



Fort Myers Beach Town Council

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

Minutes

Monday, October 20, 2025

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: ~~Chair~~ Mayor Dan Allers, ~~Vice-Chair~~ Vice Mayor Jim Atterholt, Council Members John King, Scott Safford and Karen Woodson.

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

The item under Town Attorney's Items was removed from the agenda.

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

The motion carried unanimously.

V. PUBLIC COMMENT

No comments.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford recognized staff for the grand opening of Bay Oaks. He singled out Community Services Director Jeff Hauge and his team.

Council Member Woodson recognized the entire team for the progress they had made in the building since February.

Vice Mayor Atterholt commended Kim Ryan from Beach Talk Radio, Anchorage Advisory Committee Chair Chris King and Harbormaster Curtis Ludwig for the boat tour on Saturday that showcased the Mooring Field and facilities. He also watched the VFW event and congratulated everyone involved. He recognized Environmental Projects Manager Chadd Chustz and others for the beach plantings. He announced that he would not be seeking the position of Vice Mayor next month.

Council Member King said that the Vice Mayor did an excellent job and he appreciated his passion and hard work. He addressed wearing pink in support of Breast Cancer Awareness Month and mentioned those who were affected by the disease. He noted the VFW event was great and acknowledged the mayor's role.

He thanked Beach Talk Radio and those who supported the veterans and saved the post. He thanked Town Manager Will McKannay regarding the article he wrote about rebuilding the beach school.

Mayor Allers noted that about \$75,000 was raised to save the VFW. He shared a story from a gentleman who spoke at the event.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

A. Cultural and Environmental Learning Center Advisory Board (CELCAB)

Appointment of Members to the FY26 Cultural and Environmental Learning Center Advisory Board

Town Clerk Amy Baker noted that Carolyn McKeown was left off the ballot and the vote had to be redone. There are six applicants and four vacancies. Ellen Vaughan, Carolyn McKeown, Rebecca Warner and Lorrie Wolf received the most votes.

Council Member King moved to rescind the previous election appointments and appoint the above individuals to the committee, seconded by Vice Mayor Atterholt.

The motion carried unanimously.

B. Marine & Environmental Resources Task Force (MERTF) Report

Chair Dave Nusbaum reported on presentations in August and September and the resulting votes on recommendations. There will be a hazardous material collection day on February 4, 2026, at Bay Oaks. The event is free and details will follow. MERTF voted to purchase and distribute trees on Arbor Day in April. Chair Nusbaum asked the town council to approve two recipients for the Mulholland Award since it was not awarded last year. First, Bill Bronson and Mitch Fusek, co-founders of Tunaskin, for being stewards of the island and for sponsoring beach cleanups over the years. The second is Mary Rose Spalletta, for her years of involvement and service to the community.

Mayor Allers moved to accept the two recipients of the Mulholland Award, seconded by Council Member King.

The motion carried unanimously.

VIII. APPROVAL OF MINUTES

A. Town Council - October 6, 2025

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

The motion carried unanimously.

IX. CONSENT AGENDA

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

- A. Ordinance 25-24, Impact Fee Study and Land Development Code Text Amendment to Article IV Impact Fees

This legislative agenda item is a First Reading and Public Hearing on proposed Ordinance 25-24. If approved at First Reading, a Second Reading and final adoption hearing will be scheduled for November 17, 2025 at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA ADOPTING AN IMPACT FEE STUDY DATED AUGUST 25, 2025 AND PREPARED BY AXIS INFRASTRUCTURE AND DP GUTHRIE LLC; AMENDING ARTICLE IV ENTITLED "IMPACT FEES" IN CHAPTER 2 ENTITLED ADMINISTRATION OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES TO 1) INCORPORATE UPDATED INFORMATION CONTAINED IN THE REFERENCED IMPACT FEE STUDY, 2) REDUCE THE NUMBER OF IMPACT FEE CATEGORIES AND SPECIFIC USES, 3) CHANGE THE METHOD OF CALCULATION OF FEES FOR SINGLE FAMILY HOMES FROM PER DWELLING TO SQUARE FOOTAGE RANGE TO REFLECT THE TYPICAL IMPACT OF LARGER HOMES, 4) REDUCE THE AMOUNT OF FEES BASED ON UPDATED POPULATION AND PROJECT EXPECTATIONS, AND 5) PROVIDING FOR AN UPDATE EVERY FOUR (4) YEARS PAYABLE FROM COLLECTED IMPACT FEES; 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 ordinance. Community Development Planner Jason Green reviewed the background of the item as stated on the blue sheet. He introduced subconsultant Dwayne Guthrie from DP Guthrie. Mr. Guthrie utilized PowerPoint for his presentation. He described impact fees. Slides included Current Impact Fee Schedule and Recommended Changes, Proposed Methods and Ten-Year Capital Improvements Plan (CIP), Parks and Recreation Impact Fees, Transportation Impact Fees, Impact Fees for Administrative Costs and Total Impact Fees.

Mr. Guthrie explained the semantics of mobility fees. Planner Green distributed examples of calculations for a previous project and a new development. Vice Mayor Atterholt clarified that the Lee County School District would benefit from Fort Myers Beach's rebuilding, regardless of whether a school was on the beach.

Finance Director Joe Onzick expressed concern about how they would come up with the town's share. He appreciated all the work that went into the study. Town Attorney Stuparich noted the proposed fees did not appear to create an issue with SB 180.

Planner Green indicated that the town council may want to consider delaying the collection of the fees to align with the new fee schedule, given the 90-day

wait period. There will be a few developments that will fall between the 90-day window. If they can wait until the 90-day period ends, the proposed fees will be lower. Town Attorney Stuparich will look into it before the second reading.

Planner Green and Mr. Guthrie explained why the impact fees were lower. Vice Mayor Atterholt discussed contributing about \$30 million annually to a beach school that was not open and how the Lee County School District applied to FEMA (Federal Emergency Management Agency) for disaster relief, received the funds for the school and then reallocated them for other purposes.

Mr. Guthrie explained that impact fee funds could not be used for emergency purposes.

No public comment.

Council Member King moved to move this ordinance to a second hearing on November 17 at 9:00 a.m., seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

- A. Special Event - Lanterns of the Island Procession a/k/a Illumination Parade
What's Up FMB, Inc is asking for approval for Lanterns of the Island procession (Illumination Parade) to be held on November 15, 2025 Dawn Miller played a video of Sanibel's parade and asked permission to hold one from Bayside Park to Tunaskin. Council Member Woodson clarified that the lanterns were battery-operated and would not be released. Ms. Miller noted that details and the sign-up link were on the What's Up FMB Facebook page.

Council Member Woodson moved to approve the event permit, seconded by Council Member Safford.

The motion carried unanimously by roll call vote.

- B. 25-300, Charter Review Commission Role of Alternates
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.

Mayor Allers read the title of the resolution. Town Attorney Stuparich explained that the role of the alternates was not clear and she reviewed the guidelines included in the resolution.

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

The motion carried unanimously by roll call vote.

C. Resolution 25-301, Axis Infrastructure STA #1 FY25-26 Services

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SUPPLEMENTAL TASK AUTHORIZATION #1 WITH AXIS INFRASTRUCTURE, LLC IN AN AMOUNT NOT TO EXCEED \$280,000.00 TO PROVIDE TECHNICAL SUPPORT, GIS, AND SPECIAL PROJECT MANAGEMENT FOR THE 2025-26 FISCAL YEAR EFFECTIVE OCTOBER 1, 2025; AUTHORIZING THE TOWN MANAGER TO SIGN THE AGREEMENT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Council Member Safford verified that the funds were available.

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

The motion carried unanimously by roll call vote.

D. Resolution 25-302, STA #14 Coastal Engineering Consultants

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SUPPLEMENTAL TASK AGREEMENT #14 OF CONTRACT RFQ-21-09-EN BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR ADDITIONAL CONSTRUCTION PHASE SERVICES, RE-SURVEYS, AND SHOREBIRD MONITORING ASSOCIATED WITH THE ESTERO ISLAND SHORELINE PROTECTION PROJECT, AND PERMIT REQUIRED POST CONSTRUCTION WINTER BIRD MONITORING, FUNDING SUPPORT, STAKEHOLDER COORDINATION, AND PROJECT ADMINISTRATION SERVICES FOR A COST OF \$161,720.00; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Manager Chustz noted that this was the extension for the beach renourishment project and the contractor will pick up the bill.

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

The motion carried unanimously by roll call vote.

E. RESOLUTION 25-303; ITB-25-02-EN, Change Order #1 to Dune Planting project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDER #1 TO CONTRACT ITB-25-02-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND EARTHBALANCE CORPORATION INCREASING THE CONTRACT PRICE TO \$95,720.00 TO CONSTRUCT THE DUNE PLANTING PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Manager Chustz indicated this was for additional plants and would be paid for by the FDEM (Florida Department of Emergency Management) grant. He noted that the staff was also removing sand spurs.

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

The motion carried unanimously by roll call vote.

F. Resolution 25-304; Ongoing Miscellaneous Professional Services, RFQ-25-06-AD

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING 7 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) ADG ARCHITECTURE LLC, 2) BOWMAN CONSULTING GROUP 3) CW3 ENGINEERING 4) LJA ENGINEERING, 5) TETRA TECH, 6) TRAFFIC & MOBILITY CONSULTANTS, AND 7) WESTON & SAMPSON ENGINEERING; 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. Town Manager McKannay stated that nine more contract negotiations remained.

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

The motion carried unanimously by roll call vote.

XIII. FINAL PUBLIC COMMENT

Mr. and Mrs. Martinez have a catamaran in the Mooring Field and asked why the fees increased. She noted she may have to move her vessel. Mayor Allers replied that a staff member would meet with them.

Jennifer Rusk, MERTF member, clarified that the excess money in their budget would not go toward purchasing trees because the funds were allocated for the children's book.

XIV. TOWN MANAGER'S ITEMS

Town Manager McKannay stated that the FEMA final submission was October 17, 2025. He commended Dr. Kohler and the rest of the staff. They were moving forward with preparing the Community Rating System (CRS) submissions and a contact representative was appointed. Dr. Kohler noted that 80% of the 252 properties on the list were compliant.

Town Manager McKannay invited everyone to the Bay Oaks Fright Night this Friday.

The Community Services Team came up with an interim solution for solar lighting on Old San Carlos Blvd.

The fire district was working on a strategic plan and would send a survey to residents on the beach and to the town staff.

Director of Community Development Frankie Kropacek stated that Lee County has put out the bid for the electrical portion for the lights on Estero and Old San Carlos Blvd. Mayor Allers asked if they could request a temporary solution.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich acknowledged the work Emergency Services Director Tom Yozzo and his team have done on FEMA cases.

The advertisement for the school board meeting at 1:00 p.m. on November 5, 2025, at Town Hall went out today. Derek Rooney, an attorney with Gray Robinson, would serve as the facilitator if approved by the town council. Vice Mayor Atterholt would like the Superintendent to speak first at the meeting because he did not know her position on the beach school. Mayor Allers supported the suggestion. Vice Mayor Atterholt also wanted the Ad Hoc parents to be able to comment. Town Attorney Stuparich indicated the meeting was open to the public. Council members agreed that the costs for Mr. Rooney should be split between the parties. Vice Mayor Atterholt suggested that if the school board refuses to split the costs, there will be no mediator and the two attorneys could facilitate a dialogue. Mayor Allers agreed.

Vice Mayor Atterholt moved that the town council approve the location of the Fort Myers Beach Town Hall on November 5 at 1:00 and approve the use of a mediator, provided that both sides agree beforehand to split the costs. If one side or the other refuses to split the cost, they would allow each party's legal counsel to serve as facilitators at the meeting, seconded by Council Member King.

The motion carried unanimously by roll call vote.

A. Any action to be taken from the Litigation Executive Session

3:00 PM - Litigation Executive Session pursuant to Section 286.011(8), Florida Statutes Request Announced on October 6, 2025 in the case of 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.

a. Conflict of Interest - Council Member Scott Safford

b. Any action to be taken at the public meeting following the Executive Session related to settlement, strategy or litigation costs

Removed from the agenda.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford noted that the Charter Review Committee asked whether funds were available for a survey and for a partnership with local universities to gather input. Finance Director Joe Onzick replied that funds could be used from the contingency fund. Council Member King noted free surveys were available.

Council Member Woodson will be a judge at Fright Night. She commended Dawn Miller for her tireless work to get people back in the community.

Council Member King noted that the two bus stop pull-offs were progressing and the traffic signal on Fifth Street is activated. The yield-to-bus signage has been installed and buses are no longer on detour. The new shelters at the new stops in front of Margaritaville and Crescent Beach Park were expected at the end of the month. The new bus pull-offs at Main St. and St. Carlos were scheduled for the end of October. He will get more information regarding Florida City Week.

Mayor Allers stated that FPL (Florida Power & Light) drones will be flying over the town. FPL noted that the crosswalks were being worked on and some were scheduled for completion in the first week of November. They were still on track to finish the project at the end of November.

Mango Rita's, off of US41 in Fort Myers, will be hosting Superintendent Carlin, School Board Member Fleming, and Lee County Sheriff Marceno from 6:00 p.m. to 8:00 p.m. this Wednesday to answer questions. Mayor Allers encouraged those interested to attend.

Town Clerk Baker reminded members that the advisory committee Sunshine training will be held and broadcast this Wednesday at 9:00 in Town Chambers.

XVII. ADJOURNMENT

Council Member King moved to adjourn. Mayor Allers adjourned the meeting at 11:45 a.m.

Minutes adopted as amended, November 17, 2025. Motion by Council Member King and seconded by Vice Mayor Safford. Passed 4-0.



Amy Baker, Town Clerk