



Fort Myers Beach Charter Review Commission

**Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, November 4, 2025**

Agenda

2:00 PM

ORDER OF BUSINESS

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PUBLIC COMMENT**
- V. APPROVAL OF MINUTES**
 - A. October 7, 2025
- VI. CHAIR AND MEMBER ITEMS**
- VII. OLD BUSINESS**
 - A. FGCU University Update
FGCU University
 - B. Survey Update
Survey update re: Budget \$
 - C. Role of Alternates
Resolution 25-300; Charter Review Commission Role of Alternates
 - D. Comments regarding Article I. Corporate Name; Purpose of the Charter
 - E. Comments regarding Article II. Territorial Boundaries
 - F. Comments regarding Article III. General Powers of the Municipality
- VIII. NEW BUSINESS**
 - A. ARTICLE IV. CHARTER OFFICERS
 - B. ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE
- IX. NEXT MEETING DATE**
 - A. Tuesday, December 2, 2025
- X. ADJOURNMENT**

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



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 Advisory Committee

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, October 7, 2025

Minutes

2:00 PM

DRAFT

ORDER OF BUSINESS

I. CALL TO ORDER

Town Attorney Nancy Stuparich called the meeting to order at 2:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members present: Anita Cereceda, Jim Dunlap, Beverly Milligan, Ed Schoonover, Bryan Thomas (virtually) and Henry Zuba.

Not present: Michele Cherney

Staff: Town Clerk Amy Baker and Town Attorney Nancy Stuparich.

Mr. Dunlap moved to allow Mr. Thomas to participate virtually, seconded by Mr. Schoonover.

The motion carried unanimously.

IV. PUBLIC COMMENT

No public comment.

V. FORT MYERS BEACH CHARTER REVIEW COMMISSION

A. Section 13.03. Charter Review

Section 13.03 of the Fort Myers Beach Town Charter entitled "Charter Review" provides:

The charter will be reviewed at least every 10 years. A five-member charter review commission shall be appointed and funded by the council. The charter review commission shall be appointed at least 6 months before the next scheduled election and complete its work and present any recommendations to the Council for change no later than 60 days before the election. The council shall hold a minimum of two public hearings to approve, reject or modify the proposed changes to the charter prior to placing the proposed changes on the scheduled election ballot.

Town Attorney Stuparich reviewed the section.

VI. ORGANIZATION OF CHARTER REVIEW COMMISSION

A. Selection of Chair

Mr. Schoonover nominated Jim Dunlap as Chair, seconded by Ms. Milligan. The motion carried unanimously.

B. Selection of Vice Chair

Mr. Schoonover nominated Brian Thomas as Vice Chair, seconded by Chair Dunlap.

The motion carried unanimously.

C. Approval of Meeting Dates

Approve the proposed meeting schedule for the Town of Fort Myers Beach Charter Review Commission

Chair Dunlap moved to publish the list of anticipated meeting dates provided, seconded by Mr. Schoonover.

The motion carried unanimously by roll call vote.

Town Attorney Stuparich noted that the committee's work had to be completed by April 6, 2026, due to the deadline to place items on the ballot. Town Clerk Baker explained the process. Ms. Cereceda described her experience on the last charter review committee. The biggest changes were shifting the election cycles and compensating town council members. Mr. Zuba added that another change was longer-term financing for debt, which had a significant impact on interest rates.

A description of the Charter Review Committee's scope and responsibilities will be published on the town's website.

D. Absences / Remote participation

Mr. Zuba moved to approve members participating virtually or by phone, seconded by Mr. Schoonover.

The motion carried unanimously by roll call vote.

Three members must be physically present for a quorum.

E. Roll of Alternates

Mr. Zuba suggested that if a member is absent, an alternate could be activated and vote as a full member during that meeting. All members agreed. If a member is absent and two alternates are present, they would alternate participation. Alternates should attend the meetings. Ms. Cereceda asked if she was the alternate for Ms. Milligan, would she be expected to vote as she thought Ms. Milligan would vote. Chair Dunlap replied that Ms. Cereceda would be expected to vote as she wanted.

Chair Dunlap moved that the alternates attend meetings in person whenever possible and fill in for the third person when there is no physical quorum.

They will fully participate and vote in lieu of that person and when two alternates are present, their participation would alternate based on who filled in at the previous meeting, seconded by Mr. Schoonover.

Consensus was reached that the alternates would be permitted to participate in all meetings but would not be permitted to vote.

The motion carried unanimously by roll call vote.

Town Attorney Stuparich asked whether the town council had to authorize the role of alternates since the charter did not address them. Chair Dunlap asked Liaison Safford to carry that message forward and get it codified as soon as possible. Liaison Safford replied positively.

Chair Dunlap asked whether they would have any restrictions regarding SB180. Town Attorney Stuparich replied that it referred only to land-use regulations. Chair Dunlap asked whether they had a budget for a survey commission to create a survey to include people who cannot participate in another venue. Mr. Zuba disagreed with outside consultation. Mr.

Schoonover would like the survey to focus only on residents. Ms. Milligan agreed with restricting respondents. Ms. Cereceda liked the idea of reaching out to residents. Town Clerk Baker suggested creating an email for CRC comments on the Charter Review Page. Members agreed. Chair Dunlap will contact his individual for more details. Liaison Safford will discuss the topic with Finance Director Onzick to determine whether funds are available.

Chair Dunlap discussed establishing a portal with Florida Gulf Coast University students and having an official relationship with them. Town Attorney Stuparich described the Florida League of Cities youth council of high school students with a formalized program. Mr. Zuba raised the cost and asked whether the staff had received recommendations from the League or the county LPA. Mr. Schoonover was in favor and asked that Chair Dunlap bring back more information. Vice Chair Thomas agreed and was initially in favor. Chair Dunlap will bring more information back.

Vice Chair Thomas asked whether the agenda attachments included the work from the 2016 charter review and, if not, whether it was possible to obtain it. Mr. Zuba replied that it did not represent all the recommendations. Town Clerk Baker replied that the minutes were available, but no videos were. She would distribute whatever she could find.

VII. OVERVIEW OF SUNSHINE LAW AND PUBLIC RECORDS

Ms. Cereceda noted that there was a Sunshine Law meeting for all committees on October 22, 2035, from 10:00 to 12:00 at the town hall. Town Attorney Stuparich provided an abbreviated review of the requirements of the Sunshine Law, ex parte communications and public records. Town Clerk Baker described the process for public records requests.

VIII. NEW BUSINESS - DISCUSSION OF CHARTER ARTICLES

Chair Dunlap asked how the agenda was created to make sure input from all members was included. Town Attorney Stuparich replied that it was up to their discretion.

Chair Dunlap supported having time limits on the agendas and asked how the

agendas were created. Town Clerk Baker replied that all agendas had to be submitted two weeks prior to the meeting. Town Attorney Stuparich suggested allocating time at the end of their meetings to discuss topics for the next agenda. Mr. Zuba suggested adding member items at the end of the agenda rather than sending emails to the town clerk.

Ms. Milligan would like to define some terms as they go through the sections. Town Attorney Stuparich confirmed that Articles 1-3 will be covered at the next meeting. She described the contents of the packet they received earlier and reviewed relevant state statutes to explain why some articles were in the charter.

A. ARTICLE I. CORPORATE NAME; PURPOSE OF THE CHARTER

Sec. 1.01. Town of Fort Myers Beach.

The municipality hereby established shall be known as the Town of Fort Myers Beach, Florida.

Sec. 1.02. Purpose of the charter.

This charter is ordained and established by the people of the Town of Fort Myers Beach, Florida, to promote the general welfare and common good of the community by providing the framework for a municipal corporation to exercise municipal home rule powers under the Constitution and laws of the State of Florida.

B. ARTICLE II. TERRITORIAL BOUNDARIES

Sec. 2.01 Boundaries of the Town of Fort Myers Beach.

The territorial boundaries of the Town of Fort Myers Beach upon the date of incorporation shall include the following areas situated in the County of Lee, State of Florida: A corporate limit lying offshore from Estero Island, which line is described as follows: all that part of Lee County situated within Estero Island and the area within 1,000 feet in the Gulf of Mexico and 1,000 feet in the inland bays, and parallel with the shoreline of said Estero Island, excluding all of San Carlos Island, Black Island and, structures exclusively attached thereto.

Sec. 2.02. Extension of the corporate limits; annexation.

The corporate limits of the Town of Fort Myers Beach may be revised as provided by general law.

C. ARTICLE III. GENERAL POWERS OF THE MUNICIPALITY

The Town of Fort Myers Beach shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. The powers of the Town of Fort Myers Beach shall be construed liberally in favor of the municipality, limited only by the Constitution, general law, and specific limitations contained herein.

Sec. 3.02. Joint exercise of powers. The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states, counties, municipalities, or any agencies thereof, or the United States or any agency thereof.

IX. NEXT MEETING DATE

A. Tuesday, November 4, 2025 2:00 p.m.

Mr. Schoonover indicated that he would have to participate remotely. Town Clerk Baker summarized the topics of the next agenda.

X. ADJOURNMENT

Mr. Zuba moved to adjourn, seconded by Mr. Schoonover. The motion carried unanimously.

RESOLUTION NUMBER 25-300

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, PROVIDING DIRECTION TO THE TOWN OF FORT MYERS BEACH CHARTER REVIEW COMMISSION REGARDING THE ROLE OF ALTERNATES TO THE COMMISSION WHO WERE APPOINTED BY THE TOWN COUNCIL; 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, Section 13.03 of the Town Charter states that “[a] five-member charter review commission shall be appointed and funded by the council. The charter review commission shall be appointed at least 6 months before the next scheduled election and complete its work and present any recommendations to the Council for change no later than 60 days before the election. The council shall hold a minimum of two public hearings to approve, reject or modify the proposed changes to the charter prior to placing the proposed changes on the scheduled election ballot”; and

WHEREAS, during the June 2, 2025 Town Council meeting, the Town Council appointed five individuals to serve on the Town’s Charter Review Commission (“CRC”) and two additional individuals to serve as alternates; and

WHEREAS, the appointment of the two individuals to serve as alternates is not in conflict with or prohibited by the Town Charter or in its Code of Ordinances; and

WHEREAS, during its first public meeting the CRC requested direction from the Town Council regarding the role of the appointed alternates; and

WHEREAS, adoption of this Resolution is in the best interest of the Town and its residents.

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.

Section 2. The Town Council directs that the role of the alternate appointed members of the CRC serve as follows:

- a. Alternates shall attend all meetings of the CRC and participate as non-voting members of the CRC.
- b. In the event of an absence of an appointed CRC member, an alternate in attendance shall become a voting member of the CRC. The two alternates shall alphabetically rotate in filling occasional absences of appointed CRC members if both are present at the meeting.
- c. Alternates shall be subject to compliance with the Sunshine and Public Records laws throughout the duration of their appointment as required by all appointed members of the CRC.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Mayor Allers and seconded by Council Member Woodson, and upon being put to a roll call vote, the result was as follows:

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

ADOPTED this 20th day of October 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Oct 24, 2025 11:14:24 EDT)
 Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Oct 28, 2025 12:03:11 EDT)
 Amy Baker, Town Clerk

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

Vose Law Firm
Vose Law Firm (Oct 23, 2025 15:02:37 EDT)
 Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 28/10/2025.

ARTICLE IV. CHARTER OFFICERS

Sec. 4.01. Council members; elections.

(a) There shall be a town council, hereinafter referred to as the council, with all legislative powers of the town vested therein, consisting of five council members, all of whom shall be elected from the town at-large.

(b) Council seats shall be designated as seats #1, #2, #3, #4, and #5. All qualified candidates shall be deemed to be seeking election to all open council seats. Assignment of open seat numbers shall be alphabetically by incoming Council members' last names.

(c) Each member of the council shall be a resident of the town and a registered voter and shall have resided within the corporate limits of the municipality for a minimum of 1 year prior to qualifying for election.

(d) The council are elected officials who are accountable to the citizens at regularly held elections and who are subject to recall as provided by law. The citizens, through these processes, have the opportunity to elect, reelect, or dismiss their elected officials whose promise of performance or actual performance in office best reflects the policies which the citizens desire to implement in the government of the town.

(e) Policy making is the sole prerogative of the elected council. Administrative staff, whether hired or appointed under terms of this charter, is subordinate to the elected officials, whose power derives from the consent of, and election by, the citizens of the town.

(f) Except as otherwise prescribed herein or provided by law, legislative and police powers of the town shall be vested in the council, including the establishment of boards, commissions, and committees. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the municipality by law.

Sec. 4.02. Mayor.

At the first meeting after the first Tuesday after the first Monday in November, the council, by majority vote, shall elect from its membership a mayor. The mayor shall serve as chairperson during meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the town.

Sec.4.03. Vice mayor.

At the first meeting after the first Tuesday after the first Monday in November, the council, by a majority vote, shall elect from among its membership a vice mayor who shall serve

as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become interim mayor pursuant to section 4.08 of this charter.

Sec. 4.04. Prohibitions.

(a) Neither the council, nor any individual member of the council, shall in any manner dictate the employment or removal of any employee other than the town manager and town attorney. No individual member of the council shall give orders to any officer or employee of the town. Recommendations for the improvements in the town government operations shall come through the town manager, but each member of the council shall be free to discuss or recommend improvements to the town manager, and the council is free to direct the town manager to implement specific recommendations for improvement in town government operations. Violations of this Section of the Charter shall constitute malfeasance within the meaning of Section 100.361, Florida Statutes, as may be amended.

(b) No present or former elected town official shall hold any compensated appointive office or employment with the town until 1 year after the expiration of the official's elected term.

Sec. 4.05. Compensation.

(a) Effective April 1, 2016, base pay for the Mayor will be \$19,200 annually and Council Members will be \$16,800 annually as compensation for their services. Compensation shall be revised annually based on across-the-board adjustments budgeted for staff and administered at the same time as Town employees.

(b) The council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

Sec. 4.06. Vacancies.

The office of a member of the council shall become vacant upon the member's inability to fulfill the duties of the office, resignation, or removal from office as authorized by law or this charter.

Sec. 4.07. Forfeiture of office.

A member of the council may forfeit the office, if the member:

- (a) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law;
- (b) Violates any express prohibition of this charter;
- (c) Is convicted of a felony or criminal misdemeanor which misdemeanor involves the office of town council; or
- (d) Misses three consecutive regularly scheduled council meetings without an excused absence.
- (e) Does not maintain a permanent residence in the Town of Fort Myers Beach.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled council meeting, and the member may be declared to have forfeited office by majority vote of the council.

Sec. 4.08. Filling of vacancies.

A vacancy on the council, except for the position of mayor, shall be filled by appointment by majority vote of the council members remaining, and said appointment shall be effective until a successor is chosen at the next regular election. In the event that a majority of the members are removed by death, disability, law, or forfeiture of office, the governor shall appoint an interim council that shall call a special election to be held within 45 days following the occurrence of the vacancies to elect a new council. In the event that the mayor becomes unable to fulfill the duties of office, ceases to be qualified, or is removed from office as provided by law or this charter, the vice mayor shall assume the full powers and duties of the mayor. The vice mayor shall assume the office of mayor for the remainder of the unexpired term. The council vacancy thus created shall be filled by an interim appointment under the provisions of this charter, to be effective only until such time as the mayor resumes office or until the expiration of the term of the office, whichever occurs first.

Sec. 4.09. Judge of qualifications.

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A council member charged with conduct constituting grounds for forfeiture of this office shall be notified by the town clerk by certified mail and shall be entitled to a public hearing at the next regularly scheduled meeting of the council as outlined in section 4.07 of this charter. Notice of such hearing shall be published in one or more newspapers of general circulation in the town at least 1 week in advance of the hearing.

Sec. 4.10. Independent financial audit.

The council shall provide for an independent annual financial audit of all town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or in any of its officers. Residency in the town shall not be construed as a prohibited interest.

Sec. 4.11. Meetings.

The council shall meet regularly at least eight times per year and shall meet no less often than bimonthly at such times and locations within the boundaries of the town as the council may prescribe. Special meetings may be held on the call of the mayor or the town manager and with reasonable notice to each member and the public. Action taken at a special meeting shall be limited to the purpose for which the special meeting is called. A special meeting may be held outside the town with reasonable notice. All meetings shall be public and shall be scheduled to commence no earlier than 7 a.m. nor later than 10 p.m.

Sec. 4.12. Rules.

The council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be public records. The Town Council shall maintain a Policies and Procedures Manual that provides guidelines for how it will operate.

Sec. 4.13. Voting; quorum.

Roll call voting shall be required for ordinances or upon the specific request of a council member

and shall be recorded in the minutes; otherwise, voting shall be by ayes and nays. Three members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by the affirmative vote of at least three members of the council, except in an emergency situation. All council members in attendance shall vote on all council actions, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest as defined under general law.

ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

Sec. 5.01. Elections.

The regular election of the members of the Town Council shall be held on the first Tuesday after the first Monday in November or as otherwise provided by general law. The time period that candidates must qualify shall be from noon of the 50th day prior to the election to noon of the 46th day, or as adjusted by a holiday or leap year.

Sec. 5.02. Commencement of Term.

The term of a member of the council shall begin at the first council meeting following the general election.

Sec. 5.03. Terms of office.

The terms for all council seats, #1, #2, #3, #4, and #5, shall be for 4 years, seats #1 and #2 shall initially be for a term from March 2019 to November 2023, and seats #3, #4, & #5 shall be for a term from March 2020 to November 2024. No member of the council shall serve for more than two consecutive full terms. After 1 year out of office, a candidate may re-qualify for any vacant seat.

Sec. 5.06. Nonpartisan elections.

All elections for officers of the town shall be conducted on a nonpartisan basis without any designation of political party affiliation.

Sec. 5.07. Multiple candidates.

In the event that more candidates qualify for election than there are open council seats, those candidates shall participate in the regular election and the candidate or candidates receiving the most votes cast shall be elected to the open council seat or seats.

Sec. 5.08. Recall.

The qualified electors of the municipality shall have the power to recall and to remove any elected official of the town as prescribed by general law.

Sec. 5.09. Town canvassing board.

The town canvassing board shall be composed of a Town Council Member, selected by Town Council, who is not a candidate for reelection, the Town Manager and the Town Clerk, who shall act as chairperson. At the close of polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chairperson and shall proceed to publicly canvass the vote as shown by the returns then on file in the Office of the Supervisor of Elections. The Board shall prepare and sign a certificate containing the total number of votes cast for each person or other measure voted on. The certificate shall be placed on file with the Town Clerk