



Fort Myers Beach Charter Review Commission

**Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Tuesday, December 2, 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. Charter Review Commission - November 4, 2025
Charter Review Commission - November 4, 2025
- VI. MEMBER ITEMS**
- VII. OLD BUSINESS**
 - A. Harbor Master Ludwig
Town Boundaries
 - B. Approved Resolution 25-328: Excused Absences
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AMENDING AND RESTATING RESOLUTION 25-300 TO INCLUDE GUIDANCE REGARDING UNEXCUSED ABSENCES OF ANY INDIVIDUAL SERVING ON THE TOWN OF FORT MYERS BEACH CHARTER REVIEW COMMISSION; AND PROVIDING AN EFFECTIVE DATE.
- VIII. NEW BUSINESS**
 - A. ARTICLE IV. CHARTER OFFICERS
Review of Article IV of the Town Charter
 - B. ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE
Review of Article V of the Town Charter
- IX. NEXT MEETING DATE**
 - Tuesday, January 6, 2026
- 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 Charter Review Commission

**Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931**

Minutes

Tuesday, November 4, 2025

2:00 PM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Chair Dunlap called the meeting to order at 2:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members present: Jim Dunlap, Beverly Milligan, Ed Schoonover (virtually), Bryan Thomas and Henry Zuba. Alternates Anita Cereceda, Michele Cherney,
Staff: Town Clerk Amy Baker and Town Attorney Nancy Stuparich.
Council Liaison: Scott Safford

Mr. Thomas moved to accept Mr. Schoonover's virtual participation, seconded by Ms. Milligan.
The motion carried unanimously.

IV. PUBLIC COMMENT

No public comment.

V. APPROVAL OF MINUTES

A. October 7, 2025

Mr. Zuba moved to approve the minutes, seconded by Mr. Thomas.
The motion carried unanimously.

VI. CHAIR AND MEMBER ITEMS

Chair Dunlap distributed the meeting schedule with the articles to be covered at each meeting. He clarified that Articles 1, 2 and 3 would be covered today and Articles 4 and 5 on December 2, 2025.

Mr. Thomas moved to approve the amended agenda, seconded by Mr. Zuba.
The motion carried unanimously.

Mr. Thomas moved to approve the amended agenda, seconded by Mr. Zuba. The motion carried unanimously.

Chair Dunlap distributed and read a document titled "Charter Review Committee Article Discussion Protocol."

VII. OLD BUSINESS

A. FGCU University Update

FGCU University

Chair Dunlap reported that Dr. Robert Lee, former City Manager of Naples, offered his advice if needed. He thought the charter was straightforward, that changes were not necessary unless needed, and that their meeting schedule was appropriate. Dr. Lee discussed how unfunded state mandates eventually collapsed home rule. He encouraged them not to self-restrict and to be as general and open-ended as possible. He added that since the early 70s, 1,050 state mandates have been imposed on local governments. There are 412 cities and municipalities in Florida. Dr. Lee suggested that they keep two lists: one for what they wanted in the charter and another for items they were concerned about. He discussed the four forms of government and suggested that they keep their form of government out of the tit-for-tat. Dr. Lee will send more information regarding an intern.

B. Survey Update

Survey update re: Budget \$

Town Manager Will McKannay will give them a recommendation if he thinks the survey will be helpful.

C. Role of Alternates

Resolution 25-300; Charter Review Commission Role of Alternates

Chair Dunlap suggested that if a voting member missed two meetings with unexcused absences, they would be removed from the charter commission. Town Attorney Stuparich noted that the town council was responsible for removing members and she felt they would take their recommendation. Liaison Safford commented that the council wanted more information on the survey and the cost before agreeing to fund the expense. Chair Dunlap reviewed the two-page resolution for alternates, which is included in the agenda packet.

D. Article I

Comments regarding Article I. Corporate Name; Purpose of the Charter
No changes were suggested for Sec. 1.01 or Sec. 1.02.

E. Article II

Comments regarding Article II. Territorial Boundaries
Sec. 2.01. Mr. Schoonover asked whether the 1000 feet went into San Carlos Pass and noted the San Carlos Pass was not necessarily an inland bay.

He suggested that they should specify control of the water towards Lover's Key. Chair Dunlap suggested using the 1000 feet to extend contiguously around the south end of the island up to and including the Gulf of Mexico. Town Attorney Stuparich asked what the benefit was to the town and she would have to contact Emergency Services Director Thomas Yozzo regarding enforcement. Mr. Schoonover noted that dredging the channel in the area may raise ownership and liability concerns. Town Attorney Stuparich will research the topic.
Sec. 2.02. No changes.

F. Article III

Comments regarding Article III. General Powers of the Municipality
No changes.
Sec. 3.02. No changes.

VIII. NEW BUSINESS

Mr. Zuba noted that discussions surrounding Article IV had raised the question of whether the mayor should be elected rather than appointed. Ms. Milligan brought up home rule, registered voters and the definition of community. She noted the community consisted of businesses, homeowners and taxpayers. She did not see any reference to formal recognition of the community. Chair Dunlap will research whether there was a Florida statute that restricted the number of changes they were allowed to make at one time.

A. ARTICLE IV. CHARTER OFFICERS

Will be taken up at December meeting.

B. ARTICLE V. NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

Will be taken up at December meeting.

IX. NEXT MEETING DATE

A. Tuesday, December 2, 2025

X. ADJOURNMENT

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

RESOLUTION NUMBER 25-328

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AMENDING AND RESTATING RESOLUTION 25-300 TO INCLUDE GUIDANCE REGARDING UNEXCUSED ABSENCES OF ANY INDIVIDUAL SERVING ON THE TOWN OF FORT MYERS BEACH CHARTER REVIEW COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provides 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 Council 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;

WHEREAS, on or about October 20, 2025, the Town adopted Resolution 300 containing guidelines for individuals serving on the Town’s CRC to follow; and

WHEREAS, at its meeting on November 4, 2025, the CRC requested additional guidance from the Town Council on how to address unexcused absences by any individual serving on the CRC; and

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

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA THAT:

Resolution Number 25-300 is hereby amended and restated as follows (new language shall be underlined; deleted language shall be ~~struck through~~):

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. In the event an appointed CRC member or appointed alternate member has two unexcused absences from a scheduled CRC meeting, as verified by the Town Clerk's attendance records, the individual shall be subject to removal from the CRC upon notice to the Town Council.

Section 4. This Resolution shall take effect immediately upon adoption.

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

Dan Allers, Council Member	Aye
Scott Safford, Vice Mayor	Aye
Jim Atterholt, Council Member	Aye
John R. King, Council Member	Aye
Rebecca Link, Council Member	Aye

ADOPTED this 17th day of November 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH


Dan Allers (Nov 20, 2025 17:10:29 EST)

Dan Allers, Mayor

ATTEST:


Amy Baker (Nov 21, 2025 09:02:35 EST)

Amy Baker, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Vose Law Firm, LLP (Nov 20, 2025 12:01:43 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on Nov 21, 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