



Fort Myers Beach Town Council

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

Minutes

Monday, October 6, 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

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

The motion carried unanimously.

V. PUBLIC COMMENT

Michelle Cherney, resident, requested reappointment to BORCAB (Bay Oaks Recreational Campus Advisory Board). She relayed feedback from residents: keep the gym open on weekends and evenings, revert to the original pickleball layout, still no pool, install sun protection on the outside gym, explore ways to procure funds and examine the fees. She suggested that all advisory committees report to the town council on a quarterly basis. She described bringing back the Friends of Bay Oaks.

Joy Sullivan, resident, requested reappointment to BORCAB and described her involvement within the community.

Jane Plummer, resident, requested reappointment to the LPA (Local Planning Agency) and reviewed her years of involvement. She asked that they reappoint members from the current board because they were very qualified.

Anita Cereceda, a resident, requested reappointment to the LPA and described the qualities and experience of the current LPA members. She noted that members had compassion for the residents and asked the town council to consider reappointing them.

Patrick Vanasse, a resident, supported the resolution regarding the school board and felt that the school board had breached the contract, failed to meet its

obligations and did not negotiate in good faith.

DeWitt Willis did not have an issue with the Beach Baptist project but questioned the setbacks.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Atterholt addressed the resolution regarding the school district and asked the Lee County Superintendent of Public Schools if it was necessary. He described how the town acted in good faith and noted that the revenue generated would more than cover the costs of rebuilding the school.

Council Members Woodson and Safford agreed with the vice mayor. No items from other members.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Town Clerk Baker announced that an all-committee Sunshine Law and public records training will be held in council chambers on October 22, 2025, from 10:00 a.m. until noon.

A. Local Planning Agency (LPA)

Appointment of Members to the FY26 Local Planning Agency

There are three vacancies and four applicants: James Boan, Anita Cereceda, Jane Plummer and Ed Schoonover. Based on the selection tally, Ed Schoonover received the lowest raking and therefore; was not appointed.

Council Member King moved to certify and appoint, seconded by Mayor Allers. The motion carried unanimously by roll call vote.

B. Anchorage Advisory Committee (AAC)

Appointment of Members to the FY26 Anchorage Advisory Committee

There are three vacancies and two applicants: Chris Riedel King and Ed Schoonover were appointed.

Council Member King moved to certify and appoint, seconded by Mayor Allers. The motion carried unanimously by roll call vote.

C. Audit Committee

Appointment of Members to the FY26 Audit Committee

There are three vacancies and two applicants: Barbara Puffer and Marianne Sheely were appointed.

Council Member King moved to certify and appoint, seconded by Mayor Allers. The motion carried unanimously by roll call vote.

D. Bay Oaks Recreational Campus Advisory Board (BORCAB)

Appointment of Members to the FY26 Bay Oaks Recreational Campus Advisory Board

There are five vacancies and five applicants: Michelle Cherney, Barbara Hill, Rick Loughrey, Anne Neaf and Joy Sullivan were appointed.

Council Member King moved to certify and appoint, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

E. Cultural and Environmental Learning Center Advisory Board (CELCAB)
Appointment of Members to the FY26 Cultural and Environmental Learning Center Advisory Board

There are four vacancies and five applicants: Francis Davey, Natalie De La Torre Salas, Ellen Vaughan, Rebecca Werner and Lorrie Wolf. Based on the selection tally, Frances Davey received the lowest ranking and; therefore, was not appointed.

Council Member King moved to certify and appoint, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

F. Marine and Environmental Resources Task Force (MERTF)
Appointment of Members to the FY26 Marine and Environmental Resources Task Force

There are three vacancies and two applicants: William Althoff and Dave Nusbaum were appointed.

Council Member King moved to certify and appoint, seconded by Council Member Safford.

The motion carried unanimously.

G. Public Safety Committee (PSC)
Appointment of members to the FY26 Public Safety Committee

There are four vacancies and one applicant: Ron Benak was appointed.

Council Member King moved to certify and appoint, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

Council Member King moved to grant waivers to allow Anita Cereceda, Michelle Cherney, Barbara Hill, and Ed Schoonover to serve on more than one committee, seconded by Council Member Safford.

The motion carried unanimously.

VIII. APPROVAL OF MINUTES

A. Town Council - September 24, 2025

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

The motion carried unanimously by roll call vote.

B. Town Council Budget Hearings — September 24, 2025

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

The motion carried unanimously by roll call vote.

IX. CONSENT AGENDA

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

The motion carried unanimously by roll call vote.

- 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.

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

The motion carried unanimously by roll call vote.

- 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.

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

The motion carried unanimously by roll call vote.

- 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.

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

The motion carried unanimously by roll call vote.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures. Town Clerk

Baker confirmed that all agenda items were properly noticed. She swore in those providing testimony.

A. 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.

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. Robert Codie, Assistant County Manager, Ehab Guiguis, Construction Management Director, Mack Young, Director of Lee County Parks and Recreation, Chris Gamache, with Stantec Engineering, represented Lee County. Vice Mayor Atterholt asked who made the determination to rebuild the pier. Manager Codie replied that it was always going to be rebuilt and the board of county commissioners, along with the leadership, decided to rebuild the pier.

No public comment.

Mayor Allers moved to approve the resolution and remove condition four in the staff report to work during turtle season, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

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.**

Mayor Allers read the title of the resolution. No ex parte communications were disclosed. The property owner confirmed receipt of the agenda and backup materials.

Senior Planner Smalley reviewed the background of the request as stated on the blue sheet. Director Young of Parks and Recreation noted that there was a location for the arches.

No public comment.

Council Member King moved to approve the resolution with condition three in the staff report to work during turtle season removed, seconded by Council Member Safford.

The motion carried unanimously.

- 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.

Mayor Allers read the title of the resolution. No ex parte communications were disclosed, although council members were familiar with the property. The applicant confirmed receipt of the agenda and backup materials.

Senior Planner Smalley reviewed the background of the request as stated on the blue sheet. Staff recommended approval.

Dave Nusbaum, President of Island Winds Condominium Association, described the history of the tiki hut and noted it was part of the fabric of the condo. If approved, construction would begin after turtle season ends on November 1, 1015.

No public comment.

Council Member King moved to approve the resolution and to authorize staff to allow them to work outside turtle season, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

- 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.

Mayor Allers read the title of the resolution. No ex parte communications were disclosed. The applicant confirmed receipt of the agenda and backup materials.

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

Scott Fier, owner, requested that the permitting fees be changed to standard residential fees instead of commercial rates. Town Attorney Stuparich replied that he could apply for the change later.

No public comment.

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

The motion carried unanimously by roll call vote.

- 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.

Mayor Allers read the title of the resolution. Ex parte communications: Vice Mayor Atterholt, Council Member King and Mayor Allers have had conversations with the applicants over the last three years, met with various people and were familiar with the property. There were no current conversations disclosed. The applicant confirmed receipt of the agenda and backup materials.

Jonathan Thomas stated his expertise was in real estate development. Jennifer Sopen noted she was an expert in land planning and general site planning.

Neale Montgomery is an attorney in land use planning.

Vice Mayor Atterholt moved to accept all three as experts in their fields, seconded by Council Member Woodson.

The motion carried unanimously by roll call vote.

Mr. Thomas clarified the relationship between all the entities and the property owner. There was a pending sales contract that would close by the end of the year, provided the zoning was approved. The church would be closed, and SJ Collins/Fort Myers BBC would complete the project.

Planner Green reviewed the background of the request as stated on the blue sheet. Following the LPA meeting, a recommendation was made to move forward with just the developer's agreement, which would cover the entire property and grant control over both parcels in the future. Staff recommended approval with conditions. Planner Green indicated that the five-foot side setbacks only affected the internal lots in the self-contained subdivision.

Ms. Montgomery reviewed how they got to the development agreement. The following changes were made to the residential zoning district after the LPA meeting: eliminate a bed and breakfast, a community residential home, home care and daily rentals.

Mr. Thomas described their work in Florida.

Ms. Sopen utilized PowerPoint for her presentation. Slides included: Prior to Hurricane Ian, Proposed Site Plan, Landscaping - Church Parcel, Landscaping - Single Family Parcel, Developer Agreement - Prohibited Uses, Development Regulations, Single Family Development Regulation Deviations, Deviations and Conclusion.

Ms. Sopen stated that they worked closely with the fire department and drainage was addressed.

Council Member King asked whether the applicant would come into compliance regarding their code violation. Mr. Thomas replied that he had been told the trailers would be removed. Director Yozzo stated that the trailers had to be removed by October 19, 2025.

Mr. Thomas described how he became involved in the project. He noted that another local church may take over operations.

Ms. Sopen explained the deviation separation reduction from 125 to 25 feet and indicated that it was for a local roadway and relatively standard in most codes.

Council Member Safford asked whether they could reduce the landscape

buffer and add separation between the houses. Ms. Sapen felt the landscape buffer was more important than internal setbacks. Council Member Safford suggested adding language regarding the church holding public meetings with the neighborhood to maintain open lines of communication. Mr. Thomas stated that specific language was added to prevent some issues that occurred in the past.

Mayor Allers suggested that they meet with the Fort Myers Beach Fire Department regarding the five-foot setbacks between homes.

Public comment:

Laurie Webster, resident, described what the church members went through after Hurricane Ian. She said the congregation was told the trailers would be moved after the next service. She supported the plan and noted they needed hope.

Public comment closed.

Vice Mayor Atterholt moved to approve the ordinance and move it to a second reading, seconded by Mayor Allers.

The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the ordinance. Planner Green noted that this amendment was to change the process and was similar to the variance process change. Town Attorney Stuparich added that this proposal expands the opportunity to fast-track certain proposals. Council members agreed with streamlining other processes as well.

Public comment:

Dave Nusbaum, resident, thought it was fantastic and would expedite

rebuilding. He endorsed the ordinance.
Public comment closed.

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

The motion carried unanimously by roll call vote.

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.

Mayor Allers read the title of the resolution.

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

The motion carried unanimously.

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.

Mayor Allers read the title of the resolution. Environmental Projects Manager,

Chadd Chustz, noted the funding request addressed erosion from Milton. He was unsure whether the request would be granted but recommended that the town council request the funds.

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

The motion carried unanimously by roll call vote.

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

Brianna Gates from Faithful Weddings requested approval for the open container waiver for a post-wedding beach party in front of Crescent Park.

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

The motion carried unanimously by roll call vote.

D. RFQ-25-10-AD Rejection and Cancellation

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.

Director Kropacek indicated that the selection committee advised that the bid from one firm was not acceptable. The town council will need to formally reject the bid to move forward. Director Kropacek was exploring avenues with the county.

Mayor Allers moved to approve the rejection, cancel RFQ25-10-AD and direct staff to go out to rebid, seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

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.

Mayor Allers read the request. Town Attorney Stuparich noted the requested action was to schedule the rehearing.

Serena Cantu is an environmental consultant with Hans Wilson and Associates. She noted they had a field permit from the FDEP (Florida Department of Environmental Protection) authorizing them to begin work. She asked if it could be heard at the next town council meeting. She did not think they needed a marine turtle permit from the FWC (Fish & Wildlife Conservation Commission) because the work was landward of the vertical seawall. There were no sea turtle nests in the area.

Manager Chustz indicated that it was up to FWC to decide whether a permit was needed.

Mayor Allers moved to approve the request for a rehearing at the earliest possible meeting, seconded by Council Member King.

The motion carried unanimously.

XIII. FINAL PUBLIC COMMENT

No public comment.

XIV. TOWN MANAGER'S ITEMS

Town Manager McKannay reminded the council and public that on Friday at 2:00 p.m. at St. Leo the Great in Bonita Springs, there will be a public unveiling of the plans for rebuilding the parish on the island. He thanked the HR staff for setting up the mammogram bus for staff. He thanked the Woman's Club for scheduling their meeting in the town hall. Approximately 50 emergency temporary placement permit applications were received and staff were working through them. Town Manager McKannay approved eight applications and twelve were denied or sent back for further information.

An applicant was left off the CELCAB vote and the town council was asked to reconsider their earlier vote.

Vice Mayor Atterholt moved to reconsider the earlier vote and reschedule the CELCAB appointment to October 20, 2025, seconded by Council Member

Woodson.

The motion carried unanimously by roll call vote.

Vice Mayor Atterholt asked whether they could give the town manager direction to start a conversation with the owners of Key Estero and Sea Grape Plaza to see if an agreement could be reached. Town Attorney Stuparich did not object but asked that attorneys be present. She noted they were waiting for the court to render a decision on their appeal. Town council members agreed and Town Manager McKannay will contact them.

Community Services Director Jeff Hauge indicated that the dirt piles on the town hall property will be removed as soon as possible.

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.

Town Attorney Stuparich noted that a copy of the proposed settlement agreement was included in the agenda materials. She summarized the settlement and stated that, by entering into the settlement agreement, there was no admission of guilt or liability on the part of the town. Town Attorney Becky Voss explained the litigation risk to the town if they did not settle. She indicated that it was a very complex case that would take a lot of time and that the town would be responsible for the attorney's fees if they did not enter into the settlement.

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

The motion carried 4-1 by roll call vote, with Mayor Allers dissenting.

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.

Town Attorney Stuparich read the announcement with a change in the court reporter company. She added that they received a copy of the answer and counterclaim from White Sands Properties of Fort Myers Beach LLC on Friday and will likely discuss it at the session.

Town council members consented to October 20, 2025, at 3:00 p.m.

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.

Town Attorney Stuparich read the title of the resolution. The resolution contained changes by the Ad Hoc Committee. Vice Mayor Atterholt suggested holding the meeting in the town hall chamber. Council members agreed. Council Member Woodson suggested that Vice Mayor Atterholt, Mayor Allers, Town Attorney Stuparich, Deputy Town Manager Kohler and anyone else who needs to be involved attend the meeting. The meeting was scheduled for November 5, 2025, at 1:00 p.m. Town Attorney Vose explained the process and her experience as a certified circuit court mediator. Town Attorney Stuparich stated that Mayor Allers and Vice Mayor Atterholt will attend the meeting.

Mayor Allers moved to approve the resolution, as amended, with dates, times and attendees, seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

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.

Town Attorney Stuparich read the title of the resolution. Vice Mayor Atterholt

praised the team and highlighted their success, dedication, professionalism, demeanor, attention to detail, strategy and their whole approach to service. He was thankful the town made the change. Mayor Allers stated there was a night-and-day difference between the Voss law firm and the previous firm. Council Member Woodson described the difference between the two firms and she was in full support. Council Member Safford thanked the firm and felt it was money well spent. Council Member King agreed, thanked them and supported the increase.

Town Attorney Stuparich said they loved being with the town and it was enlightening to see the town's transformation. Town Attorney Voss stated that they were wonderful to work with and that she could not ask for a better town council. The staff was wonderful and they enjoyed working with them.

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

The motion carried unanimously by roll call vote.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King noted that the Friends of Little Estero Island created an award to give to the monthly MERTF award winners. They requested permission to use the Fort Myers Beach logo. Council members consented.

Mayor Allers clarified his no vote on the settlement agreement. He stated that it was no reflection on the staff.

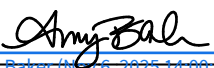
No items from other members.

XVII. ADJOURNMENT

Council Member King moved to adjourn the meeting. There was no objection. Mayor Allers adjourned the meeting at 1:06 p.m.

Minutes adopted as presented, October 20, 2025, Motion by Council Member King and seconded by Council Member Woodson.

Passed 5-0.



Amy Baker (Nov 6, 2025 14:00:26 EST)
Amy Baker, Town Clerk

TC Minutes 10.06.25 - Final for Signature

Final Audit Report

2025-11-06

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