



Fort Myers Beach Town Council

**Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931**

Agenda

Wednesday, September 24, 2025

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF FINAL AGENDA**
- V. PUBLIC COMMENT**
- VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS**
- VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS**
- VIII. APPROVAL OF MINUTES**
 - A. Town Council - September 11, 2025
 - B. Town Council Budget Hearings - September 11, 2025
- IX. CONSENT AGENDA**
- X. ITEMS REMOVED FROM CONSENT AGENDA**
- XI. PUBLIC HEARINGS**
- XII. ADMINISTRATIVE AGENDA**
 - A. Proposed 2026 Meeting Schedule
Discuss and approve the monthly schedule for Town Council meetings for calendar year 2026
 - B. Special Event - Farmers Market at Times Square
Shop Local Productions is requesting to have a Farmer's Market at Times Square from October 2025 through April 2026
 - C. Resolution 25-293; Collection of Non-Ad Valorem Special Assessments
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH THE LEE COUNTY TAX COLLECTOR SHALL COLLECT AND ENFORCE THE COLLECTION OF THOSE CERTAIN NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED BY THE TOWN OF FORT MYERS BEACH

**RESULTING IN THE DEMOLITION OF UNSAFE STRUCTURES
DETERMINED BY THE BUILDING OFFICIAL FOR THE FISCAL YEAR
2026; AND PROVIDING FOR AN EFFECTIVE DATE.**

D. Resolution 25-275, FY26 Florida State Lobbyist

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO RENEW AND AMEND THE EXISTING AGREEMENT WITH THE TOWN'S FLORIDA STATE LOBBYIST, RONALD L. BOOK, P.A. IN THE AMOUNT OF \$45,000, AND PROVIDING FOR AN EFFECTIVE DATE.

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

A. Executive Session Announcement for October 20, 2025

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 October 20, 2025 at 3:00 PM, or shortly thereafter, at 6231 Estero Blvd., Fort Myers Beach, Florida 33931.

B. Settlement Agreement

Approval of a Settlement Agreement in the case styled Pareshkumar (Paresh) Patel v. Town of Fort Myers Beach, Case No. 2:24-cv-00353-SPM filed in the U.S. District Court, Middle District of Florida, Ft. Myers Division. A copy of the proposed settlement agreement will be provided at the public meeting.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

XVII. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON [YOUTUBE](#).

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 accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202 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.



Fort Myers Beach Town Council

Town Hall Council Chambers
2731 Oak Street

Fort Myers Beach, FL 33931

Minutes

Thursday, September 11, 2025

9:00 AM

DRAFT

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 noted Emergency Ordinance 25-16 was added and Item I was removed under the Administrative Agenda.

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

The motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford thanked everyone for getting them into the new town hall.

Council Member Woodson added that the staff did a fantastic job.

Vice Mayor Atterholt agreed.

Council Member King was happy for the staff and proud of what they accomplished.

Mayor Allers noted it was nice to have a home for everyone.

VII. PRESENTATIONS

A. Project Update

David Farmer of Metro Forecasting Models (MFM) will present a brief summary of his work to date with a longer presentation to be given at the October Management and Planning meeting on October 15, 2025.

David Farmer was excited for the town and the new facility. He indicated he would return in October with a more substantial presentation, but he wanted to share new data today. His presentation started with Introductions, Hotel Research, Fort Myers Beach Baseline 2025 Data, FMB "Rebuild" Buildout Data, FMB Potential Buildout Data, Community Character, What are the Town's Goals?, Homesteaded Housing Units, Non-Homesteaded Housing Units, Peak Seasonal Population (2025), Economic Development, Vacant Land (2025), Importance of Vacant Land and The Next Steps.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

A. Anchorage Advisory Committee (AAC)

Vice Chair Sam Lurie asked that \$1,577.36 left over from the Cruiser's Appreciation Event to be included in the 2026 fiscal year budget for the AAC to use to promote the Mooring Field and future events. They also requested an additional \$500.00 in case they needed it. The next Cruiser's Appreciation Day is tentatively scheduled for April 12, 2026. The AAC will present the initial plan and request the council's approval on November 3, 2025. Vice Chair Lurie noted that many donations were received for the recent event. He thanked the council for the new dinghy dock that was recently installed. He thanked Vice Mayor Atterholt for being an effective liaison.

IX. APPROVAL OF MINUTES

A. Town Council - August 4, 2025

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

The motion carried unanimously.

B. Town Council - August 18, 2025

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

The motion carried unanimously.

C. Management & Planning Session - August 7, 2025

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

The motion carried unanimously.

X. CONSENT AGENDA

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

The motion carried unanimously.

A. Resolutions 25-252 through 25-255; Extension of Local Emergency - Tropical Storm Debby

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO TROPICAL STORM DEBBY

PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

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

The motion carried unanimously.

B. Resolutions 25-258 through 25-261; Extension of Local Emergency - Hurricane Helene

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE HELENE (FORMERLY KNOWN AS POTENTIAL TROPICAL CYCLONE NINE) PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

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

The motion carried unanimously.

C. Resolutions 25-265 through 25-268; Extension of Local Emergency - Hurricane Milton

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE MILTON, PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

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

The motion carried unanimously.

XI. ITEMS REMOVED FROM CONSENT AGENDA

Mayor Allers read the title of Emergency Ordinance 25-16. Town Clerk Amy Baker distributed copies of the ordinance. Town Attorney Stuparich explained the ordinance regarding recall elections. Town Clerk Baker notified Council members King and Woodson that the Supervisor of Elections certified the number of petitions received and they had five days to submit a voluntary written resignation. No resignations were received. The chief judge will set a day for the recall election, no less than 30 days or no more than 60 days, for the removal of those who have not resigned. The Honorable J. Frank Porter issued an order yesterday that the special recall election will be held on Tuesday, November 4, 2025. The

town does not have a qualifying date for any recall elections in the event of possible vacancies. The supervisor of elections requires the town council to establish qualifying dates before he can proceed. Section 3 of the ordinance sets the qualifying period for Monday, September 15, 2025, at 9:00 a.m. and closes at 5:00 p.m. on Tuesday, September 16, 2025.

Town Attorney Stuparich explained that she could only speculate on what would happen if the town council did not pass the emergency ordinance.

Council members Woodson and King stated they would not sign the conflict of interest form.

Vice Mayor Atterholt explained that he could not be a party to cleaning up a mess and would not support the ordinance.

Council Member Safford agreed, noting that they were not mandated to approve this and that it should go back to the judge.

Mayor Allers will support it because he respects the process. Council Member Safford did not think there was a process and there was no precedent for this. Mayor Allers indicated there were two precedents and Town Attorney Stuparich cited a Florida Statute.

No public comment.

Mayor Allers moved to approve the ordinance, no second.

Council Member Safford moved to not approve/not adopt the ordinance, seconded by Vice Mayor Atterholt.

The motion carried 4-1, with Mayor Allers dissenting.

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.

A. Ordinance 25-15, RPD20250181, 138/140 Delmar Ave.

This quasi-judicial agenda item is a First Reading and Public Hearing on proposed Ordinance 25-15. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for October 6, 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/APPROVING WITH CONDITIONS/DENYING AN APPLICATION TO REZONE PROPERTY LOCATED AT 138/140 DELMAR AVE, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W3-0100B.0150 FORT MYERS BEACH FROM RESIDENTIAL CONSERVATION TO RESIDENTIAL PLANNED DEVELOPMENT TO ALLOW CONSTRUCTION OF A TWO-STORY DUPLEX ABOVE FLOOD ELEVATION AND A DEVIATION FROM SECTION 34-638(D)(2) OF THE LAND DEVELOPMENT CODE TO ALLOW A PORCH AND STOOP TO ENCROACH 15-FEET INTO THE 25 FOOT STREET SETBACK WHERE A MAXIMUM ENCROACHMENT OF 10 FEET IS PERMITTED FOR

ACCESSORY USES; PROVIDING FOR CLARIFICATION 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. No ex parte communications were disclosed. The property owner confirmed receipt of the agenda backup materials.

Community Development Planner Jason Green reviewed the background of the request as stated on the blue sheet. Staff recommended approval with conditions.

No public comment.

Council Member Woodson moved to approve the ordinance with conditions and move it to a second hearing, seconded by Council Member Safford. The motion carried unanimously by roll call vote.

B. SEZ20250149, 4750 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250149 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF TWO TIKI HUTS, DECKING, FENCE, GRAVEL DRIVEWAY AND LANDSCAPING IN THE EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 4750 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. No ex parte communications were disclosed.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. Staff recommends approval with conditions. Environmental Projects Manager Chadd Chustz will monitor the project.

No public comment.

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

The motion carried unanimously by roll call vote.

XIII. ADMINISTRATIVE AGENDA

A. Resolution 25-273, Health Insurance Renewal

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE SELECTION OF CIGNA FOR MEDICAL INSURANCE COVERAGE AND THE STANDARD FOR SUPPLEMENTAL INSURANCE COVERAGE FOR THE FISCAL YEAR 2025–2026; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Human Resources Director Talissa Oliveira introduced Insurance Broker Athena Erchard from the

Gehring Group. Director Oliveira indicated that finance was involved in the process and it was budgeted. Ms. Eckhard utilized PowerPoint for her presentation. Slides included Plan Background, RFP Responses, Plan Design Comparison, Medical Insurance Comparison, Ancillary Lines, Dental Finalists, Vision Finalists, Ancillary Lines Continued and Recommendations.

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

The motion carried unanimously.

B. Resolution 25-247; CDBG-DR Organizational Change DR10262 North Island Water Tower

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE CDBG-DR SUBRECIPIENT GRANT AGREEMENT DR10262 BETWEEN THE TOWN AND THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO CHANGE THE REFERENCED KEY PERSONNEL FOR THE NORTH ISLAND WATER TOWER AND CHANGE THE ADDRESS TO THE NEW TOWN HALL; AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Community Development & Planning Director Frankie Kropacek described the operations of the north and south water towers. He noted that items B, C and D were the same and related to different projects. The resolutions reestablished Joe Onzick as finance director and were required by HUD (US Department of Housing & Urban Development).

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

The motion carried unanimously by roll call vote.

C. Resolution 25-248; CDBG-DR Organizational Change Notification DR10263 Parks and Recreational Revitalization Program.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE CDBG-DR SUBRECIPIENT GRANT AGREEMENT DR10263 BETWEEN THE TOWN AND THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO CHANGE THE REFERENCED KEY PERSONNEL FOR THE PARKS FACILITY AND RECREATION REVITALIZATION PROJECT AND TO CHANGE THE TOWN HALL ADDRESS TO 6231 ESTERO BLVD., FORT MYERS BEACH IN THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SECOND AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution.

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

The motion carried unanimously by roll call vote.

- D. Resolution 25-249; CDBG-DR Organizational Change Notification DR10157 Recovery and Resiliency Planning Program

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SECOND AMENDMENT TO THE CDBG-DR SUBRECIPIENT GRANT AGREEMENT DR10157 BETWEEN THE TOWN AND LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO CHANGE THE REFERENCED KEY PERSONNEL FOR THE RECOVERY AND RESILIENCY PLANNING PROGRAM; AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT BY THE TOWN MANAGER; AND PROVIDED AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution.

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

The motion carried unanimously by roll call vote.

- E. Resolution 25-256; Amendment #1 Andrew Site Works for Additional Fire Hydrants

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE CONTRACT APPROVED AUGUST 4, 2025 WITH ANDREW SITEWORK FOR THE PURCHASE AND REPLACEMENT OF 18 ADDITIONAL NON-OPERABLE FIRE HYDRANTS LOCATED THROUGHOUT THE TOWN FOR AN ADDITIONAL COST NOT TO EXCEED \$145,256 FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF \$435,768; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Community Resources Director Jeff Hauge indicated that the replacements would be paid out of the water fund.

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

The motion carried unanimously by roll call vote.

- F. Resolution 25-270; Ground Penetrating Radar Services

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO: 1) INCREASE FUNDS AVAILABLE FOR ADDITIONAL GROUND PENETRATING RADAR SERVICES IN AN AMOUNT NOT-TO-EXCEED \$130,000.00 AND 2) INCLUDE ADDITIONAL STANDARD CONTRACT TERMS AND CONDITIONS; AUTHORIZING THE EXECUTION OF THE THIRD AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Hauge noted the services would be paid out of the water fund. He hoped this would be the last

extension.

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

The motion carried unanimously by roll call vote.

G. Resolution 25-269, Palermo Circle Stormwater Piping

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, UNDER THE EMERGENCY PROCUREMENT POLICY TO APPROVE A PROPSAL FROM ANDREW SITEWORK LLC WITH THE TOWN'S CONTRACT ADDENDUM FOR THE INSTALLATION OF STORMWATER PIPING ON PALERMO CIRCLE FOR A NOT TO EXCEED PRICE OF \$36,171.60 TO ALLEVIATE THE FLOODING ON ESTERO BLVD BY DIVERTING ESTERO STORMWATER TO THE OUTFALL ON SANTOS BLVD VIA PALERMO CIRCLE; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE EMERGENCY PURCHASE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Hauge revealed that the drainage on some sections of Estero Blvd. did not connect to any storm drains. Funds were in stormwater and grants would help alleviate the cost.

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

The motion carried unanimously by roll call vote.

H. Resolution 25-272; Axis Infrastructure, Inc. STA #17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING SUPPLEMENTAL TASK AUTHORIZATION (STA) #17 WITH AXIS INFRASTRUCTURE, INC. IN AN AMOUNT NOT TO EXCEED \$195,000, RETROACTIVE TO MAY 1, 2025, FOR A CUMULATIVE TOTAL OF PAYMENT FOR SERVICES UNDER RFQ 20-22-AD TO CLOSE OUT THE FY2025 FOR THE CONTINUATION OF PLANNING SERVICES ; AUTHORIZING THE TOWN MANAGER TO SIGN STA #17 AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Kropacek noted this was to catch up on the paperwork and finish out the year. He added that they were exploring avenues to help offset costs.

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

The motion carried unanimously.

I. Resolution 25-257; Bid Protest, ITB-25-05-PW, Water Meter Replacement **A**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/DENYING THE BID PROTEST FOR THE WATER METER REPLACEMENT PROJECT, ITB-25-05-PW RECEIVED FROM UTILITIES ONE PURSUANT TO SECTION 2-486(a) OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES;

PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Removed.

J. Resolution 25-245; DeBiasi Utility Easement

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM THE LEO J. DIBIASI AND VALERI J. DIBIASI REVOCABLE LIVING TRUST DATED AUGUST 20, 2014 ('THE TRUST') AND DIRECTING THE FINANCE DIRECTOR TO MAKE A PAYMENT OF \$85,000 UPON RECORDING OF THE UTILITY EASEMENT AS AGREED TO BY THE TOWN IN A SETTLEMENT AGREEMENT DATED APRIL 7, 2025; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Attorney Stuparich stated they had a signed, executed copy of the utility easement. Insurance proceeds will cover some of the cost, leaving about \$45,000.00 for the town to pay.

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

The motion carried unanimously by roll call vote.

XIV. FINAL PUBLIC COMMENT

No public comment.

XV. TOWN MANAGER'S ITEMS

Town Manager McKannay thanked staff and council for their support through the process of opening the new town hall.

Another meeting was held with FEMA (Federal Emergency Management Agency) and the town received positive feedback on the submissions sent in. Another thirty non-compliant structures on the list were submitted and they were waiting for responses.

Director Kropacek clarified that permits were needed when flood barriers or storm shutters were bolted to the structure. Emergency Services & Compliance Director Thomas Yozzo added that they were awaiting direction on dry flood proofing, as residential structures were not currently permitted to be dry flood proofed. He was waiting for clarification regarding whether storm shutters were considered mitigation or dry flood proofing. Mayor Allers suggested that homeowners not take any action until the town could provide a definitive answer from FEMA and the state. As it stands, residents are not allowed to install water mitigation barriers at this time.

Town Manager McKannay provided an update on the records request from the school district regarding FEMA funding. He will have an answer once he has a chance to review the response. A meeting with Dr. Carlin's team will be scheduled within the next two weeks.

XVI. TOWN ATTORNEY'S ITEMS**A. Executive Session**

Pursuant to Section 286.011(8), Florida Statutes, the Town Council of the Town of Fort Myers Beach, Florida, will commence a Litigation Executive Session closed to the public at 12:00 p.m. on September 11, 2025, to discuss settlement negotiations and strategy related to litigation expenditures regarding

Town of Fort Myers Beach, Florida vs. White Sand Properties of Fort Myers Beach, LLC and FGC Associates, LLC, Case No. 2025-CA-004261, 20th Judicial Circuit, Lee County, Florida. Persons attending the Executive Session include: Mayor Dan Allers, Vice-Mayor Jim Atterholt, Council Members John R. King, Scott Safford, and Karen Woodson, Town Manager William McKannay, Town Attorneys Nancy Stuparich, Becky Vose (by Zoom), Chloe Berryman, and Paul Waters (by Zoom), and a court reporter from Dines Court Reporting to be announced prior to the commencement of the Executive Session.

Town Attorney Stuparich noted the date had to be rescheduled because a court reporter was not available.

B. Any action to be taken from the Litigation Executive Session
No actions.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King thanked everyone for their support regarding the recall process.

Mayor Allers stated that the information he released regarding the school was not meant to imply that the school did anything wrong. There was no FEMA money coming. He discussed the school using the funding they requested for the school on other projects. He asked them to uphold the agreement they signed.

No items from other members.

XVIII. ADJOURNMENT

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

The meeting was adjourned at 12:15 p.m.



Fort Myers Beach Town Council

Town Hall Council Chambers
2731 Oak Street

Fort Myers Beach, FL 33931

Minutes

Thursday, September 11, 2025

5:01 PM

DRAFT

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. PUBLIC COMMENT

Susan Coke, resident, distributed information and noted that she previously sent it to the council members. She reviewed her presentation to dispute the proposed 26% tax increase.

Jackie Valazquez expressed concern about the rate increase and asked what the town was responsible for. She listed items that the town recently purchased and thought they had a large payroll. She asked why they do not encourage people to build and move here and to be mindful of the residents.

Cliff Gallagher, a resident, described his experience with the tax assessor, who said he was a new person when he bought out the co-owners, even though he had lived in his house for years. He said the town had to cut its expenses because his taxes would go up by almost \$400.00. He suggested services be cut back.

Ellen Vaughan, resident, thought they had a tough job balancing the budget. She did not want to see various organizations' budget cuts because those amenities made the town special.

III. PUBLIC HEARINGS

A. Resolution 25-262; FY26 Proposed Millage Rate

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE PROPOSED AD VALOREM MILLAGE RATE FOR THE TOWN OF FORT MYERS BEACH, FLORIDA FOR FISCAL YEAR 2025-2026 COMMENCING OCTOBER 1, 2025 AND ENDING SEPTEMBER 30, 2026 FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE GENERAL FUND; SETTING THE SECOND AND FINAL PUBLIC HEARING FOR WEDNESDAY, SEPTEMBER 24,

2025 AT 5:01 P.M. TO ADOPT THE FINAL OPERATING AD VALOREM MILLAGE RATE FOR FISCAL YEAR 2025-2026; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution.

Council Member King moved to table this item, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

Council Member Safford moved to reopen the item, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

Council Member Safford moved to set the tentative millage rate to be finalized at the September 24, 2025, meeting at 5:01 p.m. to 1.1500 mills, seconded by Mayor Allers.

Public comment:

Susan Coke, resident, commented about a trailer sitting on flooded property and not paying any taxes. She discussed the lack of enforcement and vacation rentals.

Jackie Valazquez, resident, noted that her children enjoyed Bay Oaks when they were younger, but now she does not want to pay for someone else's education. She wanted the town to stop wasting the taxpayers' money on building the dunes.

Cliff Gallagher, resident, stated that he lives on the beach part-time, but pays 10% in taxes, which is higher than full-time residents. He did not receive anything from FEMA.

Public comment closed.

Manager Penner announced that the Town Council proposed an operating ad valorem millage rate for FY 25-26 at 1.150 mills, which was 1.15 for each \$1,000 of assessed valuation. The current year rollback rate is .08954 mills. The proposed operating millage rate is 28.43% greater than the rollback rate.

The motion carried 3-2 by roll call vote, with Vice Mayor Atterholt and Council Member King dissenting.

B. Resolution 25-263; FY26 Tentative Budget

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2025-2026 COMMENCING OCTOBER 1, 2025 AND ENDING ON SEPTEMBER 30, 2026; SETTING THE SECOND AND FINAL BUDGET ADOPTION PUBLIC HEARING FOR WEDNESDAY, SEPTEMBER 24, 2025 AT 5:01 P.M. AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick thanked Budget Manager Kassandra Penner for putting the presentation together and those who provided input. The presentation started with an

Overview, General Fund Budget Workshop Revenues & Expenses, Bridge Loan Calculation, Bridge Loan Status - Budget Workshop and Tentative Adjustments, Impact & Risks - Community Services Director Jeff Hauge.

Director Hauge provided a review of the various services under his direction.

He noted that \$436,850.00 was cut from the Bay Oaks budget and he reviewed the impacts from those cuts. He listed the activities that will be eliminated and reported that hours of operation will be reduced. Staff will not be cut, but position openings will not be filled. Discussions regarding the use of a key fob system for facility access were ongoing. All special events, including 4th of July and New Year's Eve fireworks, will be eliminated. He addressed other programs that will be reduced. He explained how cuts would affect Mound House activities, including reduced hours and the elimination of some programs. Program materials, best museum practices and legal acceptance of materials will be affected. Director Hauge explained the scope of Public Works and noted that other cuts and reallocations enabled them to cover those costs.

Council Member Safford asked whether the 4th of July fireworks could be held since it was the country's 250th anniversary. Director Hauge replied that it was up to the town council.

Council Member Woodson challenged the Friends of Bay Oaks to raise money for the fireworks. She worried about the after-school and summer programs for the kids because they were a benefit for parents and the reduced staff-to-children ratio was a concern.

Vice Mayor Atterholt asked if the market rate was being charged for programs. Director Hauge replied that they were close. If they charged the market rate, they might be able to save some programs, but they would lose some participants, like they did two years ago. However, a slight increase was proposed.

Council Member King asked about drones for fireworks. Director Hauge responded that they were about \$50,000-60,000.00, plus all other event-related costs. Town Manager Will McKannay indicated that the Chamber of Commerce was having a drone show during the Sand Sculpting Championship and he will use that event for comparison purposes.

Mayor Allers stated that the reduction of hours for Bay Oaks is the result of potential cuts and will affect the community. Director Hauge responded that they would do the best they could with the staff they had, but it would take a toll on them.

Director Onzick continued with Tentative Adjustments to Human Resources. Human Resources Director Talissa Oliveira explained why she wanted to increase the employee appreciation budget.

Emergency Services & Compliance Director Thams Yozzo described why \$50,000.00 was needed for the emergency lighting program. He noted that the funds were pulled from another fund related to community policing.

Community Development & Planning Director Frankie Kropacek explained the \$40,000.00 correction to the Mooring Field budget. He added that the fees were right in the middle compared to other fields. He described how the

Mooring Field benefited the town.

Mayor Allers suggested increasing the fees to absorb the \$60,000.00. Town Clerk Amy Baker described increases in costs due to more meetings, an increase in software costs and elections. Training was eliminated.

Council Member Woodson did not support removing training. Mayor Allers agreed.

Director Onzick continued with Tentative Adjustments to Finance, Total Tentative Adjustments by Department, FY25-FY26 Position Change Comparison, All Funds Revenue by Source, Use of Reserves, Grant Revenue, Bridge Loan Status, General Fund Expenses by Department, Expense Budgets of All Funds, FY26 Tentative Budget, Debt Service, DEO Bridge Loan and Florida State Revolving Fund.

Council Member Safford asked whether they were still adding to the emergency fund reserves. Director Onzick explained the complexity of determining what was in the emergency reserve fund today, but he will have the information as soon as possible. He discussed utilizing the FDEM (Florida Department of Emergency Management) money.

Council Member Woodson asked whether they were cutting too many children's programs and felt that training in the Town Clerk's office should not be cut. She thought it was premature to set the millage rate.

Vice Mayor Atterholt noted that utility rates would most probably increase. He commented that they were contributing to the emergency reserve fund. He could not raise the millage rate based on speculation and supported keeping the millage rate the same.

Council Member King suggested that the Friends of Bay Oak raise money for children's programs. He suggested selling the old town hall property or the property for the proposed Mooring Field facilities. He explained how property owners going back online were losing the storm-related tax relief from Lee County. He did not support an increase.

Mayor Allers agreed with the other council members that the staff did an excellent job moving things around to reduce the budget. He expressed concern about the emergency reserve fund, noting that the town had not raised the millage rate since Jan, unlike other communities. Town Manager McKannay explained why he was not comfortable with the cuts presented, especially at Bay Oaks.

Mayor Allers stated that he would not support a 26% increase, but he could support a lower increase.

Town Manager McKannay commented that they were still researching potential lines of revenue. He stated that a millage rate of 1.255 would result in an additional \$1.191 million, while an increase of 1.029 would result in \$177,000.00. He indicated that the smaller amount could help save some programs and contribute to some infrastructure projects.

Council Member Woodson suggested a rate of 1.12, which was an additional \$600,000.

Council Member Safford was comfortable if they could cover the \$700,000.00 of the 50% grant and see where they were in two weeks.

Manager Penner stated that 1.15 would be an additional \$719,000.00.

Council Member Safford moved to table the resolution, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

Council Member Safford moved to reopen the resolution, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

Mayor Allers moved to approve the resolution to coincide with Exhibit A to match the previously adopted tentative millage rate of 1.150 mills based on the discussion today and the adjustments, seconded by Council Member Safford.

Public comment:

Cliff Gallagher, resident, said the millage rate on a document from the property assessor was 1.2550. He was told that was the proposed rate. Public comment closed.

The motion carried 3-2 by roll call vote, with Vice Mayor Atterholt and Council Member King dissenting.

C. Resolution 25-264; FY26 Tentative Fee Schedule

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, ADOPTING THE TENTATIVE FEE SCHEDULE FOR FISCAL YEAR 2025-2026 COMMENCING OCTOBER 1, 2025 AND ENDING ON SEPTEMBER 30, 2026 AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Allers read the title of the resolution. Director Onzick utilized PowerPoint for his presentation. Slides include the FY26 Tentative Fee Schedule Changes. Director Kropacek explained that the fees that dropped to zero would be included in a package. Director Onzick continued with the Fee Schedule Changes. Mayor Allers stated that the town council agreed not to increase the Personal Watercraft Vendor License and the Parasailing Vendor License fees by more than 3% per year. Director Yozzo explained that since the fees had been waived, he was trying to align with surrounding municipalities. He added that the fee would go back to 3% the following year. Vice Mayor Atterholt commented that the vendors were amenable to increasing fines for violations. Director Yozzo also increased the fees for penalties. Council Member King did not support increasing the fees. Director Yozzo responded that it was a tentative increase and that he would adjust it. Council Member Woodson suggested increasing the penalties to make up the difference. The increase in beach raking fees would be eliminated.

Director Hauge reviewed the increases in Bay Oaks fees.

Director Kropacek described the increases in permit fees. Council Member Safford asked whether an increase of \$10.00 was enough.

Director Kropacek explained that these items were easily handled. Council Member Woodson suggested increasing fees to \$25.00 and Council Member

King was fine with a \$10.00 increase. Director Kropacek will research more complex permits that take more staff time.

Council Member King moved to approve the resolution based on the amended changes discussed, seconded by Council Member Safford.

No public comment.

The motion carried unanimously by roll call vote.

IV. FINAL PUBLIC COMMENT

Michael J. Gutierrez, a resident, complimented everyone on how they conducted the meeting.

V. ADJOURNMENT

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

The meeting was adjourned at 8:56 p.m.

1. **Request:**

Meeting Date: September 24, 2025

Discuss and approve the monthly schedule for Town Council meetings for calendar year 2026

Why the action is necessary:

Assists to prepare the calendar for the upcoming months

What the action accomplishes:

Sets the 2026 Council schedule

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

Amy Baker, Town Clerk

5. **Background:**

Town Council establishes its meeting schedule each year.

Attachments:

1. PROPOSED 2026 Town Council Meeting Schedule

Financial Impact:

None

6. **Alternative Action**

Select alternative dates.

7. **Management Recommendations:**

8. **Recommended Approval:**

Amy Baker, Town Clerk
Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
William McKannay, Town Manager

Created/Initiated - 9/16/2025
Approved - 9/16/2025
Approved - 9/16/2025
Approved - 9/17/2025
Final Approval - 9/17/2025



2026 PROPOSED Town Council Meeting Schedule

<u>JANUARY 2026</u>		
Monday, January 5, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, January 8, 2026*	9:00 a.m.	Management & Planning Session
TUESDAY, January 20, 2026	9:00 a.m.	Regular Town Council meeting
<u>FEBRUARY 2026</u>		
Monday, February 2, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, February 5, 2026	9:00 a.m.	Management & Planning Session
TUESDAY, February 17, 2026	9:00 a.m.	Regular Town Council meeting
<u>MARCH 2026</u>		
Monday, March 2, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, March 5, 2026	9:00 a.m.	Management & Planning Session
Monday, March 16, 2026	9:00 a.m.	Regular Town Council meeting
<u>APRIL 2026</u>		
Monday, April 6, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, April 9, 2026*	9:00 a.m.	Management & Planning Session
Monday, April 20, 2026	9:00 a.m.	Regular Town Council meeting
<u>MAY 2026</u>		
Monday, May 4, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, May 7, 2026	9:00 a.m.	Management & Planning Session
Monday, May 18, 2026	9:00 a.m.	Regular Town Council meeting
<u>JUNE 2026</u>		
Monday, June 1, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, June 4, 2026	9:00 a.m.	Management & Planning Session
Monday, June 15, 2026	9:00 a.m.	Regular Town Council meeting
<u>AUGUST 2026</u>		
Monday, August 3, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, August 6, 2026	9:00 a.m.	Management & Planning Session
Monday, August 17, 2026	9:00 a.m.	Regular Town Council meeting
<u>SEPTEMBER 2026</u>		
meeting dates/times TBD based on DOR requirements for millage and budget		
<u>OCTOBER 2026</u>		
Monday, October 5, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, October 8, 2026*	9:00 a.m.	Management & Planning Session
Monday, October 19, 2026	9:00 a.m.	Regular Town Council meeting
<u>NOVEMBER 2026</u>		
Monday, November 2, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, November 5, 2026	9:00 a.m.	Management & Planning Session
Monday, November 16, 2026	9:00 a.m.	Regular Town Council meeting
<u>DECEMBER 2026</u>		
Monday, December 7, 2026	9:00 a.m.	Regular Town Council meeting
Thursday, December 10, 2026*	9:00 a.m.	Management & Planning Session
Monday, December 21, 2026	9:00 a.m.	Regular Town Council meeting

*Conflicts with Lee County TDC meeting

1. **Request:**

Meeting Date: September 24, 2025

Shop Local Productions is requesting to have a Farmer's Market at Times Square from October 2025 through April 2026

Why the action is necessary:

Ordinance 20-17

What the action accomplishes:

Allow for a Farmer's Market to be held in Times Square like in the past.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

Tracie Raski, Magistrate
Coordinator

5. **Background:**

Shop Local Productions is requesting to hold a Farmer's Market in Times Square. Shop Local Productions has held previous farmers markets on the island in the past. This is for the 2025-2026 season.

Attachments:

1. 27859430-Special Event Application Shop Local Productions 2025 2026 TIME SQUARE
2. Parking Invoice - Linda Miller

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Tracie Raski, Magistrate Coordinator
Thomas Yozzo, Emergency Services Director
Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
William McKannay, Town Manager

Created/Initiated - 9/16/2025
Approved - 9/16/2025
Approved - 9/16/2025
Approved - 9/16/2025
Approved - 9/17/2025
Final Approval - 9/17/2025



Town of Fort Myers Beach

Special Event Application Checklist

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

- ☐ A **completed** application is to be turned in 45 days **prior** to the event or a \$5.00 per day cost will be added to the permit cost. You need to submit application to FMB Fire and LSCO.
- ☐ All necessary department approvals – an application is not considered completed until all approvals have been turned in to Town Hall.
- ☐ If Town Council action is required the **completed** application must be turned in 60 days prior to the event in order to get put on the Council agenda to be brought forth to Council, also any application turned in after the 60 days a 10% additional charge to the permit will be added.
- ☐ Detailed description of entire event including set up and breakdown
- ☐ Letters of permission if using someone else's property for event.
- ☐ Site plan – marked off with placement of objects (chairs, tables, tents, etc.)
- ☐ Parking Plan – if applicable
- ☐ Liability Insurance (\$1 million each occurrence and \$2 million general aggregate) naming the Town of Fort Myers Beach as certificate holder
- ☐ A copy of the 500 foot notification letter for any amplification along with the mailing list

You must initial & sign you have read and understand all requirements above.



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Email: Specialevents@fmbgov.com

Name of event Fort Myers Beach Market @ Times Square

Attach separate sheet of paper with detailed description of event

FRIDAYS 9AM-1PM OCT. 3, 10, 17, 24, 31 NOV. 7, 14, 21, 28 DEC. 5, 12, 19, 26 JAN. 2, 9, 16, 23, 30

Date(s) and times of event FEB. 6, 13, 20, 27 MAR. 6, 13, 20, 27 APR. 3, 10, 17, 24

Address of event

Times Square Estero Blvd @ Old San Marcos

Expected # of participants/attendees 40-49 vendors

Sponsoring Organization

Shop Local Productions

Organization address

7205 Estero Blvd. FMB 33931

Contact Person/Phone#

Linda Miller 239-289-3786

E-mail

shoplocalpro@gmail.com

Amplified Music Y ☐ N ☒ 500 Ft Notifications _____ Copy of Letter _____

Renting Town Property Y ☒ N ☐ Renting Parking Spaces Y ☒ N ☐

How many Spaces? 49 How many hours 4

Extension of Premises? Y ☐ N ☐ ABT Form _____ How many days? 30 (Over 3 days needs to go to Council)

Letters of Permission to use Property TOWN

Letters of Permission to use Parking TOWN Parking Plan _____

Site Plan _____ Insurance _____ (Naming Town of FMB as Certificate Holder)

Requesting Water Y ☐ N ☒ Electric Y ☐ N ☒

Requires Council Approval:

Waiver of open container Y ☐ N ☒ Waiver of Town parking fees Y ☒ N ☐

Waiver of Noise Ordinance Y ☐ N ☒ Recurring Event Y ☒ N ☐

Applicant Signature

Linda Miller

Printed Name

Linda Miller

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

January 30, 2023

Applicant to Complete:

Company managing trash removal: Vendors Remove Trash

No. of dumpsters: 0 Type of dumpsters: NA

Who is responsible for clean-up and payment: Manager ensures Vendors remove trash.

City right-of-way Parking Use: _____ Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

January 30, 2023

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Kelly Cramer

Tel (239)770-7502 Fax(850)412-0590

Email: kelly.cramer@floridadep.gov

Florida DEP remarks: NA not on beach

Check list: Application _____ Site Plan _____ Description _____

Florida DEP approval: _____ Date: _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: NA not on beach

Turtle Time approval: _____ Date: _____

January 30, 2023

FORT MYERS BEACH FIRE DEPT

100 Voorhis Street • Fort Myers Beach, Florida 33931

Tel (239) 590-4210

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

prevention@fimbfire.org – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT

15650 Pine Ridge Road, Fort Myers, FL 33908

Tel (239)477-1830 Fax (239)432-0268

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

January 30, 2023



Fort Myers Beach Fire Control District

Life Safety Branch

100 Voorhis Street • Fort Myers Beach, Florida 33931

Phone (239) 590-4210 • Email: prevention@FMBFirefl.gov

Special Events Application and Guidebook

Event Type:

☒ Small Outdoor/Indoor Event	☐ Large Outdoor/Indoor Event	☐ Firework Display
Date of Application: 6/9/2025		Date of Event: <u>Weekly Starting Friday October 3, 2025</u>
Location: Times Square FMB		
Event Start Date/Time: 9AM OCT. 3, 2025		Event End Date/Time: 1PM APR. 24, 2026
Setup Date: <u>same</u> 7AM	Setup Time: 7AM	Inspection Time:
Event Sponsor: Shop Local Productions		
Sponsor Contact: Linda Miller	Sponsor Phone #: 239-289-3786	Sponsor Email: ShopLocalPro@gmail.com
Anticipated Number of Attendees: 300	Anticipated Number of Event Workers: 1-2	
Will there be carnival or mechanical rides: No	Number of Stages: None	
Total Number of Vendors: 30-49	Total Number of Hot Food Vendors: Unknown until applications accepted Sept. 27	
Number of Tents larger than 20 x 20: 0	Number of 10 x 10 Tents:	

Every vendor with a booth will receive a fire inspection and is responsible for paying an inspection fee. Please list the contact information for the responsible party below.

Can submit Sept. 27, 2025. Info unknown until Sept. 27.

Please Note: If the event sponsor elects not to pay the vendor's inspection fee, a list of vendors, with full contact information, must be provided to the Fort Myers Beach Fire District. This information shall include contact name, number, and e-mail. All inspection fees will be due at time of service, and must be paid prior to release of any approvals.

Event applications submitted less than thirty (30) days prior to the event will be subject to additional fees. An expedited review may be requested and will be based upon availability, additional fees will apply.

Applications shall include the following:

1. A legible site plan to include proposed layout of the event; fire hydrant locations; fire/emergency access; and distances to any structures.
2. A life safety evaluation may be required based on the size of the event in accordance with the fire code.
3. All vendors should review FMBFD guidelines, on our website at www.FMBFirefl.gov
4. Failure to comply with requirements of the FMBFD may result in additional fees and/or shutdown of the vendor(s).

<u>Linda Miller</u>	<u>Linda Miller</u>
Submitting Party Name (Print)	Submitting Party Name (Sign)
Date: <u>6/9/2025</u>	

Fort Myers Beach Market Description (Fridays ONLY)

as being requested by Working Locals and Returning Tourists.

@Time Square (In the event of Emergency Backup Location will be Under the Matanzas Bridge)

Sponsored by Shop Local Productions

Open Fridays 9am-1pm From October 2025 through April 2026

Mission:

To provide a family-friendly, free-to-attend event for all ages to convene and have access to healthy produce, boutique foods, artisan crafts and other items.

Shop Local Production offering to purchase 49 additional annual business parking passes for the space. In the event of moving, sandwich boards will be allowed at Time Square to notify customers/visitors of the relocation.

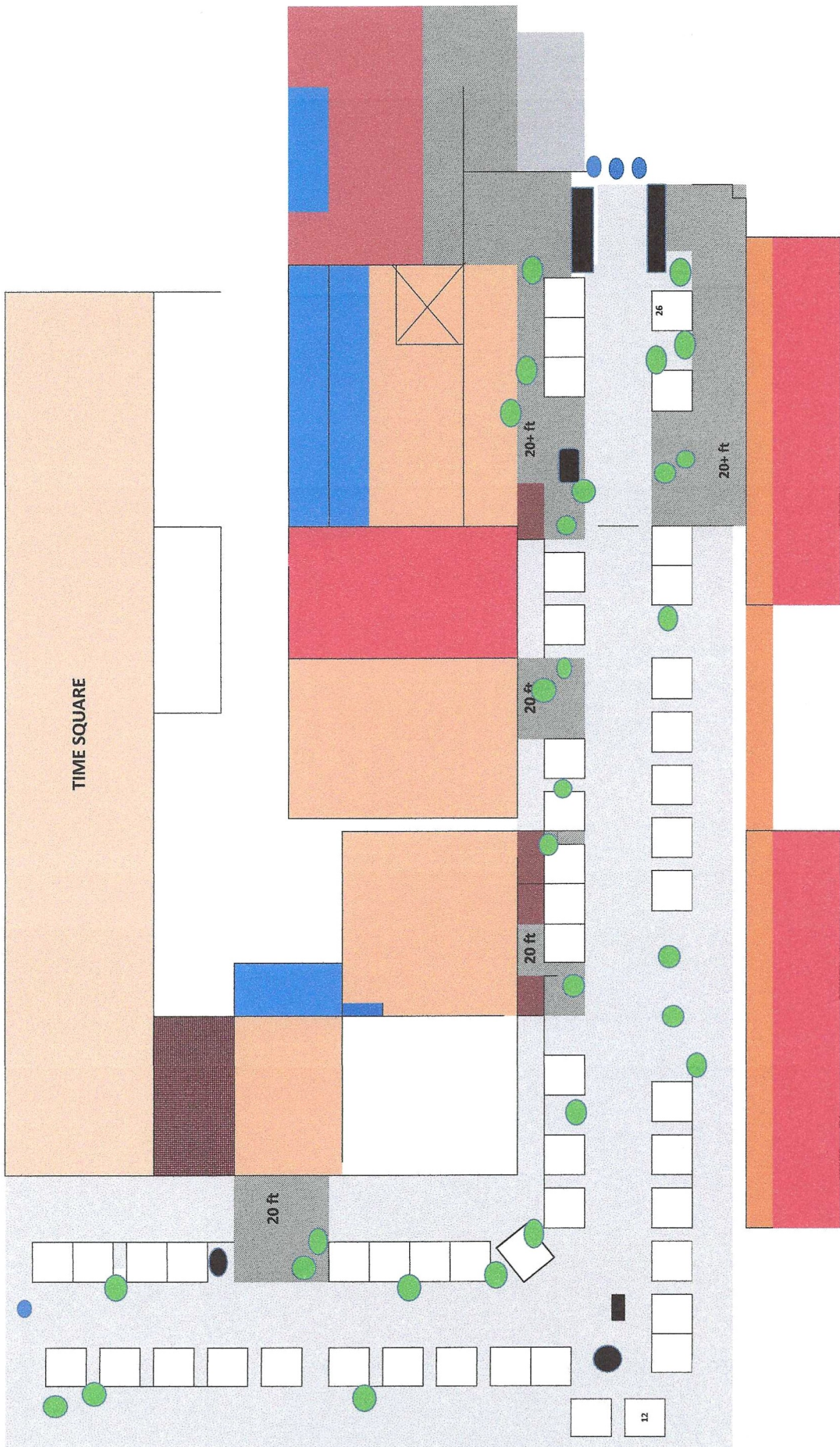
Description:

More than ever since Hurricane Ian, FMB locals and visitors request the need for fresh varietal foods, produce and commodities brought to the island. With roots going back to 1934 Farmers Markets on FMB have been part of the fabric of beach life in a huge way for the past 30 years and reaching a peak of 4 days a week on different parts of the island pre-Hurricane Ian. This niche (cottage foods, coffee, bakeries, smoothies, skincare, art and wearable art, produce, seafood and meats) fills a void in Island shopping. Since advertising is weekly with 15K Google views, FMB Markets have a history of boosting local neighboring restaurants and businesses as well as the return of vibrant tourism. Markets create a beach vibe unique to FMB.

Superb Record:

Voted annually by locals as "Neighborhood Favorites," FMB Markets have had zero emergency calls and zero accidents in the tenure of leadership from Shop Local Productions) since 2015), creating zero burden on emergency services and thus taxpayers.

Vendor Inquiries can be directed to 41markets.com





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/05/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hiscox Inc. 5 Concourse Parkway Suite 2150 Atlanta GA, 30328	CONTACT NAME: PHONE (A/C, No, Ext): (888) 202-3007 FAX (A/C, No): E-MAIL ADDRESS: contact@hiscox.com																					
INSURED Watergemz, LLC DBA Shop Local Productions DBA Shop Local Productions 19552 The Place Blvd Estero, FL 33928	<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A :</td><td>Hiscox Insurance Company Inc</td><td>10200</td></tr><tr><td>INSURER B :</td><td></td><td></td></tr><tr><td>INSURER C :</td><td></td><td></td></tr><tr><td>INSURER D :</td><td></td><td></td></tr><tr><td>INSURER E :</td><td></td><td></td></tr><tr><td>INSURER F :</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A :	Hiscox Insurance Company Inc	10200	INSURER B :			INSURER C :			INSURER D :			INSURER E :			INSURER F :		
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INSURER D :																						
INSURER E :																						
INSURER F :																						

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	Y		P100.409.208.6	07/15/2025	07/15/2026	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ S/T Gen. Agg. \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDERTown of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, Florida 33931**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ACORD 25 (2016/03)

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Parking Rates

Shop Local Productions – Farmer’s Market

To:

Linda Miller
Shop Local Productions

From:

Town of Fort Myers Beach
6231 Estero Blvd
Fort Myers Beach, FL 33931
239-765-0202

Invoice Date: 09/09/2025

Description	Cost	Amount
Standard Parking Rate	40 cars x 30 days x \$20/day	\$24,000.00
Discounted Parking Rate	40 cars x 30 days x \$5/day	\$6,000.00

Total Amount Due: \$6,000.00

Notes:

This discounted rate is being offered in support of the Farmer’s Market community benefit. Parking passes must be visibly displayed in each vehicle while parked. Passes are only permitted to be used on day of event; any unauthorized use of passes will be subject to ticketing or towing at the owner’s expense.



Thomas Yozzo

Emergency Services Director

1. **Request:**

Meeting Date: September 24, 2025

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH THE LEE COUNTY TAX COLLECTOR SHALL COLLECT AND ENFORCE THE COLLECTION OF THOSE CERTAIN NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED BY THE TOWN OF FORT MYERS BEACH RESULTING IN THE DEMOLITION OF UNSAFE STRUCTURES DETERMINED BY THE BUILDING OFFICIAL FOR THE FISCAL YEAR 2026; AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

Approval of this interlocal agreement between the Town and Lee County Tax Collector is necessary to ensure the Town can recover any costs associated with demolition of unsafe structures from special non-ad valorem assessments on the tax rolls of the affected property owners, beginning with the 2025 tax year.

What the action accomplishes:

The purpose of this Agreement under Rule 12D-18, Florida Administrative Code, is to establish the terms and conditions under which the Tax Collector shall collect and enforce the collection of those certain non-ad valorem special assessments, the "Assessments", levied by Authority to include compensation by Authority to the Tax Collector for actual costs of collection pursuant to Section 197.3632(8)(c), Florida Statutes; payment by Authority of any costs involved in separate mailings because of non-merger of any non-ad valorem special assessment roll as certified by the Authority, or his or her designee, pursuant to Section 197.3632(7), Florida Statutes, and reimbursement by Authority for necessary administrative costs, including, but not limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming which attend all of the collection and enforcement duties imposed upon the Tax Collector by the uniform methodology, as provided in Section 197.3632(2), Florida Statutes.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Interlocal Agreement

4. **Submitter of Information:**

Nancy Stuparich, Town
Attorney, Amy Baker, Town
Clerk

5. **Background:**

In May 2025, the Town entered into an interlocal agreement with the Lee County Tax Collector which provides for the collection of unpaid non-ad valorem assessments associated with demolition of unsafe structures (the "Assessments"), on the property owners' tax bills, to be paid at the same time as ad valorem taxes are paid as authorized and set forth in Chapter 197, Florida Statutes. The Lee County Tax Collector has informed the Town that the rate for the collection of the 2025 and future non-ad valorem special assessment has changed and is \$1.84 per line, per parcel or 2% depending on the number of parcels, whichever is higher. This change is included in the proposed agreement received from the Tax Collector.

Attachments:

1. 25-293, Uniform Method of Collection 2025
2. Town of Fort Myers Beach 9-25
3. Fort Myers Beach UCA 5-7-25

Financial Impact:

Benefit to the Town in recovering the costs associated with demolition of unsafe structure and the review of the property owners' appeals.

6. Alternative Action

7. Management Recommendations:

Approve this Uniform Collection Agreement

8. Recommended Approval:

Amy Baker, Town Clerk
Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
William McKannay, Town Manager

Created/Initiated - 9/17/2025
Approved - 9/17/2025
Approved - 9/18/2025
Approved - 9/18/2025
Final Approval - 9/18/2025

RESOLUTION NUMBER 25-293

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH THE LEE COUNTY TAX COLLECTOR SHALL COLLECT AND ENFORCE THE COLLECTION OF THOSE CERTAIN NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED BY THE TOWN OF FORT MYERS BEACH RESULTING IN THE DEMOLITION OF UNSAFE STRUCTURES DETERMINED BY THE BUILDING OFFICIAL FOR THE FISCAL YEAR 2026; 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 (the “Council”) of Fort Myers Beach, Florida (the “Town”) adopted Resolution 24-251 on November 18, 2024 establishing the levy, collection and enforcement of non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes for the demolition of unsafe structures determined by the Building Official, and

WHEREAS, the Lee County Tax Collector has informed the Town that the rate for the collection of the 2025 non-ad valorem special assessment is \$1.84 per line, per parcel or 2% depending on the number of parcels, whichever is higher; and

WHEREAS, the Town Council has determined it is in the best interest of the Town of Fort Myers Beach to continue the Uniform Collection Agreement with the Lee County Tax Collector and adopt this Resolution.

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

Section 1. The Town of Fort Myers Beach hereby adopts all whereas clauses within this resolution.

Section 2. Town Council hereby approves the agreement as attached as “Exhibit A”.

Section 3. This Resolution shall be effective immediately upon adoption.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by _____ and seconded by _____, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Scott Safford, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this ____ day of _____ 2025, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____ 2025.

UNIFORM COLLECTION AGREEMENT

THIS AGREEMENT made and entered into this 16th day of September, 2025, by and between Town of Fort Myers Beach ("Authority"), whose address is 22731 Oak Street, Fort Myers Beach, Florida 33931, and the Office of the Lee County Tax Collector, by and through the Honorable R. Noelle Branning, Lee County Tax Collector, whose address is Lee County Tax Collector's Office, 2480 Thompson Street, Ft. Myers, Florida 33901 ("Tax Collector").

WHEREAS, The purpose of this Agreement under Rule 12D-18, Florida Administrative Code, is to establish the terms and conditions under which the Tax Collector shall collect and enforce the collection of those certain non-ad valorem special assessments, the "Assessments", levied by Authority to include compensation by Authority to the Tax Collector for actual costs of collection pursuant to Section 197.3632(8)(c), Florida Statutes; payment by Authority of any costs involved in separate mailings because of non-merger of any non-ad valorem special assessment roll as certified by the Authority, or his or her designee, pursuant to Section 197.3632(7), Florida Statutes, and reimbursement by Authority for necessary administrative costs, including, but not limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming which attend all of the collection and enforcement duties imposed upon the Tax Collector by the uniform methodology, as provided in Section 197.3632(2), Florida Statutes.

Both parties mutually agree as follows:

1. The Authority shall meet all the requirements of Florida Statutes 197.3631 and 197.3632 and Florida Administrative Code ("FAC") Rule 12D-18 for the implementation of the Authority's non-ad valorem assessment billing.
2. Upon the performance by the Authority of its requirements in compliance with the above statutes and this Agreement, the Tax Collector agrees to implement the Authority's non-ad valorem assessments billing and collection.
3. The Authority further agrees that it shall provide to the Tax Collector compensation for the actual cost of collecting these non-ad valorem assessments as provided in Florida Statutes (F.S. Section 197.3632(8)(c)). Since the actual costs of collection cannot be precisely determined, the current estimated annual collection cost is \$1.84 per parcel and is subject to change based upon actual expenditures.
4. This Agreement shall be in effect for the tax year 2025 and subsequent years thereafter unless canceled by either the Authority or the Tax Collector by giving notice in writing to the other by January 10th of a tax year.
5. This Agreement may be modified by both parties in writing provided such modifications are agreed upon prior to any notice of termination.
6. This Agreement shall be changed, modified, or amended in writing as necessary to conform with any new statutory requirements when and if enacted into law.
7. Subject to the provisions and limitations of Florida Statute 768.28, the Authority shall indemnify and save harmless and defend the Tax Collector, its agents, servants, and employees from and against any and all claims, liability, losses, or causes of action which may arise from any misconduct, improper action, negligent act, or omission of the Authority,

its servants, or employees in the performance of services under this Agreement. The Authority acknowledges that the Tax Collector is entering this Agreement without any determination that the Authority is legally authorized or qualified to assess these non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, determine the legality of the assessment, or determine the constitutionality of any lien resulting from nonpayment of the assessment.

8. Notice

All notices or other communications hereunder shall be in writing and shall be deemed duly given if delivered in person or sent by certified mail return receipt requested and addressed as follows:

If to the District:

Town of Fort Myers Beach
Attn: Dan Allers, Mayor
2731 Oak Street
Fort Myers Beach, Florida 33931

With a copy to:

Town of Fort Myers Beach
Attn: Amy Baker, Town Clerk
2731 Oak Street
Fort Myers Beach, Florida 33931

If to the Tax Collector:

Honorable R. Noelle Branning
Lee County Tax Collector
2480 Thompson Street
Ft. Myers, Florida 33901

With a "copy to" for Tax Collector:

Michele Nunes
Legal Administrative Generalist
Lee County Tax Collector
2480 Thompson Street
Ft. Myers, Florida 33901

IN WITNESS HEREOF, the parties have executed this Agreement by their respective duly authorized officers or representatives.

ATTEST:

Town of Fort Myers Beach

Name: _____

BY: _____
(Authorized Signature for District)

Name: _____
Title: _____
Date Signed: _____

ATTEST:

LEE COUNTY TAX COLLECTOR

Name: _____

BY: _____
R. Noelle Branning, Tax Collector

Date Signed: _____

Approved as to form and legal sufficiency:

Signature: _____ Date Signed: _____
Orfelia M. Mayor, Esq. on behalf of
Lee County Tax Collector

ATTACHMENT A
CITY-TOWN-VILLAGE-DISTRICT OF XX
RESOLUTION NO. XXX
(Adopted DATE?)

UNIFORM COLLECTION AGREEMENT

THIS AGREEMENT made and entered into this 7 day of May, 2025, by and between the Town of Fort Myers Beach ("Authority"), whose address is 2731 Oak Street, Fort Myers Beach, Florida 33931, and the Office of the Lee County Tax Collector, by and through the Honorable R. Noelle Branning, Lee County Tax Collector, whose address is Lee County Tax Collector's Office, 2480 Thompson Street, Ft. Myers, Florida 33901 ("Tax Collector").

WHEREAS, The purpose of this Agreement under Rule 12D-18, Florida Administrative Code, is to establish the terms and conditions under which the Tax Collector shall collect and enforce the collection of those certain non-ad valorem special assessments, the "Assessments", levied by Authority to include compensation by Authority to the Tax Collector for actual costs of collection pursuant to Section 197.3632(8)(c), Florida Statutes; payment by Authority of any costs involved in separate mailings because of non-merger of any non-ad valorem special assessment roll as certified by the Authority, or his or her designee, pursuant to Section 197.3632(7), Florida Statutes, and reimbursement by Authority for necessary administrative costs, including, but not limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming which attend all of the collection and enforcement duties imposed upon the Tax Collector by the uniform methodology, as provided in Section 197.3632(2), Florida Statutes.

Both parties mutually agree as follows:

1. The Authority shall meet all the requirements of Florida Statutes 197.3631 and 197.3632 and Florida Administrative Code ("FAC") Rule 12D-18 for the implementation of the Authority's non-ad valorem assessment billing.
2. Upon the performance by the Authority of its requirements in compliance with the above statutes and this Agreement, the Tax Collector agrees to implement the Authority's non-ad valorem assessments billing and collection.
3. The Authority further agrees that it shall provide to the Tax Collector compensation for the actual cost of collecting these non-ad valorem assessments as provided in Florida Statutes (F.S. Section 197.3632(8)(c)). Since the actual costs of collection cannot be precisely determined, the parties agree that one percent (1%) of total collections will be considered the costs.
4. This Agreement shall be in effect for the tax year **2025** and subsequent years thereafter unless canceled by either the Authority or the Tax Collector by giving notice in writing to the other by January 10th of a tax year.
5. This Agreement may be modified by both parties in writing provided such modifications are agreed upon prior to any notice of termination.
6. This Agreement shall be changed, modified, or amended in writing as necessary to conform with any new statutory requirements when and if enacted into law.
7. Subject to the provisions and limitations of Florida Statute 768.28, the Authority shall indemnify and save harmless and defend the Tax Collector, its agents, servants, and employees from and against any and all claims, liability, losses, or causes of action which may arise from any misconduct, improper action, negligent act, or omission of the Authority,

its servants, or employees in the performance of services under this Agreement. The Authority acknowledges that the Tax Collector is entering this Agreement without any determination that the Authority is legally authorized or qualified to assess these non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, determine the legality of the assessment, or determine the constitutionality of any lien resulting from nonpayment of the assessment.

8. Notice

All notices or other communications hereunder shall be in writing and shall be deemed duly given if delivered in person or sent by certified mail return receipt requested and addressed as follows:

If to the Authority:

Town of Fort Myers Beach
Attn: Dan Allers, Mayor
Address: 2731 Oak Street
Address: Fort Myers Beach, FL 33931

With a copy to XXX for "Authority":

Town of Fort Myers Beach
Attn: Amy Baker, Town Clerk
Address 2731 Oak Street
Address: Fort Myers Beach, FL 33931

If to the Tax Collector:

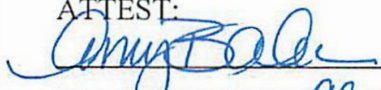
Honorable R. Noelle Branning
Lee County Tax Collector
2480 Thompson Street
Ft. Myers, Florida 33901

With a "copy to" for Tax Collector:

Tammy Helmer,
Director of Finance
Lee County Tax Collector
2480 Thompson Street
Ft. Myers, Florida 33901

IN WITNESS HEREOF, the parties have executed this Agreement by their respective duly authorized officers or representatives.

ATTEST:



Name: Town Clerk

TOWN OF FORT MYERS BEACH

BY:



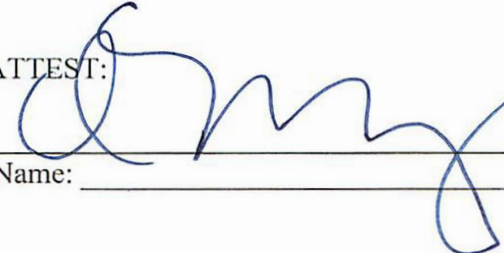
(Authorized Signature for Authority)

Name: Dan Allers

Title: Mayor

Date Signed: _____

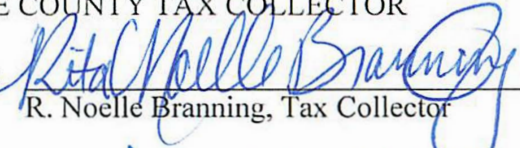
ATTEST:



Name: _____

LEE COUNTY TAX COLLECTOR

BY:



R. Noelle Branning, Tax Collector

Date Signed: May 7, 2025

Approved as to form and legal sufficiency:

Signature: _____

Orfelia M. Mayor, Esq. on behalf of
Lee County Tax Collector

Date Signed: _____

May 7, 2025

ATTACHMENT A
TOWN OF FORT MYERS BEACH
RESOLUTION NO. 24-251
(Adopted November 18, 2024)

RESOLUTION NUMBER 24-251

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES FOR DEMOLITION OF UNSAFE STRUCTURES DETERMINED BY THE BUILDING OFFICIAL AND REMOVAL OF RESULTING DEBRIS, ANY TITLE SEARCH FEES, ANY AND ALL COSTS ASSOCIATED WITH APPELLATE REVIEW OF A PROPERTY OWNER'S APPEAL OF THE TOWN'S BUILDING OFFICIAL'S DETERMINATION DEEMING A STRUCTURE UNSAFE UNDER CHAPTER 34 OF THE TOWN'S LAND DEVELOPMENT CODE, AS AMENDED FROM TIME TO TIME, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2024 AND SUBSEQUENT FISCAL YEARS, WITHIN THE TERRITORIAL BOUNDARIES OF THE TOWN; 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 (the "Council") of Fort Myers Beach, Florida (the "Town") is contemplating the imposition of special assessments for the provision of the costs of providing demolition of unsafe structures determined by the Town Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner's appeal of the Town's Building Official's determination deeming a structure unsafe under Chapter 34 of the Town's Land Development Code, as amended from time to time, for the fiscal year beginning on October 1, 2024 and subsequent fiscal years; and

WHEREAS, the Town Council intends to use the uniform method for collecting non-ad valorem special assessments for the cost of demolition of unsafe structures determined by the Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner's appeal of the Town's Building Official's determination deeming a structure unsafe under Chapter 34 of the Town's Land Development Code, as amended from time to time, because this method will allow such special assessments to be collected annually commencing on October 1, 2024, in the same manner as provided for ad valorem taxes; and

WHEREAS, the Town Council duly advertised and held a public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit “A”; and

WHEREAS, the Town Council has determined it is in the best interest of the Town of Fort Myers Beach and its residents and business owners to adopt this Resolution.

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

Section 1. Commencing with the Fiscal Year beginning on October 1, 2024, and with the tax statement mailed for such Fiscal Year, the Town intends to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of demolition of unsafe structures determined by the Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner’s appeal of the Town’s Building Official’s determination deeming a structure unsafe under Chapter 34 of the Town’s Land Development Code, as amended from time to time. Such non-ad valorem assessments shall be levied within the territorial boundaries of the Town, as further described in the Town Charter.

Section 2. Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Lee County Tax Collector, and the Lee County Property Appraiser by January 10, 2025.

Section 3. This Resolution shall be effective immediately upon adoption.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by Council Member King and seconded by Council Member Safford, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 18th day of November 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Nov 23, 2024 13:23 EST)
Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Nov 25, 2024 13:32 EST)
Amy Baker, Town Clerk

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

Nancy Stuparich
Nancy Stuparich (Nov 25, 2024 12:19 EST)
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 22nd day of November 2024.

AFFIDAVIT OF PUBLICATION

Amy Baker
Town Clerk
Town Of Ft Myers Beach_Legals
2523 ESTERO BLVD
FORT MYERS BEACH FL 33931-3354

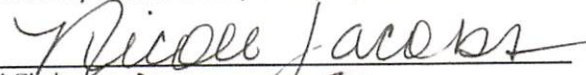
STATE OF WISCONSIN, COUNTY OF BROWN

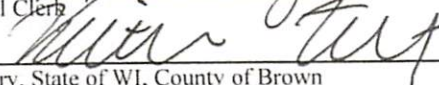
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Main Legal CLEGL, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

10/11/2024, 10/18/2024, 10/25/2024, 11/01/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/01/2024



Legal Clerk


Notary, State of WI, County of Brown
3.7.27

My commission expires

Publication Cost:	\$1954.50	
Tax Amount:	\$0.00	
Payment Cost:	\$1954.50	
Order No:	10656194	# of Copies:
Customer No:	1124390	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

Town of Fort Myers Beach

NOV 12 2024

Received by: _____

NOTICE OF INTENT TO USE
UNIFORM METHOD OF
COLLECTING NON-AD VALOREM
ASSESSMENTS

The Town of Fort Myers Beach, Florida (the "Town") hereby provides notice, pursuant to Section 197.3632(3) (a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the territorial boundaries of the Town, as described in the Town Charter, for the cost of providing any or all of the following services: demolition of unsafe structures determined by the Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner's appeal of the Town's building official's determination deeming a structure unsafe under Chapter 34 of the Town's Land Development Code, as amended from time to time, for the fiscal year beginning on October 1, 2024, and for subsequent fiscal years. The Town will consider the adoption of a resolution electing to use the uniform method of collecting demolition assessments as authorized by Section 197.3632, at a public hearing to be held on **Monday, November 18, 2024 at 9:00 a.m.**, in the Bay Oaks Recreation Center, 2731 Oak Street, Fort Myers Beach, FL 33931. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Office of the Town Clerk of Fort Myers Beach, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Town Council with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the American with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact Fort Myers Beach Town Clerk at 239-765-0202.

Dated this 7th day of October, 2024.

DAN ALLERS, TOWN MAYOR
FORT MYERS BEACH, FLORIDA

AMY BAKER, TOWN CLERK
FORT MYERS BEACH, FLORIDA

Publish: News-Press
October 11, 2024
October 18, 2024
October 25, 2024
November 1, 2024

NP-0441930

1. **Request:**

Meeting Date: September 24, 2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO RENEW AND AMEND THE EXISTING AGREEMENT WITH THE TOWN'S FLORIDA STATE LOBBYIST, RONALD L. BOOK, P.A. IN THE AMOUNT OF \$45,000, AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:

The current contract for a Town Lobbyist expires on September 30, 2025

What the action accomplishes:

Provides a state lobbyist for the Town for an additional year.

2. **Agenda:**

ADMINISTRATIVE AGENDA

3. **Requirement/Purpose:**

Other

4. **Submitter of Information:**

5. **Background:**

Mr. Ronald Book has represented the Town of Fort Myers Beach as the State Lobbyist on all state matters concerning the Town since November 2017, with many successful appropriations and results. The agreement presented today will extend Ronald L Book, P.A. Firm to continue to represent the Town for another year, YR 2026. With this agreement, this will be the ninth year that the Town has partnered with Ronald L. Book, P.A. Firm.

Attachments:

1. 25-275 Renewal and Amendment Ronald L Book PA Edited
2. Ronald L. Book amendment and renewal agreement 2026

Financial Impact:

\$45,000 annually

6. **Alternative Action**

Do not renew the contract and hire an alternate Lobbyist.

7. **Management Recommendations:**

To renew and execute a renewal agreement for the Town's State Lobbyist.

8. **Recommended Approval:**

Deborah Glavin, Contracts & Procurement Specialist
Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
William McKannay, Town Manager

Created/Initiated - 9/18/2025
Approved - 9/18/2025
Approved - 9/18/2025
Approved - 9/18/2025
Final Approval - 9/18/2025

RESOLUTION NUMBER 25-244

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR RENEWAL AND AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND RONALD L. BOOK P.A. TO CONTINUE PROVIDING STATE LOBBYING SERVICES FOR THE TOWN OF FORT MYERS BEACH IN THE ANNUAL AMOUNT OF \$45,000; 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 (“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 Town originally advertised RFP-17-30-AD for Legislative Consultant/Lobbyist Services in 2017 and an annual agreement was approved by the Town Council on November 20, 2017 with Ronald L. Book, P.A. (“Lobbyist”) as the top ranked firm; and

WHEREAS, the original agreement allows for extension of the agreement upon mutual consent of the Lobbyist and the Town, and the Town has continued these services through renewals approved by the Town Council annually; and

WHEREAS, the current renewal period for the agreement expires on September 30, 2025 and the Town’s current standard contract addendum and language needs to be incorporated into the previous agreement; and

WHEREAS, the Town desires to continue to utilize the services provided by the Lobbyist for an additional year for ongoing representation and legislative assistance at the state level; and

WHEREAS, the Town Council finds and determines that it is in the best interest of the Town and its citizens to authorize the execution of an agreement for renewal and amendment of the professional services 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. That the Town Council hereby authorizes and instructs the Town Manager to execute the agreement for renewal and amendment of the professional services agreement with Ronald L. Book, P.A., to continue services for an additional year.

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 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:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Scott Safford, Council Member	_____
Karen Woodson, Council Member	_____

ADOPTED this 24th day of September 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

Dan Allers, Mayor

ATTEST:

Amy Baker, Town Clerk

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

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ____ day of September 2025.

**AGREEMENT FOR RENEWAL AND AMENDMENT OF
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE
TOWN OF FORT MYERS BEACH AND RONALD L. BOOK, P.A.**

THIS AGREEMENT FOR THE RENEWAL AND AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND RONALD L. BOOK, P.A. (hereinafter, "Amendment"), is made and entered into this 24th day of September, 2025, by and between the TOWN OF FORT MYERS BEACH, a Florida municipality, hereinafter referred to as the "Town", and RONALD L. BOOK, P.A., a Professional Association, (hereinafter the "Consultant").

WITNESSETH

WHEREAS, the TOWN and CONSULTANT entered into a Professional Services Agreement dated September 29, 2020, and attached hereto as Exhibit "A" (hereinafter the "Agreement"); and

WHEREAS, the Agreement established an initial one-year term from October 1, 2020, through September 30, 2021, and stated could be extended by mutual consent of the Consultant and Town Council; and

WHEREAS, the TOWN and CONSULTANT have executed Professional Service Agreement Renewals on September 17, 2021, September 13, 2022, September 29, 2023, and October 2, 2024, with each renewal extending the Agreement for an additional one-year term; and

WHEREAS, the TOWN and CONSULTANT most recently executed a Professional Service Agreement Renewal on or about October 2, 2024, with the purpose of extending the Agreement for one (1) year term commencing on October 1, 2024, and expiring on September 30, 2025; and

WHEREAS, the TOWN and CONSULTANT wish to extend the Agreement for an additional one (1) year term; and

WHEREAS, Section 119.0701, Fla. Stat., requires that certain public agency contracts must include certain statutorily required provisions concerning the consultant's compliance for Florida's Public Records Act; and

WHEREAS, Section 768.28, Fla. Stat., sets forth certain mandatory limitations on indemnification and liability for Florida public agencies; and

WHEREAS, Section 287.0582, Fla. Stat., requires that public agency contracts include a non-appropriation term and remain contingent upon an appropriation during the public agency's statutorily mandated annual budget approval process; and

WHEREAS, Section 448.095, Fla. Stat., imposes certain obligations on public agencies with regard to the use of the E-Verify system by their contractors and subcontractors;

and

WHEREAS, Section 287.133 and 287.135, Fla. Stat., provides restrictions on local governments contracting with companies that are on certain Scrutinized Companies lists or convicted vendor list; and

WHEREAS, additional terms consistent with Sections 282.3185(5) and (6), Fla. Stat., related to data management, and Section 287.05701, Fla. Stat., related to social government and corporate activism are also added by virtue of this Addendum; and

WHEREAS, Section 286.101, Fla. Stat., contains a list of “foreign countries of concern” including, the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such “foreign country of concern”. Any entity that does business with a state agency or political subdivision must disclose certain of their dealings with those “foreign countries of concern” to the Florida Department of Financial Services; and

WHEREAS, Section 787.06(13), Florida Statutes provides that when a contract is executed, renewed, or extended between a nongovernmental entity and a governmental entity, the nongovernmental entity must provide the governmental entity with an affidavit signed by an officer or a representative of the nongovernmental entity under penalty of perjury attesting that the nongovernmental entity does not use coercion for labor or services as defined in such statute;

NOW THEREFORE, in consideration of the premises, and in consideration of the mutual conditions, covenants, and obligations hereafter expresses, it is agreed as follows:

1. **Recitals.** The foregoing recitals are true and correct and constitute the material basis for this Amendment. Said recitals are hereby ratified and made a part of this Amendment.
2. **Renewal.** The Agreement is hereby renewed and extended for an additional one (1) year term, beginning on September 30, 2025, and ending October 1, 2026.
3. **Amendment.** The Agreement is hereby amended to include the following provisions:

24. General Terms

24.1 Public Records Compliance. Consultant agrees that, to the extent that it may "act on behalf" of the Town within the meaning of Section 119.0701(1)(a), Florida Statutes in providing its services under this Agreement, it shall:

- (a) Keep and maintain public records required by the public agency to perform the service.

- (b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the consultant does not transfer the records to the public agency.
- (d) Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the consultant or keep and maintain public records required by the public agency to perform the service. If the consultant transfers all public records to the public agency upon completion of the contract, the consultant shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the consultant keeps and maintains public records upon completion of the contract, the consultant shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the Town's custodian of public records, in a format that is compatible with the information technology systems of the Town.
- (e) Pursuant to Section 119.0701(2)(a), Fla. Stat., IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, THE CONSULTANT MAY CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

TOWN HALL
2731 OAK STREET
FORT MYERS BEACH, FL. 33931
(239)765-0202
AMY@FMBGOV.COM

24.2 Public Records Compliance Indemnification. Consultant agrees to indemnify and hold the Town harmless against any and all claims, damage awards, and causes of action arising from the consultant's failure to comply with the public records disclosure requirements of Section 119.07(1), Florida Statutes, or by consultant's failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorneys' fees and costs arising therefrom. Consultant authorizes the public agency to seek declaratory, injunctive, or other appropriate relief against Consultant in Lee County Circuit Court on an expedited basis to enforce the requirements of this section.

24.3 Compliance/Consistency with Section 768.28, Fla. Stat. Any indemnification or agreement to defend or hold harmless by Town specified in the Agreement shall not be construed as a waiver of Town's sovereign immunity and shall be limited to such indemnification and liability limits consistent with the requirements of Section 768.28, Fla. Stat. and subject to the procedural requirements set forth therein. Any other purported indemnification by Town in the Agreement in derogation hereof shall be void and of no force or effect.

24.4 Non-appropriation. Town's performance and obligation to pay under this Agreement is contingent upon an appropriation during the Town's annual budget approval process. If funds are not appropriated for a fiscal year, then the Consultant shall be notified as soon as is practical by memorandum from the Town Manager or designee that funds have not been appropriated for continuation of the Agreement, and the Agreement shall expire at the end of the fiscal year for which funding has been appropriated. The termination of the Agreement at fiscal year-end shall be without penalty or expense to the Town subject to the Town paying all invoices for services rendered during the period the Agreement was funded by appropriations.

24.5 E-Verify Compliance. By entering into this Agreement, the Consultant is obligated to comply with the provisions of Section 448.095, Florida Statutes "Employment Eligibility," as amended from time to time. This includes but is not limited to register with and use the E-Verify System to verify the work authorization status of all newly hired employees, and requiring all subcontractors to provide an affidavit to Consultant attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Consultant agrees to maintain a copy of such affidavit for the duration of this Agreement. Failure to comply with this paragraph will result in the termination of this Agreement as provided in Section 448.095, Florida Statutes, as amended and Consultant will not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Consultant will also be liable for any additional costs to the Town as a result of the termination of this Agreement in accordance with this paragraph. Consultant affirmatively states, under penalty of perjury, that in accordance with Section 448.095, Florida Statutes, Consultant is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees, that in accordance with such statute, Consultant requires from each of its subcontractors an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien, and that Consultant is otherwise in compliance with Sections 448.09 and 448.095, Florida Statutes.

24.6 Compliance/Consistency with Scrutinized Companies Provisions of Florida Statutes. Section 287.135(2)(a), Florida Statutes, prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services of any amount if, at the time of contracting or renewal, the company is on the Scrutinized Companies that Boycott Israel List,

created pursuant to section 215.4725, Florida Statutes, or is engaged in a boycott of Israel. Section 287.135(2)(b), Florida Statutes, further prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services over one million dollars (\$1,000,000) if, at the time of contracting or renewal, the company is on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, both created pursuant to section 215.473, Florida Statutes, or the company is engaged in business operations in Cuba or Syria. Consultant hereby certifies that Consultant is not listed on any of the following: (i) the Scrutinized Companies that Boycott Israel List, (ii) Scrutinized Companies with Activities in Sudan List, or (iii) the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Consultant further hereby certifies that Consultant is not engaged in a boycott of Israel or engaged in business operations in Cuba or Syria. Consultant understands that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject Consultant to civil penalties, attorney's fees, and/or costs. Consultant further understands that any contract with Town for goods or services of any amount may be terminated at the option of Town if Consultant (i) is found to have submitted a false certification, (ii) has been placed on the Scrutinized Companies that Boycott Israel List, or (iii) is engaged in a boycott of Israel. And, in addition to the foregoing, if the amount of the contract is one million dollars (\$1,000,000) or more, the contract may be terminated at the option of Town if the company is found to have submitted a false certification, has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or has been engaged in business operations in Cuba or Syria.

24.7 Disclosure Requirements for “Foreign Countries of Concern.”

Consultant shall comply with the disclosure requirements set forth in Section 286.101(3)(a), Florida Statutes, which requires “Any entity that applies to a state agency or political subdivision for a grant or proposes having a contract value of \$100,000 or more shall disclose to the state agency or political subdivision any current or prior interest of, any contract with, or any grant or gift received from a “foreign country of concern” if such interest, contract, grant or gift received from a “foreign country of concern” if such interest, contract, grant or gift has a value of \$50,000 or more and such interest existed at any time or such contract, grant or gift was received or in force at any time during the previous five (5) years. Such disclosure shall contain the name and mailing address of the disclosing entity, the amount of the gift or the value of the interest disclosed, the applicable “foreign country of concern” and, if applicable the date of termination of the contract or interest, the date of receipt of the grant or gift and the name of the agent or controlled entity that is the source or interest holder. Within one (1) year before applying for any grant or proposing any contract, such entity must provide a copy of such disclosure to the Department of Financial Services”. Pursuant to section 268.101(7), Florida Statutes: “In addition to any fine assessed under [section 286.101(7)(a), Florida Statutes], a final order determining a third or subsequent violation by an entity other than a

state agency or political subdivision shall automatically disqualify the entity from eligibility for any grant or contract funded by a state agency or any political subdivision until such ineligibility is lifted by the Administration Commission for good cause.”

24.8 Public Entities Crime or Convicted Vendor List. Consultant agrees and assumes a continuous duty to disclose to the Town if the Consultant or any of its affiliates as defined by Section 287.133(1)(a), Florida Statutes are placed on the Convicted Vendor List or the Antitrust Violator Vendor List maintained by the Florida Department of Management Services.

24.9 Data Management; Notice of Breach. Consultant shall cooperate with the Town and provide timely incident reporting, response activities/fact gathering, public and agency notification, severity level assessment, after-action reports, etc., which the Town must report in accordance with Sections 282.3185(5) & (6), Florida Statutes in the event of a data breach.

24.10 Environmental and Social Government and Corporate Activism. The Town has not given preference or requested documentation from the Consultant based on Consultant’s social, political or ideological interest. Consultant agrees to similarly not request documentation or give preference to any subcontractor based on the subconsultant’s social, political or ideological interests.

24.11 No coercion for labor or services. The Consultant swears under penalty of perjury that the Consultant does not use coercion for labor or services as defined as follows:

- (a) “Coercion” means:
1. Using or threatening to use physical force against any person;
 2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
 3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
 4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
 5. Causing or threatening to cause financial harm to any person;
 6. Enticing or luring any person by fraud or deceit; or
 7. Providing a controlled substance as outlined in Schedule I or Schedule II of Sec. 893.03, Fla. Stat. to any person for the purpose of exploitation of that person.

24.12 Force Majeure. The Town reserves the right to suspend, modify or terminate this contract in the event of an act of god or act of man beyond the control of the parties, including but not limited to a hurricane, tropical storm, tornado, or other destructive weather event, flooding, pandemic, plague, war, armed conflict, domestic or foreign terrorism, riot, labor condition, state or federal governmental action, and catastrophic Internet disturbance, making performance inadvisable, economically impracticable, illegal, or impossible.

24.13 Conflicts. By entering into this agreement, the Consultant represents that it currently is not providing professional services to any third party person or entity on any project or development for which project or development approval is currently pending or proposed or for which an application is being prepared for submittal to the Town of Fort Myers Beach for review or approval and further agrees that during the term of this agreement, the Consultant will not provide professional services to any third party person or entity as to any project or development for which development or project approval is pending or proposed or for which an application is being prepared for submittal to the Town of Fort Myers Beach for review or approval.

24.14 Breach during Emergency Recovery Period. Pursuant to Sec. 252.505, Fla. Stat., if vendor breaches this agreement during an emergency recovery period (1-year period beginning upon Governor's initial declaration of a natural emergency) Consultant shall pay a \$5,000 penalty and damages, which may be either actual and consequential damages or liquidated damages.

4. **Conflicts.** This Amendment hereby amends and supplements the terms of the Agreement. In the event of a conflict between the terms of the Agreement and terms of the Amendment, the terms of the Amendment shall prevail.
5. All remaining terms, provisions, and conditions of the Agreement not specifically amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this instrument on the days and year indicated below and the signatories below to bind the parties set forth herein.

Under penalties of perjury, and pursuant to Sec. 92.525, Fla. Stat., Consultant declares that Consultant has read the foregoing Section 15 above and that the facts stated in it are true.

RONALD L. BOOK, P.A.:

Print Name: _____

Title: _____

Date: _____

ATTEST:

Town of Fort Myers Beach

Amy Baker, Town Clerk

Dan Allers, Mayor

APPROVED AS TO FORM

Town Attorney

1. **Request:**

Meeting Date: September 24, 2025

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 October 20, 2025 at 3:00 PM, or shortly thereafter, at 6231 Estero Blvd., Fort Myers Beach, Florida 33931.

Why the action is necessary:

Possible settlement of the litigation

What the action accomplishes:

Possible settlement of the litigation

2. **Agenda:**

TOWN ATTORNEY'S ITEMS

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

At its public meeting on August 4, 2025, the Town Council reaffirmed its direction to the Town Attorney to pursue foreclosure of code enforcement liens on real property located at 80 Avenue E, Fort Myers Beach, Florida. The real property is owned by White Sand Properties, LLC. On Friday, August 8, 2025, the Town Attorney filed a Complaint to Foreclose two code enforcement liens. The case was assigned Case No.2025-CA-004261 by the Lee County Clerk of Court.

The Town Attorney is announcing that she desires advice concerning settlement negotiations or strategy related to litigation expenditures associated with the litigation in a private Executive Session with the Town Council as authorized in Section 286.011(8), Florida Statutes. Section 286.011(8), Florida Statutes allows elected municipal officials to meet in private with legal counsel and the Town Manager to only discuss strategy and settlement negotiations related to pending litigation.

The requested Executive Session will begin at 3:00 PM on October 20, 2025 and is expected to last no longer than 1 hour. The Executive Session will take place at Town Hall located at 6231 Estero Boulevard, Fort Myers Beach, Florida 33931, Fort Myers Beach. Only the following individuals will be present and allowed to participate during the Executive Session: Mayor Dan Allers, Vice-Mayor Jim Atterholt, Council Members John King, Karen Woodson, and Scott Safford, Town Manager Will McKannay, Town Attorneys Nancy Stuparich, Becky Vose (by Zoom), Chloe Berryman, Paul Waters (by Zoom) and a court reporter from Dines Court Reporting.

The Town Council will not take action during the Executive Session, but may take action concerning settlement negotiations and strategy related to this litigation during a subsequent public meeting.

Attachments:

Financial Impact:

No financial impact anticipated.

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Jason Freeman, Deputy Town Clerk / Legislative Liaison
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
William McKannay, Town Manager

Created/Initiated - 9/15/2025
Approved - 9/16/2025
Approved - 9/17/2025
Final Approval - 9/17/2025

1. **Request:**

Meeting Date: September 24, 2025

Approval of a Settlement Agreement in the case styled Pareshkumar (Paresh) Patel v. Town of Fort Myers Beach, Case No. 2:24-cv-00353-SPM filed in the U.S. District Court, Middle District of Florida, Ft. Myers Division. A copy of the proposed settlement agreement will be provided at the public meeting.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

TOWN ATTORNEY'S ITEMS

3. **Requirement/Purpose:**

4. **Submitter of Information:**

5. **Background:**

Mr. Patel filed an action to recover unpaid overtime under the Fair Labor Standards Act and liquidated damages due to his alleged retaliatory discharge on April 18, 2024 in federal court.

The Town Attorney and Mr. Patel's have worked toward settlement of the litigation and are very close to a final settlement agreement. A copy of the final settlement agreement will be presented to the Town Council at their public meeting on September 24, 2025 for review, with a recommendation to approve the settlement to resolve the litigation.

Attachments:

Financial Impact:

6. **Alternative Action**

7. **Management Recommendations:**

8. **Recommended Approval:**

Jason Freeman, Deputy Town Clerk / Legislative Liaison
nancy stuparich, Town Attorney
Joe Onzick, Finance Director
nancy stuparich, Town Attorney
Amy Baker, Town Clerk
William McKannay, Town Manager

Created/Initiated - 9/15/2025
Approved - 9/16/2025
Approved - 9/17/2025
Approved - 9/17/2025
Approved - 9/18/2025
Final Approval - 9/18/2025