attorney - Complex and High Risk Cases	2011-2012
Reilly Roche LLP Attorneys at Law Fort Lauderdale, FL Title: Partner	2002 - 2011
Broward County Attorney's Office Litigation Division, Construction Law Section Fort Lauderdale, FL Title: Legal intern - Litigation	Fall 2001
Time Engineering, LLC Construction Management, Scheduling & Expert Witness Services Fort Lauderdale, FL Title: Manager	1998 - 2010
Keene Construction Company Maitland, FL Title: Project Engineer	1999
University of Florida, ME Rinker School of Building Construction Graduate Teaching Assistant BCN 6748- Construction Law	1998

EDUCATION

JURIS DOCTOR - University of Florida College of Law, Gainesville, FL

MASTER OF BUILDING CONSTRUCTION - UF's ME Rinker School of Building Construction, Gainesville, FL

BACHELOR OF DESIGN IN ARCHITECTURE - University of Florida College of Architecture, Gainesville, FL

MEMBERSHIPS & CERTIFICATIONS

Florida Bar 2002 – present
Admitted to practice in State and Federal Courts

City of Fort Lauderdale Code Enforcement Board

Chair 2008 - 2009

Vice-Chair 2007 - 2008

Member 2004 - 2007

Certified Circuit Civil Mediator 2011- present

REFERENCES

Excellent references available upon request.

**INDEPENDENT CONTRACTOR AGREEMENT TO PERFORM
SPECIAL MAGISTRATE SERVICES**

This Independent Contractor Agreement (the "Agreement") is effective October 1, 2020, between the Town of Fort Myers Beach, Florida herein referred to as the Town, and Myrnabelle Roche, Esq., herein referred to as Contractor.

RECITALS

1. On October 24, 2018, the Town Council has determined that the Contractor is duly qualified to, and has expertise to perform Special Magistrate services for Code Enforcement.
2. Contractor and the Town agree that it is to their mutual advantage to have Contractor to the Town as it pertains to the Town hearing code compliance enforcement cases and issuing findings of fact as delineated in Town ordinances and resolutions.

AGREEMENT

- A. DESCRIPTION OF WORK:** The Contractor agrees to provide the Town with consulting services pertaining to Special Magistrate services. Contractor agrees to advise the Town on an "as needed" basis. Contractor's services shall be provided at such place and time and in a manner as mutually agreed upon by Contractor and the Town. Contractor will perform its services to the highest professional standards customarily accepted within the Contractor's industry or field. In the Contractor's performance of its services hereunder, the Contractor is not required to maintain any specified daily or weekly schedule, and is not required to meet any quotas. However, Contractor must ensure that he is available to provide consulting services to the Town promptly. Contractor is not required or invited to attend any meetings or functions for the Town's employees. Contractor may be invited to attend periodic meetings held to provide informational updates regarding code compliance. However, attendance at these meetings is not mandatory.

The services provided for by the Agreement shall be performed by Myrnabelle Roche, Esq.(Contractor). Contractor shall not have discretion to hire others at Contractors expense to assist in completing services contemplated by this Agreement without the Town's written consent.

- B. LICENSES AND CERTIFICATIONS:** Contractor ensures that he/she shall, at all times during the term of this Agreement, maintain any and all approvals, licenses, and/or certifications required to provide consulting services and shall furnish copies of such documents to the Town. The Contractor shall immediately notify the Town if any approvals, licenses, or certifications are restricted, revoked or limited in any way during the term of this Agreement. Contractor further agrees that at all times it will comply with any or all applicable laws, rules, regulations and/or ordinances when performing the services and duties contemplated under this Agreement.

C. **PAYMENT:** Contractor shall charge the Town (through the Town's billing process) for services performed pursuant to this Agreement. Contractor agrees to use independent discretion in providing consulting services to the Town. Contractor further expressly agrees that they will charge the Town \$190 per hour, with a 2 hour minimum, rounded up to the nearest quarter hour for their services for the duration of this Agreement:

- Maximum fee for case preparation per case \$95.00 (one half hour of hourly rate)
- Maximum fee for conducting case hearing, including continuances and any mitigation hearing per hour \$190.00, with a 2 hour minimum
- Maximum fee to issue findings of facts per case \$95.00 (one half hour of hourly rate)
- External post hearing activities in defense of findings of facts \$47.50 (one quarter hour of hourly rate) per 15 minutes
- No additional fees or costs shall be permitted

Contractor shall submit invoices for services rendered to the Town as necessary. Upon receipt of a proper invoice, the Town will process payments according to the following schedule:

- Payment shall be issued pursuant to Chapter 218 of the Florida Statutes.
- Payments will reflect services, on a case-by-case basis, invoiced for the previous month.
- Discrepancies shall be reported in writing within 30 days of payment issuance date, or deemed to be waived by the parties to this agreement.

D. **USE OF EQUIPMENT:** Contractor shall be solely responsible for providing any other supplies or materials needed to perform the services set forth in this Agreement. The Town will not reimburse Contractor for any expenses that Contractor incurs pursuant to this Agreement. The Town will provide the venue and recording device(s) for the hearing.

E. **RELATIONSHIP OF PARTIES:** This Agreement creates an independent contractor-Town relationship. The Town will not supervise the work of the Contractor. The Town is interested only in the results achieved. Contractor is solely responsible for the manner and method by which it provides the services contemplated under this Agreement, and exercises exclusive discretion in this regard. Contractor is also solely responsible for the conduct and control of its employees, representatives or agents, and the work performed by those individuals. During the term of this Agreement, Contractor will report to the Town Manager or his designee, who will act as the liaison between Contractor and the Town. Contractor is not an agent of the Town for any purpose. Contractor is not entitled to any benefits that the Town provides its employees, specifically including, but not limited to, sick leave, vacation, workers' compensation or any other insurance coverage. Contractor shall be solely responsible for withholding and paying any or all Federal, State, and local taxes, Social Security payments, and any other applicable deductions, taxes, or payments, including, but not limited to, unemployment and other payroll taxes. This is not an exclusive agreement. Contractor is free to contract with other parties for similar services.

- F. LIABILITY:** Contractor assumes all risk connected with the work performed pursuant to this Agreement. Contractor shall be fully and solely responsible for providing, at its own cost and expense, any or all equipment that is required in the performance of its duties hereunder. Contractor also accepts all responsibility for the condition of tools and equipment used in the performance of this Agreement provided by Contractor. Contractor does hereby absolutely release, waive, discharge, covenant not to sue, and agree to indemnify, defend and hold harmless the Town and its members, council, owners, officers, directors, employees, and agents, and subsidiary and affiliated companies or organizations, and their respective predecessors, successors, and assigns, from all liability to Contractor or its employees, representatives or agents, for any and all losses, expenses or damages, and any claim for damages on account of death, personal injuries or property damage sustained by Contractor or its employees, representatives or agents, or any claims by third parties arising out of the action or failure to act of Contractor or its employees, representatives or agents, while rendering services under this Agreement.
- G. DURATION:** Either party may terminate this Agreement for any reason with 30 days written notice. The Town may terminate this Agreement immediately if Contractor breaches its obligations under this Agreement or engages in conduct which is immoral, illegal or which the Town deems to adversely affect the reputation of the Town. If not earlier terminated, the Agreement shall remain in force commencing on October 1, 2020 through September 30, 2021.
- H. NO AUTHORITY TO BIND:** Contractor shall have no authority to contract for or legally bind the Town with respect to any matter, including but not limited to the subject matter of the Agreement.
- I. CHOICE OF LAW AND JURY TRIAL WAIVER:** This Agreement and all related matters shall be governed by, construed, and enforced in accordance with the laws of the State of Florida. Contractor and the Town agree to waive any right to a trial by jury in any litigation over this Agreement or any supplement thereto, including any litigation arising out of Contractor's independent contractor status.
- J. SURVIVAL:** All representations and other relevant provisions of this Agreement shall survive and thereby continue in full force and effect, notwithstanding any termination or expiration of this Agreement under paragraph G or otherwise.
- K. ENTIRE AGREEMENT:** This Agreement constitutes the entire understanding and agreement of the parties, and shall not be altered, modified, or amended unless such alteration, modification, or amendment is set forth in writing and signed by the parties.
- L. ATTORNEY'S FEES:** In the event that any of the parties institutes any action or proceeding against the other party (including such affiliates) relating to this Agreement, the prevailing party shall be entitled to reimbursement for all costs and expenses incurred in connection therewith, including payment of all reasonable attorney's fees and costs through all appellate levels.

By: _____
Roger T. Hernstadt, Town Manager


Contractor

Date Signed: _____

Date Signed: 9/17/2020

1. **Requested Motion:**

Meeting Date: October 5, 2020

Second Public Hearing and Final Reading for LDC Text Amendment to Sec.34-639: Permitting Survey Requirements

Why the action is necessary:

Provides a streamlined final inspections and sign off for site development. Clarifies steps when survey and other reviews are required to match processes currently in place.

What the action accomplishes:

Create a simplified path to completing permitting and inspections for the site development. Revises the Code to match current processes.

2. **Agenda:**

3. **Requirement/Purpose:**

Ordinance 20-15

4. **Submitter of Information:**

Jason Green, Community Development Services

5. **Background:**

Encroachment of new structures into the setbacks and compliance with the approved drawings, and LDC development standards are items of concern. Currently, all new developments are required to submit a foundation survey, elevation survey and an as-built survey along the development process. Staff has held several discussions on this matter and this text amendment will regulate the above requirements. Additionally, to monitor the stormwater impacts on the residential properties, this text amendment will require approval and inspections from the developer's engineer to provide a confirmation on the substantial compliance for the work done on the property.

LPA has reviewed the proposed LDC text changes and recommended the few punctuation edits. The Text amendment was approved unanimously 5-0. The LPA recommended edits are accommodated in the ordinance.

This is a second hearing and final reading of the proposed text amendment.

Attachments:

1. 20-15, LDC Amendment Sec 34-639 Permitting Survey Requirements

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Approve

8. **Recommended Approval:**

Kalyani Bhutada, Planning Services
Jason Green, Community Development Services

Created/Initiated - 9/24/2020
Approved - 9/28/2020

John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk

Approved - 9/29/2020
Final Approval - 9/30/2020

ORDINANCE 20-15

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-639 ENTITLED “PERMITTING SURVEY REQUIREMENTS” OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE, REVISING THE SURVEY REQUIREMENTS; AND PROVIDING FOR STORMWATER COMPLIANCE AND INSPECTION; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER’S ERRORS; CONFLICTS OF LAW 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, the Town Council desires to update the Land Development Code language to clarify, improve, and create consistency among sections; and

WHEREAS, the Town also recognizes that both its economy and the quality of life of its residents are enriched by a healthy environment and clean nearshore waters; and

WHEREAS, on September 10, 2020 the Local Planning Agency, after giving consideration to the staff recommendation, public testimony, and consistency with the Comprehensive Plan, recommended approval of the proposed amendment ; and

WHEREAS, on September 21, 2020 the Town Council held a first reading of the proposed Ordinance; and.

WHEREAS, on October 5, 2020 the Town Council held a second reading of the proposed Ordinance; and.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:¹

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.

^{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~~.

Section 2. The Town of Fort Myers Beach Land Development Code is hereby amended to read as follows:

Sec. 34-639. - Permitting survey requirements.

(a) *Survey required.* In order to demonstrate compliance with applicable regulations of this division, the applicant or contractor must provide, the following, as illustrated in the chart below, Illustration Chart 1:

- (1) A boundary and topographic survey at the time of building permit application;
- (2) – (5) no changes

(b) *Types of permits requiring survey submission:*

- (1) New construction;
- (2) Room addition;
- (3) Swimming pools and spas, and other impervious surfaces;
- (4) Accessory buildings and structures;
- (5) Fences.
- (6) Driveways

(c) *Waiver of survey requirements.* The director has discretion to review waiver requests under certain situations:

- (1) No change
- (2) In-kind replacement of materials and elevations for driveways;
- ~~(23) If the value of the permitted construction is less than \$10,000.00~~ Fences that are clearly within the applicant's property boundary and any errors are solely the responsibility of the owner.
- (4) When proposed improvements are exempt from other sections of the Land Development Code.

(d) *As-built survey.* Upon completion of a project which changes the building envelope, building height, site grading and stormwater, or infrastructure, an as-built survey shall be required.

Illustration Chart 1:

Type	Boundary and Topographic survey	Foundation /Setback survey (under construction)	Structure As-built survey	Height/elevation	Topographic As-built survey ¹
New construction	x	x	x	x	x
Room addition	x	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Swimming pool/spa, Impervious surfaces	x	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
Accessory buildings & structures >150 sq. ft.	x	x		<u>x</u>	<u>x</u>
Fences	x				
<u>Driveways</u>	<u>x</u>				<u>x</u>

¹ Only when a stormwater plan was required for permit approval.

(Ord. No. 17-10, § 2(Exh. A), 6-19-2017)

~~Sec. 6-14. -- Neighborhood flooding.~~

(a) ~~No change~~

(be) Substantial Compliance. Upon completion of all grading and landscaping associated with a single-family dwelling, two-family dwelling, detached structure, pool, pool deck, addition, pavers, driveway or patio which increases the impervious surface by 500 square feet or more, an inspection shall be performed by the developer's engineer or designated representative. Upon finding the development has been completed and in substantial compliance with the approved stormwater engineering documents, the engineer shall submit a signed and sealed letter of substantial compliance to the director along with a final inspection request. No final inspection will be performed by the town until the letter of substantial compliance has been accepted. The letter of substantial compliance may include a submittal for a minor change with highlighted plans

showing minor changes which do not substantially affect the technical requirements of this section. Letters of substantial compliance shall be in a form approved by the director or town attorney.

(1) Substantial compliance means that the development, as determined by an on-site inspection by a professional engineer or designated representative, is completed to all the specifications of the approved stormwater engineering plans and that any deviation between the approved plans and actual as-built construction is so inconsequential that, on the basis of accepted engineering practices, it is not significant enough to be shown on the stormwater plans.

Section 4. 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; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 5. Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 6. 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 7. This ordinance shall become effective upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by _____ 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 _____, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, Mayor

ATTEST:

Michelle D. Mayher, 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 Ordinance was filed in the Office of the Town Clerk on this __ day of _____, 2020.

1. **Requested Motion:**

Meeting Date: October 5, 2020

Approve/ Approve with Condition/Deny RES. 20-44: 253 Ostego LLC Pool Setback Variance

Why the action is necessary:

The property owner has submitted a request for a variance from the street setback for a new accessory structure. The LDC requires approval from Town Council after a recommendation from the LPA

What the action accomplishes:

Approval of the variance will approve a lesser street setback for the accessory structure on a through lot.

2. **Agenda:**

3. **Requirement/Purpose:**

Resolution 20-44

4. **Submitter of Information:**

Kalyani Bhutada, Planning Services

5. **Background:**

Peter Albert and Greg Fitzgerald, owner of the subject parcel have requested a variance from Town's LDC Sec. 34-1174(b), requirement that accessory structure may not be placed closer to the street Right of Way than the principal structure. The drainage plan (attached as Exhibit A) reflects the location of the pool near the ROW of Ostego Dr. that serves as rear yard to the parcel. The 5,300 +/- square feet lot is located north of the Estero Blvd. and has two road frontages on Ostego Dr. and Carolina Ave.

The parcel is inland lot, located within RC zoning district and 'Mixed Residential' future land use. The parcel meets all the dimensional requirement for the RC zoning district and a two-family residence is a permitted use but the density is lawfully non-conforming.

Staff finds that the proposed pool and deck will meet the accessory structure side setback of 5 feet but will encroach into the 25 feet front/ street setback along Ostego Dr. The applicant is proposing the installation of landscaping buffer, at least 5 feet tall, to screen the view of the proposed pool area similar to the adjacent parcels. The vegetative buffer is a condition of approval as given in the staff report "*Applicant will provide a continuous vegetative buffer between the pool fence and the right-of-way property lines. A hedge buffer consisting of double staggered rows of shrubs meeting the standards of LDC Sec. 10-420 shall be planted between the pool and the eastern boundary of the subject prior to the issuance of a certificate of completion for the pool on the subject property.*"

Staff recommends approval with condition of the variance from LDC Sec. 34-1174(b) to allow a swimming pool and deck closer to the street ROW line than the principal structure.

LPA has reviewed the case on September 10, 2020 and unanimously approved the variance request with condition recommended in the staff report.

Attachments:

1. 20-44, 253 Ostego LLC Street Setback Variance
2. Resolution Exhibit A Survey

3. Staff report TC
4. Exhibit A Survey
5. Exhibit B Site Plan
6. Exhibit C Application
7. Exhibit D TC Notification Letter
8. Exhibit E Draft LPA Minutes 9.10

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

Approve with Condition

8. **Recommended Approval:**

Kalyani Bhutada, Planning Services
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk

Created/Initiated - 9/24/2020
Approved - 9/28/2020
Approved - 9/29/2020
Final Approval - 9/30/2020

RESOLUTION NUMBER 20-44

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA REGARDING APPLICATION VAR20200069, FOR A VARIANCE TO THE REQUIREMENTS OF THE FORT MYERS BEACH LAND DEVELOPMENT CODE FOR THE PROPERTY LOCATED AT 253 OSTEGO DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, applicant 253 Ostego LLC (“Applicant”), owner of the property located at 253 Ostego Dr (“Property”), is requesting a variance from Sec.34-1174(b) of the Town of Fort Myers Beach Land Development Code (“LDC”); and

WHEREAS, the STRAP number for the Property is 19-46-24-W4-00402.0220 and the legal description of the Property is attached as *Exhibit ‘A’*; and

WHEREAS, the Property is located in the ‘Residential Conservation’ zoning district of the Official Zoning Map and the ‘Mixed Residential’ category of the Future Land Use Map of the Comprehensive Plan 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 September 10, 2020, at which 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 34-84 of the LDC; and

WHEREAS, on October 5, 2020 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 LDC 34-87, and the Town Council determined it is in the best interest of the Town to approve the request.

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

Determination.

Based upon the recommendations, testimony, and evidence presented by the applicant, Town staff, and interested parties, the Town Council **APPROVES/ DENIES** the following:

- A. A variance from Sec. 34-1174(b) that determines no accessory use, building or structure shall be located closer to a street right-of-way line or street easement than the principal building to allow the construction of a pool 5 feet from the right of way of Ostego Dr. and approximately 15 feet from the Edge of Pavement.

Recommended Findings and Conclusions:

In accordance with the requirements of Sections 34-84 and 34-87 of the LDC regarding consideration of eligibility for a variance, the Town Council makes the following findings and reaches the following conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimus variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.
- C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
- D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. The conditions or circumstances on the Property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Conditions of Approval

1. *Nothing in the approval of this variance, including any of the attached conditions, may be construed as a variance or deviation from the provisions of LDC Chapter 6, Article IV Floodplain regulations. Approval of this variance does not exempt the subject property from any provisions of the LDC with the exception of the approved variance.*
2. *The variances shall apply to this property as shown on the provided plan dated 07/29/2019 by LIS Engineering Land Surveying. No deviations from the measurements of that plan greater than 0.1 feet shall be permitted.*
3. *Applicant will provide a continuous vegetative buffer between the pool fence and the right-of-way property lines. A hedge buffer consisting of double staggered rows of shrubs meeting the standards of LDC Sec. 10-420 shall be planted between the pool and the eastern boundary of the subject property prior to the issuance of a certificate of completion for the pool on the subject property*
4. *The applicant will ensure that the site visibility triangle is not compromised for other vehicles due to the vegetation.*

Effective Date.

This Resolution shall take effect immediately upon adoption.

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

DULY PASSED AND ADOPTED on this 5^h day of October, 2020.

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

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, Mayor

ATTEST:

Michelle D. Mayher, 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 _____ 2020.

NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
5. ENCROACHMENTS ARE BASED ON PLAT OR DEED.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAS BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

LEGEND:

- (A) - ARC LENGTH
- A/C - AIR CONDITIONER
- B.L. - BUILDING SETBACK LINE
- ⊙ - CABLE TV
- (C) - CALCULATED
- C.B. - CATCH BASIN
- CB - CHORD BEARING
- CH - CHORD DISTANCE
- C.M. - CONC. MONUMENT
- C.U.E. - COUNTY UTILITY EASEMENT
- (D) - DEED
- B.O.B. - BASIS OF BEARINGS
- D.E. - DRAINAGE EASEMENT
- D.U.E. - DRAINAGE UTILITY EASEMENT
- ELEV. - ELEVATION
- E.O.P. - EDGE OF PAVEMENT
- BM. - BENCH MARK
- FND. - FOUND
- GV - GATE VALVE
- I.R. - IRON ROD
- G.W. - GUY WIRE
- (M) - MEASURED
- N&T - NAIL & TAB
- N.A.V.D. - NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. - NOT TO SCALE
- (NR) - NOT RADIAL
- O.R. - OFFICIAL RECORD
- (P) - PLAT
- P.B. - PLAT BOOK
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.C.P. - PERMANENT CONTROL POINT
- P.I. - POINT OF INTERSECT
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- PP - POWER POLE
- P.R.C. - POINT OF REVERSE CURVATURE
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.T. - POINT OF TANGENCY
- P.U.E. - PUBLIC UTILITY EASEMENT
- R - RADIUS
- (R) - RADIAL
- RNG. - RANGE
- R/W - RIGHT OF WAY
- SEC. - SECTION
- SET I.R. - SET 1/2" IRON ROD LB1478 LB2239
- - V.F. = VINYL FENCE
- ⊙ - TELEPHONE BOX
- T.U.E. - TECHNOLOGY UTILITY EASEMENT
- TWP. - TOWNSHIP
- U.E. - UTILITY EASEMENT
- U.P. - UTILITY PEDESTAL
- ⊙ - WATER METER
- Δ - DELTA ANGLE
- ⊙ - FIRE HYDRANT
- ⊙ - TEMPORARY BENCHMARK
- - CENTERLINE
- - 6" VINYL FENCE
- - 6 W.F. = WOOD FENCE
- - OVERHEAD WIRES
- - CONCRETE PAD
- MHW - MEAN HIGH WATER
- MLW - MEAN LOW WATER
- (X) - LOT NUMBER

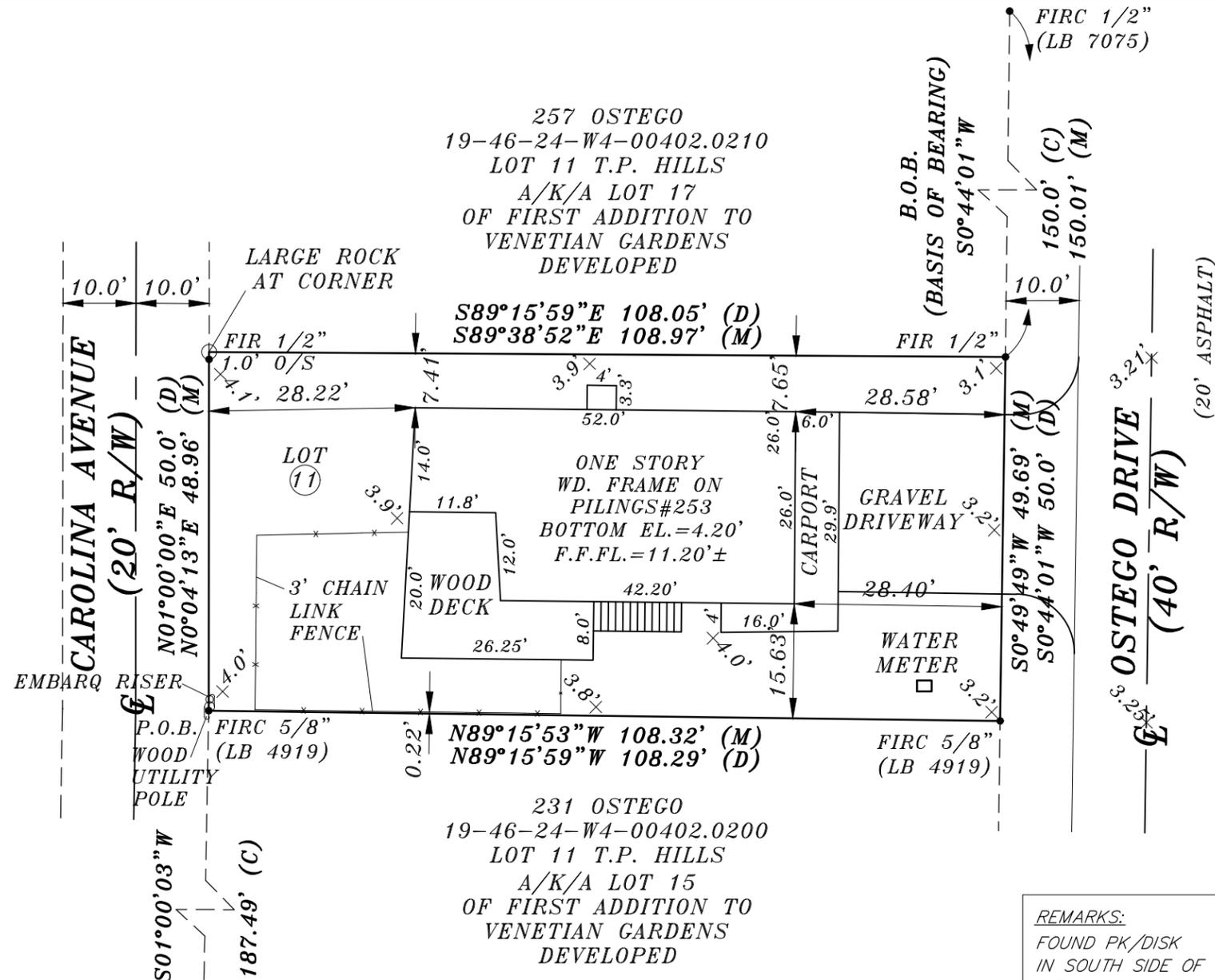
COMMUNITY / MAP NUMBER: 120673 / 12071C0554F DATE OF MAP: 08-28-08 FLOOD ZONE: AE ELEVATION: 10

LEGAL DESCRIPTION:

253 OSTEKO DRIVE,
FORT MYERS BEACH, FLORIDA 33931
19-46-24-W4-00402.0220

A tract or parcel of land lying in Lot 11 of T.P. Hills Subdivision according to the Map or Plat thereof in Plat Book 3, at Page 84, of the Public Records of Lee County, Florida, being a part of Section 19, Township 46 South, Range 24 East, and further bounded and described as follows:

Starting at the concrete monument marking the intersection of the Northeasterly line of Estero Boulevard (50.00 feet wide) and the Westerly line of Miramar Subdivision, according to the Plat or Map thereof recorded in Plat Book 6, at Page 31 of said Public Records; thence N 00°44'01" E along said West line, being the East line of said Lot 11 of T.P. Hills Subdivision, a distance of 747.81 feet; thence N 89° 15' 59" W a distance of 254.16 feet to a point on the East right-of-way line of Carolina Street; thence N 01° 00' 00" E along said right-of-way line a distance of 187.49 feet to the POINT OF BEGINNING of the herein described parcel; thence continue N 01° 00' 00" E along said right-of-way line a distance of 50.00 feet; thence S 89°15' 59" E a distance of 108.05 feet; thence S 00° 44' 01" W parallel with the East line of the aforesaid Lot 11 a distance of 50.00 feet; thence N 89° 15' 59" W a distance of 108.29 feet to the POINT OF BEGINNING.



REMARKS:
FOUND PK/DISK
IN SOUTH SIDE OF
P.P @ 290 CAROLINA AVE.
B.M. = 5.0'

CERTIFIED TO:
253 OSTEKO, LLC
PETER ALBERT

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.



DATE SIGNED
05.10.2019

BILL H. HYATT, JR.
REGISTERED LAND SURVEYOR NO. 2239
STATE OF FLORIDA
VALID ONLY WITH EMBOSSED SEAL

LIS Land Surveying, LLC
d.b.a. S & H Land Survey Co.

21430 Palm Beach Blvd.
Alva, FL 33920
239-481-2366 239-481-2437 (Fax)
LB1057

2572 West State Road 426, Suite 2064
Oviedo, FL 32765
321-244-0402 321-244-9419 (Fax)
LB1057

BOUNDARY SURVEY & TOPO ELEVATIONS

FIELD SURVEY	05-16-19
CREW CHIEF	C. CORDISCO
DRAWN BY	C. WHITED
SCALE	1" = 30'
LIS JOB NO	22939
SHEET:	1 OF 1
DATE:	05-21-19



Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE: Variance
CASE NUMBER: VAR 20200069
CASE NAME: 253 Ostego LLC- Pool Setback
TOWN COUNCIL HEARING DATE: October 5, 2020 at 9.00 AM
STAFF RECOMMENDATION: Approve with Condition
PREPARED/ SUBMITTED BY: Kelly Bhutada/ Jason Green, AICP

I. APPLICATION SUMMARY

Applicant: 253 Ostego LLC (owner)/ Peter Albert (agent)
Request: The applicant is seeking a relief from Sec. 34-1174(b)- No accessory use, building or structure shall be located closer to a street right-of-way line or street easement than the principal building. The variance would allow the construction of a pool 5 feet from the right of way of Ostego Dr. and approximately 15 feet from Edge of Pavement.
Subject property: See attached Exhibit A
Physical Address: 253 Ostego Drive
STRAP #: 19-46-24-W4-00402.0220
FLU: Mixed Residential
Zoning: Residential Conservation (RC)
Current use(s): Multi-family (duplex) Residential

Adjacent zoning and land uses:

The subject parcel is located within a residential neighborhood and has two street frontage 50 feet long on each side, Ostego Dr. on the east side and Carolina Ave. on the west side. The parcel is surrounded by single and multi-family residences that are zoned Residential Conservation and underlays Mixed Residential future land use.

II. BACKGROUND AND ANALYSIS

Background:

The subject parcel is a platted lot within the subdivision of Venetian Garden, Lot 16 of Block J. Peter Albert and Greg Fitzgerald, owner of the subject parcel have requested a variance to the requirement that accessory structures may not be placed closer to the street Right of Way than the principal structure. The drainage plan (attached as Exhibit A) reflect the location of the pool. The 5,300± square foot lot is located north of the Estero Blvd. and has two road frontage on Ostego Dr. and Carolina Ave. The property is zoned RC and the parcel meets all dimensional requirements of that zoning district. It is Mixed Residential on the future land use map, a two-family dwelling unit is a permitted use and the density is non-conforming with Comprehensive Plan.

The request is to allow a pool and deck area to be constructed forward of the house. Sec. 34-1174(b), states that no accessory use, building or structure shall be located closer to a street right-of-way line or street easement than the principal building. The applicant is proposing that the accessory structure setback for the pool and deck would be 5 feet from the right of way property line Ostego Dr. although the pool will be behind the house from the Carolina Ave. right of way property line. The proposed pool deck will meet the side property setback of 5 feet but will encroach into the 25 feet street setback.

Analysis:

The subject property is a through lot and the owner bought the property in May 2019. The principal structure is subject to the following setbacks: two 25 ft. front yard setbacks along the rights-of-way, 7.5 ft. from side property lines, and 20 ft. from the rear property line. The residence was built in 1985 and consists of a two-family dwelling. The principal structure meets all side setbacks.

The subject parcel is similar in size or smaller than other parcels in the neighborhood, in the same zoning district. Currently the parcel can be access from the Carolina Ave., and Ostego Dr. and due to the location of the parcel with two street frontages the proposed pool will be closer to the street right of way than the principal structure. The proposed location of the pool will be 5 feet from the Ostego Dr. and is forward of the home.

The applicant is proposing the installation of landscaping buffer to screen the view of the proposed pool area. The vegetative buffer is a condition of approval.

Comprehensive Plan Compatibility:

Staff finds that the reduction in the setback to construct a residential improvement in an older subdivision without increasing density is consistent with "POLICY 4-B-4 MIXED RESIDENTIAL: designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile home and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types..."

Neighborhood Compatibility:

In a review of aerial photography of the neighborhood, staff found most of the homes appear to meet the principal structure setbacks. Some of the lots has received administrative variance for the pool to be located closer to the street Right of Way of Ostego Dr. This is a neighborhood of older homes, many appear to meet the current code requirements.

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 applicant provided the following explanation:

The exceptional or extraordinary conditions that applies to this property is due to the lot sitting in between two parallel streets with one side setback further then the other (Ostego). To follow the uniformity of the rest of the homes on the street it is the most applicable for a pool placement to be on the Ostego side. Granting this variance will have no impact.

Staff finds that the residence was constructed in compliance at least 25 feet from each street frontage. The parcel layout creates a situation to determine a front and rear side for the through lot. This is an exception situation for corner lots and through lots on the island. Many parcels along Ostego Dr have a received Administrative variance for location of the pool to be forward of the house.

- 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.*

Staff finds that the conditions presented to justify the variance are not the result of the actions of the applicant. The lot size and location of the lot creates a dilemma for construction of the pool forward of the house and the applicant was not responsible for the construction of existing structures on the property.

- 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.*

The applicant provided the following explanation:

*..... **Due to the Land Development Code it considers both side as front yards also says states you cannot have a pool in the front yard. This has left this street in a very precarious position when it comes to a pool however due to the setbacks, pool placement can only fit on the Ostego side.***

The applicant has proposed pool area to meet the accessory structure setback, see Exhibit B. The parcel does not have enough space in the side yard to accommodate a pool area and the proposed location of the pool will keep the parcel consistent with the other pool locations on the neighborhood.

- d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The applicant provided the following explanation:

*.... **the section where the intended rear yards of the center homes that back up to Ostego is an all residential area. With a vegetation buffer this creates a perfect non-conflicting setting for the pool of the center homes of the street. It will back up a street where the least effecting spot would be for a pool. Noise is not an issue and site issue are cured with hedges to buffer the road from the pool area consistent with the other pools on the street. A precedence has been set with a handful already in place along Ostego. The vegetation is and in place and there no complaints yet.***

Staff finds that the variance will not be injurious to the neighborhood and detrimental to the public welfare. The proposed pool and pool screen will meet the required side yard setback of 5 feet. The visual impact of the proposal on the roadway will be ameliorated by the addition of landscaping and the distance off of the right-of-way. Several adjacent parcels have pool along Ostego Dr. with a proper screening and landscaping buffer.

- 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.*

Staff finds the conditions and circumstance of the subject property are not so general but are applicable to many parcels fronting the golf. There are quite a few parcels on the island with two road frontages and many of them apply for a variance for the location of the accessory structure in the front yard. An amendment to the setback requirements will be appropriate after a study and analysis of the age and total number of such parcels existing on the island.

III. RECOMMENDATION

Staff finds there is a hardship or exceptional or extraordinary conditions or circumstances present that warrant the variance requested. The size and location of the lot create a hardship for improvements to the property.

Therefore, staff recommends **APPROVAL with CONDITIONS** of the variances from LDC Sec. 34-1174(b) to allow a swimming pool and deck closer to a street right-of-way line or street easement than the principal building.

IV. CONDITIONS OF APPROVAL:

- 1. Nothing in the approval of this variance, including any of the attached conditions, may be construed as a variance or deviation from the provisions of LDC Chapter 6, Article IV Floodplain regulations. Approval of this variance does not exempt the subject property from any provisions of the LDC with the exception of the approved variance.*
- 2. The variances shall apply to this property as shown on the provided plan dated 07/29/2019 by LIS Engineering Land Surveying. No deviations from the measurements of that plan greater than 0.1 feet shall be permitted.*
- 3. Applicant will provide a continuous vegetative buffer between the pool fence and the right-of-way property lines. A hedge buffer consisting of double staggered rows of shrubs meeting the standards of LDC Sec. 10-420 shall be planted between the pool and the eastern boundary of the subject prior to the issuance of a certificate of completion for the pool on the subject property*
- 4. The applicant will ensure that the site visibility triangle is not compromised for other vehicles due to the vegetation.*

V. LPA RECOMMENDATION

LPA has reviewed the case on September 10, 2020 and unanimously approved the variance request with condition recommended by the staff in this staff report.

Staff Report Exhibits:

- A – Survey
- B – Site Plan
- C – Application
- D – Letter to Adjacent Property Owners
- E – LPA Minutes

NOTES:

1. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
2. DESCRIPTION AS FURNISHED BY CLIENT. NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
3. BEARINGS ARE BASED ON PLAT OR DEED.
4. ELEVATIONS AS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM UNLESS OTHERWISE STATED.
5. ENCROACHMENTS ARE BASED ON PLAT OR DEED.
6. THERE MAY BE OTHER EASEMENTS NOT SHOWN HEREON RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING COUNTY.
7. NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAS BEEN MADE BY THIS FIRM.
8. LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN UNLESS OTHERWISE NOTED.
9. SIGNOR LIMITS LIABILITY ONLY UP TO THE COST OF SURVEY.
10. THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
11. SURVEY WAS BASED ON INFORMATION PROVIDED BY CLIENT AND EXISTING MONUMENTATION.
12. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
13. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED BY ANOTHER SOURCE.

LEGEND:

- (A) - ARC LENGTH
- A/C - AIR CONDITIONER
- B.L. - BUILDING SETBACK LINE
- ⊙ - CABLE TV
- (C) - CALCULATED
- C.B. - CATCH BASIN
- CB - CHORD BEARING
- CH - CHORD DISTANCE
- C.M. - CONC. MONUMENT
- C.U.E. - COUNTY UTILITY EASEMENT
- (D) - DEED
- B.O.B. - BASIS OF BEARINGS
- D.E. - DRAINAGE EASEMENT
- D.U.E. - DRAINAGE UTILITY EASEMENT
- ELEV. - ELEVATION
- E.O.P. - EDGE OF PAVEMENT
- BM. - BENCH MARK
- FND. - FOUND
- GV - GATE VALVE
- I.R. - IRON ROD
- G.W. - GUY WIRE
- (M) - MEASURED
- N&T - NAIL & TAB
- N.A.V.D. - NORTH AMERICAN VERTICAL DATUM (1988)
- N.T.S. - NOT TO SCALE
- (NR) - NOT RADIAL
- O.R. - OFFICIAL RECORD
- (P) - PLAT
- P.B. - PLAT BOOK
- P.C. - POINT OF CURVATURE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.C.P. - PERMANENT CONTROL POINT
- P.I. - POINT OF INTERSECT
- PG. - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- PP - POWER POLE
- P.R.C. - POINT OF REVERSE CURVATURE
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.T. - POINT OF TANGENCY
- P.U.E. - PUBLIC UTILITY EASEMENT
- R - RADIUS
- (R) - RADIAL
- RNG. - RANGE
- R/W - RIGHT OF WAY
- SEC. - SECTION
- SET I.R. - SET 1/2" IRON ROD LB1478 LB2239
- - V.F. = VINYL FENCE
- ⊙ - TELEPHONE BOX
- T.U.E. - TECHNOLOGY UTILITY EASEMENT
- TWP. - TOWNSHIP
- U.E. - UTILITY EASEMENT
- U.P. - UTILITY PEDESTAL
- ⊙ - WATER METER
- Δ - DELTA ANGLE
- ⊙ - FIRE HYDRANT
- ⊙ - TEMPORARY BENCHMARK
- - CENTERLINE
- - 6" VINYL FENCE
- - 6 W.F. = WOOD FENCE
- - OVERHEAD WIRES
- - CONCRETE PAD
- MHW - MEAN HIGH WATER
- MLW - MEAN LOW WATER
- (X) - LOT NUMBER

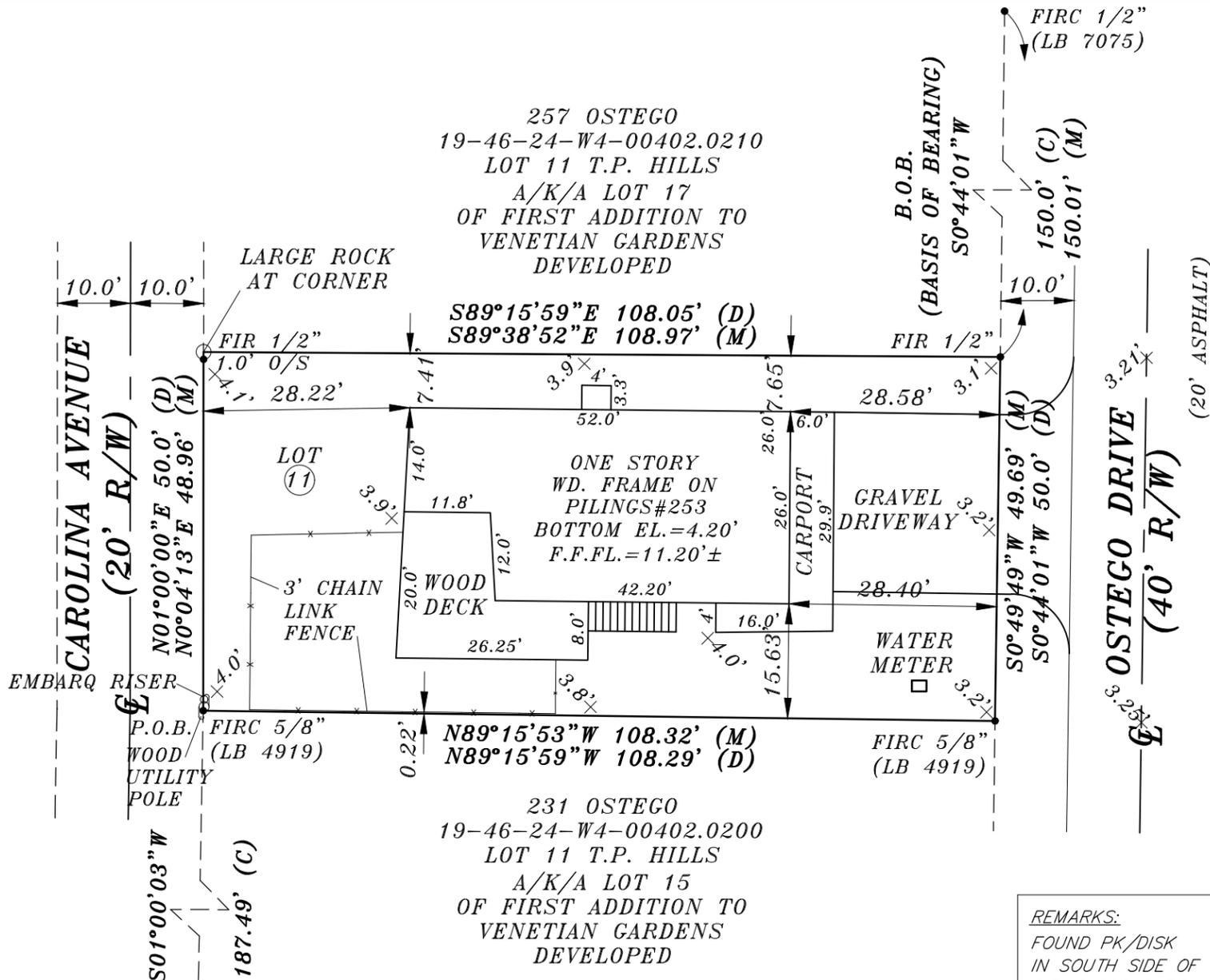
COMMUNITY / MAP NUMBER: 120673 / 12071C0554F DATE OF MAP: 08-28-08 FLOOD ZONE: AE ELEVATION: 10

LEGAL DESCRIPTION:

253 OSTEKO DRIVE,
FORT MYERS BEACH, FLORIDA 33931
19-46-24-W4-00402.0220

A tract or parcel of land lying in Lot 11 of T.P. Hills Subdivision according to the Map or Plat thereof in Plat Book 3, at Page 84, of the Public Records of Lee County, Florida, being a part of Section 19, Township 46 South, Range 24 East, and further bounded and described as follows:

Starting at the concrete monument marking the intersection of the Northeasterly line of Estero Boulevard (50.00 feet wide) and the Westerly line of Miramar Subdivision, according to the Plat or Map thereof recorded in Plat Book 6, at Page 31 of said Public Records; thence N 00°44'01" E along said West line, being the East line of said Lot 11 of T.P. Hills Subdivision, a distance of 747.81 feet; thence N 89° 15' 59" W a distance of 254.16 feet to a point on the East right-of-way line of Carolina Street; thence N 01° 00' 00" E along said right-of-way line a distance of 187.49 feet to the POINT OF BEGINNING of the herein described parcel; thence continue N 01° 00' 00" E along said right-of-way line a distance of 50.00 feet; thence S 89°15' 59" E a distance of 108.05 feet; thence S 00° 44' 01" W parallel with the East line of the aforesaid Lot 11 a distance of 50.00 feet; thence N 89° 15' 59" W a distance of 108.29 feet to the POINT OF BEGINNING.



REMARKS:
FOUND PK/DISK
IN SOUTH SIDE OF
P.P @ 290 CAROLINA AVE.
B.M. = 5.0'

CERTIFIED TO:
253 OSTEKO, LLC
PETER ALBERT

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.



DATE SIGNED
05.10.2019

BILL H. HYATT, JR.
REGISTERED LAND SURVEYOR NO. 2239
STATE OF FLORIDA
VALID ONLY WITH EMBOSSED SEAL

LIS Land Surveying, LLC
d.b.a. S & H Land Survey Co.

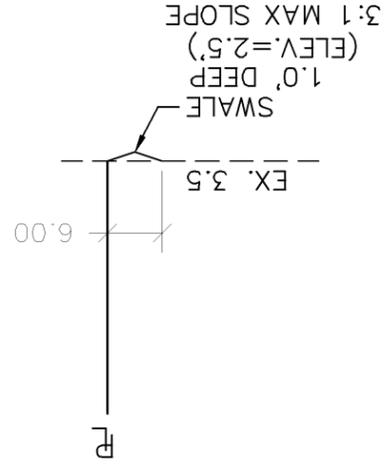
21430 Palm Beach Blvd.
Alva, FL 33920
239-481-2366 239-481-2437 (Fax)
LB1057

2572 West State Road 426, Suite 2064
Oviedo, FL 32765
321-244-0402 321-244-9419 (Fax)
LB1057

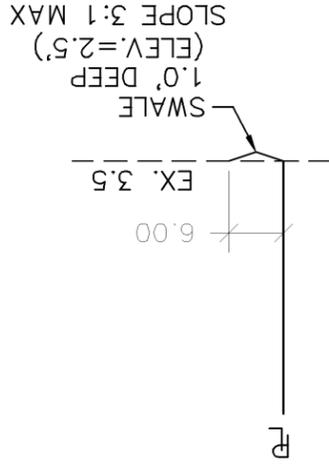
BOUNDARY SURVEY & TOPO ELEVATIONS

FIELD SURVEY	05-16-19
CREW CHIEF	C. CORDISCO
DRAWN BY	C. WHITED
SCALE	1" = 30'
LIS JOB NO	22939
SHEET:	1 OF 1
DATE:	05-21-19

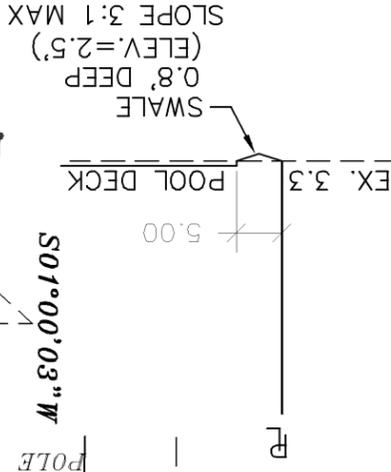
SECTION A-A



SECTION B-B



SECTION C-C



DRAINAGE CALCULATIONS

TOTAL LOT AREA 5,359 SF

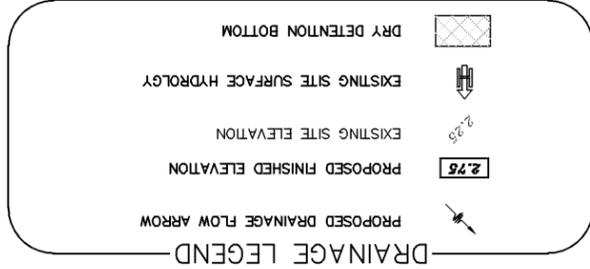
TOTAL IMPERVIOUS AREA
 HOUSE + POOL DECK (INCLUDING POOL) + CARPORT + WOOD DECK + GRAVEL DRIVEWAY =
 1,233 SF + 523 + 219 SF + 336 SF + 451 SF = 2,762 SF

LOT COVERAGE FORMULA: 67% FOR IMPERVIOUS AREA = (0.67) 5,359 SF = 3,590 SF

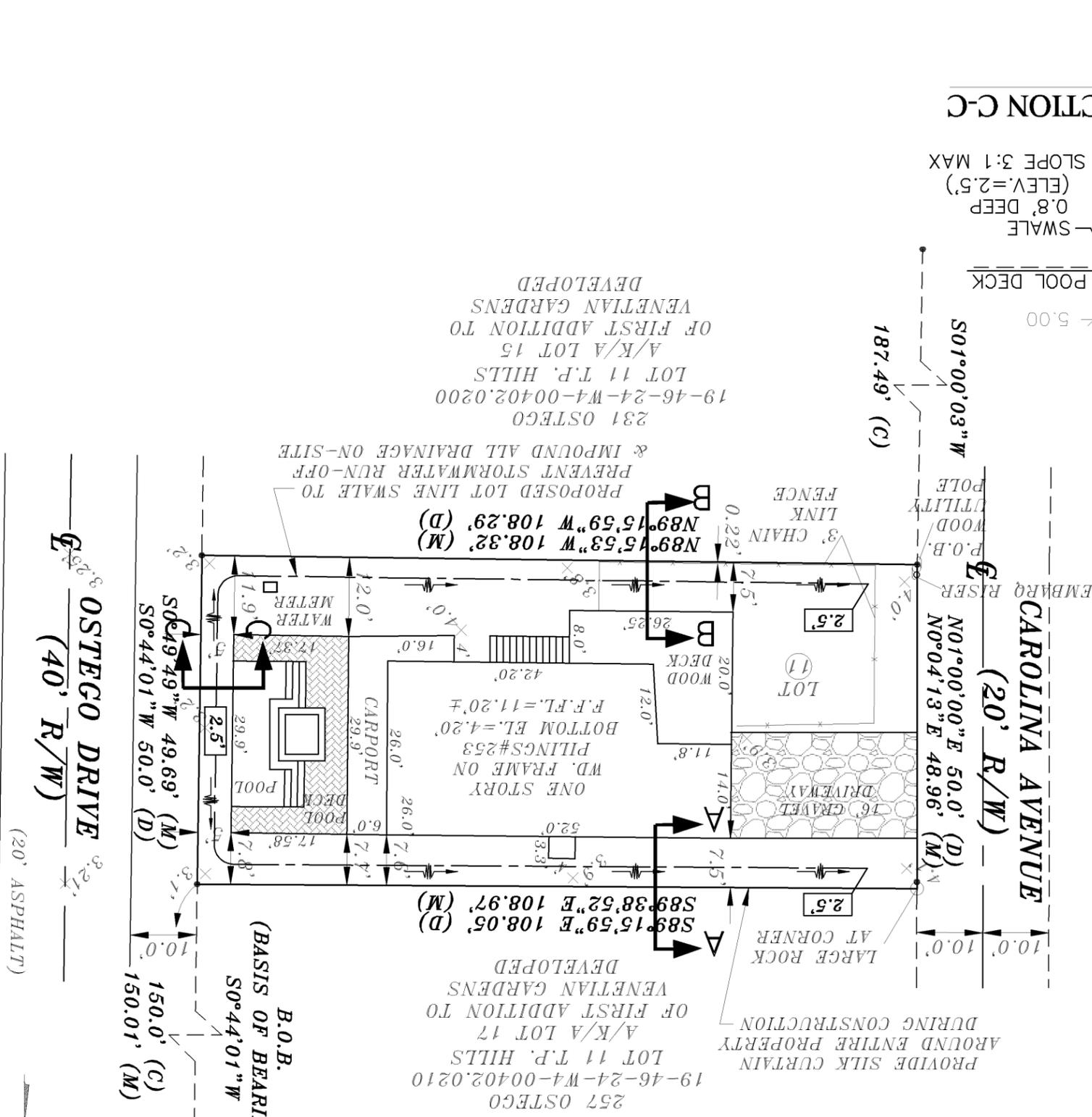
PROVIDE STORAGE FOR 1" OVER SITE: .0833 X 5,359 = 447 CF REQUIRED

PROVIDED CAPACITY
 STORMWATER DETENTION AREA:
 SWALES PROVIDED AT 3:1 SLOPE 3.0' CF/FOOT ON LEFT, RIGHT, AND 2.0' CF/FOOT ON REAR PROPERTY LINE
 196 FEET OF SWALES X 3.0' CF/FOOT = 588 CF PROVIDED
 1' DEEP SWALE = 588 CF PROVIDED
 38 FEET OF SWALES X 2.0' CF/FOOT = 76 CF PROVIDED
 0.8' DEEP SWALE = 76 CF PROVIDED
 PROVIDED 664 CF > 447 CF REQUIRED

NOTE:
 WET SEASON WATER TABLE IS 2' BELOW EXISTING GRADES



NOTE:
 ALL PROPOSED ELEVATIONS ARE FINISHED GRADE.



22396-DRAWING-86

DP SHEET

DATE: JULY 9, 2019

SCALE: 1" = 20'-0"

ALBERT RESIDENCE
 253 OSTEGO DRIVE, FORT MYERS BEACH, FLORIDA 33931

LIS ENGINEERING
 LAND SURVEYING

APPROVED

NO. 1

DATE

PROJECT NUMBER:

DATE:



Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for PUBLIC HEARING

This is 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 *one ORIGINAL paper copy, fourteen (14) copies* of all required applications, supplemental information, exhibits and documents. Please do not print and copy the instructions at the end of the application. In addition to application fees, the applicant is required to pay for (2) sets of mailings to neighboring property owners within 500', and all advertising fees.

Site Address: 253 Ostego Dr. Fort Myers Beach FL 33931

STRAP Number: 19-46-24-W4-00402.0220

Applicant: Peter Albert Phone: 239-645-1758

Contact Name: Peter Albert Phone: 239-645-1758

Email: peter@collinjamesgroup.com Fax: _____

Current Zoning District: RC

Future Land Use Map (FLUM) Category: _____

FLUM Density Range: _____ Platted Overlay: YES NO

ACTION REQUESTED

SUPPLEMENTAL FORM REQUIRED

- | | |
|---|--------------------------|
| <input type="checkbox"/> Special Exception | PH-A |
| <input checked="" type="checkbox"/> Variance | PH-B |
| <input type="checkbox"/> Conventional Rezoning | PH-C |
| <input type="checkbox"/> Planned Development <input type="checkbox"/> Commercial <input type="checkbox"/> Residential | PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | PH-F |
| <input type="checkbox"/> Vacation of Platted Right-of-way and Easement | PH-G |
| <input type="checkbox"/> Other – cite LDC Section: _____ | attach on separate sheet |

PROJECT NUMBER:

DATE:

PART I - General Information

A. Applicant*: 253 Ostego LLC Phone: 239-645-1758

**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: 1659 S. Fountainhead Rd., Fort Myers FL 33919

Email: peter@collinjamesgroup.com Fax: _____

Contact Name: Peter Albert Phone: 239-645-1758

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: Peter Albert Phone: 239-645-1758

Address: 1659 S. Fountainhead Rd. Fort Myers, FL 33919

Email: peter@collinjamesgroup.com Fax: _____

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: _____

PROJECT NUMBER:

DATE:

Name: 253 Ostego, LLC Phone: 239-645-1758
 Address: 253 Ostego Dr, Fort Myers Beach, FL 33931
 Email: peter@collinjamesgroup.com Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- Special Exception
- Variance from LDC Section 34-1176 - To allow an accessory structure (in-ground pool)
- 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: _____
- Appeal of Administrative Action
- Vacation Right-of-Way Easement
- Other. Please Explain: _____

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: _____

Description: _____

Code Section: _____

Description: _____

Code Section: _____

PROJECT NUMBER:

DATE:

Description: 2

PART IV - Property Ownership

Single Owner (individual or husband and wife)

Name: 253 Ostego Dr. Phone: 239-645-1758

Mailing Address: 1659 S. Fountainhead Rd. Fort Myers, FL 33919

Email peter @collinjamesgroup.com Fax: _____

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 4-1

Attach map showing property owners interests as Exhibit 4-2 (for multiple parcels)

For condominiums and timeshares see Explanatory Notes Part IV (Page 11)

DISCLOSURE OF OWNERSHIP INTEREST

STRAP: 19-46-24-W4-00402.0220

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
<u>Peter Albert</u>	<u>50%</u>
<u>Greg Fitzgerald</u>	<u>50%</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

PROJECT NUMBER:

DATE:

Name, Address and Office

Percentage of Stock

Peter Albert - 1659 S. Fountainhead RD. Fort Myers FL 33919

50%

Greg Fitzgerald- 5526 LINDEN RD ROCKFORD IL 61109

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

PROJECT NUMBER:

DATE:

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

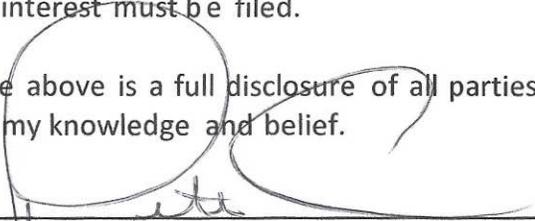
Date of Contract: _____

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

Peter Albert

 Printed Name

PROJECT NUMBER:

DATE:

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 27th day of July, 2020, by Peter Albert.



Chloe Rose Stam
Notary Public Signature

Chloe Rose Stam
Notary Printed Name

Personally Known _____ or Produced Identification X

Type of Identification Produced: Drivers License My Commission Expires: 23 07/18/2022

PART V – Property Information

A. Legal Description:

STRAP: 19-46-24-W4-00402.0220

Property Address: 253 Ostego Dr. Fort Myers Beach FL 33931

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 5-1.

Yes. Property identified in subdivision: _____

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

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 5-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 48.96 feet

PROJECT NUMBER:

DATE:

- | | |
|--|--|
| <input type="checkbox"/> RM (Residential Multifamily) | <input type="checkbox"/> BB (Bay Beach) |
| <input type="checkbox"/> RPD (Residential Planned Development) | <input type="checkbox"/> EC (Environmentally Critical) |
| <input type="checkbox"/> CM (Commercial Marina) | <input type="checkbox"/> DOWNTOWN |
| <input type="checkbox"/> CO (Commercial Office) | <input type="checkbox"/> SANTOS |
| <input type="checkbox"/> CB (Commercial Boulevard) | <input type="checkbox"/> VILLAGE |
| <input type="checkbox"/> CR (Commercial Resort) | <input type="checkbox"/> SANTINI |
| <input type="checkbox"/> CPD (Commercial Planned Development) | |

PART VI

AFFIDAVIT

APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Peter Albert 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;

PROJECT NUMBER:

DATE:

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

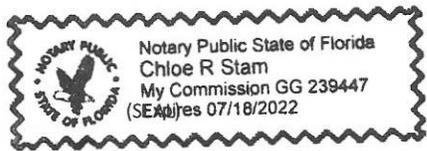
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

[Handwritten Signature]
Signature of owner or authorized agent

July 27th 2020
Date

STATE OF FLORIDA)
COUNTY OF LEE)

Subscribed and sworn to (or affirmed) before me this 27th day of July, 2020, by Peter Albert.



Chloe Rose Stam
Notary Public Signature

Chloe Rose Stam
Notary Printed Name

Personally Known or Produced Identification

Type of Identification Produced: DRIVERS LICENSE My Commission Expires: 07/18/2022

PROJECT NUMBER:

DATE:

PART VII

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Peter Albert (name), as Maniging Member (title) of 253 Ostego, 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 County 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 Lee County 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.

253 Ostego LLC
Name of Entity (corporation, partnership, LLP, LLC, etc.)

[Signature]
Signature

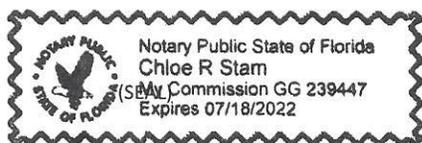
Owner
Title

Peter Albert
Typed or Printed Name

July 27th 2020
Date

**STATE OF FLORIDA)
COUNTY OF LEE)**

Subscribed and sworn to (or affirmed) before me this 27th day of July, 2020, by Peter Albert, as (title) agent on behalf of (company name) 253 Ostego LLC.



Chloe Rose Stam
Notary Public Signature

Chloe Rose Stam

PROJECT NUMBER:

DATE:

Notary Printed Name

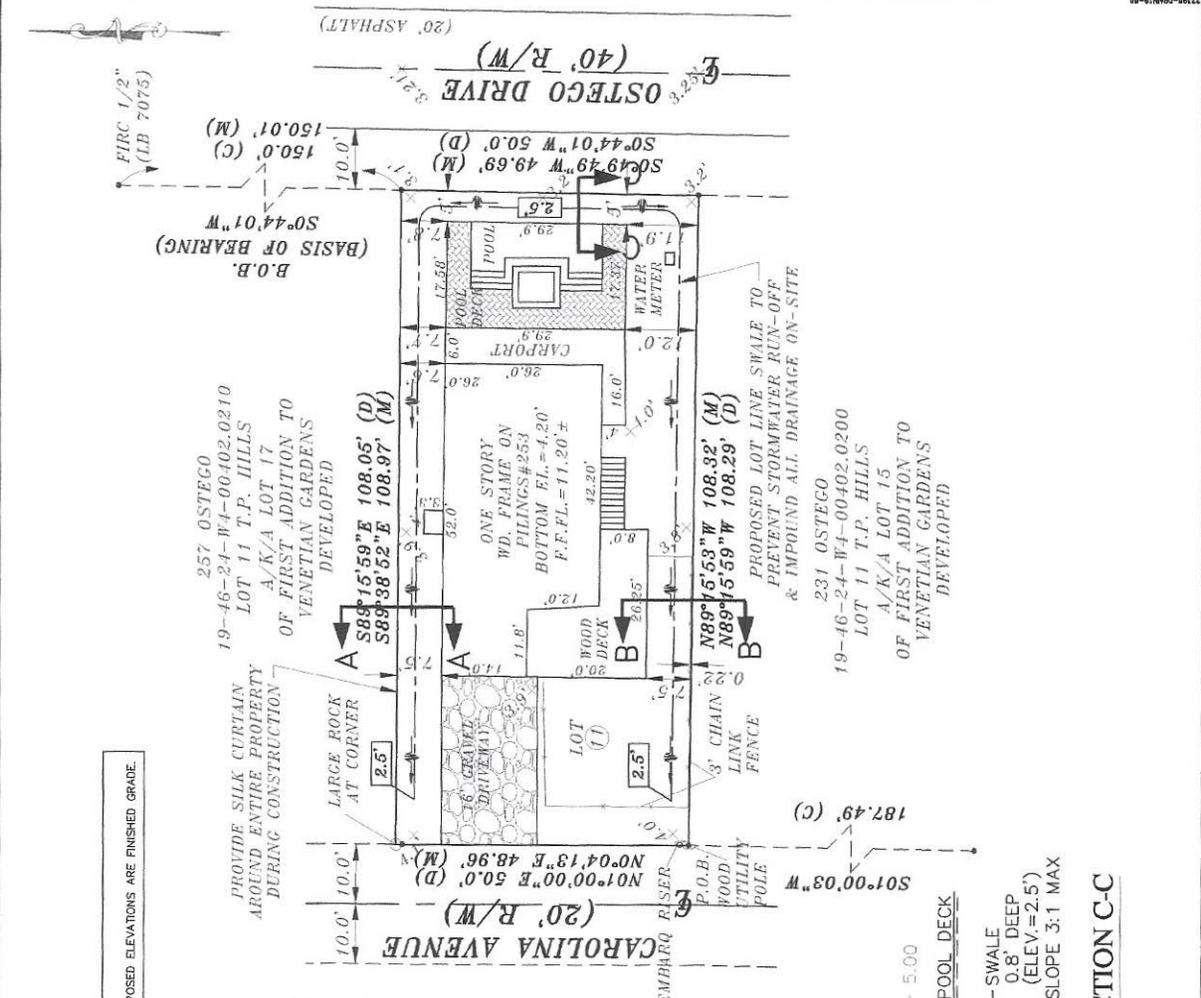
Personally Known _____ or Produced Identification X

Type of Identification Produced: Drivers License My Commission Expires: 07/18/2022



RED ARROW – SUBJECT PROPERTY 253 OSTEGO DR

BLUE ARROWS – EXISTING POOLS ON OSTEGO DR



NOTE: ALL PROPOSED ELEVATIONS ARE FINISHED GRADE.

DRAINAGE LEGEND

- PROPOSED DRAINAGE FLOW ARROW
- PROPOSED FINISHED ELEVATION
- EXISTING SITE ELEVATION
- EXISTING SITE SURFACE HYDROLOGY
- DRY DETENTION BOTTOM

DRAINAGE CALCULATIONS

TOTAL LOT AREA
5,359 SF

TOTAL IMPERVIOUS AREA
HOUSE + POOL DECK (INCLUDING POOL) + CARPORT + WOOD DECK + GRAVEL DRIVEWAY =
1,233 SF + 523 + 210 SF + 336 SF + 451 SF = 2,762 SF

LOT COVERAGE FORMULA: 67% FOR IMPERVIOUS AREA = (0.67) 5,359 SF = 3,590 SF
PROVIDE STORAGE FOR 1" OVER SITE: .0833 X 5,359 = 447 CF REQUIRED

PROVIDED CAPACITY
STORMWATER DETENTION AREA:
SWALES PROVIDED AT 3:1 SLOPE 3.0' CF/FOOT ON LEFT, RIGHT, AND 2.0' CF/FOOT ON REAR PROPERTY LINE
196 FEET OF SWALES X 3.0' CF/FOOT
1' DEEP SWALE = 588 CF PROVIDED
38 FEET OF SWALES X 2.0' CF/FOOT
0.8' DEEP SWALE = 76 CF PROVIDED
PROVIDED 664 CF > 447 CF REQUIRED

NOTE: NET SEASON WATER TABLE IS 2' BELOW EXISTING GRADES

SECTION A-A

EX. 3.5 SWALE
1.0' DEEP
(ELEV.=2.5')
3:1 MAX SLOPE

SECTION B-B

EX. 3.5 SWALE
1.0' DEEP
(ELEV.=2.5')
SLOPE 3:1 MAX

SECTION C-C

EX. 3.3 SWALE
0.8' DEEP
(ELEV.=2.5')
SLOPE 3:1 MAX



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:
Project Name: 253 Ostego LLC
Authorized Applicant: Peter Albert
LeePA STRAP Number: 19-46-24-W4-00402.0220

Current Property Status:
Current Zoning: RC
Future Land Use Map (FLUM) Category: Pedestrian Commercial
Comp Plan Density: _____ Platted Overlay? <input type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1176	

Complete the narrative statements below for EACH variance requested.

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

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

Sec. 34-1176. - Swimming pools, tennis courts, porches, decks and similar recreation facilities.

This section only allows pools to be on the side or rear of a home

Reasons for request

Explain why the variance is needed:

Ostego Dr. is a unique street with the front and the back of each home on two different streets. Carolina is set as the front yard and Ostego is set as back yard.

Due to the land development code, both sides are considered as front yards and it states that you cannot have a pool in the front yard. This has left the street and its home owners in a very precarious position when it comes to having a pool. Due to the setbacks, a pool placement can only fit on the Ostego side.

Explain the possible effect the variance, if granted, would have on surrounding properties:
Surrounding properties would be positively affected as it will remain with the uniformity of the street. Majority of the properties have the pool placement on Ostego Dr. In taking a closer look at the street, you will notice that the section of the center homes that backs up to Ostego is a residential area. With a vegetation buffer it creates a non-conflicting pool setting for the center homes on the street. It backs up on the street where there's the least effecting spot for a pool. Noise is not an issue and site issues are cured with hedges to buffer the road from the pool area. This is consistent with the other pools on the street. A precedence has already been set with several properties along Ostego Dr.
The vegetation is in place and there are no complaints to date.

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

This town is centered around family friendly activities and we have visitors that contribute to our local commerce when coming to the area. When my family comes to the island the pool and the outdoors/yard is where we spend most our time. This street is a family orientated street. It has commercial at the front of the entrance, but once on the street and in the neighborhood it's all residential homes. This setting strengthens the value and use of properties on the entire street. This is not used as a drive through street so there is not additional traffic passing on either sides causing any offensive issues. It creates a structure for the properties and the structure creates value. The attachment I provided shows the upkeep of the properties with pools and the vegetation buffers that are in place.

PART 2
Submittal Requirements

All applications for a variance must submit fourteen (14) copies of this application form and all applicable exhibits.

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

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.



RED ARROW – SUBJECT PROPERTY 253 OSTEGO DR

BLUE ARROWS – EXISTING POOLS ON OSTEGO DR

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____



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:
Project Name: 253 Ostego LLC
Authorized Applicant: Peter Albert
LeePA STRAP Number: 19-46-24-W4-00402.0220

Current Property Status:
Current Zoning: RC
Future Land Use Map (FLUM) Category: Mixed Residential
Comp Plan Density: _____ Platted Overlay? <input type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1174	

Complete the narrative statements below for EACH variance requested.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

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

Sec. 34-1176. - Swimming pools, tennis courts, porches, decks and similar recreation facilities.

This section only allows pools to be on the side or rear of a home

Reasons for request

Explain why the variance is needed:

Ostego Dr. is unique street with front and back of each home is on 2 different streets.

Carolina is set up as the front yard and Ostego is set up as the back yard

Due to the Land development code it considers both side as front yards

also says states you can not have a pool in the front yard

This has left this street in a very precarious position when it comes to a pool

however due to the set backs, a pool placement can only fit on the Ostego side.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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

Surroundings properties would be positively affected as it will remain with the uniformity of the street as all the majority of properties have the pool placement on Ostego Dr. with a closer look at the street you will see that the section where the intended rear yard of the center homes that back up to Ostego is an all residential area. With a vegetation buffer this creates a perfect non conflicting setting for the pool of the center homes of the street. It will back up a street where the least effecting spot would be for a pool. Noise is not an issue and site issue are cured with headges to buffer the road from the pool area consistent with the other pools on the the street. A presedence has been set with a handfull already in place along Ostego. The vegetation is and in place and there no complaints yet.

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

This town is centered around family time. We have visitors that come to this island to enjoy time with there familys. I spend my time with family here and a pool and a yard in florida is the center of where a family enjoys them selves. This street is a family street. It has the commercial at the front of the enterance but once your into the street its all residential and homes. This setting that is being created strangthens the value and use of the properties on the entire street. The homes are not used as drive throughs and the offenceviness of a bbunch of cars on both sides is removed. It creates structure for the properties and structure creates value. If you look at my attachement you will notice the upkeep of the properties with pools and the vegetation buffers in place.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

The exceptional or extraordinary conditions that applies to this property is due to the lot sitting in between two parallel streets with one side set back further then the other (Ostego).

To follow the uniformity of the rest of the homes on the street it is the most applicable for a pool placement to be on the Ostego side. Granting this variance will have no impact

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART 2 Submittal Requirements

All applications for a variance must submit fourteen (14) copies of this application form and all applicable exhibits.

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

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.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

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.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____



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:
Project Name: 253 Ostego LLC
Authorized Applicant: Peter Albert
LeePA STRAP Number: 19-46-24-W4-00402.0220

Current Property Status:
Current Zoning: RC
Future Land Use Map (FLUM) Category: Mixed Residential
Comp Plan Density: _____ Platted Overlay? <input type="checkbox"/> Yes <input type="checkbox"/> No

Variance is requested from:

LDC Section Number	Title of Section or Subsection
34-1174	

Complete the narrative statements below for EACH variance requested.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

PART I
Narrative Statements

Request for variance from _____ (LDC Section number)

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

Sec. 34-1176. - Swimming pools, tennis courts, porches, decks and similar recreation facilities.

This section only allows pools to be on the side or rear of a home

Reasons for request

Explain why the variance is needed:

Ostego Dr. is unique street with front and back of each home is on 2 different streets.

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Due to the Land development code it considers both side as front yards

also says states you can not have a pool in the front yard

This has left this street in a very precarious position when it comes to a pool

however due to the set backs, a pool placement can only fit on the Ostego side.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Explain the possible effect the variance, if granted, would have on surrounding properties:
Surrondings properties would be positively affected as it will remain with the
uniformity of the street as all the majority of properties have the pool placment on Ostego Dr.
with a closer look at the street you will see that the section where the intened rear
yard of the center homes that back up to Ostego is an all residential area.
With a vegetation buffer this creates a perfect non conflicting setting for the pool
of the center homes of the street. It will back up a street where the least effecting
spot would be for a pool. Noise is not an issue and site issue are cured with
<small>headges to buffer the road from the pool area consistent with the other pools on the the street. A presedence has been set with a handfull already</small>
in place along Ostego. The vegetation is and in place and there no complaints yet.

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

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to enjoy time with there familys. I spend my time with family here and a pool and a
yard in florida is the center of where a family enjoys them selves. This street is a
family street. It has the commercial at the front of the enterance but once your into
the street its all residential and homes. This setting that is being created
strangthens the value and use of the properties on the entire street. The homes
are not used as drive throughs and the offenceviness of a bbunch of cars on both
sides is removed. It creates structure for the properties and structure creates value
If you look at my attachement you will notice the upkeep of the properties with
pools and the vegetation buffers in place.

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.

The exceptional or extraordinary conditions that applies to this property is due to the lot sitting in between two parallel streets with one side set back further then the other (Ostego).

To follow the uniformity of the rest of the homes on the street it is the most applicable for a pool placement to be on the Ostego side. Granting this variance will have no impact



Town of Fort Myers Beach

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Case Number: VAR20200069

Case Name: 253 Ostego LLC- Pool Setback Variance

Applicant: Peter Albert

Location: 253 Ostego Drive

STRAP #: 19-46-24-W4-00402.0220

Zoning: Residential Conservation (RC)

Request: The applicant is seeking relief from Sec. 34-1174(b). No accessory use, building or structure shall be located closer to a street right-of-way line or street easement than the principal building and requires 25 feet setback from ROW property line. The variance would allow the construction of a pool 5 feet from the right of way of Ostego Dr. and approximately 15 feet from the Edge of Pavement.

Staff Report: Direct inquiries to:
Kelly Bhutada, Planner at 239-765-0202 Ext. 1310
Fort Myers Beach Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931

Notice is hereby given that the Town Council of the Town of Fort Myers Beach will hold a public hearing at a meeting beginning at **09:00 AM on October 5, 2020** regarding the case listed above. This hearing will take place at Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida, 33931.

At this hearing the Town Council of the Town of Fort Myers Beach will review the case and the recommendations from LPA and staff on this matter. If any person need a verbatim record of the proceedings, please make their own arrangements. You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence to become a participant in the hearing.

Copies of the staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

V. Public Hearings

1. LDC Text Amendment Sec. 34-639.- Permitting Survey Requirements

Recommend Approval / Denial of Proposed text amendments to LDC Sec. 34-639 Regarding Permitting Survey Requirements

Director of Community Development Services Jason Green reviewed the background of the text amendment.

Director Green clarified the following strikethrough: (23) ~~If the value of the permitted construction is less than \$10,000.00~~Fences that are clearly within the applicant's property boundary and any errors are solely the responsibility of the owner. After discussion, he added an X to the Foundation Survey box in Chart 1 for Room Additions (microphone did not pick up the entire conversation). LPA Members agreed with adding the X.

LPA Member Hughes requested that the following addition be changed to: (3) Swimming pools and spas, ~~addition of and other impervious surfaces~~. Director Green made the change.

Chair Heil questioned Substantial Compliance on Page 9. She felt the term was too broad and open to interpretation. Director Green replied that it was up to the professional engineer to sign off on substantial compliance and their license was on the line.

MOTION: LPA Member Critser moved to approve the staff's recommendations and changes to the room addition and the foundation setback survey; second by LPA Member Swanbeck.

VOTE: Motion approved; 5-0 with LPA Member Plummer excused.

2. VAR20200069- 253 Ostego LLC Street SetbackVariance

Approve/ Approve with Condition/ Deny VAR20200069, for an accessory structure located at 253 Ostego Dr., a variance from front setback requirement per LDC Sec. 34-1174.

Town Attorney Herin, Jr. swore in those providing testimony. Ex parte communications: LPA Member Critser - site visit and LPA Member Safford - site visit and spoke to applicant. No disclosure from other members. Town Attorney Herin, Jr. stated the public hearing was properly advertised.

Peter Albert, owner of the property, reviewed his request for a variance.

Planner Bhutada utilized PowerPoint for her presentation, which was included in the packet of information. She noted that staff recommended approval with conditions.

No public comment.

MOTION: LPA Member Hughes moved to recommend approval of VAR20200069 finding that it met findings and conclusions as set forth on Page 215 of the staff report and subject to the conditions of the report set forth on Page 217; second by LPA Member Critser.

VOTE: Motion approved; 5-0 with LPA Member Plummer excused.

1. Requested Motion:

Meeting Date: October 5, 2020

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

Why the action is necessary:

To exchange property with the Lee County School Board for the Bay Oaks development plan.

What the action accomplishes:

Provides a written agreement with the Lee County School District for the exchange of properties associated with the Bay Oaks development project.

2. Agenda:

ADMINISTRATIVE AGENDA

3. Requirement/Purpose:

Resolution

4. Submitter of Information:

Chelsea O'Riley, Public Works
Director

5. Background:

This proposed agreement resolves long standing property ownership/use issues and assembles the land needed to implement the Bay Oaks Recreation Center redevelopment plan.

This item was taken to Town Council at a previous meeting. The Lee County School Board Attorney had some minor edits to which the Town Attorney has no objection to. Staff is submitting the item for ratification. Once approved, Town and School Board staff will coordinate a Shared-Use Agreement, by the end of the calendar year, to be approved and adopted by both the School Board and the Town which shall finalize the transaction.

Attachments:

1. 20-45, LCSB and Bay Oaks Property Swap OCT
2. The Town of Fort Myers Beach Interlocal Agreement to Exchange of Real Property Improvements 09.22.2020

Financial Impact:

6. Alternative Action

Do not approve.

7. Management Recommendations:

Approve the Resolution and the Interlocal Agreement.

8. Recommended Approval:

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

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020

RESOLUTION NUMBER 20-45

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF LEE COUNTY AND THE TOWN OF FORT MYERS BEACH REGARDING THE EXCHANGE OF REAL PROPERTY AND IMPROVEMENTS RELATED TO THE REDEVELOPMENT OF BAY OAKS RECREATIONAL FACILITY; AUTHORIZING THE EXECUTION OF THE AGREEMENT BY THE MAYOR AND AUTHORIZING ALL APPROPRIATE TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE INTERLOCAL AGREEMENT; AND PROVIDING 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 School Board and the Town both serve the people of the Town of Fort Myers Beach; and

WHEREAS, both the School Board and the Town are duly empowered pursuant to Section 163.01, Florida Statutes, to enter into interlocal agreements for the sharing of certain governmental powers and obligations; and

WHEREAS, the School Board is the owner of certain real property upon which is located the Fort Myers Beach Elementary School (“School Board Property”); and

WHEREAS, the Town is the owner of that certain real property commonly known as Bay Oaks Recreational Facility, located adjacent to the School Board Property (“Town Property”); and

WHEREAS, the School Board Property contains tennis courts, a playground, a portion of a multi-sport field (the other portion of which is located on the Town Property), and certain other recreational facilities; and

WHEREAS, the Town Property contains a baseball field, tennis courts, basketball court, portion of a multi-sport field (the other portion of which is located on the School Board Property), and a recreational center; and

WHEREAS, the School Board and the Town have each determined the need for improvement to its existing facilities and/or for additional facilities; and

WHEREAS, the School Board and the Town believe it is in their best interest to share the use of the School Board facilities and Town facilities, along with certain additional facilities to be constructed on the School Board Property or the Town Property (“Recreational Facilities”); and

WHEREAS, in order to maximize the use of their respective properties and the Recreational Facilities, the School Board and the Town desire to enter into an Interlocal Agreement regarding the exchange of certain portions of their respective properties and the future use of the Recreational Facilities (“Agreement”).

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. The Agreement attached hereto as Exhibit “A”, between the School Board and Town, regarding the exchange of School Board Property and Town Property is approved. The Mayor is authorized to execute the Agreement on behalf of the Town and all appropriate Town officials are authorized to take all necessary steps to implement the Agreement.

Section 3. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was _____ by the Town Council upon a motion by _____ and seconded by _____ and upon being put to a vote, the result was as follows:

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

ADOPTED this 5th day of October, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, Mayor

ATTEST:

Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of _____ 2020.

**INTERLOCAL AGREEMENT RELATING TO EXCHANGE OF
REAL PROPERTY AND IMPROVEMENTS
BETWEEN
THE TOWN OF FORT MYERS BEACH AND
THE SCHOOL BOARD OF LEE COUNTY**

THIS INTERLOCAL AGREEMENT ("**Agreement**") is made and entered into this _____ day of _____, 2020, by and between the TOWN OF FORT MYERS BEACH ("**Town**"), a Florida Municipal Corporation, acting by and through its Town Council, the governing body thereof, and the SCHOOL BOARD OF LEE COUNTY, FLORIDA ("**School Board**"); collectively referred to herein as the "**Parties**".

WITNESSETH:

WHEREAS, the School Board and the Town Council both serve the people of the Town of Fort Myers Beach; and

WHEREAS, both the School Board and the Town are duly empowered pursuant to Section 163.01, Florida Statutes, to enter into interlocal agreements for the sharing of certain governmental powers and obligations; and

WHEREAS, the School Board and the Town each constitute a "public agency" within the meaning of the Florida Interlocal Cooperation Act of 1969 (the "**Interlocal Act**"), and each is authorized under the Interlocal Act to enter into interlocal agreements providing for them to jointly exercise any power, privilege, or authority that each of them could exercise separately; and

WHEREAS, the School Board is the owner of certain real property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("**School Board Property**"), upon which is located the Fort Myers Beach Elementary School; and

WHEREAS, the Town is the owner of that certain real property commonly known as Bay Oaks Recreational Facility, located adjacent to the School Board Property and more particular described in Exhibit "B" attached hereto and incorporated herein by reference (the "**Bay Oaks Property**"); and

WHEREAS, the School Board Property contains tennis courts, a playground, a portion of a multi-sport field (the other portion of which is located on the Bay Oaks Property), and certain other recreational facilities (the "**School Facilities**"); and

WHEREAS, the Bay Oaks Property contains a baseball field, tennis courts, basketball court, portion of a multi-sport field (the other portion of which is located on the School Board Property), and a recreational center (the "**Bay Oak Facilities**"); and

WHEREAS, it has come to the attention of the Parties that some portions of the School Facilities are located within right-of-ways dedicated to the Town; and

WHEREAS, the School Board and the Town have each determined the need for improvement to its existing facilities and/or for additional facilities; and

WHEREAS, the School Board and the Town have determined that it is in the best interest of the owners, residents, business persons, and other citizens of the Town of Fort Myers Beach for the Town and the School Board to share the use of the School Facilities, the Bay Oaks Facilities, along with certain additional facilities to be constructed on the School Board Property or the Bay Oaks Property (collectively, the "**Recreational Facilities**"); and

WHEREAS, in order to maximize the use of their respective properties and the Recreational Facilities, the School Board and the Town desire to exchange certain portions of their respective properties.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the School Board and the Town do hereby agree as follows:

SECTION I. PURPOSE AND EFFECTIVE

1.1 Purpose and Intent. It is the purpose and intent of this Agreement to set forth the process and define the terms and conditions for the exchange of the property described in Section II.

1.2 Recitals. The Recitals set forth above are incorporated into the terms of this Agreements as if set of herein at length.

1.3 Effective Date. The "Effective Date" of this Agreement shall be the date on which the later of the School Board or the Town executes this Agreement and delivers a copy thereof to other party.

SECTION II: EXCHANGE OF PROPERTY; CONVEYANCE REQUIREMENTS

2.1 Exchange of Property. The School Board agrees to grant and convey, and the Town agrees to acquire and accept, fee-simple title to that portion of the School Board Property generally described and depicted on Exhibit "C" attached hereto and incorporated herein (the "**School Board Exchange Parcels**"). In exchange therefore, the Town agrees to grant and convey, and the School Board agrees to acquire and accept, fee-simple title to that portion of the Town Property generally described and depicted on Exhibit "D" attached hereto and incorporated herein (the "**Town Exchange**").

Parcels). The School Board Exchange Parcels and the Town Exchange Parcels are referred to, collectively, as the **"Exchange Parcels"**. The legal descriptions and depictions of the Exchange Parcels shall be confirmed and finalized pursuant to surveys to be obtained as set forth in Section 2.2.3. Additionally, the Town agrees to make improvements to the School Facilities and construct certain additional facilities as set forth in Section 2.4.

2.2 Evidence of Title and Survey.

2.2.1 The School Board shall cause the authorized agent (**"Title Agent"**) of a Florida licensed title insurer of its choice (**"Title Insurer"**) to examine title to the School Board Exchange Parcels, and thereafter deliver a commitment, with legible copies of instruments listed as exceptions attached thereto, agreeing to issue an owner's policy of title insurance covering the School Board Exchange Parcels (the **"Town Commitment"**), subject to those matters enumerated in Section 2.2.3 hereof, to the Town on or before thirty (30) day after the Effective Date.

The Town shall have fifteen (20) days after receipt of the Town Commitment to notify the School Board in writing that the Town objects to one or more of the title exceptions disclosed by the Town Commitment (individually, a **"Title Objection"**). The School Board shall have fifteen (20) day after receipt of the Town's notice to respond with respect to each of the Title Objections noted by the Town by: (i) agreeing to cure one or more of such Title Objections; and/or (ii) refusing to cure one or more of such Title Objections. In the event that the School Board agrees in writing to cure one or more Title Objections, the School Board shall have until the thirtieth (30th) day following the Town's receipt of such writing from the School Board to do so (the **"School Board's Curative Deadline"**). If the School Board fails to cure all such Title Objections, which it has agreed to cure by the School Board's Curative Deadline, then the Town may waive such objections and proceed with the Closing, or the Town may terminate this Agreement by written notice to the School Board within five (5) days following the School Board's Curative Deadline. If the Town terminates this Agreement pursuant to the preceding sentence, the parties shall be without further obligation hereunder, except to the extent such obligations expressly survive the termination of this Agreement. In the event that the School Board refuses in writing to cure one or more Title Objections, the Town may waive such Title Objections and proceed with the Closing, or the Town may terminate this Agreement by written notice to the School Board within five (5) days after receiving the School Board's written refusal to cure. If the Town terminates this Agreement pursuant to the preceding sentence, the parties shall be without further obligation hereunder, except to the extent such obligations expressly survive the termination of this Agreement.

In the event that the School Board fails to respond to the Town's notice of Title Objections within the permitted time, the School Board shall be deemed to have refused to cure all such Title Objections, and the Town may waive such Title Objections and proceed with the Closing, or the Town may terminate this Agreement by written notice to the School Board within five (5) days after the deadline for which the School Board was supposed to have responded to the Title Objections. If the Town terminates this

Agreement pursuant to the preceding sentence, the parties shall be without further obligation hereunder, except to the extent such obligations expressly survive the termination of this Agreement.

2.2.2 The School Board shall cause the Title Agent of Title Insurer to examine title to the Town Exchange Parcels, and thereafter deliver a commitment, with legible copies of instruments listed as exceptions attached thereto, agreeing to issue an owner's policy of title insurance covering the Town Exchange Parcels (the "**School Board Commitment**"), subject to those matters enumerated in Section 2.2.3 hereof, to the School Board on or before forty-five (45) day after the Effective Date.

The School Board shall have fifteen (20) days after receipt of the School Board Commitment to notify the Town in writing that the School Board objects to one or more of the title exceptions disclosed by the School Board Commitment (individually, a "Title Objection"). The Town shall have fifteen (20) day after receipt of the School Board's notice to respond with respect to each of the Title Objections noted by the School Board by: (i) agreeing to cure one or more of such Title Objections; and/or (ii) refusing to cure one or more of such Title Objections. In the event that the Town agrees in writing to cure one or more Title Objections, the Town shall have until the thirtieth (30th) day following the School Board's receipt of such writing from the Town to do so (the "**Town's Curative Deadline**"). If the Town fails to cure all such Title Objections, which it has agreed to cure by the Town's Curative Deadline, then the School Board may waive such objections and proceed with the Closing, or the School Board may terminate this Agreement by written notice to the Town within five (5) days following the Town's Curative Deadline. If the School Board terminates this Agreement pursuant to the preceding sentence, the parties shall be without further obligation hereunder, except to the extent such obligations expressly survive the termination of this Agreement. In the event that the Town refuses in writing to cure one or more Title Objections, the School Board may waive such Title Objections and proceed with the Closing, or the School Board may terminate this Agreement by written notice to the Town within five (5) days after receiving the Town's written refusal to cure. If the School Board terminates this Agreement pursuant to the preceding sentence, the parties shall be without further obligation hereunder, except to the extent such obligations expressly survive the termination of this Agreement.

In the event that the Town fails to respond to the School Board's notice of Title Objections within the permitted time, the Town shall be deemed to have refused to cure all such Title Objections, and the School Board may waive such Title Objections and proceed with the Closing, or the School Board may terminate this Agreement by written notice to the Town within five (5) days after the deadline for which the Town was supposed to have responded to the Title Objections. If the School Board terminates this Agreement pursuant to the preceding sentence, the parties shall be without further obligation hereunder, except to the extent such obligations expressly survive the termination of this Agreement.

2.2.3 The Parties shall be deemed to have accepted, the following exceptions to title ("**Permitted Exceptions**") as to the property to be received by each:

- (i) Public or private utility easements, recorded in the public records;
- (ii) Zoning and other land use laws, statutes, ordinances or regulations of applicable governmental authorities having jurisdiction over the property to be received;
- (iii) Ad valorem real property taxes levied in the year of the Closing and all subsequent years (unless exempt);
- (iv) Matters not objected to or otherwise waived pursuant to Sections 2.2.1 and 2.2.2 above.

2.2.4 The Town, shall obtain surveys of the Exchange Parcels (each a "**Survey**", collectively the "**Surveys**") made by a licensed surveyor and meeting the requirements to remove the standard survey exceptions from the title commitments required in Sections 2.2.1 and 2.2.2. If a Survey reveals one or more encroachments or other conditions affecting the marketability of the title of the property to be received by such party, such party may deem any such encroachment or other condition to be a Title Objection by written notice to the other party within ten (10) days of such party's receipt of the Survey, and the party in receipt of such written notice shall thereafter respond in accordance with the procedures of Section 2.2.1 or 2.2.2, respectively.

2.3 Costs of Conveyance. The Town shall pay all costs associated with the conveyance of the Exchange Parcels, including but not limited to: (i) documentary stamp taxes on the deeds (in the event the conveyance is not exempt), (ii) recording fees for the deeds, (iii) costs of the title search and owner's title policy premium for the Exchange Parcels, (iv) costs of any lender's policy and /or endorsements relating to any lender providing financing to the Town in connection with any construction and/or improvements required to be made by the Town under this Agreement to the School Board Property, Town Property and/or Exchange Parcels, (v) the cost of the Surveys, (vi) engineering or other professional fees associated with preparation of the Final Site Plan (as defined in Section 3.2.1), and (vii) the School Board's reasonable attorney fees incurred in connection with the transaction contemplated by this Agreement, including preparation of this Agreement and the conveyance documents. In the event this Agreement is terminated or otherwise does not close as contemplated, the Town shall remain obligated to pay all such costs as described herein; to the extent, the costs were actually incurred.

2.4 Construction/Improvement Obligations.

2.4.1 The Town shall, at the Town's cost and expense, complete construction, repair and/or improvement of the following facilities:

- (i) Replacement of existing playground equipment, installation of shade covering over playground equipment, and replacement of ground surface
- (ii) Reconditioning of play courts and installation of shade coverings
- (ii) Construction of secured parking lot for use by parents and other visitors of Fort Myers Beach Elementary School
- (iii) Installation of additional fencing and/or repair of existing fencing to ensure all Recreational Facilities are securely enclosed during school use as outlined in the survey of the "Exchange Parcels"

2.4.2 The Town shall use its best efforts to complete the items in Section 2.4.1 within TBD days following the Closing, but in no event later than TBD, 2021. These obligations shall survive the Closing.

SECTION III: CLOSING AND CONDITIONS PRECEDENT

3.1 Closing. The consummation of the exchange transaction contemplated by this Agreement (the "**Closing**") shall be on or before the earlier of (i) fifteen (15) days following the satisfaction of all Conditions Precedent (as defined below) or (ii) January 31, 2021 (the "**Closing Date**"). On the Closing Date, the School Board agrees to convey the School Board Exchange Parcels to the Town and the Town agrees to convey the Town Exchange Parcels to the School Board.

3.2. Conditions Precedent. Notwithstanding the foregoing, Closing shall be contingent upon the satisfaction of the following conditions (the "**Conditions Precedent**") prior to Closing:

3.2.1 Final Site Plan. The Town shall prepare a site plan incorporating the plans for construction of the improvements outlined in Section 2.4 to the existing Recreational Facilities, which shall be approved by the School Board.

3.2.2 Construction Plan. The Parties shall work together to prepare a construction plan detailing the order/phases in which the improvements outlined in Section 2.4 will be constructed, the timeframe for completion of each phase, how the Recreational Facilities will be used during construction, and other details relating to the construction process, including safety and cleanup measures to be undertaken during construction.

3.2.3 Surveys. The Town shall have obtained the Surveys as set forth in Section 2.2.4 and the Parties agreed to the final legal descriptions for the Exchange Parcels.

3.2.4 Shared Use Agreement. The Parties shall approve the form of an interlocal agreement to be executed at Closing which shall address the rights and obligations of the Parties relating to the shared use, operation and maintenance of the Recreational Facilities (the "**Shared Use Agreement**"). The form Shared Use Agreement shall provide for the following:

- (i) Responsibility for inspection, maintenance, repair and replacement of the Recreational Facilities
- (ii) Responsibility for daily opening and closure of the Recreational Facilities
- (iii) Schedule of days/times during which the School Board shall have priority or exclusive use of certain portions of the Recreational Facilities
- (iv) Implementation of after school clubs and programming
- (v) Insurance, liability and indemnification requirements
- (vi) Restrictions on the School Board Exchange Parcel relating to recreational use of the property and sale or disposition by the Town, with reverter provision in favor of the School Board.
- (v) Restrictions on the Town Exchange Parcel relating to educational and/or recreational use of the property and sale and disposition by the School Board, with reverter provision in favor of the Town.
- (vi) The length, terms and conditions of the shared use agreement.

3.2.5 Vacation of ROW. The Town shall have taken all actions necessary and effectively vacate the right-of-ways located within the Town Exchange Parcels.

3.2.6 In the event the Conditions Precedent are not satisfied by the Closing Date, either party may extend the Closing Date for up to thirty (30) days by delivering written notice thereof to the other party prior to the Closing Date. If neither party extends this Agreement as provided above, this Agreement shall terminate and the Parties shall have no further obligations hereunder (except for those obligations, which expressly survive the termination of the Contract, if any). If the Closing is extended but the Conditions Precedent are not satisfied by the extended Closing Date, the Agreement shall

terminate and the parties shall have no further obligations hereunder (except for those obligations which expressly survive the termination of the Agreement, if any).

3.3 Closing Documents.

3.3.1 The School Board shall deliver a fully executed, witnessed and acknowledged Special Warranty Deed conveying marketable, insurable fee-simple title to the School Board Exchange Parcels to the Town subject only to any Permitted Exceptions (the "**School Board Deed**").

3.3.2 The Town shall deliver a fully executed, witnessed and acknowledged Quit-Claim Deed conveying all of the Town's interest, if any, in the Town Exchange Parcels to the School Board subject only to any Permitted Exceptions (the "**Town Deed**").

3.3.3 The School Board shall deliver (i) an owner's affidavit as to the School Board Exchange Property in form sufficient and acceptable to the Title Company so as to allow it to eliminate the standard owner's exceptions, including the parties' in possession, mechanic's lien, and "gap" exceptions from each respective title commitment and policy; (ii) non-foreign "FIRPTA" affidavits in the customary form; (iii) any corrective instruments that are necessary to cure one or more Title Objections, which Title Objections the School Board has agreed to cure in accordance with Section 2.2.1, (iv) satisfactions or partial releases from any lender holding a mortgage or security interest in the School Board Exchange Property, and (v) such further documents as may reasonably be required to convey and vest title to the School Board Exchange Property in the Town, and to enable the Title Company to issue a title policy to the Town as required in accordance with the terms of this Agreement, together with any other documents reasonably required to accomplish the intent of the Parties. This obligation shall survive Closing.

3.3.4 The Town shall deliver (i) an owner's affidavit as to the Town Exchange Property in form sufficient and acceptable to the Title Company so as to allow it to eliminate the standard owner's exceptions, including the parties' in possession, mechanic's lien, and "gap" exceptions from each respective title commitment and policy; (ii) non-foreign "FIRPTA" affidavits in the customary form; (iii) any corrective instruments that are necessary to cure one or more Title Objections, which Title Objections the Town has agreed to cure in accordance with Section 2.2.2, (v) satisfactions or partial releases from any lender holding a mortgage or security interest in the Town Exchange Property, and (vi) such further documents as may reasonably be required to convey and vest title to the Town Exchange Property in the School Board, and to enable the Title Company to issue a title policy to the School Board as required in accordance with the terms of this Agreement, together with any other documents reasonably required to accomplish the intent of the Parties. This obligation shall survive Closing.

SECTION IV: DEFAULT

If either party fails to materially fulfill its obligations under this Agreement that party will be considered to be in default. The other party to the Agreement shall provide written notice of the default and an opportunity to cure the default within 30 days of receipt of said notice. If the defaulting party fails to cure the default within said time period, the other party may terminate this Agreement for cause or breach by providing written notice of termination. Failure of either party to exercise its rights in the event of any breach shall not constitute a waiver of such rights. Neither the Town nor the School Board is deemed to have waived any failure to perform by the other party unless such waiver is in writing and signed by the waiving party.

SECTION V: NOTICE:

All notices or demands permitted or required under this Agreement 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:

Town: Town of Fort Myers Beach, a Florida municipal corporation
Town Manager
2525 Estero Blvd.
Fort Myers Beach, FL 33931

School Board: School Board of Lee County
Office of the Superintendent
2855 Colonial Blvd.
Fort Myers, FL 33966

The address to which any notice or demand may be given to either party may be changed by written notice.

SECTION VI: MISCELLANEOUS:

The Parties represent and warrant that they have full authority to enter into and sign the Agreement. The terms and conditions of this Agreement shall extend to and bind any successor entity of the Parties hereto. The drafting of this Agreement has been a joint endeavor between the Parties and shall not, solely as a matter of judicial construction, be interpreted more strictly against one Party than the other. The prevailing Party in any action or proceeding in court to enforce any term of this Agreement shall be entitled to receive its reasonable attorney's fees and other reasonable enforcement costs and expenses from the non-prevailing Party. The invalidity of any provision hereof shall in no way affect or invalidate the remainder of the Agreement. All disputes arising under this Agreement shall be governed by the laws of the State of Florida. Any dispute arising hereunder shall be subject to, and all rights contained herein may be enforced through, an appropriate action in law or at equity brought in a court of competent jurisdiction

located in Lee County, Florida. This Agreement constitutes the entire understanding between the Parties with regard to the subject matter hereof. No modification or amendment of this Agreement shall be valid and binding the School Board the Town unless it is in writing and executed by or on behalf of the School Board and the Town.

SECTION VII: DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the Parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to both Parties. The existence of a dispute shall not excuse the Parties from performance pursuant to this Agreement. This remedy is supplemental to any other remedies available at law. In the event of any dispute hereunder, the prevailing party shall be entitled to recover all costs and expenses incurred by it in connection with the enforcement of this Agreement, including all attorneys' fees and costs in connection therewith.

SECTION VIII: ASSIGNMENT

No assignment, delegation, transfer, or novation of this Interlocal Agreement or part thereof, shall be made by either Party unless approved by both the School Board and the Town.

SECTION IX: EXECUTION IN COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

SECTION X: REVERSIONARY INTEREST

The Town shall use the School Board Exchange Parcel for recreational use. If the Town conveys the School Board Exchange Parcel or fails to use the School Board Exchange Parcel for recreational use, the School Board may notify the Town and request the reverter of the School Board Exchange Parcel back to the School Board.

The School Board shall use the Town Exchange Parcels for educational/recreational use. If the School Board conveys the Town Exchange Parcels or fails to use the Town Exchange Parcels for educational/recreational use, the Town may notify the School Board and request the reverter of the Town Exchange Parcels back to the Town.

IN WITNESS WHEREOF, the Town and the School Board have executed this Agreement on the day, month and year first written above.

The School Board of Lee County, Florida

Town of Fort Myers Beach, a Florida Municipal Corporation

By: *Gregory K. Adkins*

By: _____

Its: Gregory K. Adkins, Ed.D., Superintendent

Its: _____

RATIFIED AND APPROVED:

ATTESTED:

By: *Mary Fischer*

By: _____

Its: Mary Fischer, Board Chair

Its: _____

APPROVED AS TO FORM

APPROVED AS TO FORM:

By: *Kathy Dupuy-Bruno*
Kathy Dupuy-Bruno, Esq.
School Board Attorney

By: _____
Town Attorney

APPROVED

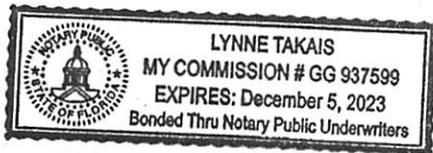
SEP 22 2020

STATE OF FLORIDA
COUNTY OF LEE

SCHOOL BOARD OF
LEE COUNTY

The foregoing instrument was signed and acknowledged before me by means of physical presence or online notarization this 23rd day of September 2020, by Mary Fischer, as Board chair of The School Board of Lee County, Florida, who produced the following as identification or is personally known to me and who did/did not take an oath.

Lynne Takais
[Signature of Notary]
Lynne Takais
[Typed or Printed Name]

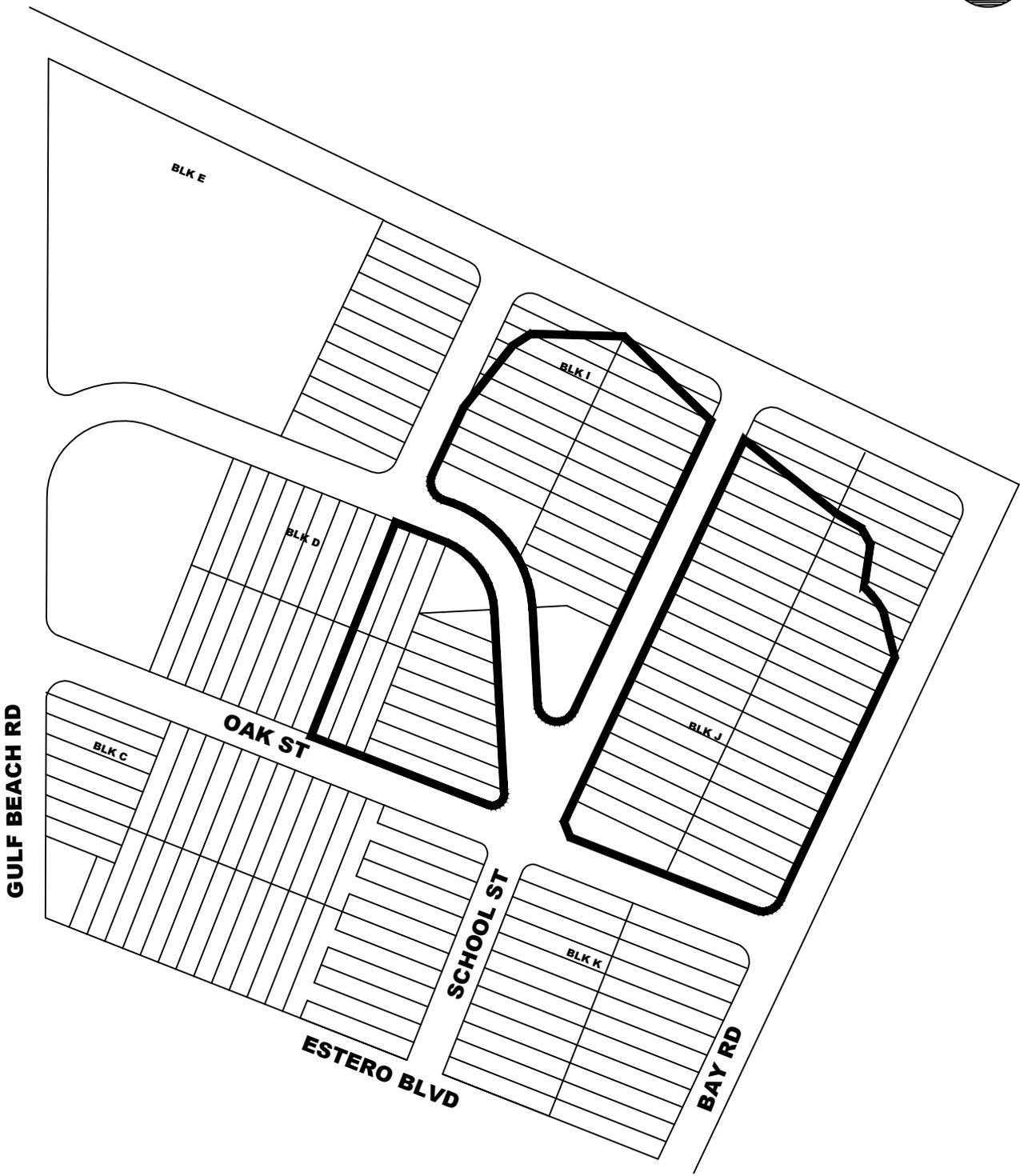


STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me by means of physical presence or online notarization this _____ day of _____ 2020, by _____, as _____ of The Town of Fort Myers Beach, a Florida municipal corporation, who produced the following as identification _____ or is personally known to me and who did/did not take an oath.

[Signature of Notary]

[Typed or Printed Name]

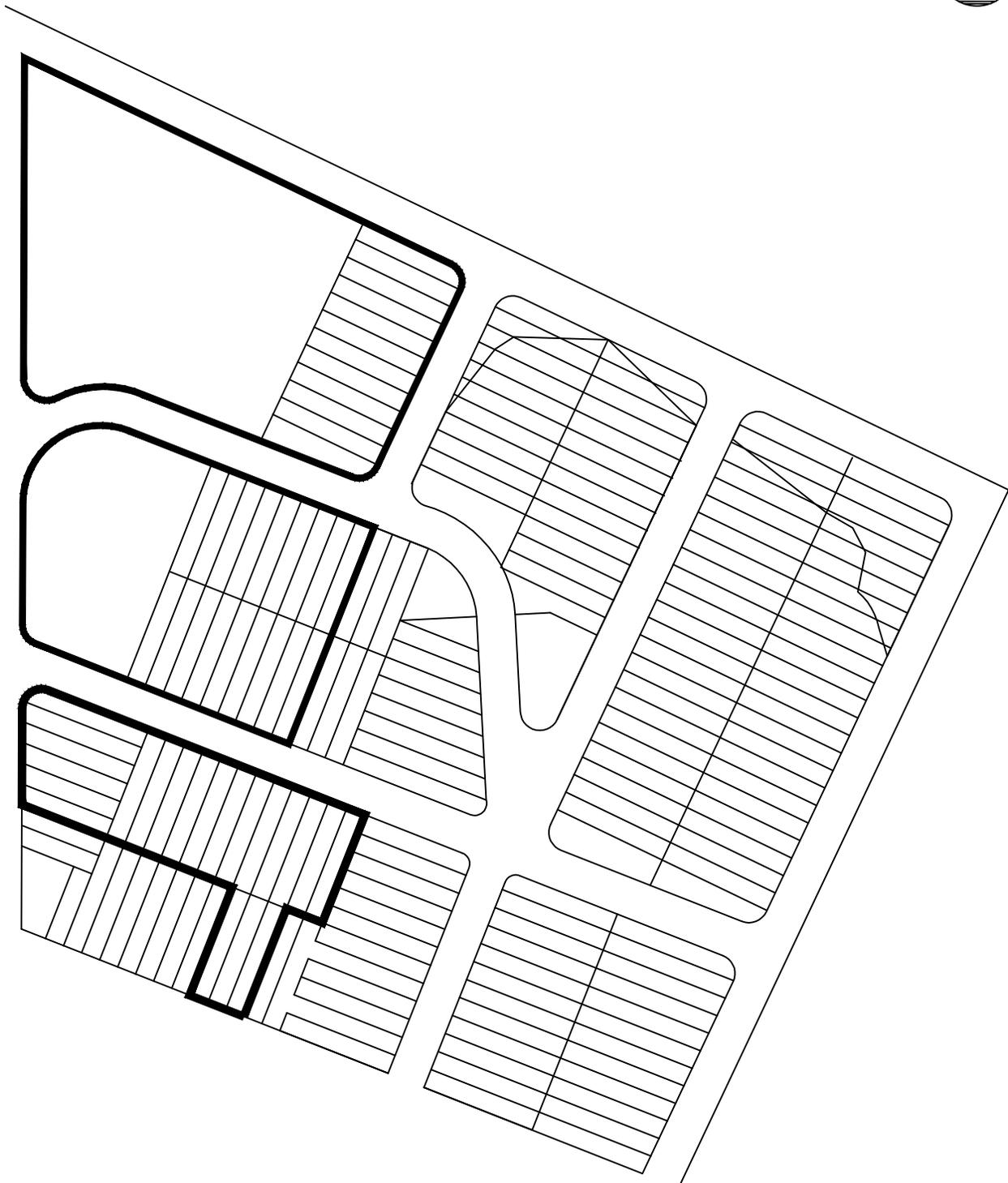


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LEE COUNTY SCHOOL DISTRICT PROPERTY

**EXHIBIT
A**

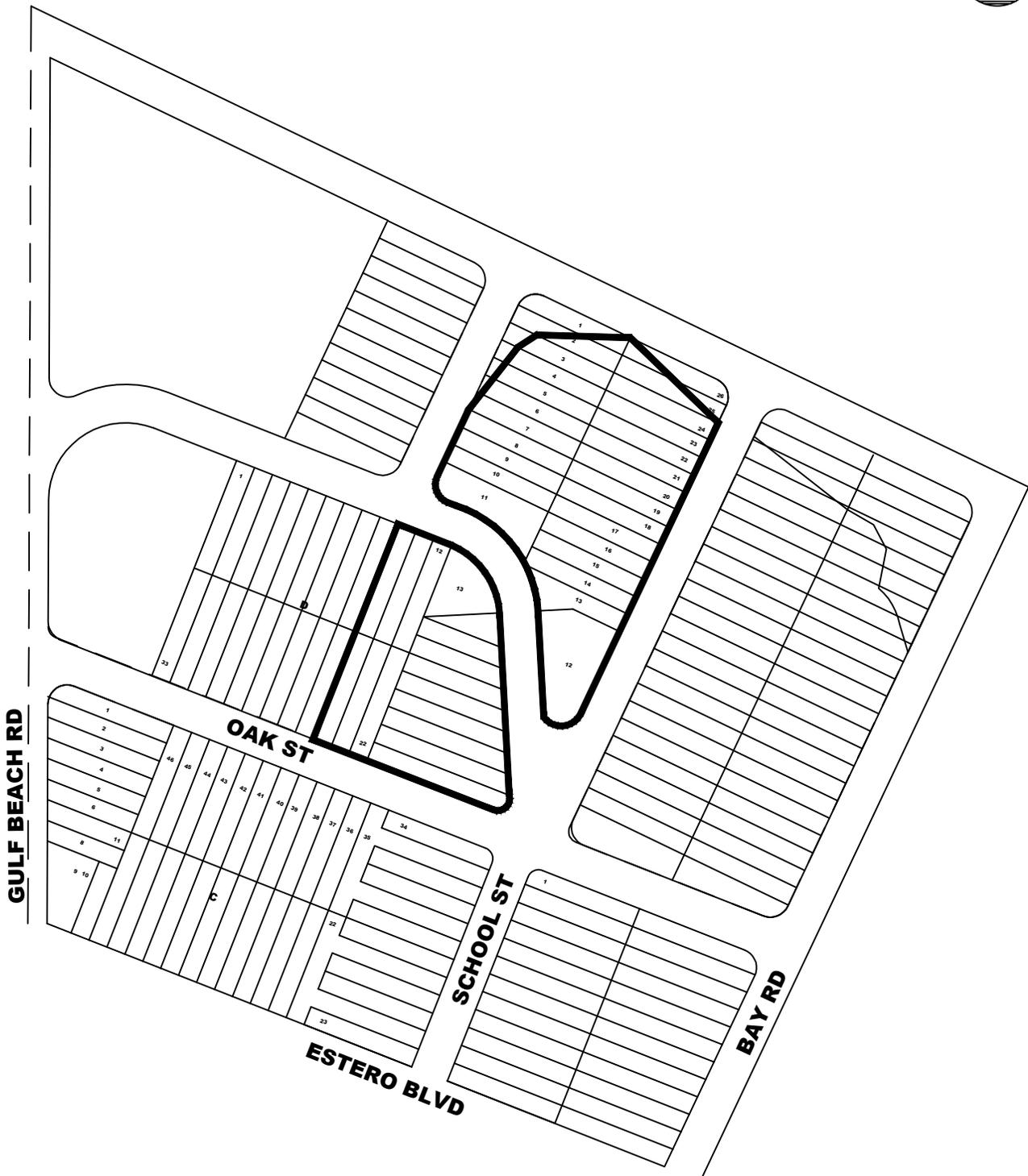


NOTE: TOWN OF FORT MYERS BEACH CONTROLS ALL RIGHTS-OF-WAY INTENAL TO PROJECT SITE



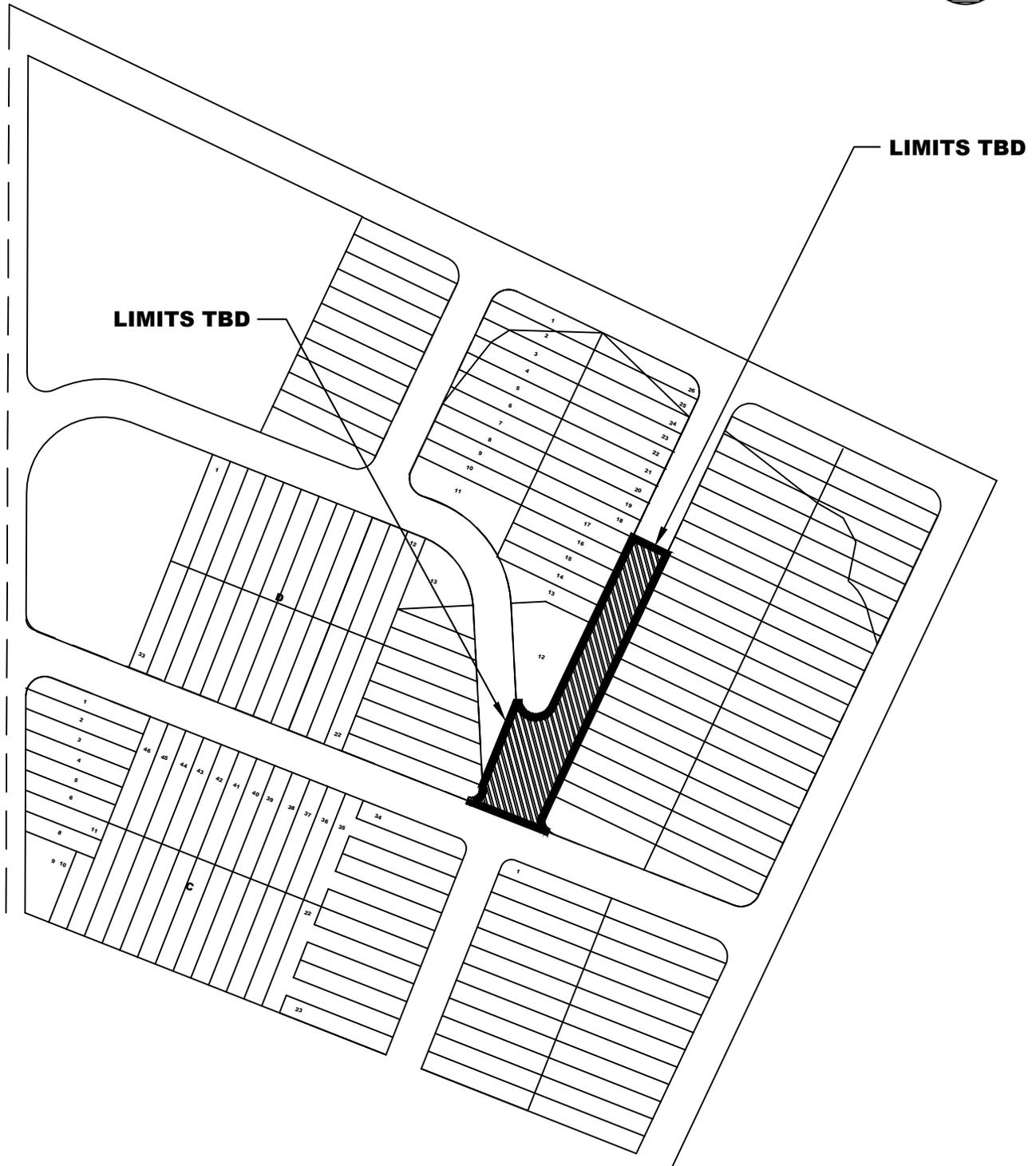
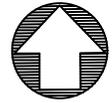
TOWN OF FORT MYERS BEACH PROPERTY

**EXHIBIT
B**



**LEE COUNTY SCHOOL DISTRICT
EXCHANGE PROPERTY
(CONVEYED TO TOWN OF FORT MYERS BEACH)**

**EXHIBIT
C**



**TOWN OF FORT MYERS BEACH
EXCHANGE PROPERTY
(CONVEYED TO LEE COUNTY SCHOOL DISTRICT)**

**EXHIBIT
D**

1. **Requested Motion:**

Meeting Date: October 5, 2020

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

Why the action is necessary:

Adopt the ADA Transition Plan as required by the LAP Certification Process.

What the action accomplishes:

Castellanos + Tramonte Architects formally assessed all Town facilities and drafted a Town-wide ADA Transition Plan and to further comply with the ADA and to assist with LAP certification. The Town would then be obligated to fund and address any concerns identified in the report.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Resolution

4. **Submitter of Information:**

Chelsea O'Riley, Public Works
Director

5. **Background:**

As part of the Town's Local Agency Planning (LAP) certification, an ADA Transition Plan is required.

The Town issued a request for Letters of Interest to professional firms contracted under RFQ-17-23-PW.

The Town received responses from BSSW Architects, Castellanos + Tramonte Architects and Weiler Engineering.

A Selection Advisory Committee met on November 8th, 2019; recommending to the Town Manager the firm of Castellanos + Tramonte Architects for the project which was approved on January 6, 2020.

The scope of services includes 4 tasks:

Task 1- Self-Evaluation and Transition Plan for Facilities

Task 2- Self-Evaluation and Transition Plan for Pedestrian Infrastructure

Task 3- Self-Evaluation and Transition Plan for Programs, Services, Policies & Procedures

Task 4- Meetings and Project Administration

Town Council received a presentation of the ADA Transition Plan on September 3rd, 2020.

Following up on the presentation, the majority of sidewalk concerns are in Times Square, down Old San Carlos and North Estero.

Below is the link for the ADA Transition Plan:

<https://liquidfiles.tindaleoliver.com/message/QiDtHSEI xvZNAvj390V5uq>

Attachments:

1. 20-40, Adoption of ADA Transition Plan

Financial Impact:

Funding has been added to the FY20/21

6. **Alternative Action**

Do not approve

7. **Management Recommendations:**

Approve the Resolution adopting the ADA Transition Plan.

8. **Recommended Approval:**

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

Created/Initiated - 9/18/2020
Approved - 9/23/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020

RESOLUTION NUMBER 20-40

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING AMERICANS WITH DISABILITIES ACT (ADA) STANDARDS AND IMPLEMENTATION OF THE TRANSITION PLAN, AS REQUIRED BY THE LOCAL AGENCY PROGRAM (LAP); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Fort Myers Beach wishes to be in compliance with the Americans with Disabilities Act (ADA) for the benefit of the citizens of and visitors to Fort Myers Beach.

WHEREAS, the adoption of an ADA compliance transition plan is required to maintain the Town's Local Agency Program (LAP) certification.

WHEREAS, Castellanos+Tramonte Architects was hired to perform an evaluation of all Town infrastructure to identify where barriers to accessibility exist and prioritize improvements to address accessibility, safety, & security, as specified by the ADA.

WHEREAS, Castellanos+Tramonte Architects, on behalf of the Town, has developed an ADA Transition Plan to with steps to mitigate barriers to accessibility and to begin implementation of improvements based on anticipated funding.

WHEREAS, the ADA Transition Plan developed for the Town is to be used as a guide for implementing remediation where warranted; and

WHEREAS, the facilities improved may vary based on prioritization and funding capacity, but the Town commits to continued improvement every year.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Adoption of an ADA Transition Plan. The ADA Transition Plan, as developed on behalf of the town by Castellanos+Tramonte Architects, with the understanding that it is to be used as a guide, is hereby adopted by the Town Council of the Town of Fort Myers Beach.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council.

The foregoing Resolution was adopted by the Town Council upon a motion by _____ 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 this _____, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Raymond P. Murphy, Mayor

ATTEST:

Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH SOLELY:

John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of this _____ 2020.

1. **Requested Motion:**

Meeting Date: October 5, 2020

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.

Why the action is necessary:

The State of Florida SRF program requires compliance monitoring and record maintenance insuring all Federal requirements are documented, payment requests are complete and expense incurred comply with all loan documents.

What the action accomplishes:

This service will insure that the Town will not be assessed penalties for compliance failure.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

The Town of Fort Myers Beach currently has and is pursuing State Revolving Funds to pay the cost of the Drinking Water and Stormwater Project. There are specific requirements to be administered, tracked and validated in order to insure the funds we are drawing from the State are in compliance with State requirements. Angie Brewer and Associates are well known by the State of Florida for performing these management services as defined within the State Revolving Funds structure. Failure to comply with any of their requirements can result in returning funds paid by the State during the construction of the Drinking and Stormwater projects. Their services are authorized cost for SRF funding and we are requesting the Town Council authorize the Town Manager to execute the contracts, presented not to exceed the values stated in the attachments.

Attachments:

1. 240-000-0111 Water-SW-SRF Tech Svcs During Const - PH 2 PT 2 - TA

Financial Impact:

6. **Alternative Action**

Do not approve

7. **Management Recommendations:**

8. **Recommended Approval:**

Christy Cory, Utilities Director
Christy Cory, Utilities Director
John R Herin Jr, Town Attorney

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020

Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Approved - 9/28/2020
Final Approval - 9/30/2020



Angie Brewer & Associates, LC
 9080 58th Drive East, Suite 200
 Bradenton, Florida 34202
 Ph: (941) 756-5800

Cost Proposal

Project Information

Project Name	Water-SW SRF Tech Services During Construction - PH 2 PT 2
ABA Proposal Number	240-000-0111
Community Name	Town of Fort Myers Beach, FL
Client Name	Town of Fort Myers Beach, FL

Services

Technical Services During Construction	\$ 84,288.00
SUBTOTAL	\$ 84,288.00
TOTAL PROPOSAL	\$ 84,288.00

Scope of Services

Scope Attached	Yes
Number of Pages	3
Special Conditions	N/A

Offer and Acceptance

Offered By:	<i>Mark A. Brewer</i>
	Mark A. Brewer, President
	Date: 03/01/2020

Accepted By:	

Scope of Services

Project Information	
Project Name	Water-SW SRF Technical Services during Const. – PH2 PT 2
ABA Proposal Number	240-000-0111
Community Name	Town of Fort Myers Beach, FL
Client Name	Town of Fort Myers Beach, FL

Technical Services During Construction – Phase 2 Part 2

This Scope of Services is based on an 8-month period. Extensions resulting from Construction Contract Change Orders may result in additional costs.

(Monthly - The tasks listed are typical and are anticipated to occur during the project. Each individual task may not occur each month. However, all required work to ensure compliance with the SRF program will be completed during each month.)

Program Coordination	<i>Program Coordination</i> – The Consultant shall coordinate with Town, FDEP, Consulting Engineers, Project Representatives and others as necessary to ensure that all requirements are met. This includes ongoing contact with all personnel related to the project. The Consultant will coordinate and be involved in site visits by funding agency representatives, ie. FDEP, EPA, OIG or DOL. The Consultant shall act as the Liaison between FDEP and the Town to identify and resolve issues regarding the SRF Loan Program. Also, all status and other reporting will be accomplished for successful management and completion of the project.
Funding Reconciliation	<i>Funding Reconciliation</i> – The Consultant shall review and compare the project information with the funding documents to ensure that all SRF requirements are met and consistency between all aspects of the project is achieved.
Processing	<p><i>Pay Estimate(s)</i> – The Consultant shall provide professional services to review and verify eligible costs per contractor pay estimate.</p> <p><i>Engineering Invoice(s)</i> – The Consultant shall provide professional services to review and verify eligible costs related to engineering.</p> <p><i>FDEP Reimbursement Request(s)</i> – The Consultant shall compile required documents and prepare Reimbursement Requests for submittal to FDEP. The Reimbursement Request shall include all properly authorized expenditures for which documentation is available on the date of preparation. The Consultant shall submit the Reimbursement Request to the Engineer for Certification and then to the Town for signature. The Consultant shall be responsible to ensure appropriate parties receive copies of the Reimbursement Request upon receiving the originally signed copy at its office.</p> <p><i>Change Order(s)</i> – The Consultant shall review and process Construction Contract Change Orders/Field Changes. This will result in a request for eligibility determination to be submitted to FDEP. Upon receipt of eligibility determination, all appropriate project information will be modified to allow for the eventual reimbursement of costs if applicable.</p>

Town of Fort Myers Beach
240-000-0111
Water-SW SRF Technical Services – Phase 2 Part 2
Scope of Services Continued

<p>Program Management</p>	<p><i>Program Management Meeting(s)</i> – The Consultant shall prepare for and attend Program Management Meetings. Meeting minutes shall be prepared and disseminated to appropriate parties upon completion. These meetings are held for the purpose of discussing FDEP program requirements, reimbursement requests, eligibility requests’ status, construction progress, contract changes/issues, payment procedures/status, monitoring issues, additional funding needs and other information regarding the project.</p> <p><i>MBE/WBE Monitoring</i> – The Consultant shall provide a form to be completed by the contractor and submitted with each pay estimate. The information submitted by the contractor shall be used to prepare the Minority/Women’s Business Enterprises (MBE/WBE) Utilization Report. This report shall be submitted to the Town and FDEP on a monthly basis during construction.</p> <p><i>Agency Monitoring Visit(s)</i> – The Consultant shall prepare for and attend agency monitoring visits. The Consultant shall provide responses to any agency questions.</p>
<p>Davis-Bacon Compliance</p>	<p><i>Contractor Compliance Preparation</i> – The Consultant shall review the contractor and subcontractors current Davis Bacon practices and policies to determine compliance with the funding program and funding agreement requirements. The Consultant shall suggest changes required to ensure compliance with the program requirements.</p> <p><i>Provide Required Signage</i> – The Consultant shall provide digital or physical copies of required signage with directions for posting the signs. The contractor is responsible for the production and display of the signs.</p> <p><i>Compliance Monitoring</i> – The Consultant shall provide monthly monitoring of Federal Labor Standards requirements, including labor interviews and verification of information reported by the contractors and subcontractors during construction.</p> <p><i>Certified Payroll(s)</i> – The Consultant shall provide professional services to review and verify certified payrolls as submitted by the contractors and subcontractors. The Consultant shall prepare detailed exception reports as required.</p> <p><i>Coordination</i> – The Consultant shall monitor all applicable federal and state regulations. The Consultant shall assist the contractors with conformance of additional wage rates as required for the program.</p>
<p>American Iron and Steel (AIS) Compliance</p>	<p><i>Contractor Compliance Preparation</i> – The Consultant shall review the contractor and subcontractors current materials acquisition processes to determine compliance with the funding program and funding agreement requirements. The Consultant shall suggest methods to ensure compliance with the program requirements.</p> <p><i>American Iron and Steel Compliance</i> – The Consultant shall provide monthly monitoring of the project for compliance with the American Iron and Steel requirements. The Consultant shall complete the required documentation for compliance.</p>

Town of Fort Myers Beach
240-000-0111
Water-SW SRF Technical Services – Phase 2 Part 2
Scope of Services Continued

Closeout and Audit Assistance – Phase 2 Part 2	
Project Closeout	<p><i>Project Closeout</i> – Consultant shall prepare closeout information required for FDEP regarding the project. The Final Request for Reimbursement is included in this task. This includes the Final Construction Inspection, Preliminary Administrative Closeout, and Final Administrative Closeout conducted by FDEP representatives. The necessary closeout documents shall be prepared regarding final eligibility for construction, engineering, administration, design and other project costs and submitted to FDEP to allow closeout of the loan. This effort will result in the preparation, review and approval of the Final Loan Amendment.</p>
Audit Assistance	<p><i>Annual Audit Assistance</i> – The Consultant shall provide necessary data to the Town to allow inclusion of the loan in the required Single Audit Report prepared as part of the Annual Audit. This also includes corresponding with FDEP regarding eligibility requests and assistance during the annual audit.</p> <p><i>Project Specific Audit</i> – The Consultant will also provide closeout and other information to the Town’s Independent Auditors in order to allow for the required Project Audit within 12 months of execution of the Final Loan Amendment.</p>

1. **Requested Motion:**

Meeting Date: October 5, 2020

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

Why the action is necessary:

Four seats on the Anchorage Advisory Committee expired September 30, 2020 leaving five vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statues, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(a) Anchorage Advisory Committee. The anchorage advisory committee shall advise the Town Council concerning all matters relevant to the management and use of the waters of the Town for mooring and anchoring. The Anchorage Advisory Committee shall prepare and submit the Matanzas Harbor Management Plan and any amendments thereto for review and approval by the Town Council and make recommendations for the establishment of managed municipal anchorages and mooring fields where warranted by objective evidence of environmental damage or user conflicts; or any other topics as assigned by the Town Council.

There are currently six members on the Anchorage Advisory Committee, four of whom have terms which expired September 20, 2020 (Beasley/Lawwill/Light/Lurie), leaving five vacancies.

Four members: Robert Beasley, Ted Lawwill, Katherine Light and Sam Lurie have submitted applications for reappointment.

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 18, 2020. **There is one new applicant for AAC, Douglas Eckmann.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine

certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Beasley, Robert
2. Eckmann, Douglas
3. Lawwill, Ted
4. Light, Kathy
5. Lurie, Sam

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

8. Recommended Approval:

Amy Baker, Deputy Town Clerk
John R Herin Jr, Town Attorney
Roger Hernstadt, Town Manager
Town Council,

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/30/2020
Final Approval - 9/30/2020



Town of Fort Myers Beach

AUG 31 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

To continue to provide Mooring Field advise to the council from a Resident and Boaters view to help the Town provide this service as best as possible and keep cost of the operation as reasonable as possible and look to the long term future of this operation.

Community Involvement:

see attached resume....

Interests / Activities:

see attached resume....

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 8-31-20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes No

DATE: _____

RESUME OF ROBERT W BEASLEY
P.O. Box 2665
Fort Myers Beach FL 33932
239-994-5049 cell

PERSONAL:

Date of Birth: May 7,1961
Marital Status: Married-Linda Beasley
Children: 1, Jason
Native Fort Myers Beach Resident since 1961
Father: William O. Beasley, Deceased (Retired 1979, U.S. Postmaster FMB Post Office)
Mother: Lorraine B. Beasley, Deceased (Retired Realtor 1996)

EDUCATION:

Fort Myers Beach Elementary School
Graduated- Cypress Lake High School, Class of 1979
Alliance Frances, Cite' University Paris, France, French language & International Relations
Miami-Dade Community College-Business 1 year
Edison Community College 1 year
Bert Rogers School of Real Estate- Florida Licensed Real Estate Salesman
Bert Rogers School of Mortgage Broker -Florida Licensed Mortgage Broker
Bert Rogers School of Real Estate-Florida Licensed Real Estate Broker

BUSINESS:

1975-1982 Pink Shell Hotel Marina Resort- Public Relations
1977-Present Crew & Captain of Misc. Commercial & Private, Charter & Sport Fishing Vessels in the areas of (Florida, Bahamas, Turks&Caicos, St.Thomas, Jamaica, Cayman Island,Gulf of Mexico).
1983-1984 Bailiff for Judge Thomas A. Testa, Dade County Courthouse , Miami, FL
1981-Present U. S. Coast Guard Licensed 100 Ton Ocean Operator Master Captain
1991-Present Manager Oyster Bay Parks, Inc. (121 site RV Park on 6.6 acres of land)
1991-Present Manager Oyster Bay Land Company (Casino Ship/ Commercial boat dock lease's)
1984-2003 Realtor with Vayo-Nesbit Real Estate on Ft. Myers Beach, FL
2000-Present Mortgage Broker/ Co-Owner of Outer Island Mortgage Company.
2003-Present RWB Real Estate, Inc. -Broker/Owner/President
2006-Present Manager Ebb Tide RV Park, LLC (148 site RV Park on 7.5 acres of land)
2006-Present Manager Seagrape Plaza Shopping Center on Fort Myers Beach, FL
2007-Present Project Manager for the Lee County Approved Comp Plan for the San Carlos Island Convention Hotel, Marina, Resort & Condominium Redevelopment....
Involving coordination of Comp Plan Approval (approved) and Re Zoning & Development Order, Building Permitting issues and working closely with State, local County Government & Authorities.

COMMUNITY AND BUSINESS ACTIVITES

Member of First Baptist Church, Fort Myers Beach, Florida
Member of the National and Florida Realtors Asso.
Life / Endowment Member of the National Riffle Association (NRA)
Member World Billfish Series (WBS)
Member International Game Fish Assoc. (IGFA)
International Game Fish Assoc. Certified Observer
Racing Member American Power Boat Racing Asso.(APBA) & Offshore Super Series
(OSS) Professional Offshore Power Boat Racing.
Ostego Bay Environmental Marine Research Center, Board Member.
San Carlos Island Community Redevelopment Asso. Lee County , Past Board Member
San Carlos Island Redevelopment, Board Member
Past President of the Fort Myers Beach Offshore Grand Prix Inc. (1990's six yrs)
Town of Fort Myers Beach Anchorage Advisory Committee Board Member (10+ yrs)

Contact information: Robert W. Beasley

P.O. Box 2665

Fort Myers Beach, Florida 33932

Home : 239-765-7223

Bus./Cell: 239-994-5049

WEBSITE rwbrealestate.com

E-MAIL rwbrealestate@aol.com



Town of Fort Myers Beach

AUG 7 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date: 8/6/2020

Name: Douglas Eckmann H.
Last First Middle initial

Telephone Number: 941-374-1010

Email Address: doug.eckmann@gmail.com

Home Address: 120 SABAL DR. FMB 33931

Mailing Address P.O. BOX 6017 FMB 33932

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)? _____

If yes, when is your term expiration? _____

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction?

Yes No

Are you an owner of real property within the Town's jurisdiction?

Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes No

If yes, what board, etc., and since when?

[Empty box for board name and dates]

Why are you seeking appointment to this board or committee?

Interest in Estero Bay environment.

Community Involvement:

*Registered Professional Civil Engineer - many projects in past community.
Board Certified Environmental Engineer
Board Certified Water Resource Engineer*

Interests / Activities:

*Rowing in Estero Bay
Native Landscaping
Environment*

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *D.H. Erbman*

Date *8/6/2020*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:

Last

First

Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

Anchorage Advisory Committee

Audit Committee

Bay Oaks Recreational Campus Advisory Board

Community Resource Advisory Board

Cultural and Environmental Learning Center Advisory Board

Local Planning Agency

Marine Resources Task Force

Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town’s jurisdiction? Yes No
Are you an owner of real property within the Town’s jurisdiction? Yes No
Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No
If yes, what board, etc., and since when?
Why are you seeking appointment to this board or committee?

Community Involvement:

Interests / Activities:

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed

Date

Please return this form to the Town Clerk’s Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I own a sailboat, have a lot of cruising experience and experience with using mooring fields. I have been on this committee since 2007 and feel I have a lot of historical knowledge that can be helpful as we go forward with issues currently facing the field.

Community Involvement:

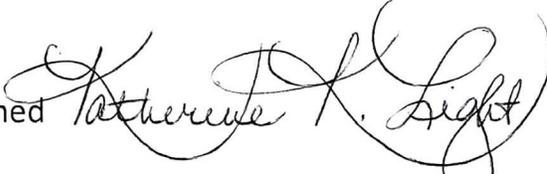
I have been involved with programs in the Matanzas Pass Preserve. I am on the board of the Music Foundation of Southwest Florida that has programs for the children of Lee County including the students at Beach School.

Interests / Activities:

Sailing, music, reading, needlework, travelling.

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 07-15-2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com



RECEIVED
JUL 14 2020
BY:

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

To continue the ongoing work.

Community Involvement:

Interests / Activities:

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 7-10-20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

1. **Requested Motion:**

Meeting Date: October 5, 2020

Appoint Members to the FY2020-2021 Audit Committee

Why the action is necessary:

Four seats on the Audit Committee expired September 30, 2020 leaving five vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statues, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(b) All members of the Audit Committee shall be Town residents who do not have any direct financial or business interests involving the Town. The Town Council may waive the residency requirements by majority vote if there are an insufficient number of applicants who reside in the Town. All members should, through education and experience, possess a basic understanding of governmental financial reporting and auditing. At least one member of the Audit Committee shall have accounting, auditing or related financial management expertise that is specifically relevant to the government sector. The Audit Committee shall advise the Town Council on these matters and other matters pursuant to 218.39 F.S., or any other topic(s) as assigned by the Town Council.

There are currently five members on the Audit Committee, three of whom have terms which expired September 20, 2020 (Cote/Hughes/Steele), leaving five vacancies. **Two members: Richard Cote and James Steele have submitted applications for reappointment.**

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 18, 2020. **There are two new applicants for Audit: Joseph Kirkbride and Bryan Thomas.**

Attachments:

1. Cote, Richard
2. Kirkbride, Joseph
3. Steele, James
4. Thomas, Bryan G

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

8. Recommended Approval:

Amy Baker, Deputy Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020



9-21

Town of Fort Myers Beach

SEP 8 2020

Town of Fort Myers Beach

Advisory Boards and Committees Application

Received by: _____

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

10/10/2020 10:10:10 AM

10/10/2020 10:10:10 AM



10/10/2020 10:10:10 AM

Are you a resident within the Town's jurisdiction?

Yes No

Are you an owner of real property within the Town's jurisdiction?

Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Community Involvement:

BOARD Member - Waterside III Condo Assoc.

Interests / Activities:

GOLF, Biking

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *Richard L. Coto*

Date *9/3/2020*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes No

DATE: _____



SEP 11 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Moved less than 1 year ago. Would like to become more involved in my new community. Background in finance and controllership

Community Involvement:

New to area. Still finding out about area.

Interests / Activities:

Fishing, traveling

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *Joseph S. Kuchinski*

Date *9/8/20*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____

SEP 21 2020

Received by: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

BASED UPON PAST EXPERIENCE, I THINK I CAN PROVIDE VALUABLE SUGGESTIONS AND COMMENTS.

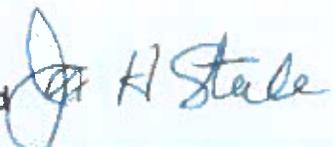
Community Involvement:

HAVE SERVED ON AUDIT COMMITTEE, THE L.P.A AND WAS INTERIM TOWN MANAGER IN 2016-2017

Interests / Activities:

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 9/21/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

SEP 18 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

AS SOON AS THE COMMITTEE SEAT IS AVAILABLE

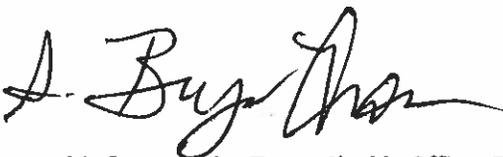
Community Involvement:

Interests / Activities:

BOATING / GOING TO THE BEACH / EXERCISING

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 9/10/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes No

DATE:

G. Bryan Thomas

**President, Chief Executive Officer and Chairman of the Board
Cannon Cochran Management Services, Inc. (CCMSI)
Fort Myers Beach, FL/Chicago, IL**

G. Bryan Thomas is an expert in both risk management and cost containment and has special expertise in risk financing and cost containment alternatives for large employers, self-insured groups and individual employers, with particular emphasis on property/casualty and workers' compensation programs. His work with governmental units, associations, manufacturers, health care, gaming, construction, transportation, higher education and restaurants has made him a true authority in these industrial segments. As a result, he's a sought-after speaker for events, forums and seminars in all of these industries. Mr. Thomas is available to discuss a variety of aspects of risk management plus provide special insight into the significant impact business risk can have on a company or organization's resources.

Mr. Thomas is CEO of CCMSI, the nation's largest independent third-party administrator of workers' compensation, property / casualty and self-insurance programs. A distinguished industry authority, he is especially well known for his pioneering methods of sound risk financing and cost containment alternatives for large employers and association insurance plans with particular emphasis on property/casualty and workers' compensation programs.

1. **Requested Motion:**

Meeting Date: October 5, 2020

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

Why the action is necessary:

Three seats on the Bay Oaks Recreational Campus expired September 30, 2020 leaving four vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statues, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(c) Bay Oaks Recreational Campus Advisory Board. The purpose of BORCAB is to serve the Town as a community center and recreational facility providing individuals and groups passive and active recreational, social and community activities and events for both residents and visitors. BORCAB members shall work closely and in cooperation with the Parks and Recreation Director and advise the Town Council regarding matters concerning the Bay Oaks Recreational Campus and the Community Pool; or any other topics as assigned by the Town Council.

There are currently six members on BORCAB, three of whom have terms which expired September 20, 2020 (Holmes/Simpson/Bodnar), leaving five vacancies. Becky Bodnar has notified the Town she is resigning from her seat. **Two members: Janna Holmes and Betty Simpson have submitted an application for reappointment.**

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 18, 2020. **There are three new applicants for BORCAB: Beth Cherry, Holly Tribble and Kathy Wetzelberger.**

During the annual process of appointments to individual advisory committees, it is appropriate

for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Cherry, Beth
2. Holmes, Janna
3. Simpson, Betty
4. Tribble, Holly
5. Wetzberger, Cathy

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

Appoint /reappoint members to the committee

8. Recommended Approval:

Amy Baker, Deputy Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I feel that I would be able to offer input from the standpoint of a family on the island who has children who have and continue to utilize the facility. We also have used the facility for other purposes. (meetings, the gym, the pool, etc.)

Community Involvement:

I have been involved in youth sports on the island for years via Ft Myers Beach Soccer, FMB Little League, flag football, basketball, etc. I am currently a member of the FMB Women's Club.

Interests / Activities:

Youth Sports
Photography
I love our community & would be honored to serve.

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 7/1/2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com



AUG 3 - 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I enjoy being a part of BORCAB. Member since 2014.

Community Involvement:

Dolphin Watch Board Secretary
CAFMB

Interests / Activities:

Cooking, art, grandchildren, volunteering Chapel by the Sea, Beach school volunteer, sailing, traveling.

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *Jana D. Helmes*

Date *Aug. 1, 2020*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____



AUG 18 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address:

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when? Lee Co. Parks & Rec. Advisory Comm. 2004

Why are you seeking appointment to this board or committee?

Having served on BORCAB since it was formed, I humbly request your consideration to continue. I offer historical perspective and serve as a resource regarding past & future activities. We have a strong Board, work well together, respecting one another's views. We're moving forward with plans for the redevelopment of our six acre campus to take place over the next several years. We welcome community input with this Project.

Community Involvement:

Currently serve on BORCAB & CELCAB; participate in Town events (parades, festivals, birthdays) when these events are available; serve as a Director for Estero Island Historical Society; am President of Friends of the Library; Vice-Pres. and one of the founders of Matanzas Pass Preserve & honored to have one of its five paths bearing my name; active in Womans Club; Member of FMB Community Foundation; active REALTOR since 1968.

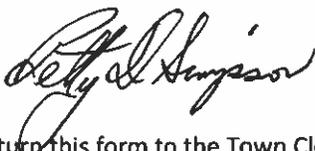
Interests / Activities:

AVIATION — COMMERCIAL PILOT, CFII LICENSE, YOGA, GOLF, BEACH WALKING, THEATRE, CHILDREN & GRAND CHILDREN.

As an active permanent resident of our Island for fifty five years, I have a vested interest IN FMB WITH A DESIRE TO HELP MAINTAIN & IMPROVE OUR ENVIRONMENTAL ISSUES.

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date August 16, 2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____



SEP 17 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I think Bay Oaks is an important part of the Fort Myers Beach Community. I have attended programs there in the past, along with my children. I think Bay Oaks has a lot of potential that is not being tapped into. I believe it could be an even bigger part of the community and there is a lot of room for growth there.

Community Involvement:

I have been active in the community thru my son playing on the Fort Myers Beach soccer and baseball teams since he was in first grade. He is now in high school. He attended Beach Elementary and Bay Oaks and is active on the beach. I want to be sure Fort Myers Beach is a safe place and continues to bring in revenue while being a "fun" island community for residents as well as tourists.

Interests / Activities:

Outdoor activities, bike riding, working out, singing, dancing, hiking, swimming, beach, reading, writing

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate. ✓

Signed *Holly Suber*

Date *9-14-2020*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____

JUL 23 2020

Received by: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I utilize B.O. on a daily basis, either via classes, weight room or pickleball. I also worked at B.O. in 2019. I am very interested in our B.O's facility and how it should evolve to best serve our community.

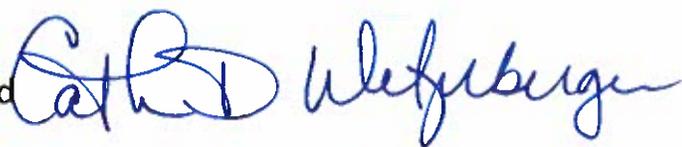
Community Involvement:

I have been a resident for 3 1/2 years, but only a homeowner within the last 4 months. I am very interested in getting more involved in the community and since I have a strong passion for athletics and B.O.'s, I thought this would be a great place to start.

Interests / Activities:

I play pickleball 4-5 times a week. I enjoy weight lifting and working out (at B.O's), Kayaking, biking and reading. I also enjoy leading fitness classes & led spin at B.O's. But this past season, left B.O's spin and I have been leading various classes at Beach Baptist instead.

You may attach a resume in addition to the above information. - Retired from Federal Gov't in 2014, worked as a retiree until 2016. Was a manager, Project leader & specialized in process improvement for systems.
I swear or affirm that all information on this form is true and accurate.

Signed 

Date 7/19/2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

1. **Requested Motion:**

Meeting Date: October 5, 2020

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

Why the action is necessary:

Four seats on the Cultural and Environmental Learning Center Advisory Board (CELCAB) expired September 30, 2020 leaving four vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statues, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(e) Cultural and Environmental Learning Center Advisory Board. The broad objectives of CELCAB are to ensure and promote the mission of the Mound House and Newton Beach Park to be accomplished through stewardship, advocacy and oversight according to best practices of museums and the requirement as stated in the Florida Communities Trust Agreements for each property. The CELCAB shall advise the Town Council on these matters or or any other topics as assigned by the Town Council.

There are currently seven members on the Cultural and Environmental Learning Center Advisory Board, four of whom have terms which expired September 20, 2020 (Hill/Simpson/Smith/Spuhler), leaving four vacancies. **Four members: Barbara Hill, Betty Simpson, Cheryl Smith and Lucille Spuhler have submitted applications for reappointment.**

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 18, 2020. **The Town received no new applications for CELCAB.**

During the annual process of appointments to individual advisory committees, it is appropriate

for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Hill, Barbara
2. Simpson, Betty
3. Smith, Cheryl
4. Spuhler, Lucille

Financial Impact:

None

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Deputy Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020



AUG 21 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when? CEL CAB since 2006

Why are you seeking appointment to this board or committee?

I believe my professional museum experience has and will continue to be a valued resource in guiding Mound House and Newton Park programs and operations. I have enjoyed serving on this advisory board as chair for a number of years.

Community Involvement:

Chair, CELCAB
Vice Chair, BORCAB
Resident of Fort Myers Beach 1954 - 1962; resident of Fort Myers Beach 2005 - to present. Parents were full time residents from 1954 to their passing.

Interests / Activities:

You may attach a resume in addition to the above information.

— SMILE —

I swear or affirm that all information on this form is true and accurate.

Signed *Barbara Hill*

Date *7/27/2020*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____ DATE: _____



AUG 18 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when? Lee Co. Parks & Rec. Advisory Comm. 2004

Why are you seeking appointment to this board or committee?

I would like to continue serving on CELCAB and humbly request your consideration. I feel my long history and continual participation, since my original appointment, enables me to be a beneficial member. We have an outstanding, diverse Board that works well as a team. Under Alison's guidance, we are watching both Mound House and Newton property grow into the Island Gems they are meant to be.

Community Involvement:

Currently serve on BORCAB & CELCAB; participate in Town events (parades, festivals, birthdays) when these events are available; serve as a Director for Estero Island Historical Society; am President of Friends of the Library; Vice-Pres. and one of the founders of Matanzas Pass Preserve & honored to have one of its five paths bearing my name; active in Womans Club; Member of FMB Community Foundation; active REALTOR since 1968.

Interests / Activities:

AVIATION - COMMERCIAL PILOT, CFII LICENSE, YOGA, BEACH WALKING, GOLF, THEATRE, CHILDREN & GRAND CHILDREN.

As an active permanent resident of our Island for fifty five years, I have a vested interest *IN FMB WITH A DESIRE TO HELP MAINTAIN & IMPROVE OUR ENVIRONMENTAL ISSUES,*

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date *August 16, 2020*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

AUG 25 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes No

Do you have unpaid fines or liens due the Town?

Yes No

Are you a registered voter within the Town's jurisdiction?

Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I have been with this project almost from the beginning + I love entire museum. I work as a docent also + the pride I have Adursing on the Board + Giving Tours fills me with pride + promote

Community Involvement:

Mound House (ELCAB + Docent - HAVE been on many Town committees, Library, Civic, etc. Am a charter member of the original Incorporation Committee that saw the Town of St. MYERS Beach incorporated in 1995.

the M.H. + brings in tourist + local

Interests / Activities:

Acrylic painting, reading, Kayaking, Swimming + diving. Love all sports - esp. FOOTBALL (Go Packers) TRAVEL as much as I can.

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed Cheryl L Smith

Date 8/21/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

JUL 30 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date: July 24, 2020

Name: Spuhler Lucille —
Last First Middle initial

Telephone Number: 239-765-6472

Email Address: ceelspuhler@comcast.net

Home Address: 7150 ESTERO BWD #607 Fort Myers Beach FL 33931

Mailing Address 7150 ESTERO BWD #607 Fort Myers Beach FL 33931

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)? CEL CAB

If yes, when is your term expiration? OCTOBER 2020

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when? CELCA B

Why are you seeking appointment to this board or committee?

I have been so fortunate to have been involved with the Wound House since the Town acquired it. Those first few years with Councils full backing, to see how it finally came on National Recognition ^{means so much to} this wonderful Town.

Community Involvement:

To have the opportunity to attend Council meetings as well as also being able to speak at Public Council if necessary I find a privilege - and to use this has meant a lot to me

Interests / Activities:

Swimming, biking, planning Adventure Trips

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed Suzie Spuler (Ceel)

Date July 24, 2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Suzie Spuler

Office Use:

Appointed: Yes _____ No _____

DATE: _____

1. **Requested Motion:**

Meeting Date: October 5, 2020

Appoint Members to the FY2020-2021 Marine Resources Task Force (MRTF)

Why the action is necessary:

Four seats on the Marine Resources Advisory Board expired September 30, 2020 leaving 4 vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statues, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter within the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(f) Marine Resources Task Force. The broad objectives of MRTF are to further the welfare of the citizens of the Town by helping to promote a better, more healthful, safe and attractive community environment and to ensure that the unique and natural characteristics of our marine resources are preserved; or any other topics as assigned by the Town Council.

There are currently seven members on MRTF, four of whom have terms which expired September 20, 2020 (Jeffreys-Heil/Holmes/Johnson/Rusk), leaving four vacancies.

Two members: Steve Johnson and Jennifer Rusk have submitted applications for reappointment.

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 18, 2020. **There are four new applicants for MRTF: Terry Carling-Kelly, Robin Gornto, Robert Howell and Rose Larkin.**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Carling-Kelly, Terry
2. Gornto, Robin
3. Howell, Robert
4. Johnson, Steve
5. Rusk, Jennifer
6. Larkin, Rose

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

Appoint /reappoint members to the committee

8. Recommended Approval:

Amy Baker, Deputy Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020



SEP 4 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Give back to Fort Myers Beach area

Community Involvement:

Note;
e-mail field not working on form
terryck@gertck.com

Interests / Activities:

Boating & biking

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *Terry Carling Kelly*

Date

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____



SEP 2 - 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address:

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I CARE DEEPLY ABOUT THE ENVIRONMENT + LIFE HERE ON FMB. I'VE BEEN COMING HERE SINCE I WAS AN INFANT, LIVE FULL TIME HERE 5 YRS - THE WATER QUALITY IS DRAMATICALLY DIFFERENT + I WON'T EAT FISH FROM THE

Community Involvement: WATER AROUND OUR ISLAND.

WATER QUALITY TESTING TWICE ANNUALLY.

Interests / Activities:

CLEAN WATER, CLEAN AIR, CLEAN BEACHES.
WALKING MY DOG, READING

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 8/31/2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____

AUG 26 2020

Received by: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I feel with my background and experience I will be able to bring alot of great ideas and insite into many of the topics and issues this task force oversees. Because of this I am hoping to make a lasting difference for our bay and beaches in the area.

Community Involvement:

I work daily with CROW, Calusa waterkeepers, Mote Marine Laboratory, and FWC. I am a local Naturalist dedicated to the preservation of our ecosystems and the continued positive practices of eco-tourism.

Interests / Activities:

Including BUT not limited to
Diving, Education, Craft hobbies, Hiking, Learning, Teaching, Helping all in need.

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 8/25/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date: 8/12/2020

Name: Johnson Steve A
Last First Middle initial

Telephone Number: (630) 880-1023

Email Address: SAJohnson311@gmail.com

Home Address: 311 Seminole Way, Fort Myers Beach, FL 33931

Mailing Address:

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)? Marine Resource Task Force

If yes, when is your term expiration? October 2020

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Community Involvement:

Interests / Activities:

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 8/12/2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____

SEP 09 2020

Received by: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when? MRTF

Why are you seeking appointment to this board or committee?

To better help the community I live in.

Community Involvement:

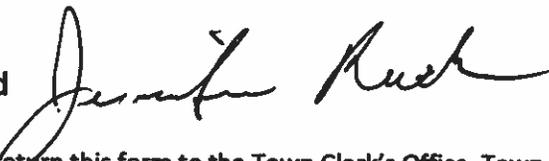
Turtle Time Inc. Three days a week
Beach Clean ups.
wildlife rescue

Interests / Activities:

my interests.. Diving, walking the beach,
bike riding, hiking and spending time
with friends and family.

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 9/9/20

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____



SEP 14 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I have lived on a canal on FMB for a little over 35 years. During that time I have seen a drastic decline in the wildlife population. My career has been in the field of education so I feel that I could be an asset to the Marine Resources Task Force by helping educate the public (both residents and visitors) on better environmental practices.

Community Involvement:

Locally, I have only contributed by participating in Keep Lee County Beautiful events, the National Seashell Day in 2018 to help establish a new Guinness World Record, and the two day Leadership Conference in 2019 sponsored by the Community Resource Advisory Board.
On the state level - see attached page

Interests / Activities:

See attached page (this box was not "working" properly for me)

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *James A. Linder*

Date *9/10/2020*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____

Community Involvement continued...

At the state level:

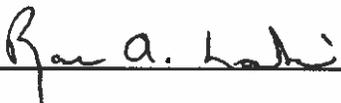
I have been on the executive board of Florida Professional Association of Staffing Specialists for 6 years (my term in office ended June 30, 2020) and a team member on a Florida Department of Education division for the Bureau of Exceptional Education and Student Services (which ended June of 2019).

Interests/Activities:

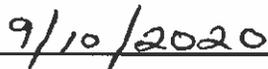
Traveling (both for exploring nature or ancient civilization sites), snorkeling and scuba diving, playing piano, and creating a butterfly garden

Additional Information

I worked for the School District of Lee County from 1985 – 2006 as a middle/high school special education teacher and from 2006 – 2018 as an ESE staffing specialist. I am currently retired.



Rose A. Larkin



Date

1. **Requested Motion:**

Meeting Date: October 5, 2020

Appoint Members to the FY2020-2021 Public Safety Committee (PSC)

Why the action is necessary:

Four seats on the Public Safety Committee expired September 30, 2020 leaving 5 vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Per Sec. 2 of Ordinance 18-06:

Qualifications and Appointment of members

In addition to qualification, which may be specified for membership by state statues, charter, ordinance or resolution, a person appointed to an Agency, Board, Committee or Commission shall give preference to a registered voter withing the Town's jurisdiction or a property owner within the Town's jurisdiction. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or who have shown interest in the subject matter. In the event that any member is no longer a qualified elector, or is convicted of a felony, an offense involving moral turpitude which in office or has unpaid fines or liens due the Town of Fort Myers Beach, the Town Council shall terminate the appointment of such person as a member of the agency, board, committee or commission.

(g) Public Safety Committee. The PSC shall address any safety and transportation issues specifically assigned to the committee by the Town Council for the purpose of the health, safety and welfare of the citizens and visitors to the Town of Fort Myers Beach. The committee shall review, discuss and evaluate the most significant safety and transportation issues within the Town. The PSC shall advise the Town Council on these matters or any other topics as assigned by the Town Council.

There are currently seven members on the Public Safety Committee, four of whom have terms which expired September 20, 2020 (Goggin/Fleming/Jungwirth/Scott), leaving four vacancies.

Three members: Heidi Jungwirth, John Goggin and Edward Scott have submitted applications for reappointment. Ron Fleming has resigned from the committee.

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 18, 2020. **There is one applicant for PSC: Holly Tribble**

During the annual process of appointments to individual advisory committees, it is appropriate for Town Council to review the committee structure and consider opportunities to combine certain committees to increase effectiveness and reduce overlap.

Attachments:

1. Goggin, John
2. Jungwirth, Heidi
3. Scott, Edward
4. Tribble, Holly

Financial Impact:

None

6. Alternative Action

Do not appoint/reappoint members and advertise for the vacancies

7. Management Recommendations:

8. Recommended Approval:

Amy Baker, Deputy Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020



Town of Fort Myers Beach

AUG 27 2020

Town of Fort Myers Beach

Received by: _____

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date: 8-25-2020

Name: GOGGIN JOHN Middle initial

Telephone Number: 518 573 3800

Email Address: GOGGIN.JE@gmail.com

Home Address: 220 Hibiscus DR FMB 33931

Mailing Address SAME

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)? Public Safety + Audit

If yes, when is your term expiration? 2020 / 2021

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
Audit Committee
Bay Oaks Recreational Campus Advisory Board
Community Resource Advisory Board
Cultural and Environmental Learning Center Advisory Board
Local Planning Agency
Marine Resources Task Force
Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

Continue to follow thru on current projects

Community Involvement:

Audit + Public Safety Committees
> 2 years

Interests / Activities:

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 8-28-2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____

To Fort Myers Beach Town Council,

Please accept my application to be reappointed as a member of the Public Safety Committee. I am a full-time resident of Fort Myers Beach with over 50 years of experience working in and with governments around the globe. As an executive with New York State my experiences included, serving as the design architect and implementation Director for modernizing NYS Tax Administration systems, created an International Tax Cooperative to achieve compliance with federal mandates and oversaw the execution of the Governor's Executive Order to consolidate the NYS's multiple Human Service systems under a single organization. I was Senior Vice President for the research company Meta Group, with global responsibilities for developing the public sector research agenda and accountable for the profitability of the government consulting practice. As Director of Cisco System's State, & Local Government, Education global pro bono public sector consulting practice, I lead a team whose mission, was to work with world leaders to provide organizational and individual guidance, strategic thinking and the planning necessary to resolve significant economic and social issue.

I currently serve as Chairman of the Public Safety Committee and would like to see the completion of several projects presently underway, including Safe Haven Shelters, Design of Crosswalks in the Downtown area and the Estero Blvd. street and crosswalk lighting study.

I am also currently serving on the Audit Committee so I would once again request a waiver to serve on both.

I will make myself available to any Council and Committee member wishing to explore my experience or my thought process more thoroughly.

John Goggin
220 Hibiscus Dr.
Goggin.je@gmail.com
518-573-3800



SEP 17 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.
Please type or print clearly.

Today's Date: 09/08/2020

Name: Jungwirth Heidi A
Last First Middle initial

Telephone Number: 915 617 0696

Email Address:

Home Address: 145 Madison Ct #2 Fort Myers Beach FL 33931

Mailing Address // //

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)? PSC

If yes, when is your term expiration? Oct - 2020

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office?

Yes No

Do you have unpaid fines or liens due the Town?

Yes No

Are you a registered voter within the Town's jurisdiction?

Yes No

Are you a resident within the Town's jurisdiction?

Yes No

Are you an owner of real property within the Town's jurisdiction?

Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency?

Yes No

If yes, what board, etc., and since when?

[Empty box for board name and dates]

Why are you seeking appointment to this board or committee?

I would like to continue my involvement with the PSC committee

Community Involvement:

[Empty box for community involvement]

Interests / Activities:

[Empty box for interests and activities]

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed

[Handwritten Signature]

Date

9/17/2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:

Appointed: Yes _____ No _____

DATE: _____



SEP 9 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when? LIBRARY - 2017

Why are you seeking appointment to this board or committee?

[Empty box for response]

Community Involvement:

[Empty box for response]

Interests / Activities:

[Empty box for response]

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed Edward W. Smith

Date 9/9/2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____



SEP 17 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address:

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)?

If yes, when is your term expiration?

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
- Bay Oaks Recreational Campus Advisory Board
- Community Resource Advisory Board
- Cultural and Environmental Learning Center Advisory Board
- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I chose this committee because I think the Fort Myers Beach community has untapped potential that would improve the overall quality of life on the beach for residents as well as tourists.

Community Involvement:

I have been active in the community thru my son playing on the Fort Myers Beach soccer and baseball teams since he was in first grade. He is now in high school. He attended Beach Elementary and Bay Oaks and is active on the beach. I want to be sure Fort Myers Beach is a safe place and continues to bring in revenue while being a "fun" island community for residents as well as tourists.

Interests / Activities:

Outdoor activites, bike riding, working out, singing, dancing, hiking, swimming, beach, reading, writing

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate. ✓

Signed *Hally Faber*

Date 9-14-2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
Appointed: Yes _____ No _____

DATE: _____

1. **Requested Motion:**

Meeting Date: October 5, 2020

Appoint Members to the 2020-2021 Local Planning Agency (LPA)

Why the action is necessary:

Three seats on the Local Planning Agency expired September 30, 2020 leaving four vacancies on the committee.

What the action accomplishes:

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Ordinance 09-08 amended the membership terms of the Local Planning Agency, providing membership to composed of no less than five members and no more than seven.

There are currently six members on the Local Planning Agency, three of whom had terms which expired on September 30, 2020 (Critser/Heil/Safford), leaving four vacancies. **Three members: Forrest Critser, Megan Heil and Scott Safford have submitted applications for reappointment.**

Additionally, staff has notified the community of the upcoming vacancies on all Town advisory committees and boards and encouraged new members to apply by the close of business on Friday, September 18, 2020. **The Town received three new applications for the Local Planning Agency: Holly Tribble, Patrick Vanasse and Karen Woodson.**

Attachments:

1. Critser, Forrest
2. Heil, Megan
3. Safford, Scott
4. Tribble, Holly
5. Vanasse, Patrick
6. Woodson, Karen

Financial Impact:

None

6. **Alternative Action**

Do not appoint/reappoint members and advertise for the vacancies

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Deputy Town Clerk
John R Herin Jr, Town Attorney
Amy Baker, Deputy Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 9/28/2020
Approved - 9/28/2020
Approved - 9/28/2020
Final Approval - 9/30/2020

SEP 10 2020

Received by: _____



Town of Fort Myers Beach

Advisory Boards and Committees Application

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Today's Date:

Name:
Last First Middle initial

Telephone Number:

Email Address:

Home Address:

Mailing Address

(if different from home address):

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If yes, which committee(s)?

? If yes, when is your term expiration?

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- Local Planning Agency
- Marine Resources Task Force
- Public Safety Committee

Have you been convicted of a felony, an offense involving moral turpitude while in office? Yes No

Do you have unpaid fines or liens due the Town? Yes No

Are you a registered voter within the Town's jurisdiction? Yes No

Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

After my recent campaign for Town Council I have become aware of the need for more involvement of the average citizen in bringing new leadership to our town and would like to be a part of creating a brighter future for the Town of Ft Myers Beach.

Community Involvement:

Current member of Community Resource Advisory Board and Local Planning Agency
Member of Beach Baptist Church involved in all community activities

Interests / Activities:

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *Forest E. Carter*

Date *9-8-20*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com



AUG 28 2020

Received by: _____

Town of Fort Myers Beach

Advisory Boards and Committees Application

Complete one form for each application/committee appointment. Your application will be a public record subject to disclosure on request.

Please type or print clearly.

Today's Date: 08/25/2020

Name: Heil Megan M
Last First Middle initial

Telephone Number: 513-616-4822

Email Address: heilmegan@gmail.com

Home Address: 161 Hibiscus Dr, Fort Myers Beach FL 33931

Mailing Address: _____

(if different from home address):

Are you currently serving on any of the Town's committees? Yes No

If yes, which committee(s)? LPA

If yes, when is your term expiration? 10/1/2020

I am applying for appointment to: (Check one)

- Anchorage Advisory Committee
- Audit Committee
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- Community Resource Advisory Board
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Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I am seeking reappointment to the LPA. We have a many changes coming with the LDC and Comp Plan consultant and would like to continue in my role.

Community Involvement:

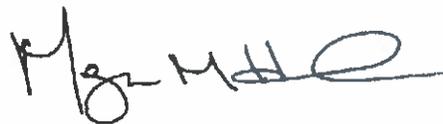
Current Chair of LPA.

Interests / Activities:

SKIING, SCUBA DIVING, GOLF, BOATING

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 8/25/2020

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Office Use:

Appointed: Yes No

DATE:



SEP 10 2020

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Town of Fort Myers Beach

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Are you an owner of real property within the Town's jurisdiction? Yes No

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If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I have enjoyed the last 4 years serving on the LPA. We have accomplished many things and I feel that we will be able to accomplish even more in the next two years.

Community Involvement:

Volunteer for FMB Friends of the Arts, Sand sculpting, and Taste of the Beach. Captains for Clean Water and 4 Ocean retailer. FMB Chamber member

Interests / Activities:

Travel, boating, tennis and golf. Enjoy showing off our island to guests, friends and especially my grand children

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Sutton Siffert

9/10/2020

Signed

Date

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

Office Use:
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SEP 17 2020

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Town of Fort Myers Beach

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Community Involvement:

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Interests / Activities:

Outdoor activites, bike riding, working out, singing, dancing, hiking, swimming, beach, reading, writing

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate. ✓

Signed *Hally Kelly*

Date *9-14-2020*

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Office Use:
Appointed: Yes _____ No _____ DATE: _____



Town of Fort Myers Beach

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Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when? Lee County LDCAC (Land Development Code Advisory Comm.)

Why are you seeking appointment to this board or committee?

As a land use planner and beach resident I'm very interested in the upcoming Comprehensive Plan and Land Development Code updates.

Community Involvement:

Little League Board, Little League and Soccer Coach on FMB
ULI (Urban Land Institute) District Council Board
APA (American Planning Association) and AICP (American Institute of Certified Planners)
Bonita Springs Chamber of Commerce
REIS (Real Estate Investment Society)
Collier BIA (Building Industry Association)

Interests / Activities:

Father, husband, business owner/partner, hockey player, outdoor enthusiast

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed 

Date 6/15/2020

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com



EXPERIENCE SUMMARY

Mr. Patrick Vanasse, AICP, has more than 20 years of professional planning experience in Florida. He has worked on a wide variety of planning projects including: development and redevelopment, transportation initiatives, comprehensive planning, zoning, community plans, and environmental projects. He has a solid understanding of the planning process and embraces the opportunity to integrate transportation, growth management and urban design in order to develop vibrant communities and improve quality of life.

He has worked with numerous communities in developing land development regulations, comprehensive plan policy, corridor studies, community plans, and bicycle and pedestrian master plans.

As Director of Community Development for RWA, Mr. Vanasse oversees the planning department, and is responsible for providing consulting services to public sector and private clients. A significant amount of his time involves the design of and entitlement of residential communities and commercial projects in southwest Florida. Mr. Vanasse is also involved with several professional, business and civic associations in the area.

REPRESENTATIVE PROJECTS

Myakka River Park Master Site Plan – Team member involved in developing a comprehensive master plan to provide Charlotte County with a new park facility encompassing all their identified needs and wants; Charlotte County, FL.

Vincent Acres | Habitat for Humanity of Collier County | Collier County, FL

Managed the design and zoning approval of Habitat's flagship community. This innovative design provides enhanced recreation and open space, a system of interconnected sidewalks and pathways, neo-traditional design elements, an alternative street tree program and on-street overflow parking. RWA has worked with Habitat for close to two decades and fully supports their mission to provide affordable/workforce housing in Collier County.

Immokalee CAT Superstop & Transfer Station - Principal in Charge overseeing a Conditional Use approval to allow for improved transit level of service for the Immokalee Community; Collier County, FL

Comprehensive Pathways Plan Update | Collier MPO | Collier County, FL – Project Manager for the major update to the county-wide pathways plan originally developed in 2006. The project entailed extensive data collection and analysis, public involvement, identification of goals and objectives and development of a needs plan, project prioritization methodology and implementation recommendations.

How to Grow in East County | Charlotte County, FL – Oversaw development of a planning guide for Charlotte County's rural and agricultural lands. The resulting planning guide provides growth management recommendations that seek to provide balance between competing interests and allow future growth and economic development to occur in a sustainable manner that protects natural resources and supports the economic viability of agriculture.

Bicycle Pedestrian Master Plan | Lee County MPO | Lee County, FL – Project Manager leading a diverse team of professionals (VHB, Rails to Trails Conservancy and Borelli + Partners) selected to develop a comprehensive Bike/Ped Master Plan for Lee County. The project entailed extensive data collection and analysis, public involvement, and development of a needs plan, evaluation matrix and an implementation plan.

Immokalee Public Realm Plan | Collier County, FL - Responsible for the development of the CRA's Public Realm Plan. It establishes a distinct "brand" for Immokalee, and defines a pedestrian and bicyclist friendly streetscape for Immokalee's downtown. It provides a detailed analysis of existing conditions and bicycle and pedestrian safety conditions. Specifically, the streetscape aims to minimize bicycle and pedestrian conflicts by incorporating bike lanes, enhanced sidewalks, "bump outs", lighted mid-block pedestrian crossings, Florida-friendly landscaping, and new way-finding and signage.

Catalyst Sites | Bayshore Gateway Triangle Community Redevelopment Area | Collier County, FL – In charge of design team that developed conceptual site plans for two catalyst projects within the CRA. This highly successful work received wide support from the client, stakeholders and local government staff and has attracted the attention of interested development entities.

EDUCATION:

York University, Toronto Ontario |
Masters in Environmental Studies
| Urban and Regional Planning
Concentration | 2002

Concordia University, Montréal
Quebec | Bachelors of Arts in
Economics | 1994

John Abbott College, Montréal
Quebec | Diplome D'Étude
Collegiale Commerce | 1991

REGISTRATION /LICENSES:

American Institute of Certified
Planners (AICP) #019432 | 2003 –
Present

PROFESSIONAL AFFILIATIONS:

American Planners Association |
2001 – Present

Florida Chapter of the American
Planners Association | 2001 –
Present

Florida Planning and Zoning
Association | 2007 – Present

Lee County Building Industry
Association | 2003 – 2007

Lee County Land Development Code
Advisory Committee| Chairman |
2007 – Present

Bonita Springs Chamber of
Commerce, Board of Directors,
Government Advisory Committee |
2008 – Present

Real Estate Investment Society,
Southwest Florida | 2006 – Present

Florida Redevelopment Association
(FRA) | 2009 – 2012| SW FL
Representative

Urban Land Institute (ULI) | 2009 –
Present

MAY 20 2020

Received by: _____



Town of Fort Myers Beach

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Are you a resident within the Town's jurisdiction? Yes No

Are you an owner of real property within the Town's jurisdiction? Yes No

Are you currently serving on a board, authority, committee or commission for another governmental agency? Yes No

If yes, what board, etc., and since when?

Why are you seeking appointment to this board or committee?

I am extremely interested in the future direction of Fort Myers Beach. I have 35+ years of Corporate Human Resource experience which gives me valuable insights into human behavior. My husband and I moved here permanently 9/18 from Minneapolis, MN but purchased our property 1/16 because of our love of the island. I want to play an important part in our planning, compliance and island life.

Community Involvement:

Currently I'm a member of BORCAB, Friends of the Arts board and Vice President of Friends of Lovers Key board. Also an active member of Captains for Clean Water

Interests / Activities:

Decorating/Interior Design, Cooking, Biking, Physical Fitness, Event Planning

You may attach a resume in addition to the above information.

I swear or affirm that all information on this form is true and accurate.

Signed *Karen K. Woodson* Date *5/20/20*

Please return this form to the Town Clerk's Office, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931 www.fmbgov.com

KAREN K. WOODSON
820 3rd Street
Fort Myers Beach, FL 33931
Kwoodson@aol.com
612.802.8349

PROFESSIONAL PROFILE

An energetic, resourceful builder and manager of human resource services and systems. Effective contributor to the organization's bottom line. A strategic partner who places strong emphasis on human capital assessment and development, quality and customer satisfaction. Experience includes:

- Recruitment and Selection
- Organizational Design
- Training and Development in a Cross-Functional Team Environment
- Employee Relations and Orientation
- Performance Management
- Compensation and Benefits
- Policies and Procedures Development
- Legal Compliance and Risk Management
- Champion of Progressive/Human Capital Corporate Culture

CAREER HISTORY

United Health Group, Minneapolis, MN
Director, Talent Acquisition Partner

2008 – 2018

Led Talent Acquisition staffing, internal consulting and project planning for the government businesses of UnitedHealth Care; Medicare, Medicaid and Military. Annual ramp of Medicare Sales and Customer Service teams for open enrollment (2500 hires annually). Expansion into 35 states for the Medicaid business (70,000 hires). Fulfilled Military contract commitment for the TRICARE West division (5000 hires). Member of the Talent Acquisition Leadership Team.

Regis Corporation; Minneapolis, MN
Director, Talent Management

2005 – 2007

Created talent management/talent acquisition infrastructure and selection process for the corporate office of this industry leader in salon services. Managed a team of 5 people in recruitment of exempt and non-exempt employees. Led the design and implementation team for the Authoria Recruitment database management system, resulting in \$1.2 million savings in outside agency fees for direct hires the first year. Negotiated preferred vendor contracts for overload services reducing margins by 35%.

Olson + Co., Inc.; Minneapolis, MN
Human Resource/Office Director

2003 - 2005

Provided all human resource generalist services and office management responsibilities for this privately held advertising/brand management firm; member of the Management Team. Refined company's Mission and Values statement to reflect the true company culture and direction; incorporated values into the existing performance management system. Implemented recruitment and selection process for exempt and non-exempt employees. Interviewed and selected new benefit broker. Revamped health and welfare benefit plans for October, 2003 and 2004 open enrollments. Developed and implemented legally compliant Employee Manual. Initiated confidential employee survey process in conjunction with The Twin Cities Business Journal. As a result, the company was a recipient of the "Great Places to Work" award both in August 2003 and August 2004.

Human Resource Consulting
Independent Consultant

2001 – 2003

Developed relationships with client companies and provided services in the areas of recruitment strategies, nationwide search and project management; professional, exempt employees.

Zamba Corporation; Minneapolis, MN
Chief People Officer; Vice President, Human Resources

2000

Created human resource infrastructure for this national systems integration consulting firm. Member of the Executive Leadership Team. Expanded internal recruitment/retention function from one local recruiter to six, nationwide. Created and implemented the compensation and performance management system for September 2000 focal review process. Revamped 2001 health and welfare benefits from 13 plans and 5 administrators to a single national provider with one administrator, providing better coverage for employees while significantly reducing costs for the company. Developed company-wide policies and procedures handbook.

Select Comfort Corporation; Minneapolis, MN
Vice President, Human Resources (10/95-1/00)
Director, Human Resources (2/93-10/95)

1993 – 2000

Created and developed the human resource function from the start-up phase, 9 employees, to 2000 nationwide. Member of the Senior Management Team. A participative manager emphasizing organizational and individual development, team building/training, and learning organization concepts. Directly supervised 4 Directors covering disciplines of recruitment and selection, training and development, compensation and benefits, and legal compliance/generalist services. Total scope of responsibility included 35 staff members in Minnesota and 2 Generalists in South Carolina and Utah.

Andcor Human Resources; Minneapolis, MN
Account Manager (Support Staff, Inc. merger)

1988 – 1993

Developed relationships with designated client companies by understanding their organization's culture and needs. Introduced creative, proactive solutions and services to clients; these services included: search/recruitment, contract services, and general human resource consulting. Effectively improved client's hiring processes, new employee orientation, performance management, career planning and development, employee retention and succession planning. Identified and managed the account team for each project. Serviced staffing requirements for positions of all levels and areas of expertise.

Support Staff Inc.; Minneapolis, MN
General Manager

1985 – 1988

Involved in all phases of this start-up organization providing recruitment and staffing services to organizations throughout the Twin Cities. Developed profitable new business from a zero-client base. Planned and executed marketing programs in a highly competitive industry. Hired, trained, and supervised recruiters on an ongoing basis.

PROFESSIONAL ASSOCIATIONS AND COMMUNITY ACTIVITIES

- *Human Resource Professionals (HRP)*, member
- *Leader's Circle*, professional women's leadership/development association, member
- *Society for Human Resource Management (SHRM)*, member
- *United Way of Greater Minneapolis*; corporate sponsor of Leaders in Giving program, member of Activities Planning Committee, Promotion/Planning Committee, Speakers Bureau, Loaned Executive
- Current Member *Bay Oaks Recreational Campus Advisory Board (BORCAB)*, *Friends of the Arts (FOA)* and Vice President of *Friends of Lovers Key (FOLK)*