



Fort Myers Beach Town Council

**Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931**

Minutes

Monday, April 21, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Safford and Council Member Woodson.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Town Attorney Stuparich requested a continuance to May 5, 2025, for the Lien Reduction Request under Public Hearings.

Regarding the Administrative Appeal under Public Hearings, she stated that the building official was unable to attend the meeting today to answer questions. She added that relevant information was omitted from the agenda materials. If the appeal is continued to May 5, they will have the information.

Council Member King moved to approve the final agenda, seconded by Council Member Safford.

The motion carried unanimously.

V. PUBLIC COMMENT

Tom Brady, resident and President of Protect FMB, distributed a handout and described his work experience. He explained that the Seagate appeal was not a lawsuit; they asked for a review of the town council's decision. He noted they do not attack the organizations' whistleblowers and are not against development.

They do not support Seagate because it has 17 stories and has not received the approval of the LPA (Local Planning Agency). They trusted council members to make a good decision and he urged them to stop mischaracterizing Protect FMB. Jim Boan, resident and President of the HOA, discussed whether St. Peter's Drive was private or public. After the three hurricanes, it was clear that the drainage issues had to be addressed. He described the work the town did to address the drainage. Operations & Compliance Director Frankie Kropacek confirmed that the

road was still privately owned. Mr. Boan noted that St. Peter's has been open to the public and the town maintained the road and right-of-way. The HOA requested that the town consider accepting ownership of the road and the right-of-way.

Bill Veach, resident, noted that the development agreement with exceptions had been passed and thought it was a good idea to review if it was doing what it was supposed to do. The development agreements were supposed to help the little guys offset expenses, but he saw only big projects using them. He suggested putting a cap on what one can ask for and making it so it works for smaller projects. He urged the town to look into adopting the Lee County lobbyist rules because they were a lot more rigid. He felt that it seemed like the developers had the town council's ear through prolonged meetings and negotiations outside the public eye. There was not a lot of public input outside of what happened in council. He encouraged them to have town halls and sit down with constituents to find out what people thought about the way the town was going.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Atterholt noted that the Anchorage Advisory Committee (AAC) was having the Cruiser's Appreciation Day on Sunday at Bayside Veterans' Park from 1:00 p.m. to 3:30 p.m. The event was to thank and support those who utilize the Mooring Field.

Council Member King thanked the town staff for their efforts on Friday, regarding the town manager hiring process. He thanked Finance Director Joe Onzick for his time with the town.

No items from other members.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. PRESENTATION

A. Donation - Road to Paradise

Restore Fort Myers Beach Arches, Inc. Steven Ray McDonald and Earl Morgan Presentation of Arches Painting

Ray McDonald described picking up pieces of the arches after they were torn down in 1979. He presented an oil painting of the arches painted titled "Road to Paradise" by Jan Ellen Atkielski for display at the new Town Hall. He stated this painting was made possible through a donation from the Freeland family. Lee County Commissioner, David Mulicka, remembered being on the swing bridge when he was young. The county will help build the arches and the memorial structure at Bowditch Park. Mr. McDonald invited everyone to the Erickson & Jensen seafood docks on May 3 for a Cinco de Mayo event.

B. Florida Department of Transportation (FDOT)

Bridge Construction updates

Ethan Pervis from the Florida Department of Transportation explained what was happening on San Carlos Blvd. He utilized PowerPoint for his

presentation. Slides included Project Limits, Project Improvements & Goals, Project Update and Community Engagement. The project was estimated to be completed by Fall 2025. Project Administrator Edgar explained how the bridge traffic would change after the project was done.

A discussion was held regarding the possibility of opening two lanes of traffic for people leaving the beach and other engineering questions. Project Administrator Edgar could not answer some of the questions and indicated he would get back to them. Vice Mayor Atterholt hoped that Communications Director, Nicole Berzin could post the pictures to the town's website to help educate people. Mayor Allers asked if they could obtain the traffic automation that showed the traffic flow with cars and arrows to post to the town's website. Mr. Pervis will contact Community Outreach Specialist Katelyn Carmona to send it and other educational materials.

IX. APPROVAL OF MINUTES

A. Approval of Minutes - April 7, 2025

Council Member King moved to approve the minutes, seconded by Council Member Safford.

The motion carried unanimously.

B. Management & Planning Session - April 9, 2025

Council Member King moved to approve the minutes, seconded by Council Member Safford.

The motion carried unanimously.

X. CONSENT AGENDA - NO ITEMS

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

A. Request for Lien Reduction - 8124 Estero Blvd.

Request for Reduction and Forgiveness of a Code Enforcement Lien/Fine for Property Located at 8124 Estero Blvd, Fort Myers Beach, FL by Dennis Prock, represented by Attorney Noel Davies

Mayor Allers read the request. Town Attorney Stuparich requested a continuance to May 5, 2025, to discuss an alternative resolution. Attorney Noel Davies indicated that things would be worked out by then.

Council Member Woodson moved for a continuance to May 5, 2025, seconded by Council Member King.

The motion carried unanimously by roll call vote.

B. Appeal of 213191 Widgeon Terrace**Administrative Appeal of Building Permit # 242333 / 234477
(Construction of Swimming Pool)****Appellant: Himmelstein Associates, LLC****Property Owner: Todd R. Plaisted****Property Address: 21391 Widgeon Terrace**

Mayor Allers read the item. Town Attorney Stuparich stated that some items were omitted from the agenda packet. The building official was unable to attend the meeting and it was his final decision. She felt he needed to be available to answer questions.

The applicant and his attorney were not in attendance. Attorney Robert Burandt stated the appeal was outside 30 days and it was sent to the wrong party. He asked why they would continue it instead of dismissing it. He thought the appeal should have gone before the magistrate. Town Attorney Stuparich agreed but indicated that the council did not have an opportunity to review supporting documents regarding the representation. She did not want to discuss any issues without the appellant there.

Council Member King moved that they dismiss the administrative appeal, seconded by Council Member Woodson.

Town Attorney Stuparich commented that there was a reference to the town's response in the packet and she reviewed other issues that have occurred since the appeal was filed on November 15, 2024. The appeal was filed in December, but the review process was transferred to the special magistrate. Attorney Burandt stated that the council had already discussed these issues at a past meeting and denied it. The appellant filed a petition in the circuit court and has no say now. They were still waiting for a decision from the judge. He asked that they dismiss the appeal because it was too late. Council King amended his motion.

Council Member King moved to deny the administrative appeal, seconded by Council Member Woodson.

The motion carried 4-1 by roll call vote, with Vice Mayor Atterholt dissenting.

XIII. ADMINISTRATIVE AGENDAA. Extension of Town Manager's Employment Contract

Approve an amendment to the Town Manager's contract, extending the term for additional 30 day periods as needed with a \$1,000 pay adjustment for each 30 day period extension.

Town Manager Hyatt stated he would continue for 30 days with the option for another 30 days.

Mayor Allers moved to approve the amended contract for 30 days with an additional \$1,000.00, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

- B. Resolution 25-125, Ratification of Task Orders 3 & 4 CDBG-DR Administration

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO RATIFY AND APPROVE TASK ORDERS 3 & 4 WITH TIDAL BASIN FOR CDBG-DR GRANT ADMINISTRATION SERVICES IN THE AMOUNTS OF \$163,864.57 AND \$291,785.90; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Kropacek explained that the funds had already been built into the grant and were not coming out of the town's budget. The resolution is 25-124, not 25-125.

Council Member King moved to approve the resolution, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

XIV. FINAL PUBLIC COMMENT

Ed Rood, resident, clarified that he was not against Protect FMB. He discussed the process of getting projects approved. He had full confidence in the town council to make decisions. He did not agree with them filing a lawsuit against the town. He asked the town attorney to explain to the council why she feels the way she does.

XV. TOWN MANAGER'S ITEMS

Town Manager Hyatt stated they would have to schedule a special meeting to ratify the new town manager's contract. A resident survey will be online tomorrow and he encouraged everyone to participate.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich learned there might be disagreements about who owned St. Peters Road. She felt more research was needed to determine whether it was private or public. Mr. Boan repeated that the HOA wanted the town council to take over the road and right-of-way.

Vice Mayor Atterholt moved that the council consent to allow the town attorney to work with Mr. Boan to see if they can reach a resolution, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

- A. Resolution 25-123, Community Redevelopment Agency (CRA)

Town Attorney Stuparich read the title of the resolution. She explained that the purpose is to put on the record that the town has begun creating a CRA before the legislature prohibits it in July 2025. Council Member King commented that he received information from the Florida League of Cities that the legislature may remove the ban on creating new CRAs.

Council Member Woodson moved to approve the resolution, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford asked whether they would be interested in spending one day at the town hall for a couple of hours so people could talk to them. Vice Mayor Atterholt suggested having a place to sit and talk to constituents would be nice and he was open to the idea. All town council members agreed. Town Manager Hyatt noted there was a conference room in the new town hall designated for council members and other spaces available.

Council Member Woodson will meet with the town attorney to discuss the contract with the new manager afterward. She addressed Ed Rood's concerns and asked the town attorney to explain her position. Town Attorney Stuparich explained that they would be curtailing First Amendment rights and they would put themselves at a legal risk. She explained why they should not ask individuals to give up their constitutional rights if they want to participate in some committees. Mayor Allers stated he would never support something like that. He did not think the issue needed to go any further.

Council Member King reported that a fishing pier would not be at the Big Carlos Pass Bridge, but he will research whether there will be a pier on the north bridge. He asked the council to consider annexing San Carlos Island. He received support to discuss it at an M&P. Town Attorney Stuparich will prepare background information for the M&P.

No items from other members.

Town Manager Hyatt stated it could be a few weeks before the town hall was ready. Community Services Director Jeff Hauge explained what was going on with the piles behind the town hall.

XVIII. ADJOURNMENT

Council Member King moved to adjourn, seconded by Council Member Safford. The motion carried unanimously.

The meeting was adjourned at 10:48 a.m.

Minutes adopted as presented, May 19, 2025. Motion by Council Member King and seconded by Council Member Safford. Passed 5-0.



Amy Baker (Jun 6, 2025 14:44 EDT)

Amy Baker, Town Clerk