



Fort Myers Beach Town Council

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

AMENDED Agenda

Monday, October 6, 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**
 - A. Local Planning Agency (LPA)
Appointment of Members to the FY26 Local Planning Agency
 - B. Anchorage Advisory Committee (AAC)
Appointment of Members to the FY26 Anchorage Advisory Committee
 - C. Audit Committee
Appointment of Members to the FY26 Audit Committee
 - D. Bay Oaks Recreational Campus Advisory Board (BORCAB)
Appointment of Members to the FY26 Bay Oaks Recreational Campus Advisory Board
 - E. Cultural and Environmental Learning Center Advisory Board (CELCAB)
Appointment of Members to the FY26 Cultural and Environmental Learning Center Advisory Board
 - F. Marine and Environmental Resources Task Force (MERTF)
Appointment of Members to the FY26 Marine and Environmental Resources Task Force
 - G. Public Safety Committee (PSC)
Appointment of members to the FY26 Public Safety Committee
- VIII. APPROVAL OF MINUTES**

NEW A. Town Council - September 24, 2025

NEW B. Town Council Budget Hearings — September 24, 2025

IX. CONSENT AGENDA

- A. Resolutions 25-281 through 25-284; 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.

- B. Resolutions 25-285 through 25-288; Extension of Local Emergency - Tropical Storm 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.

- C. Resolutions 25-289 through 25-292; Extension of Local Emergency - Tropical Storm 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.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

- A. Resolution 25-276; SEZ20250208 Fishing Pier at County ROW at Old San Carlos (Lee County Pier)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250208 TO ALLOW RECONSTRUCTION OF THE PIER WITH ELEVATED WALKWAYS, LIGHTING IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR

THE PROPERTY LOCATED AT COUNTY R/W AS LEGALLY RECORDED IN PLAT BOOK 9, PAGE 9, EXTENSION OF OLD SAN CARLOS BLVD. IN PUBLIC RECORD OF LEE COUNTY, FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

- B. Resolution 25-277; SEZ20250217 50/58 Estero Boulevard (Bowditch Park)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250217 TO ALLOW LIKE-FOR-LIKE REPLACEMENT OF BOARDWALKS, PAVER DECK, SIDEWALK, DECKING AND BENCHES IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 50/58 ESTERO BOULEVARD COMMONLY REFERED TO AS STRAP NUMBER 24-46-23-w1-0080d.0400; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
- C. Resolution 25-278; SEZ20250116, 6612 Estero Boulevard (Island Winds Condo Assoc.)
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250116 TO ALLOW LIKE-TO-LIKE REPLACEMENT OF A TIKI HUT IN EC ZONING DISTRICT SEAWARD OF 1978 CCCL, FOR THE PROPERTY LOCATED AT 6612 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.
- D. Ordinance 25-15; RPD20250181 -138/140 Delmar Ave
This quasi-judicial agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-15.

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.

- E. Ordinance 25-17; Development Agreement; 110-130 and 134/138 Connecticut Street (First Baptist Church of Fort Myers)

This quasi-judicial agenda item is a First Reading and Public Hearing on proposed Ordinance 25-17. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for November 3, 2025 at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 110-130 CONNECTICUT STREET (PARCEL 1) AND 134/138 CONNECTICUT STREET (PARCEL 2) FORT MYERS BEACH, FL, STRAP NOS. 29-46-24-W1-00151.0010 AND 29-46-24-W1-00151.001A AND OWNED BY FIRST BAPTIST CHURCH OF FORT MYERS, INC., AS AUTHORIZED BY SECTION 2-100 OF THE TOWN'S LAND DEVELOPMENT CODE AND IN COMPLIANCE WITH THE PROCEDURES FOR APPLICATION AND APPROVAL OF DEVELOPMENT AGREEMENTS WITH DEVIATIONS SET FORTH IN RESOLUTION NUMBER 24-73 AND AMENDED BY RESOLUTION 24-247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PARCELS 1 AND 2 TO ALLOW REBUILDING A CHURCH FACILITY AND 12 SINGLE-FAMILY HOMES; PROVIDING FOR TERMS AND CONDITIONS INCLUDING BUT NOT LIMITED TO THE IDENTIFICATION OF THE PROPOSED USE OF THE PROPERTY, A FINDING OF CONSISTENCY WITH THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN, COMMITMENTS AND DEVELOPMENT OBLIGATIONS, DEVIATIONS NEEDED FOR DEVELOPMENT; PROVIDING FOR OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Ordinance 25-19; Expedited Special Exceptions

This legislative agenda item is a First Reading and Public Hearing on proposed Ordinance 25-19. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for November 3, 2025 at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 34-232 "REQUIRED HEARINGS" OF DIVISION 5 "PUBLIC HEARINGS AND REVIEW" OF ARTICLE II "ZONING PROCEDURES" OF CHAPTER 34 "ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES" TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY ("LPA") FOR SPECIAL EXCEPTIONS THAT ONLY REPLACE "LIKE FOR LIKE" STRUCTURES THAT WERE EXISTING PRIOR TO A NATURAL DISASTER EVENT, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10

DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

XII. ADMINISTRATIVE AGENDA

- A.** Resolution 25-277; Ongoing Miscellaneous Professional Services, RFQ-25-06-AD

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING 16 INDIVIDUAL PROFESSIONAL SERVICE AGREEMENT WITH THE FOLLOWING FIRMS, WHICH WERE NEGOTIATED BY TOWN STAFF AS DIRECTED BY THE TOWN COUNCIL ON AUGUST 18, 2025 IN RESPONSE TO RFQ-24-06-AD ENTITLED "ONGOING MISCELLANEOUS PROFESSIONAL SERVICES": 1) AIM ENGINEERING & SURVEYING, 2) AXIS INFRASTRUCTURE LLC, 3) BURT HILL-POLLOCK KRIEG, 4) CAP GOVERNMENT, 5) COASTAL ENGINEERING, 6) EMSITE INC., 7) GMA ARCHITECTS AND PLANNERS, 8) GRAEF USA, 9) HALEY WARD, 10) HANS WILSON, 11) HYATT SURVEY SERVICES, 12) JEZERINAC GROUP, 13) JOHNSON ENGINEERING, 14) JR EVANS ENGINEERING, 15) K2M DESIGN, AND 16) RADISE INTERNATIONAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH EACH OF THE TOP RANKED FIRMS FOR EACH CATEGORY OF WORK WITHIN THE REQUEST FOR QUALIFICATIONS AND WHICH WERE SUCCESSFULLY NEGOTIATED; AND PROVIDING FOR AN EFFECTIVE DATE.

- NEW B.** Resolution 25-297; FDEP LGFR Resolution

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AUTHORIZING AND DIRECTING TOWN STAFF TO SUBMIT A FUNDING REQUEST TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE ESTERO ISLAND SHORE PROTECTION PROJECT, INCLUSIVE OF BEACH MAINTENANCE, PHYSICAL MONITORING AND BIOLOGICAL MONITORING; AUTHORIZING THE USE OF TOWN FUNDS AT A LATER DATE TO MATCH FUNDING TO BE RECEIVED FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

- NEW C.** Special Event: Spacarelli Post-Wedding Beach Party

Request to hold a special event with alcohol on Sunday, October 19, 2025 on the beach adjacent to Crescent Beach Park

- NEW D.** RFQ-25-10-AD Rejection and Cancelation

Reject and cancel the RFQ-25-10-AD qualification proposal for the Fort Myers Beach Engineering & Architectural Services Bay Oaks Community Pool Rehabilitation Project with cause, due to lack of adequate competition as provided in the Request for Qualifications and Sections 2-480(i)(12) and 2-480(h)(5)(e) of the Town Code, and provide

direction to staff to re-bid the project.

E. Request for Reconsideration - SEZ20250149

A request to for reconsideration of a required condition in Resolution 25-294, associated with SEZ20250149 for the property located at 4750 Estero Boulevard, was timely submitted to the Town on September 24, 2025, by Brian Campbell on behalf of The Shores of Fort Myers Beach Condominium Association, Inc.

The applicant is requesting that Town Council revise the sea turtle protection condition to allow for pier construction during sea turtle nesting season, subject to specific environmental safeguards. The proposed revision would require the applicant to obtain a permit from the Florida Fish and Wildlife Conservation Commission (FWC) authorizing a Marine Turtle Permit Holder to relocate nests within a designated construction corridor necessary for the project. The corridor would be limited to the minimum width required for equipment and material transport. Construction activities would be restricted to daylight hours, with daily monitoring of nesting activity by the FWC Marine Turtle Permit Holder before work begins each day. No exterior nighttime lighting would be permitted. If nighttime work is needed, the applicant would be required to obtain additional authorization and comply with any further conditions. This request seeks to balance environmental protection with the practical needs of the construction timeline. The applicant did not attend the hearing when the special exception was approved or would have made the request at that time.

If the Town Council would like to reconsider the matter, a motion should be made to schedule the rehearing regarding the condition at issue.

XIII. FINAL PUBLIC COMMENT

XIV. TOWN MANAGER'S ITEMS

XV. TOWN ATTORNEY'S ITEMS

A. 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 is included in the agenda materials.

B. Executive Session

The Town Attorney is announcing her request for a Litigation Executive Session pursuant to Section 286.011(8), Florida Statutes to discuss settlement negotiations and strategy related to litigation expenditures regarding the case of the Town of Fort Myers Beach, Florida vs. White Sand Properties of Fort Myers Beach, LLC, Case No. 2025-CA-004261,

20th Judicial Circuit, Lee County, Florida. The Executive Session will begin at 3:00 p.m., on October 20, 2025 at Fort Myers Beach Town Hall, 6231 Estero Boulevard, Fort Myers Beach, FL 33931. 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 Esquire Deposition Services to be announced prior to the commencement of the Executive Session. The Executive Session will last approximately 1 hour.

C. Resolution 25-296; Fort Myers Beach Elementary

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, INITIATING THE CONFLICT RESOLUTION PROCEDURES PROVIDED IN CHAPTER 164, FLORIDA STATUTES, WITH THE SCHOOL BOARD OF LEE COUNTY REGARDING A MATERIAL BREACH OF THAT CERTAIN INTERLOCAL AGREEMENT DATED MAY 15, 2023 BETWEEN THE TOWN AND THE SCHOOL BOARD OF LEE COUNTY AS ADOPTED BY THE TOWN IN RESOLUTION 23-45; DIRECTING COMPLIANCE WITH THE GOVERNMENTAL CONFLICT RESOLUTION ACT IN CHAPTER 164, FLORIDA STATUTES; AUTHORIZING THE TOWN MANAGER TO PROVIDE NOTICE TO SCHOOL BOARD OF LEE COUNTY SUPERINTENDENT DENISE M. CARLIN OF THE INITIATION OF THE CONFLICT RESOLUTION PROCESS, INCLUDING THE DATE AND LOCATION FOR THE CONFLICT ASSESSMENT MEETING; AND PROVIDING AN EFFECTIVE DATE.

D. Resolution 25-295; Vose Law Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE AGREEMENT FOR TOWN ATTORNEY SERVICES WITH THE VOSE LAW FIRM AS REQUESTED BY LETTER FROM THE FIRM DATED JULY 8, 2025, TO INCREASE THE MONTHLY FEE FOR LEGAL SERVICES; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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.