



Fort Myers Beach Town Council

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

Minutes

**Monday, November 3, 2025
ORDER OF BUSINESS**

9:00 AM

FINAL

I. CALL TO ORDER

Members present: Mayor Dan Allers, 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

Item C. under Public Hearings has been removed.

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

The motion carried unanimously.

Mayor Allers moved to cancel Thursday's M&P meeting and move it to the November 17, 2025, meeting, seconded by Council Member Woodson.

The motion carried unanimously.

V. PUBLIC COMMENT

No public comment.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford thanked Keep Lee County Beautiful, Inc. and everyone involved for cleaning the beach. He congratulated the Bonita Fish Company on its grand opening. Jackie Liszak at the Chamber needs more volunteers and sponsors for the American Sand Sculpting Championship Event and he thanked Council Member King for being one of the sponsors.

Council Member Woodson recognized the Halloween Pub Crawl.

Vice Mayor Atterholt noted that Legno's Pizza at Santini Plaza was hosting a job fair this morning and opening a place of New York Pizza and Pasta. They are expecting to open the first week of December.

Council Member King recognized Talissa and Shelby in the HR Department for coordinating events at Town Hall. He appreciated the town employees and described the vials included in the time capsule. He thanked everyone for the

festive Halloween doors decorating. He congratulated and thanked Communications Coordinator, Nicole Berzin, for accepting a position in Wisconsin.
Mayor Allers thanked the fire department for the scare at Wahoo Willie's.

VII. PRESENTATION

No presentations.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Chris King, Chair of the Anchorage Advisory Committee, described the boat around on October 18, 2025. She asked permission to begin planning the next Cruiser's Appreciation Event, tentatively set for Sunday, April 12, 2026, from noon to 3:00 pm at Bayside Park. She noted they should have a little over \$2,000.00 in their budget and will follow the same guidelines as last year. All Town Council members agreed they could move forward. Chair King indicated that the committee was eager to have the remaining six mooring balls returned to service and requested that their reinstatement be included in the plans for canal dredging and maintenance. She noted that she had summarized their roles and responsibilities and would like the town council to review the document. Mayor Allers asked if they could look at ways to educate people who were speeding in the bay. Chair King replied that there will be a roundtable discussion on the topic on November 10, 2025, and AAC representatives will attend.

A. Marine and Environmental Resources Task Force (MERTF)

Appoint a member to the FY26 Marine and Environmental Resources Task Force

Mayor Allers noted there was one applicant for one vacancy. Todd Zaccanelli was appointed.

Mayor Allers moved to certify and appoint Mr. Zaccanelli to the MERTF committee.

The motion carried unanimously.

IX. APPROVAL OF MINUTES

No minutes.

X. CONSENT AGENDA

Town Attorney Stuparich explained that the declarations of state of emergency were kept open to recover funds due to hurricane damage.

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

The motion carried unanimously.

- A. Resolutions 25-307 through 25-310; 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 resolution, seconded by Council Member Safford.

The motion carried unanimously.

- B. Resolutions 25-311 through 25-314; Extension of Local Emergency - Hurricane 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 resolution, seconded by Council Member Safford.

The motion carried unanimously.

- C. Resolutions 25-315 through 25-318; Extension of Local Emergency - Hurricane 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 resolution, seconded by Council Member Safford.

The motion carried unanimously.

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. 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. Ordinance 25-17: First Baptist Home Rule DA

This quasi-judicial agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-17.

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 ordinance. Ex parte communications: Mayor Allers and Council Members King, Safford, and Woodson received one email opposing the project. Vice Mayor Atterholt received a text in support of the project.

Rachael Thomas, land use attorney at Pavese Law Firm, described her experience as an expert in her field.

Al Quattrone, President of Quattrone and Associates, described his experience as an engineering expert.

Council Member King moved to accept both as expert witnesses, seconded by Council Member Woodson.

The motion carried unanimously.

The applicant confirmed receipt of the agenda backup materials. Community Development Planner Jason Green noted that the exhibits were modified and there was a strike-through underlined version of the agreement, which included changes to the deviations. Exhibit E contains deviations 1-3. The findings and the staff recommendation remained the same.

Jonathan Thomas indicated that the setbacks had changed, the trailers had been demolished and that the water bills had been paid.

Jennifer Sabin started the presentation with Location & Surrounding Uses, Zoning, Future Land Use, Proposed Site Plan, Landscaping-Single Family Parcel, Landscaping - Church Parcel, Developer Agreement - Prohibited Uses and Conclusion.

Mr. Thomas stated that the church would be built first, with construction expected to start in the first quarter of next year. The residential will proceed as demand dictates. He explained that the church would be different from the past and would operate like a typical church.

No public comment.

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

The motion carried unanimously by roll call vote.

B. Ordinance 25-18; Expedited Special Exceptions

This legislative agenda item is a Second Reading Public Hearing on proposed Ordinance 25-18.

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 this was to modify the Land Development Code (LDC) to expedite the hearing process, as stated on the blue sheet.

Council members supported streamlining the process.

No public comment.

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

The motion carried unanimously by roll call vote.

- C. Rescinding and Revoking Resolution 25-305; VAR20230162, 21391 Widgeon Terrace

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH RESCINDING AND REVOKING WITHOUT PREJUDICE VARIANCE 202301621391, WHICH APPROVED TWO VARIANCES WITH CONDITIONS FROM TABLE 34-3 OF THE LAND DEVELOPMENT CODE TO DECREASE THE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE THE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE TO ALLOW FOR THE CONSTRUCTION OF AN ENCLOSED SWIMMING POOL; AND PROVIDING FOR AN EFFECTIVE DATE.

Pulled from the agenda.

XIII. ADMINISTRATIVE AGENDA

- A. Accept FY2024 Audit Report

Accept FY2024 Audit Report Prepared by Mauldin & Jenkins

Finance Director Joe Onzick noted the audit was completed at the end of August and presented to the Audit Committee at their October meeting. The auditors issued a clean audit opinion, which is the highest form of assurance. Director Onzick described two insignificant accounting findings. Wade Sansbury from Mauldin & Jenkins emphasized that they were required to perform six single audits due to \$34 million in state and federal awards. The audit committee unanimously recommended that the audit report be accepted. Director Onzick noted that the Mauldin & Jenkins contract had expired and proposals would be requested again.

Council Member Safford moved to accept the FY2024 Audit Report, seconded by Council Member Woodson.
The motion carried unanimously by roll call vote.

- B. Special Event; The Whale is Back - Sneak Peek Bash.

APPROVAL OF A SPECIAL EVENT REQUESTED BY THE WHALE RESTAURANT, LOCATED AT 1249 ESTERO BLVD FOR "*The Whale is Back-Sneak Peek Bash*" CELEBRATING THE REOPENING OF THE WHALE RESTAURANT ON SATURDAY, NOVEMBER 8, 2025 STARTING AT 1:00 PM TO 1:00 AM (NOVEMBER 9, 2025, INCLUDING A WAIVER OF THE TOWN'S NOISE ORDINANCE.

Emergency Services Director Thomas Yozzo noted that the applicant asked for a noise variance extending to 1:00 a.m. Mayor Allers was concerned about the noise so late at night. Vice Mayor Atterholt pointed out that it was a one-time event and that they had come in advance to ask for permission. He had no issues with it. Council Member Woodson agreed and commented that it was a celebration for one night. Council Member Safford felt for the neighbors and asked if they could stop at midnight.

Director Yozzo indicated that he will coordinate with the Lee County Sheriff's Office.

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

The motion carried unanimously by roll call vote.

C. 25-299, First Amendment to the Water Meter Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE AGREEMENT APPROVED BY RESOLUTION 25-235 WITH NATIONAL METERING SERVICE FOR THE WATER METER REPLACEMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$1,619,790.00, TO AUTHORIZE A METER MODEL CHANGE FROM A RADIO FREQUENCY (RF) MODEL TO A CELLULAR (CELL) MODEL FOR BOTH THE 5/8- AND 1-INCH METER SIZES AND METER ANTENNAS, WHICH WILL INCREASE THE PRICE BY \$204,162.00 FOR A NEW TOTAL COST OF \$1,823,952.00 TO UTILIZE CELLULAR TECHNOLOGY TO: 1) ASSURE 100% COVERAGE OF THE ISLAND FOR DISTRIBUTION MONITORING, METER READING, AND CUSTOMER INTERFACE; AND 2) RETAIN A RELIABLE, SAFE AND EFFICIENT METER AND DISTRIBUTION MONITORING SYSTEM; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Manager Will McKannay noted that the details were included in the resolution.

Community Services Director Jeff Hauge described the underground cellular device. He noted there was a one-time credit for filing pools.

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

The motion carried unanimously by roll call vote.

D. Resolution 25-319; Amended Utility Easement

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH ACCEPTING AN AMENDED UTILITY EASEMENT FROM THE LEO JAMES DIBIASI LIVING TRUST, UTD 08/20/2025; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Attorney Stuparich indicated that this stemmed from litigation from last December and a settlement from the town. She added that it was technical in nature and made sure the utility easement was from the current property owner.

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

The motion carried unanimously by roll call vote.

XIV. FINAL PUBLIC COMMENT

No public comment.

XV. TOWN MANAGER'S ITEMS

Town Manager McKannay and some staff members attended the International County and City Manager Association Conference last week in Tampa. Artificial intelligence was discussed. The conflict-resolution meeting with the School District of Lee County was scheduled for Wednesday at 1:00 p.m. It will be held at Leo the Great in Bonita Springs, and the public is invited to speak for three minutes.

Due to the government shutdown, there was no contact with FEMA (Federal Emergency Management Agency) for the past few weeks. They continued to update the properties on the list to come into compliance. A conversation was started with Dr. Lee, who runs the MPA program at Florida Gulf Coast University (FGCU), regarding interns working with the Charter Review Committee.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich indicated that a draft ordinance was prepared regarding a procedure for reasonable accommodations for certified recovery residences mandated by the Florida legislature and due by January 1, 2026. The draft had to go before the LPA (Local Planning Agency) first. It will come before the town council for a first reading on November 1, 2026, and it seems to work with the like-for-like variances and special exceptions process. The State Statute requires the review and approval to occur within 60 days, so having a single hearing with the LPA could meet the timeframe.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member Safford stated the Charter Review Committee was meeting tomorrow at 2:00.

Mayor Allers indicated that tomorrow was the softball opening day and was open to anyone who wanted to participate. He encouraged everyone to vote tomorrow at Bay Oaks from 7:00 a.m. to 7:00 p.m. He asked whether staff could educate patrons about the increased parking pass fee at the time of renewal. Director Yozzo noted that all parking at Bay Oaks was open for voting and that a document would be created to distribute to residents when they renew their parking permits. The parking information will also be posted on the Town's website.

No items from other members.

XVIII. ADJOURNMENT

Council Member King moved to adjourn, seconded by Mayor Allers.
The motion carried unanimously.

The meeting was adjourned at 10:30 a.m.

Minutes adopted as presented, November 17, 2025. Motion by Council Member King and seconded by Vice Mayor Safford. Passed 5-0.



Amy Baker, Town Clerk