



Fort Myers Beach Town Council

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

Minutes

**Wednesday, September
24, 2025**

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Remove item C under the Administrative Agenda and item B under the Town Attorney's items.

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

The motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford remembered Betty Simpson and sent condolences to her family.

Council Member Woodson noted that the last Jobufest event was last Saturday.

Vice Mayor Atterholt recognized Kim Boxa, who was the principal of the elementary school. She was being transferred to another middle school and will be missed.

Mayor Allers agreed that Betty Simpson would be missed.

No items from Council Member King.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. APPROVAL OF MINUTES

- A. Town Council - September 11, 2025
Council Member King moved to approve the minutes, seconded by Council Member Woodson.
The motion carried unanimously.
- B. Town Council Budget Hearings - September 11, 2025
Council Member King moved to approve the minutes, seconded by Council Member Woodson.
The motion carried unanimously.

IX. CONSENT AGENDA

No items.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

No items.

XII. ADMINISTRATIVE AGENDA

- A. Proposed 2026 Meeting Schedule
Discuss and approve the monthly schedule for Town Council meetings for calendar year 2026
Town Clerk Baker noted that dates highlighted in yellow on the calendar conflicted with TDC (Tourist Development Council) meetings. Those meetings will be moved to Wednesdays.
Council Member Safford moved to approve the change, seconded by Council Member King.
The motion carried unanimously.
- 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
Linda Miller from Shop Local Productions described the event, which takes place in three locations.
Council Member King moved to approve the special event, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.
- 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.

Removed.

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.

Mayor Allers read the title of the resolution. Town Manager Will McKannay noted that renewing Mr. Book's agreement would be in the best interest of the town.

Mayor Allers moved to approve the resolution, seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

XIII. FINAL PUBLIC COMMENT

Tom Houghton, owner of La Ola Surfside Restaurant, explained why the owners were opposed to bringing the Farmer's Market back to Times Square and asked the town council to seek their input before moving forward.

XIV. TOWN MANAGER'S ITEMS

Community Development & Planning Director Frankie Kropacek stated that the locked bollards on Times Square will remain locked. No vehicular traffic is allowed. Town Manager McKannay will set up a meeting between Ms. Miller and the Times Square owners.

Director Kropacek explained the pool situation and asked if the town council would be willing to reduce the advertising time to 15 days to re-advertise the pool project for the CDBGR (Community Development Block Grant Recovery). He added that the information was given to him by the procurement person from Lee County and the CDBGR representative. Town Attorney Stuparich will work with Director Kropacek to see if they can accommodate the request. All council members agreed with the direction.

Town Manager McKannay indicated that yesterday was the last day for temporary placement permits and he received approximately 40 extension applications.

Packets were being reviewed and one was approved. Notices of violation will be issued to those who failed to submit emergency temporary placement permits by the deadline. Town Attorney Stuparich noted that a flowchart and forms were developed for people who did not have an extension approved. She added that there was a compliance period for those who received notices of violation.

Town Manager McKannay announced that the Lee County Sheriff's Department recovered the town's stolen boat. The town is working with the insurance company since they have already received a payout for the boat. The condition of the boat is still under review.

Deputy Town Manager Traci Kohler indicated that weekly meetings were being held to review non-compliant properties, per FEMA. Approximately ten more properties have come into compliance. She noted there were probably 70 non-compliant properties left and they were working with the property owners.

Town Manager McKannay commented that he met with Dave Harner from Lee County regarding the wave mitigation wall and he was very receptive. Mr. Harner agreed to work with the town moving forward.

Town Manager McKannay announced that the Church of the Ascension submitted plans to rebuild. A public information meeting will be held at 2:00 p.m. on October 10, 2025, at St. Leo the Great in Bonita Springs.

Town Manager McKannay stated that he and Deputy Town Manager Kohler continue to meet with the school district staff to work through the requirements of the interlocal agreement. He received a response from the school district to his public records request that did not address his question regarding the reallocation of funds with FEMA's permission. He noted that it may be time to contact FEMA for clarity on the issue. Mayor Allers stated that he had received a response from FEMA regarding the reallocation of funds. He read the response into the record and asked staff to work with Town Attorney Stuparich regarding the town's next steps.

All town council members agreed to proceed with the direction. Town Attorney Stuparich will bring back options for their consideration.

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.
Town Attorney Stuparich announced the new scheduled date and time. All council members agreed to schedule the session for 3:00 p.m. on October 20, 2025.
- 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.
Removed.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King mentioned unleashed dogs running on the beach. MERTF (Marine & Environmental Resources Task Force) requested additional signs at the beach access points. MERTF members also suggested adding language regarding dogs on leashes to short-term rental contracts. They asked about enforcement. Emergency Services & Compliance Director Thomas Yozzo

described how a situation was handled yesterday and noted that the Sheriff's Deputies had responded to 14 documented complaints. No citations were issued. He added that the town will respond to complaints and notify the Sheriff's Department. Mayor Allers supported a discussion regarding allowing the rangers to carry pepper spray. Town Manager McKannay indicated that the signs will be replaced. Council Member King learned a lot at the Florida League of Cities Board of Directors' meeting. He will meet with the town manager regarding what they can offer the town.

Vice Mayor Atterholt asked Environmental Projects Manager Chadd Chustz for an update on the vegetation planting. Manager Chustz described the plantings and noted that they were going very quickly. The project is expected to be completed by the end of October.

Council Member Woodson asked when the county would work on the light at Old San Carlos and Estero Blvd. Director Kropacek explained that the light had to be elevated and he thought the project had gone out to bid.

Council Member Safford requested an update on the lighting situation downtown. Director Kropacek replied that it would happen quickly after it got bid. He noted that he met weekly with Chris Powell from Aspire and completion was expected in November.

Mayor Allers asked when the Mobi-mats would be on the beach. Community Services Director Jeff Hauge replied that they were putting them out now. The pickleball courts were almost ready to open and the rest of the park was coming along. He stated that five memorial benches had been ordered, and people could contact him to request a bench.

XVII. ADJOURNMENT

Council Member King moved to adjourn. No second. Mayor Allers adjourned the meeting at 10:13 a.m.

Minutes adopted as presented, October 6, 2025. Motion by Council Member King and seconded by Council Member Safford.

Passed 5-0.



[Amy Baker \(Oct 15, 2025 09:15:25 EDT\)](#)

Amy Baker, Town Clerk