Fort Myers Beach Town Council

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

Minutes **Monday, May 19, 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

Add a discussion on the school interlocal agreement under Town Attorney's Items and move the discussion under Council Member Items and Reports after public comment.

Council Member King moved to approve the amended agenda, seconded by Council Member Woodson.

The motion carried unanimously.

V. SWEARING IN CEREMONY

William McKannay, Town Manager

Town Clerk Amy Baker swore in William McKannay as Town Manager.

VI. PUBLIC COMMENT

John McLean, resident welcomed the new Town Manager and his wife and thanked Town Manager Andy Hyatt for his service.

Matt Price contributed $47,000.00 for the fireworks and described other ways his business supported the community.

Jennifer Rusk, resident, opposed the development on Miramar Street because it would affect her quality of life, enjoyment and safety. There is a hole on Miramar St. and the sand used to fill it was not working. She noted an influx of flies on her street and they were getting into her house. Lee County told her they may have issues with the stormwater drains. She asked the town to check out the situation.

Patrick Vanasse, resident, thanked Mayor Allers for speaking on behalf of the beach school and Vice Mayor Atterholt for participating in the ad hoc committee. He stated that on June 3, 2025, a third party will discuss the viability of the beach school at a school board meeting. He asked the community to attend the meeting. Kerri Hendry represented the Beach Kids Foundation and noted that they needed to keep the school and maintain the community.

Jenna Persons-Mulicka thanked Town Manager Hyatt for his service and welcomed the new Town Manager.

Judy Haataja was there on behalf of the Beach Kids Foundation and thanked Vice Mayor Atterholt for what he did to try to get the school back. She noted that the school was critical to the community.

Howie thanked everyone for all the good they did. He welcomed the new town manager and was sorry to see Town Manager Hyatt leave.

Vice Mayor Atterholt provided an update on where they were regarding the beach school for those who may not stay for the discussion towards the end of the meeting. He encouraged everyone to reach out respectfully to the School Board.

Council Member Safford moved to accept Mr. Price's contribution for the fireworks, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Atterholt addressed the sudden passing of his uncle, Jim Steele. He reviewed his career in Indianapolis and subsequently in Fort Myers Beach.

Council Member King welcomed the new town manager and thanked Town Manager Hyatt for his service.

Council Member Woodson met Mr. Steele after the hurricane and she sent her condolences. SOB had a grand opening last weekend and she commended them for what they did on the island.

Council Member Safford echoed comments and said Mr. Steele was a friend and guide to him. He sent his condolences.

Mayor Allers agreed with all comments.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Jennifer Rusk, Marine & Environmental Resources Task Force (MERTF) member, provided an update on the children's book. Almost 26,000 copies were distributed last year. The Community Foundation donated $4,000.00 to print more books.

She noted that QR codes would be added to the next batch. Seven sea turtle nests and 35 false crawls have been recorded so far. She reminded people not to go under the caution tape by the old Junkanoo. Mayor Allers asked whether MERTF could expand the book to include shells and MERTF Member Rusk will discuss it with MERTF.

IX. APPROVAL OF MINUTES

A. Town Council - April 21, 2025

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

The motion carried unanimously.

B. Town Council - May 5, 2025
On page 17 of the packet, Mr. Markman should be Mr. Merschman.
Council Member King moved to approve the amended minutes, seconded by Council Member Safford.
The motion carried unanimously.

X. CONSENT AGENDA - NO ITEMS

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures. Town Clerk Baker confirmed that all agenda items were properly noticed. She swore in those providing testimony.
Mayor Allers revealed conflicts with Item C. and Item F. He will complete Form 8B and submit it to Town Clerk Baker.

A. St. Peters Drive

Dedication of St Peters Drive (Private Road) to the Town of Fort Myers Beach

Town Attorney Stuparich introduced the item and stated the town had the legal right to accept the road. Community Development Director Frankie Kropacek noted the road was in good shape and the town would not be taking on any liability by accepting it. Jim Boan stated that the town has installed four streetlights, graded the right-of-way and finished the drainage project. The road has been open to the public for years. The Association would like to continue maintaining the two landscaped islands.
No public comment.

Vice Mayor Atterholt moved to begin the process of accepting the dedication of St. Peters Drive, seconded by Council Member King.
The motion carried unanimously.

B. 21391 Widgeon Terrace

Appeal of a Building Official Decision to Issue Permits # 24233 / 23477 Related to Construction of an Elevated Swimming Pool at 21391 Widgeon Terrace, Fort Myers Beach

Mayor Allers read the appeal heading. Ex parte communications: All Council members received correspondence from the town clerk regarding the attorney for the appellant and Council Member Woodson recently visited the site to see the pool progress. Experts for the town include Community Development Manager Georgina Cid, Community Development Principal Planner Judith Frankel and Building Official Joe Specht. Steve Shawless is a professional surveyor in the state of Florida.
Mayor Allers moved to qualify Mr. Shawless as an expert in his field,

seconded by Vice Mayor Atterholt.
The motion carried unanimously by roll call vote.
The property owner confirmed receipt of the agenda and backup materials. Robert Hartzell, attorney, represented the property owner. He noted that some issues were addressed in the letter they sent to the town on Friday. He described the change in procedural issues since the latest version of the permit was issued. The ordinance had been changed and stated that these matters should be heard by the Special Magistrate instead of the town council. In his letter, he requested that the matter be transferred to the Special Magistrate. He described the variance proceeding before the 20th Circuit and indicated that if they are successful in that case, this issue becomes moot. The town council agreed with the property owner to waive the 30-day period to await the outcome of the proceeding before the 20th Circuit.
Robert Burandt, attorney, referred to Mr. Hartzell's letter and asked when the appeal was filed. Town Attorney Stuparich replied that it was filed in December and Mr. Hartzell confirmed it was December 13, 2024. Mr.
Burandt reviewed the history of the issue and stated they were making the same argument from the initial hearing and were taking another bite of the apple. The town council had already heard about the boundary and intensity and had denied it. He stated the water was already in the pool and he has to let this go.
Mr. Hartzell responded that this was an administrative appeal of the building permit and was separate from the variance of the setbacks.
Town Attorney Stuparich explained that due process allows Mr. Himmelstein and his attorney to present their arguments to the town council on the various issues. She indicated that they could proceed today and thought that their decision would most likely be subject to an appeal, resulting in two appeals working their way through the system. Staff was prepared to discuss the permitting process for this permit today. Town Attorney Stuparich noted they had the legal right to send it to the magistrate, or they could stay the matter pending resolution of the variance. If they decided to hear it today, they would hear about the substance of the appeal. She recommended that they stay the matter or send it to the magistrate. Council Member Safford supported sending it to the magistrate.
Town Attorney Stuparich stated that the new testimony from staff would serve as supplemental material for the magistrate to determine the case. She added that the magistrate's decision could also be appealed.
Vice Mayor Atterholt and Council Member King supported sending it to the magistrate. Mayor Allers supported a stay to save time and money for both sides.
Mr. Hartzell said he would dismiss the appeal if they won the variance. Town Attorney Stuparich noted that once the court takes action on the variance, the case would have to go back to the council to be closed.

Mayor Allers moved to recommend a stay of the appeal of the building official's decision to issue permits for permit numbers 24, 233 and 23477 related to the construction of an elevated swimming pool pending the outcome of the ruling of the variance appeal, seconded by Council Member Safford. The motion carried 4-1 with Council Member Woodson dissenting.

C. Resolution 25-150; VAR20250045, 277 Primo Dr.

A RESOLUTION OF THE FORT MYERS BEACH TOWN COUNCIL APPROVING, APPROVING WITH CONDITIONS, DENYING A VARIANCE FROM LDC TABLE 34-3 FOR THE PROPERTY LOCATED AT 277 PRIMO DRIVE, GENERALLY REFERED TO AS STRAP NUMBER 19-46-24-W4-0150D.0260 IN FORT MYERS BEACH, TO ALLOW A SETBACK OF 12.6 FEET INSTEAD OF THE REQUIRED 25 FEET WATERBODY SETBACK FROM A CANAL, IN ORDER TO BUILD A NEW GARAGE AND AN ELEVATED POOL FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE RC ZONING DISTRICT; AND PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Ex parte communications: Council Member Safford had a site visit with Mr. Kolar, Council Member Woodson visited the site and met with Mr. Kolar, Vice Mayor Atterholt met with the applicant and Council Member King met with the applicant.

The property owner confirmed receipt of the agenda and background materials.

Community Development Senior Planner Jason Smalley reviewed the background of the case as stated on the blue sheet. The staff recommended denial because the request did not meet two requirements of the comprehensive plan and LDC (Land Development Code). The applicant could redesign the home or ask for less.

Tommy Kolar represented his parents and stated they were doing the project for their family because they needed more room. The LPA voted 6-1 for approval.

No public comment.

Council Member King moved to approve the resolution with the conditions in the staff report, seconded by Council Member Safford.

The motion carried 4-0 by roll call vote, with Mayor Allers abstaining.

D. Resolution 25-152; SEZ20250038, 7150 Estero Blvd. (Creciente Condo South)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250033 TO ALLOW REPLACEMENT OF EXISTING RIPRAP, ALUMINUM FENCES, SIDEWALKS, POOL, AND POOL DECK WITH A 494 SQ. FT. POOL DECK EXPANSION IN THE EC ZONING DISTRICT SEAWARD OF 1978 CCCL,

FOR THE PROPERTY LOCATED AT 7150 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Ex parte communications: Vice Mayor Atterholt, Council Member Woodson and Mayor Allers all received an email in support and Mayor Allers is familiar with the site. The property owner confirmed receipt of the agenda and background materials.
Principal Planner Frankel reviewed the background of the request as stated on the blue sheet. The staff recommended approval with conditions; however, they recommended denial of the pool deck expansion in the environmentally critical (EC) zoning district because that was an expansion from what they had.
Mike Close, resident, described how Ian destroyed their property. He asked to build the pool back as it was, except the corners were too tight for lounge chairs and people fell into the pool. Mayor Allers asked why they did not slide the pool forward and shrink the walk-up fence area. Mr. Close responded that he had never thought of that, but felt it was too late.
Vice Mayor Atterholt noted that the pool was not seen by anyone and would not affect anyone. He felt it was a worthy request.
No public comment.
Principal Planner Frankel read the conditions of approval. Mr. Close did not agree to stop construction during turtle season because it would be impossible for a turtle to crawl over their seawall. Environmental Projects Manager Chadd Chutsz texted that he was negotiable and willing to work with the applicant. Principal Planner Frankel will reword the condition.
Mayor Allers did not support the expansion.

Vice Mayor Atterholt moved to approve the resolution, including the expansion and conditions, including the amended condition to work with Projects Manager Chustz during construction, seconded by Council Member King.
The motion carried 4-1 by roll call vote, with Mayor Allers dissenting.

E. Ordinance 25-07; REZ20240275, 1011 Third Street

This agenda item is a Second Reading and Final Public Hearing on proposed Ordinance 25-07.

ORDINANCE TITLE:
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING A REZONING OF PROPERTY LOCATED AT 1011 THIRD STREET, FORT MYERS BEACH, FLORIDA (STRAP NUMBER 24-46-23-W3-00202.0060) FROM DOWNTOWN TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) WITH THREE DEVIATIONS: 1) REQUEST TO APPLY PROPERTY DEVELOPMENT REGULATIONS FOR THE DOWNTOWN ZONING DISTRICT, RATHER THAN THE RESIDENTIAL MULTI-FAMILY

STANDARDS IN SEC. 34-943 REQUIRING USE OF THE RM DEVELOPMENT REGULATIONS, 2) REDUCTION OF THE REQUIRED 5-FOOT SIDE YARD SETBACKS TO ALLOW FOR DEVELOPMENT ON THE EASTERN PROPERTY LINE; AND 3) REQUESTING A FLOOR AREA RATIO (FAR) OF 1.7, AN INCREASE OVER THE 1.0 FAR ALLOWED IN SEC. 34-675(C)(3); PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. No ex parte communications were disclosed. The property owner confirmed receipt of the agenda and backup materials.

Senior Planner Smalley reviewed the background of the request as stated on the blue sheet. The staff recommended approval with conditions.

Matt Noble stated the project would be connected to sewer and water. He noted that the rooftop pool was small and they talked to the DOT (Department of Transportation) about the location under the bridge and had no issues.

No public comment.

Council Member King moved to approve the ordinance with the conditions, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

F. Ordinance 25-10; DCI20250035.1, 1051 Fifth Street, Lighthouse Resort CPD Expanded Boundary

This agenda item is a First Reading and Public Hearing on proposed Ordinance 25-10. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY RESOLUTION 18-17 FOR THE PARCEL LOCATED AT 1051 FIFTH STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00205.0060, TO ADD AND REZONE A PARCEL LOCATED AT 1060 THIRD STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00203.0150 IN FORT MYERS BEACH FROM DOWNTOWN TO CPD; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Ex parte communications: All Council members disclosed meetings with Mr. Kolar and/or Mr. Vanasse. Jenna Persons-Mulicka represented the applicant and Mr. Vanasse is the

qualified expert. (The recording skipped to Principal Planner Frankel.) Principal Planner Frankel reviewed the background of the request as stated on the blue sheet. The LPA unanimously recommended approval and the staff recommended approval.
Ms. Persons-Mulicka requested that the agenda and background materials, along with the presentation, be entered into the record. The presentation included the Project Team, Applications, CPD Boundary Change & Rezoning Request, Aerial of the Site and Conclusion.
No public comment.

Council Member King moved to approve the ordinance, seconded by Council Member Woodson.
The motion carried 4-0 by roll call vote, with Mayor Allers abstaining.

G. Ordinance 25-11; DCI20250035.2, 1051 Fifth Street & 1060 Third Street (Lighthouse Island Resort)

This agenda item is a First Reading and Public Hearing on proposed Ordinance 25-11. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:
AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING AMENDMENT FOR THE PROPERTY LOCATED AT 1051 FIFTH STREET AND 1060 THIRD STREET, GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0060 AND 24-46-23-W3-00203.0150 IN FORT MYERS BEACH, TO AMEND THE EXISTING MASTER CONCEPT PLAN TO ALLOW FOR A) AN INCREASE IN THE NUMBER OF HOTEL UNITS, B) 11 DEVIATIONS: 1) MINIMUM CONNECTION SEPARATION, 2) EXCLUSION OF UNDER BUILDING PARKING FROM FAR, 3) INCREASE IN HEIGHT FOR A MONUMENT SIGN (5TH STREET), 4) INTERNAL SIGN ILLUMINATION, 5) 40 FEET HEIGHT WITH 4 STORIES, 6) REDUCTION IN STREET SETBACKS, 7) MURAL -STYLE SIGN (EAST SIDE), 8) 10 FOOT MONUMENT SIGN (CORNER), 9) MURAL STYLE SIGN (SOUTH), 10) WAYFINDING POLE SIGN, AND 11) 58% REDUCTION IN PARKING REQUIREMENTS; AND C) CONDITIONS; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Ex parte communications: All Council members disclosed meetings with Mr. Kolar and/or Mr. Vanasse. Principal Planner Frankel reviewed the background of the request as stated on the blue sheet and explained the equivalency factor. She read the deviations.
Jenna Persons-Mulicka introduced the team and asked that the agenda item,

backup and presentation be entered into the record. She added that the LPA recommended unanimous approval.
Tommy Kolar represented his family and reviewed the history of the property.

Patrick Vanasse started the presentation with CPD Boundary Change & Rezoning Request, Requests from LPA, Revised MCP, Conditions, General Notes, Renderings and Conclusion.
Mr. Kolar discussed the timeline and thought they could start in about three years.
Public comment:
Tom Torgerson, resident, welcomed the new town manager and wished the best to Town Manager Hyatt. He indicated the Kolars were great neighbors and felt the intensity of the project was very appropriate. He supported the project.
Public comment closed.
Principal Planner Frankel summarized the findings and conclusions and read the conditions. The staff recommended approval with conditions.

Council Member Woodson moved to approve the ordinance, including all conditions outlined by staff, seconded by Council Member Safford.
The motion carried 4-0 with Mayor Allers abstaining.

H. Ordinance 25-06; DA20250001 - 1028, 1046 Estero Boulevard (Times Square)

This agenda item is a First Reading and Public Hearing on proposed Ordinance 25-06. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for June 16, 2025, at 9:00 AM or at another time identified by Town Council.

ORDINANCE TITLE:
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 1028 ESTERO BOULEVARD AND 1046 ESTERO BOULEVARD, FORT MYERS BEACH, FL, STRAP NOS. 24-46-23-W3-00017.0000 AND 24-46-23-W3-00016.0000 AND OWNED BY PERSAUD PROPERTIES FL INVESTMENTS LLC, AS AUTHORIZED BY SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN RESOLUTION NUMBER 24-73 AS AMENDED BY RESOLUTION 24-247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTY TO ALLOW A COMMERCIAL DEVELOPMENT WITH A MAXIMUM OF 42,210 SQUARE FEET, 31 HOTEL ROOMS, AND A MEAN ROOF HEIGHT OF 38 FEET 8 INCHES ABOVE THE 100-YEAR STORM ELEVATION; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A

FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Ex parte communications: All Council members met with Mr. Persaud and Mr. Torgerson and received emails for and against.

Jason Utley from Axis reviewed his education and experience in planning. He was taking the place of Planner Sarah Propst.

Mayor Allers moved to approve Mr. Utley to provide expert testimony, seconded by Vice Mayor Atterholt.

The motion carried unanimously.

Tina Ekblad has been qualified as an expert in planning.

Mayor Allers moved to accept Tyler Peterson, architect, and Michael Collins, Interim Director of the School of Resort Hospitality, as experts in their fields, seconded by Vice Mayor Atterholt.

The motion carried unanimously.

Planner Utley reviewed the background of the request as stated on the blue sheet and read the deviations. He noted that the project differed from the previous LPA presentation, which was unanimously denied.

Joe Madden, attorney, represented Persaud Properties. He requested that the staff report and the amended applicant's application be entered into the record.

Ms. Ekblad started the presentation with Property History, Downtown Core, Downtown Zoning, Changing Conditions, Times Square Redevelopment, Redevelopment Request, First (Ground) Floor, Second Floor, Third Floor, Hotel Equivalency and Rooftop.

Mr. Collins discussed the relationship between hotel rooms and food and beverage operations and described the financial projection he created. He stated that the restaurant would not survive without hotel rooms.

The presentation continued with Deviation - Building Height, Height Comparisons, View from the Bridge, Building Height, New & Expanded Commercial and Benefits.

Planner Utley confirmed that the staff did not recommend approval or denial because this was where negotiations were. He added that the applicant agreed that additional modifications would be incorporated into the development agreement if needed. Principal Planner Frankel noted there were discussions with the applicant regarding a development agreement versus a CPD (Commercial Planned Development) and they decided to go with a development agreement. A timeline would not be in a CPD because the town negotiated with the owner and could provide more detail than a rezoning.

Planner Utley noted that hotels were permissible in Times Square. Principal Planner Frankel commented that if they had an open deck without a kitchen

and bathrooms, it would not necessarily count towards the height. Public comment:
Dyan Tierney, resident, commented that visitors wanted to see businesses come back. She felt they should rebuild so people could return and enjoy their beach time.
Natalie Stikland, business owner, supported the project because they needed to bring life and vibrancy back to the square.
Barry Frank felt progress and redevelopment were important and he was surprised at the resistance. He liked the project.
Tom Torgerson, resident, opposed the development as it was currently presented because of the height and stories. He supported developing what was allowed by right. He described what he gave up to build Margaritaville. He thought their public benefits were disingenuous and set a bad precedent.
Kathleen Borman, resident, knew they needed to develop Times Square, but she did not understand why he needed to build higher with hotel rooms. The restaurant he had was great, with good food and good music. She respectfully asked that they vote down the hotel and noted that they had never had hotel rooms in Times Square and she did not think people were asking for them.
Public comment closed.
Ms. Ekblad clarified that she agreed with Principal Planner Frankel regarding the exception in the LDC and the 250 square feet. Their elevator and stairwells were larger than 250 feet, necessitating additional height. Mr.
Peterson explained that the FAR would be 2.26 if they added the parking. He clarified that the kitchen on the rooftop was not full-blown; it was a small prep area. Ms. Ekblad indicated they would add the wave mitigating wall in front of their property before the next hearing. Mr. Peterson noted there was a dedicated trash area on the first floor.
Mayor Allers commended Mr. Persaud for making changes after the LPA meeting and wished they had taken it back to the LPA. He was not a fan of hotels in Times Square and expressed concern about a 300% increase in density. Vice Mayor Atterholt felt that the LPA process was circumvented and preferred that they go back to the LPA and continue the discussions.
Council Member King previously asked Mr. Persaud to go back to the LPA.
Council Member Woodson wanted to see the project without the hotel because Times Square was about restaurants, bars, retail and entertainment. She agreed it should go back to the LPA to put the details in place before returning to the council. Council Member Safford also asked them to go back to the LPA. He noted Mr. Persaud was getting very close.
Mr. Madden stated they would go back to the LPA.

Mayor Allers moved to deny the ordinance without prejudice based on the evidence and testimony heard and the recommendation from the LPA, seconded by Vice Mayor Atterholt.
Mr. Madden withdrew the application.

XIII. ADMINISTRATIVE AGENDA

A. Resolution 25-149, Angie Brewer Third Amendment and STA #6

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A THIRD AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND ANGIE BREWER & ASSOCIATES, LC TO EXTEND THE TERM OF THE CONSULTANT AGREEMENT FOR FUNDING MANAGEMENT SERVICES FOR SRF AND OR OTHER GRANTS OR LOANS AVAILABLE TO THE TOWN, TO DECEMBER 6, 2025; APPROVING SUPPLEMENTAL TASK AUTHORIZATION NO. 6 FOR THE UNINTERRUPTED CONTINUATION OF THESE SERVICES; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND SUPPLEMENTAL TASK AUTHORIZATION AND THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Linda Beck, Acting Finance Director, introduced herself and her experience in finance. She described what Angie Brewer did for the town and noted that their services needed to be continued.

Council Member King moved to approve the resolution, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

B. Resolution 25-151; Lee County Lift Station Easement Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, GRANTING AN AMENDED EASEMENT TO EXPAND THE AREA OF AN EXISTING EASEMENT GRANTED TO LEE COUNTY FOR THE PLACEMENT AND OPERATION OF COUNTY- OWNED SEWER MAINS, PIPES, AND FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Attorney Stuparich explained that they needed to expand the area.

Council Member King moved to approve the resolution, seconded by Council Member Safford.
The motion carried unanimously by roll call vote.

C. Resolution 25-146; First Amendment to SPA-24-12-EN, ICS Emergency Measures - Hurricane Milton

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RETROACTIVELY APPROVING A FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT SPA-24-12-EN DATED DECEMBER 16, 2024 BETWEEN THE TOWN OF FORT MYERS BEACH AND ICS MATERIALS, INC. TO 1) EXTEND THE TERM OF SERVICE FROM NOVEMBER 6, 2024 TO DECEMBER 21, 2024 FOR DEBRIS AND HAZARD CLEAN UP SERVICES DUE TO HURRICANE MILTON: AND 2) INCREASE THE NOT TO EXCEED AMOUNT BY

$123,287.00 FROM $300,000.00 TO $423,287.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Projects Manager Chadd Chustz explained that the scope had to be aligned with FEMA guidelines and the need was greater than anticipated. FEMA covered the costs. Discussion was held regarding beach renourishment timelines, erosion and accretion areas, potential debris, adding more sand to specific areas and the planting timeline.

Vice Mayor Atterholt moved to approve the resolution, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

D. <u>Resolution 25-147; First Amendment to SPA-24-10-EN, ICS Hurricane Helene-CAT B</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RETROACTIVELY APPROVING THE FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT SPA-24-10-EN DATED OCTOBER 4, 2024 BETWEEN THE TOWN OF FORT MYERS BEACH AND ICS MATERIALS, INC. FOR DEBRIS AND HAZARD CLEAN UP SERVICES DUE TO HURRICANE HELENE TO 1) EXTEND THE TERM OF THE AGREEMENT TO OCTOBER 8, 2024; AND 2) INCREASE THE NOT TO EXCEED AMOUNT BY $17,942.40 FROM $200,000.00 TO $217,942.40; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Projects Manager Chustz noted this was emergency work from Helene.

Vice Mayor Atterholt moved to approve the resolution, seconded by Council Member King.
The motion carried unanimously by roll call vote.

E. <u>Resolution 25-148; First Amendment to SPA-24-13-EN, ICS Sand Screening - Hurricane Milton</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RETROACTIVELY APPROVING THE FIRST AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT SPA-24-13-EN DATED DECEMBER 18, 2024 BETWEEN THE TOWN OF FORT MYERS BEACH AND ICS MATERIALS, INC. TO AMEND THE NOT TO EXCEED AMOUNT BY $53,971.69 FROM $900,000.00 TO $953,971.69; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Projects Manager Chustz stated this was from Hurricane Melton.

Vice Mayor Atterholt moved to approve the resolution, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

XIV. FINAL PUBLIC COMMENT

No public comment.

XV. TOWN MANAGER'S ITEMS

Town Manager McKannay thanked the council for trusting him to lead. The community forum for strategic planning will be held at Bay Oaks on May 28, 2025, from 5 to 8 p.m. The community forum will take place on June 12, 2025, hopefully in the new Town Hall. A meet and greet will be hosted by the Chamber of Commerce for him and his wife on Thursday, May 22, 2025, at Diamond Head.

Community Services Director Jeff Hauge indicated the gym floor at Bay Oaks was done. The HVAC system had to be hooked up, the weight room equipment should be delivered in two weeks and the drinking fountain by the tennis courts was replaced.

Town Manager Hyatt stated they continued to work on the Town Hall. He complimented the staff and felt the transition had gone well. He talked about everything they accomplished together and going to the next level with the new town manager. He thanked everyone.

Communications Coordinator Nicole Berzin stated that she was working with CivicPlus to get a question-and-answer area on the website so that people can provide input on the comp plan. If that is not an option, there will be another way for people to get their questions answered.

XVI. TOWN ATTORNEY'S ITEMS

A. Temporary Residential Uses Post-Emergency/Disaster

Discussion of the Status of Temporary Residential Housing Post-Emergency/Disaster and SB250/SB180

Town Attorney Stuparich distributed and explained the Florida Statutes as stated on the blue sheet. She stated there were approximately 156 temporary housing units that would be permitted if they met the qualifications and requirements in the statute. Once the analysis is completed, they will not be allowed to stay if they do not satisfy the criteria. She recommended that they do an analysis on each temporary unit to give the public an idea of where they stand. Mayor Allers suggested that people living in temporary units voluntarily sign an affidavit attesting to their living situation. Town Attorney Stuparich discussed SB180 and noted she would work with the town manager if the governor signs it. She addressed the school board interlocal agreement with an amendment and will research them. She reviewed the default condition or anticipatory breach, mediation and litigation. Vice Mayor Atterholt suggested they continue brainstorming over the next few days and find out what the consultant's report says. Town Attorney Stuparich suggested that the town manager submit a formal records request for the consultant's report to Lee County. She suggested they consider a special meeting after the school board meeting to determine what they needed or wanted to do.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King indicated he would attend the Southwest Florida League of Cities meeting on Thursday with the town manager and his assistant. He noted that he was going to be the new President and would have to start attending their conventions.

Council Member Woodson asked about residential permit parking for the summer and suggested they inform the community on the website and social media.

Mayor Allers received support for adding an M&P discussion about allowing residents or non-residents to pay more to park anywhere all year.

Council Member Safford announced that two parking spots closest to Harbor House on First Street were designated as 15-minute maximum parking. Signs would be installed soon. There are also areas on Third Street and next to the park by the pier, where Uber and Lyft stops are located. Mayor Allers asked whether the IT person could add the stops to the app.

Mayor Allers RSVP'd for himself and the town manager to attend the ribbon cutting on the 29th at 10:00 a.m. for the EOC (Emergency Operations Center). Director Kropacek said the impact fee study should be almost complete and estimated the council would have the packet by the end of June.

A. Parallelogram Lots

DISCUSSION: Concerns with the Existing Parallelogram Lot Ordinance adopted in 2023, Particularly as the Ordinance has been Applied to Lots Located at 250 and 254 Miramar Street. (Maximum allowed time - not to exceed 30 minutes)

Becky Knight reviewed the background of the request as stated on the blue sheet. She noted that neighbors were in the audience and on Zoom. She referred to a packet of information she sent to the council members, including an initial rejection letter from Zoning Coordinator Kendra Rosa. Despite the rejection, a permit was issued eight weeks later without the corrections. She described the timeline of her meetings and the reaction of the town. On May 10, 2025, Senior Planner Jason Smalley sent a denial letter to the builder. He asked that they correct the listed revisions brought up initially by Ms. Knight, even though he indicated it was fine in January. She revealed that before 2024, only 250 Miramar existed until the lot was divided in half to create 254 Miramar. She added that the ordinance only covered lots created before 2023 and the property owner only paid taxes on one lot.

Town Attorney Stuparich noted that she did not think it had been created since the lot was originally platted as two parallelogram lots in 1925.

Permitting for the 1946 house was done by Lee County, and they allowed the house to straddle two lots. She commented that she had a different interpretation from Ms. Knight.

Ms. Knight discussed C & D compensation and described how the structure affected the traffic flow on their narrow street. She asked that an engineer review the details of the site plans and that the zoning be double-checked.

Jennifer Rusk described an incident where fire trucks, ambulances and police cars responded and blocked the entire street. Cars have blocked their street in the past and the house had to provide parking on their property.

Community Development Principal Planner Judith Frankel provided slides to review the situation. Slides included Figure 34-0, LDC Sec. 34-269 Parallelogram Lot Setbacks, Sec. 34-638 Minimum Setbacks (d)(2)b, Mid-Point of Lot and Front Elevation. In her opinion, the house was being constructed within the guidelines, although there were issues along the way. Mayor Allers suggested that there was still discussion that needed to happen. Principal Planner Frankel confirmed that a stop-work order was issued. Council Member Woodson asked whether there was another issue in the ordinance that they should investigate. Town Attorney Stuparich replied that SB180 prohibited making existing codes more restrictive, so they would not be able to go back and change them. She suggested they let staff finish their jobs and then they can reassess what needs to be done.

XVIII. ADJOURNMENT

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

The meeting was adjourned at 4:54 p.m.

Minutes adopted as presented, June 2, 2025. Motion by Council Member King and seconded by Council Member Safford. Passed 5-0.

Amy Baker (Jun 4, 2025 08:56 EDT)

Amy Baker, Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Allers Dan Lee	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Fort Myers Beach Council
MAILING ADDRESS 5485 Avenida Pescadora	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Fort Myers Beach COUNTY Lee	NAME OF POLITICAL SUBDIVISION: Town of Fort Myers Beach
DATE ON WHICH VOTE OCCURRED 5/19/25	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dan Albers, hereby disclose that on 5/19, 20 25:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Tim Ryan;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows: Ordinance 25-11

Lighthouse Resort and I have a business contract with together

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/19/25
Date Filed

[signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Allers Dan Lee	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Fort Myers Beach Town Council
MAILING ADDRESS 5485 Avenida Pescadora	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Fort Myers Beach COUNTY Lee	NAME OF POLITICAL SUBDIVISION: Town of Fort Myers Beach
DATE ON WHICH VOTE OCCURRED 5/19/25	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

> PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*
>
> WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dan Allers, hereby disclose that on 5/19, 2025:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Tim Ryan;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Lighthouse Resort and I have a business contract together. Ordinance 25-10

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/19/25
Date Filed

[signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Allers Dan	Town of Fort Myers Town Council
MAILING ADDRESS 5485 Avenida Pescadora	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Fort Myers Beach COUNTY Lee	NAME OF POLITICAL SUBDIVISION: Town of Fort Myers Beach
DATE ON WHICH VOTE OCCURRED 5/15/25	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dan Allers, hereby disclose that on 5/19, 20 25:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ______;

___ inured to the special gain or loss of my relative, ______;

___ inured to the special gain or loss of ______, by whom I am retained; or

X inured to the special gain or loss of Dan Allers, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Variance request VAR20250045 for owner of a commercial property I have a business contract with. Resolution 25-150

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/19/25
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.