



## Fort Myers Beach Town Council

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

Minutes

Monday, December 15,  
2025

9:00 AM

### ORDER OF BUSINESS

#### I. CALL TO ORDER

Members Present: Mayor Dan Allers, Vice Mayor Scott Safford, Council Members Jim Atterholt, John King and Rebecca Link.

#### 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 Mayor Allers.

The motion carried unanimously.

#### V. PUBLIC COMMENT

Thomas Houghton, owner of La Ola, commented on Buffalo Grill's request to have live music 10 to 15 feet from his performances. He felt it would create a nightmare because of the absence of buildings.

#### VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Atterholt recognized John Gaunt, boat captain for Day Five Charters. Mr. Gaunt is in talks to start a church at the old Beach Baptist location. Council Member Link stated that the Woman's Club event at Margaritaville was spectacular.

Vice Mayor Safford recognized the Fort Myers Beach Chamber for the beautiful boat parade.

Council Member King agreed with the previous comments.

Mayor Allers recognized Jason from ICS for donating the Christmas tree. The five small trees will be auctioned off at the bike parade event on Saturday at Margaritaville.

- A. 2024 Mayor John Mullholland Stewardship Award Recipient:  
Tunaskin, Inc.

Mayor Allers congratulated Tunaskin, Inc. and presented the award to Bill and Dana Bronsord and Ben Duval.

Mr. Bronsord thanked those who voted for them and they were committed to keeping the beach clean.

- B. 2025 Mayor John Mullholland Stewardship Award Recipient: Mary Rose Spalletta

Mayor Allers congratulated Mary Rose Spalletta and presented her with the award.

She was thrilled and thanked all who voted for her and who worked with her. She was honored and humbled because she enjoyed what she did.

## VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No reports.

## VIII. APPROVAL OF MINUTES

- A. Town Council - December 1, 2025

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

The motion carried unanimously.

## IX. CONSENT AGENDA

## 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 25-333, VAR20250261 for Beach Access #41

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250261, REQUESTING A VARIANCE FROM LDC SECTION 34-652(F)(2) C., TO ALLOW AN 8-FOOT-WIDE DUNE WALKOVER WHERE A MAXIMUM 6-FOOT-WIDE DUNE WALKOVER IS PERMITTED FOR USES OTHER THAN SINGLE FAMILY RESIDENTIAL IN THE ENVIRONMENTALLY CRITICAL ZONING DISTRICT, FOR THE PUBLIC ACCESS EASEMENT (BEACH ACCESS #41) RECORDED FOR THE REAL PROPERTY LOCATED AT 252 ESTERO BOULEVARD; AND 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. No ex parte communications were disclosed.

Jordan Varble from Johnson Engineering was approved as an expert at the LPA (Local Planning Agency) meeting last month.

Vice Mayor Safford moved to qualify Mr. Varble as an expert, seconded by Council Member Atterholt.

The motion carried unanimously.

The applicant confirmed receipt of the agenda materials.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. He noted the LPA voted 4-1 to approve the request.

Mr. Varble noted that the county wanted to replace the walkover destroyed by Hurricane Ian. FEMA (Federal Emergency Management Agency) was funding the request. He did not object to the conditions by staff.

Senior Planner Smalley noted that the county requested to work within turtle season and that they will be responsible for monitoring, if necessary, and will work with the town's environmental department. Staff recommended approval with the listed conditions.

No public comment.

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

The motion carried unanimously by roll call vote.

- B. Ord 25-21, CPA20250188, 1668 I Street, Additional Signage (Beach Bar)  
**This quasi-judicial agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-21.**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) APPROVED BY ORDINANCE 24-18 FOR THE PROPERTY LOCATED AT 1668 I STREET, FORT MYERS BEACH, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-0070B.0110 IN FORT MYERS BEACH; PROVIDING FOR AMENDMENT TO THE DEVIATIONS TO INCLUDE A DEVIATION TO ALLOW THREE SIGNS OF TOTAL 108 SQUARE FEET WHERE A MAXIMUM ONE SIGN OF 32 SQUARE FEET IS PERMITTED; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Allers read the title of the ordinance. Vice Mayor Safford disclosed a site visit or two. No disclosures from other members.

Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet.

Renee Oij noted that the LPA unanimously approved the amendment. The applicant agreed to the conditions of approval.

No public comment.

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

The motion carried unanimously by roll call vote.

- C. Ordinance 25-22; CPD20250201, Cottages at Myerside  
**This quasi-judicial agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-22.**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) APPROVED BY ORDINANCE 24-15 FOR THE PROPERTY LOCATED AT 125, 131-151 SCHOOL STREET AND 2661-2681 ESTERO BLVD., FORT MYERS BEACH, GENERALLY IDENTIFIED AS STRAP NUMBERS 19-46-24-W3-0020C.0230; 19-46-24-W3-0020C.0270; 19-46-24-W3-0020C.0290 IN FORT MYERS BEACH; PROVIDING FOR REVISIONS TO THE SCHEDULE OF PERMITTED USES TO INCLUDE OUTDOOR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PROPERTY AS A USE ASSOCIATED WITH THE APPROVED HOTEL AND RESTAURANT USES; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Community Development Planner Jason Green reviewed the background of the request as stated on the blue sheet. Staff recommended approval with conditions. Conditions 12 and 13 were amended with the applicant's approval. Deputy Town Manager Traci Kohler noted that the school was always open and recommended adding language to follow the student instructional calendar. Town Attorney Stuparich replied that they had added when the school was in use, but she was open to additional language. No changes were made.

Keith Long, attorney, noted the change from the last discussion was how the music related to the operation and deferred to the town's noise ordinance code. The property owners stated they had no desire to host live music.

Planner Green confirmed that the 690 square feet under Condition 11 must comply with the site plan.

No public comment.

Council Member King moved to approve the ordinance with the amended conditions, seconded by Council Member Atterholt.

The motion carried unanimously by roll call vote.

D. Ordinance 25-19; DA50250186, 50 Old San Carlos

**This quasi-judicial agenda item is a Second and the Adoption Reading Public Hearing on proposed Ordinance 25-19.**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING OR DENYING A HOME RULE DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 50 OLD SAN CARLOS BOULEVARD, FORT MYERS BEACH, FL, STRAP NOS. 24-46-23-W3-00208.002A OWNED BY CARLOS L. CHAVEZ AS TRUSTEE FOR THE CARLOS L. CHAVEZ TRUST, 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 24-247 FOR THE PURPOSE OF REDEVELOPMENT OF THE PROPERTY TO ALLOW A MIXED USE DEVELOPMENT WITH COMMERCIAL AT THE OPEN GROUND LEVEL AND SINGLE FAMILY RESIDENTIAL ABOVE.; 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. No ex parte communications were disclosed. The property owner confirmed receipt of the agenda backup materials.

Planner Green reviewed the background of the request as stated on the blue sheet. Staff recommended approval with conditions and the deviations.

Patrick Vanesse with the Neighborhood Company noted that some verbiage was modified and he distributed the updated version of the Development Agreement.

Richard Aiken with Henderson Franklin pointed out that there was no 12C paragraph in the final version and that it should be added. Town Attorney Stuparich had no issues with it.

Mr. Aiken noted that language regarding his participation in the wave mitigation wall, if it came into fruition, was included, but he did not think it should be tied to the Development Agreement because it was not required. Town Attorney Stuparich suggested adding language to Developer Commitments and Obligations under 8 to memorialize the town council's concerns. Mr. Aiken felt that he could work with Town Attorney Stuparich to add language to 4a or 8 to satisfy both parties. After a short recess, a sentence was added to 8 that covered all concerns and memorialized the council's intent regarding the wave mitigation wall.

Public comment:

Terry Persaud commented that if the town initiated building the wave wall, the Times Square group would have to work with the town. If the Times Square group wants to move forward with the wave wall, they will not be able to do so without the town's involvement. Town Attorney Stuparich commented that the Development Agreement was with the town and not the other property owners.

Public comment closed.

Council Member King moved to approve the ordinance with the amended conditions, seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

## XII. ADMINISTRATIVE AGENDA

- A. Resolution 25-331; RFP-26-01-PW, Fort Myers Beach Landscaping and Irrigation

*Continued from December 1, 2025*

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AWARDING RFP-26-01-PW TO TIDEWATER LANDSCAPE, AS THE MOST RESPONSIVE AND RESPONSIBLE BIDDER TO COMPLETE LANDSCAPING AND IRRIGATION REPAIRS TO RESIDENTIAL AND/OR COMMUNITY YARDS DAMAGED BY UTILITY WORK AS RECOMMENDED BY THE SELECTION ADVISORY COMMITTEE; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND PREPARE AN AGREEMENT FOR THE RECOMMENDED SERVICES SUBJECT TO LEGAL REVIEW; AUTHORIZING THE TOWN MANAGER TO SIGN THE AGREEMENT; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE**

Mayor Allers read the title of the resolution. Town Manager Will McKanney clarified that one of the score sheets for this award was left out and another was duplicated. Accurate criteria and summary scores are attached to the item.

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

The motion carried unanimously by roll call vote.

- B. Resolution 25-354, Change Order #2 to ITB-25-02-EN, EarthBalance Dune Planting

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDER #2 TO CONTRACT ITB-25-02-EN BETWEEN THE TOWN OF FORT MYERS BEACH AND EARTHBALANCE CORPORATION TO ADD 120 DAYS TO THE DEADLINE FOR COMPLETION OF THE CONTRACT AND TO ALLOW AN INCREASE OF \$500,000 TO THE TOTAL AMOUNT OF THE CONTRACT,**

**WHICH WILL NOW AUTHORIZE A CONTRACT PRICE NOT EXCEED \$1,105,579.50 AND WILL ALLOW FOR COMPLETION OF THE DUNE PLANTING PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Allers read the title of the resolution. Environmental Services Project Manager Chadd Chustz reviewed the background of the request as stated on the blue sheet. The project will be reimbursed by a grant. He added that the sea grape hedges should help shield light and help prevent sea turtle disorientation issues.

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

The motion carried unanimously by roll call vote.

- C. Resolution 25-336; STA#2, Coastal Engineering Consultants, Beach Access Survey Dune Vegetation Planting

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE SUPPLEMENTAL TASK AUTHORIZATION #2 OF CONTRACT RFQ-24-06-AD BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR SURVEY SERVICES FOR DUNE VEGETATION PLANTING PURPOSES IN THE TOWN'S BEACH ACCESS RIGHT OF WAY FOR A COST OF \$69,900; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Allers read the title of the resolution. Manager Chustz reviewed the background of the request as stated in the blue sheet. The cost will be reimbursed by the grant.

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

The motion carried unanimously by roll call vote.

- D. FMB Lions Club Shrimp Festival

**Approval for FMB Lions Club Shrimp Festival**

Diane Clifton from the Lions Club requested permission to hold the 68th Shrimp Festival. She described the various activities the Lions Club does for the community and changes to the parade this year. She described the shrimp boils at \$20.00 each.

Mayor Allers moved to approve the Shrimp Festival permit, seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

E. Buffalo Grill Live Music**Approval for Buffalo Grill to have Live Music**

Fred Malone from Buffalo Grill requested live music to attract more people to Times Square on a regular basis. Council Member Atterholt asked why it had not gone before the LPA. Planner Green replied that it should have been, unless it was a temporary event. Mr. Malone explained that he would set up a tent with sound barriers and direct the music in the other direction. Town Attorney Stuparich recommended that the request go through another process.

Mayor Allers moved that the request go to the LPA, seconded by Council Member King.

The motion carried unanimously by roll call vote.

F. 3rd Annual New Year Eve 5K run**Approval of 3rd Annual New Year Eve 5K run**

Council Member Atterholt moved to approve the run, seconded by Council Member King.

The motion carried unanimously by roll call vote.

**XIII. FINAL PUBLIC COMMENT**

Terry Persaud was working on the 1000 Estero property to restore it and open it before the holidays. He noted they still needed lights in Times Square and was hoping to add solar lights to the palm trees. A development order was in process for the 1028 Estero property.

**XIV. TOWN MANAGER'S ITEMS**

Town Manager McKannay reported that the bugs should be worked out of the short-term rental program software. Letters of notification will be resent in January. Council Member Link asked whether there was a website where people could see if a property was registered. Mayor Allers replied that an anonymous form could be filled out, but the results would not be known. The information was on the clerk of courts' website. For code enforcement and other issues, details are on the town's website.

Town Manager McKannay introduced Abigail Everhart as the new PIO (Public Information Officer). She stated that she would add a list to the website identifying which properties are registered. She introduced herself. All the council members welcomed her to the team and looked forward to working with her.

Town Manager McKannay revealed they had received a \$1,000.00 donation from Council Member Link and her company for AV needs. Consensus was reached to accept the donation.

Town Manager McKannay noted that he met with school staff and the deputy superintendent to clarify issues.

**XV. TOWN ATTORNEY'S ITEMS**

Town Attorney Stuparich noted she and the town manager were working on smoking and vaping issues, holiday donations and a status conference on Key Estero.

**XVI. COUNCILMEMBERS ITEMS AND REPORTS**

Council Member King noted that the town clerk forwarded nine priorities from the Florida League of Cities Legislative Conference. Three important ones were property taxes, revising SB180 and community redevelopment agencies.

Mayor Allers was concerned about golf cart rentals and the outdated ordinance governing them. He received support to add it to an M&P Session and Vice Mayor Safford suggested adding e-bikes.

Council Member Link noted that a helicopter was landing on a barge at Bowditch and Moss Marine and disrupting the dolphin pods. She will discuss the issue with the town manager and receive support to add it to an M&P Session if necessary. No items from other members.

**XVII. ADJOURNMENT**

Council Member King moved to adjourn at 11:13 a.m.

Minutes adopted as presented, January 5, 2026. Motion by Vice Mayor Safford and seconded by Council Member Link. Passed 4-0.



Amy Baker, Town Clerk