



Fort Myers Beach Town Council

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

Minutes

Monday, August 18, 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

Mayor Allers indicated that Administrative Agenda item D. was pulled. Council Member King moved to approve the amended agenda, seconded by Council Member Safford. The motion carried unanimously.

- A. Town Clerk Baker noted that the Coastal Wave & Surge Mitigation Opportunities Presentation was included in the agenda materials. Elizabeth Franklin from J.R. Evans Engineering reviewed her presentation. She stated that she would need at least six weeks for the initial findings. Town Attorney Stuparich indicated that J.R. Evans had a professional service agreement with the town and a task order with details would be initiated. Council Member Safford asked whether costs could be recouped from future developments. Town Attorney Stuparich replied that the cost was probably a town responsibility, but a developer may agree to contribute to the costs. Ms. Franklin noted the total cost was around \$62,000.00 with an optional continued stakeholder engagement for \$10,000.00. Council Member Woodson supported delegating approval to Town Manager Will McKannay. Ms. Franklin will discuss wave mitigation with condos and others to avoid duplication of resources. Council Member King commented that MERTF (Marine & Environmental Resources Task Force) voted to advise the town council to move forward with the wave mitigation wall. He suggested that the town utilize the Florida League of Cities to explore grants.

Mayor Allers asked whether the Outrigger would be comfortable sharing its plans. Ms. Franklin responded that the town already had the plans. She added that the property across the street would also benefit from the wall.

Council Member Safford moved to direct Town Manager McKannay to move forward with discussions with the firm and seek grant funding, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

V. PUBLIC COMMENT

No public comment.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford wished his wife a happy birthday.

Council Member Woodson noted that JobuFest was a huge success since the hurricane was trending north.

Vice Mayor Atterholt wished Jackie Liszak a happy birthday.

Council Member King congratulated the Vice Mayor of Sanibel, Holly Smith, for becoming president of the Florida League of Cities.

Mayor Allers congratulated Council Member King for being on the Board of Directors. He thanked DiamondHead for letting them hold meetings again.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. APPROVAL OF MINUTES

No minutes.

IX. CONSENT AGENDA

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. 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.

- A. Ordinance 25-14; CPD20250008, 7225, 7291 & 7295 Estero Blvd (Fish Tail Marina)

This quasi-judicial agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-14 (Fish Tale Marina). A Second Reading and final adoption hearing has been scheduled for August 18, 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 AND RESTATEMENT OF LEE COUNTY RESOLUTION Z-94-013 THAT REZONED PROPERTY TO COMMERCIAL PLANNED

DEVELOPMENT TO ALLOW FOR A REVISION TO THE MASTER CONCEPT PLAN AND ONE (1) ADDITIONAL DEVIATION FOR SETBACKS FOR THE REDEVELOPMENT OF A COMMERCIAL MARINA FOR PROPERTY LOCATED AT 7225, 7291 AND 7295 ESTERO BLVD, GENERALLY IDENTIFIED AS STRAP NUMBERS 03-47-24-W1-00011.0010, 03-47-24-W1-00011.0020 AND 03-47-24-W1-00011.003B IN FORT MYERS BEACH; RESTATING PREVIOUSLY APPROVED CONDITIONS AND DEVIATIONS; 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: Vice Mayor Atterholt spoke to Ben Freeland regarding language concerning water ferries. No disclosures from other members. The applicant confirmed receipt of the agenda and background materials.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. He described three changes since the first reading.

Brock Petrak, civil engineer, was available for questions. He confirmed that their marina will be one of the stops for the proposed water ferry and private taxis. He explained the roles of Fish Tale Marina and Pincher's regarding the restaurant's restoration.

No public comment.

Senior Planner Smalley noted that staff recommended approval.

Council Member King moved to approve the ordinance, seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

A. Resolution 25-246; Designation of Emergency Contact

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, DESIGNATING AN EMERGENCY CONTACT AND AN ALTERNATE EMERGENCY CONTACT AS REQUIRED BY SECTION 252.38(3)(a), FLORIDA STATUTES; PROVIDING FOR NOTIFICATION OF SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Manager McKannay will be the designated emergency contact and Emergency Services & Compliance Director Thomas Yozzo will be the alternate.

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

The motion carried unanimously by roll call vote.

- B. RFP-24-06-AD, Ongoing Miscellaneous Professional Service Agreements
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT

MYERS BEACH, FLORIDA, ACCEPTING/REJECTING OR MODIFYING THE RANKINGS OF THE PROFESSIONAL SERVICE FIRMS BY THE TOWN MANAGER AS RECOMMENDED BY THE SELECTION ADVISORY COMMITTEE BASED ON THE RESPONSES RECEIVED TO RFQ-24-06-AD FOR ONGOING MISCELLANEOUS PROFESSIONAL SERVICES; AUTHORIZE THE TOWN MANAGER OR DESIGNEE TO NEGOTIATE WITH THE TOP RANKED FIRMS FOR EACH CATEGORY OF WORK INCLUDED WITHIN THE REQUEST FOR QUALIFICATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Manager McKannay recommended approval. Council Member Safford asked whether the SAC (Selection Advisory Committee) disclosed ex parte communications.

Community Development Director Frankie Kropacek replied that they took an independent, non-biased approach when vetting companies.

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

The motion carried unanimously by roll call vote.

- C. Resolution 25-250; Acceptance of St Peters Drive Deed

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A DEED FROM MANTANZAS POINTE HOMEOWNERS ASSOCIATION, INC. CONVEYING ST. PETERS DRIVE TO THE TOWN FOR USE AS A PUBLIC ROAD; DIRECTING THE TOWN CLERK TO RECORD THE DEED IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Manager McKannay recommended approval. Town Attorney Stuparich noted that the association will continue to maintain the two landscaped islands. Jim Boan, Vice President of the Homeowners Association, reviewed the maintenance history of the road. The town will maintain four street lights on the road.

Vice Mayor Atterholt moved to approve the resolution, seconded by Council Member King.

The motion carried unanimously by roll call vote.

- D. Resolution 25-245, Acceptance of Dibiasi Easement

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A UTILITY EASEMENT AS PROVIDED FOR IN A SETTLEMENT AGREEMENT DATED APRIL 7, 2025; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Pulled from the agenda due to no signed easement.

E. Special Event - Farmer's Markets

Shop Local Productions is requesting to have Farmer's Markets at Santini Plaza from November 2025 through April 2026, and at Moss

Marina from October 2025 through April 2026.

Mayor Allers read the request. Director Kropacek indicated that the company requested that a towable produce trailer be added to Santini Plaza. They asked if the town would allow them to use the transition area at Times Square, as they had done previously.

Council Member Woodson moved to allow the Farmer's Markets, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

F. Special Event: Island Hopper Songwriter's Festival

Approval of the Island Hopper Songwriter's Festival Special Event to be held September 26, 2025 from 4 pm- 10 pm, September 27, 2025 from 3 pm until 10 pm and September 28, 2025 from 1 pm until 4:30 pm at Bayside Park, with alcohol to be served on Town property during the event from tents and a request to waive enforcement of the noise ordinance until 10 pm for this special event and \$150 park rental fee.

Mayor Allers read the request. Jackie Liszak, President of the Fort Myers Beach Chamber of Commerce, represented the responsible parties. She noted it was the same event as in previous years. Nervous Nellie's and Snug Harbor will be responsible for the alcohol and Lee County requested a park fee waiver.

Vice Mayor Atterholt voted to approve the festival, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

XIII. FINAL PUBLIC COMMENT

Barry Frank, a resident, asked whether a new trailer could be set up on a property they do not own, such as La Ola.

Fred Malone from Buffalo Grill commended Deputy Town Manager Kohler, Town Manager McKannay and Council Member Safford for meeting with him and providing a breath of fresh air of sincerity. He was hoping to build back on Times Square. He stated they had to allow more than one trailer on commercial properties so they could operate out of one.

XIV. TOWN MANAGER'S ITEMS

A. Emergency Temporary Placement Permits

Update on Expiration of Existing Emergency Temporary Placement Permits

Town Attorney Stuparich reviewed the current resolution in effect, which was adopted in March 2024. The prior permits will be expiring on September 23, 2025; however, additional extensions can be granted under hardship

circumstances. There are 51 commercial emergency temporary placement permits and 158 residential permits pending on file. The draft resolution defined hardship in nine different ways, which are included in the agenda packet. The hardship would have to be proved by documentation and a plan of how they would resolve the hardship situation would have to be submitted to the town manager. Town Attorney Stuparich asked whether there should be an administrative processing fee and how quickly they should move forward. She added that any temporary uses must be compliant with flood regulations. An evacuation plan would be required with the application.

Mayor Allers asked whether someone with a code violation would be allowed to ask for an extension. Town Attorney Stuparich did not believe those particular situations would constitute a hardship warranting an extension of any issued permit. Those permits would not be extended after September 23, 2025. Council Member Safford suggested an expiration date of June 1, 2026, or 2027, with an administrative fee of \$100.00 for residents and \$200.00 for commercial entities. Town Manager McKannay requested a six-month review to comply with FEMA's special flood hazard area regulations and he was comfortable with an expiration date of June 1, 2027. The town council agreed.

Director Thomas Yozzo noted that the building department could revoke permits for those who come out of compliance, even if they have an extension. He stressed that people had to follow the evacuation plan and there would be repercussions if they did not.

Consensus was reached that June 1, 2027, was the deadline for both residential and commercial extensions. Town Attorney Stuparich will add that once the structure has been removed, the emergency temporary placement permit will be revoked and cannot be renewed. The process will start by September 2, 2025, and the application will be available on the town's website. Town Manager McKannay supported the suggested fees to cover staff time. Council Member King would like the town manager to waive fees in certain situations. Vice Mayor Atterholt agreed.

Town Attorney Stuparich filled in the blanks of the resolution and Mayor Allers read the title of Resolution 251.

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

Town Manager McKannay was confident that this action would not put them backwards.

The motion carried unanimously by roll call vote.

A discussion regarding temporary uses in general will be scheduled for a future M&P Session. Mayor Allers suggested that the topic be addressed by the LPA first. Town Attorney Stuparich will draft an ordinance for the LPA to discuss and then bring it back to the town council.

XV. TOWN ATTORNEY'S ITEMS

Town Manager McKannay will implement a new policy regarding presentations immediately. Presentations will have to be submitted to the town staff and the town clerk no later than 24 hours ahead of any meeting. Information will be on the town's website.

The grand opening for the new town hall is scheduled for September 10, 2025, from 9:00 a.m. to 11:00 a.m.

A. Executive Session: Town of Fort Myers Beach vs. White Sand Properties LLC

Announcement of a request for an Executive Session pursuant to Section 286.011(8), Florida Statutes for the purpose of advice and discussion of settlement negotiations related to litigation expenditures in Town of Fort Myers Beach v. White Sand Properties, LLC, Case No. 2025-CA-004261, 20th Judicial Circuit in and for Lee County, Florida and scheduling the Executive Session on September 11, 2025 at 12:00 PM, or shortly thereafter, at 6231 Estero Blvd., Fort Myers Beach, Florida 33931.

Town Attorney Stuparich stated that foreclosure proceedings for code enforcement liens for property located on 80 Avenue E were filed on August 8, 2025. She will offer the property owner an opportunity to offer the town a settlement, which could be discussed at the executive session and the town could offer a counter offer.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford asked for an update regarding CRAs. Town Manager McKannay noted he and members of staff were meeting with a Lee County representative this afternoon. Council Member Safford asked about the grant funding for Bay Oaks. Director Hauge replied that the deadline was October 31, 2025. Council Member Safford asked when and where the Charter Review group would meet. Town Clerk Baker responded that it was October 7, 2025, at 2:00 p.m. at the new town hall.

Council Member King indicated that he and the town manager will meet with FDOT (Florida Department of Transportation) regarding two lanes on in the morning and two lanes on in the afternoon at the Matanzas Pass bridge. He requested that the December M&P Session be moved to December 3, 2025. Town council members did not object.

Council Member Woodson requested an excused absence from the October 8, 2025, M&P Session or to change the date. The date was changed to October 15, 2025.

Vice Mayor Atterholt asked for clarification regarding negating the town's ability to utilize the impact fees due to Senate Bill 180. Community Development Planner Jason Green responded that the town was allowed to continue to use the impact fees, but they were required to have updated studies, which they were doing.

He noted that no new categories would be added, but the fees would be slightly reduced in most cases. It was his understanding that Senate Bill 180 would not affect taxpayers.

Mayor Allers clarified whether 25% of the impact fees could be used for a project. Planner Green replied that it was about 20% and could only pay for a portion of most projects.

XVII. ADJOURNMENT

Council Member King moved to adjourn, seconded by Council Member Safford.

The motion carried unanimously.

The meeting was adjourned at 11:47 AM.

Minutes adopted as presented, September 11, 2025. Motion by Council Member King and seconded by Council Member Woodson.

Passed 5-0.



Amy Baker (Sep 17, 2025 15:24:01 EDT)
Amy Baker, Town Clerk