



Fort Myers Beach Town Council

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

Minutes

Monday, June 16, 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

Deputy Clerk Jason Freeman.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Mayor Allers noted there would be a break from 11:50 a.m. to 12:50 p.m. Council Member King moved to approve the final agenda, seconded by Council Member Safford.

The motion carried unanimously.

V. PUBLIC COMMENT

Kyle DeCicco, President of the Sanibel Captiva Community Bank, introduced himself and was excited to be there. He thanked the community for welcoming them.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Safford thanked everyone involved for the fantastic event on Saturday. He noted they had 15,000 flags. He also thanked Beach Talk Radio for their help.

Council Member Woodson agreed and added that the Mound House had a ribbon-cutting for the water foundation afterwards.

Vice Mayor Atterholt was out of town and dittoed the comments.

Council Member King thanked town staff for their involvement and listed others who contributed on Saturday.

Mayor Allers agreed.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

No items.

VIII. APPROVAL OF MINUTES

- A. Town Council - May 28, 2025
Council Member King moved to approve the minutes, seconded by Council Member Safford.
The motion carried unanimously.
- B. Town Council - June 2, 2025
Council Member King moved to approve the minutes, seconded by Council Member Safford.
The motion carried unanimously.

IX. CONSENT AGENDA

Council Member King moved to approve the consent agenda, seconded by Council Member Woodson.
The motion carried unanimously.

- A. Resolution 25-203, CDBG-DR Organizational Change Notification, DR10263 Parks Facility and Recreation Revitalization

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CDBG-DR SUBRECIPIENT GRANT AGREEMENT DR10263 BETWEEN THE TOWN AND THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO CHANGE THE REFERENCED KEY PERSONNEL FOR THE PARKS FACILITY AND RECREATION REVITALIZATION PROJECT; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

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

The motion carried unanimously.

- B. Resolution 25-204, CDBG-DR Organizational Change Notification, DR10262 North Island Water Tower

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CDBG-DR SUBRECIPIENT GRANT AGREEMENT DR10262 BETWEEN THE TOWN AND THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO CHANGE THE REFERENCED KEY PERSONNEL FOR THE NORTH ISLAND WATER TOWER PROJECT; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

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

The motion carried unanimously.

- C. Resolution 25-205, CDBG-DR Organizational Change Notification, DR10157 Recovery and Resiliency Planning Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT

MYERS BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CDBG-DR SUBRECIPIENT GRANT AGREEMENT DR10157 BETWEEN THE TOWN AND THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO CHANGE THE REFERENCED KEY PERSONNEL FOR THE RECOVERY AND RESILIENCY PLANNING PROJECT; AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

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

The motion carried unanimously.

X. ITEMS REMOVED FROM CONSENT AGENDA

XI. PUBLIC HEARINGS

Town Attorney Stuparich explained the quasi-judicial procedures. Deputy Clerk Freeman confirmed that all agenda items were properly noticed. He swore in those providing testimony. Mayor Allers revealed a conflict with items A. and B. and has submitted the appropriate forms to Deputy Clerk Freeman.

A. Ordinance 25-10; DCI20250035.1, 1051 Fifth Street, Lighthouse Resort CPD Expanded Boundary

This agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-10.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/ DENYING AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING, PREVIOUSLY APPROVED BY RESOLUTION 18-17 FOR THE PARCEL LOCATED AT 1051 FIFTH STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00205.0060, TO ADD AND REZONE A PARCEL LOCATED AT 1060 THIRD STREET, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00203.0150 IN FORT MYERS BEACH FROM DOWNTOWN TO CPD; 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: Council Members Safford and Woodson disclosed site visits. No disclosures from other members.

Megan Strayhorn, legal counsel, noted that Patrick Vanasse and Rachel Hansen from the Neighborhood Company were expert witnesses. The property owner confirmed receipt of the agenda and background materials. Community Development Principal Planner Judith Frankel reviewed the background of the request as stated on the blue sheet. She noted the expanded boundary was consistent with the town's Comprehensive Plan (comp plan) and that the staff recommended approval of the application.

Ms. Strayhorn noted they agreed with the conditions in the staff report. No public comment.

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

The motion carried unanimously by roll call vote, with Mayor Allers recused.

B. Ordinance 25-11; DCI20250035.2, 1051 Fifth Street & 1060 Third Street (Lighthouse Island Resort)

This agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-11 (Lighthouse).

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING AMENDMENT FOR THE PROPERTY LOCATED AT 1051 FIFTH STREET AND 1060 THIRD STREET, GENERALLY IDENTIFIED AS STRAP NUMBERS 24-46-23-W3-00205.0060 AND 24-46-23-W3-00203.0150 IN FORT MYERS BEACH, TO AMEND THE EXISTING MASTER CONCEPT PLAN TO ALLOW FOR A) AN INCREASE IN THE NUMBER OF HOTEL UNITS, B) 11 DEVIATIONS: 1) MINIMUM CONNECTION SEPARATION, 2) EXCLUSION OF UNDER BUILDING PARKING FROM FAR, 3) INCREASE IN HEIGHT FOR A MONUMENT SIGN (5TH STREET), 4) INTERNAL SIGN ILLUMINATION, 5) 40 FEET HEIGHT WITH 4 STORIES, 6) REDUCTION IN STREET SETBACKS, 7) MURAL -STYLE SIGN (EAST SIDE), 8) 10 FOOT MONUMENT SIGN (CORNER), 9) MURAL STYLE SIGN (SOUTH), 10) WAYFINDING POLE SIGN, AND 11) 58% REDUCTION IN PARKING REQUIREMENTS; AND C) CONDITIONS; 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. Ms. Strayhorn confirmed receipt of the agenda and background materials.

Principal Planner Frankel reviewed the background of the request as stated on the blue sheet and the deviations. She noted that the staff recommended approval of the CPD amendment and all deviations, except for 11 related to parking. If the council determines that deviation 11 is appropriate, staff recommends approval with conditions. She noted there were slight changes to the conditions of approval and the applicant would review them. She indicated that 75 units were already over the maximum allowed by right, but that was approved under 1817.

Ms. Strayhorn stated there were no changes from the first reading, but there were minor revisions to the conditions of approval. She was comfortable providing 82 onsite parking spaces. She reviewed minor changes to conditions 2, 5, and 10. Principal Planner Frankel explained deviation ten.

Mr. Vanasse confirmed that planners across the country were discussing driverless vehicles.

No public comment.

Council Member King moved to approve the ordinance with 13 conditions of approval, seconded by Council Member Woodson.

Principal Planner Frankel clarified that the advertised zoned height was 40.5 feet, but they had been discussing 40 feet, 5 inches, which was a discrepancy of one inch. She did not have a problem with a 40.5-foot allowance.

The motion carried unanimously by roll call vote, with Mayor Allers recused.

C. Ordinance 25-12; 1154 Estero Blvd. (Salty Crab)

This quasi-judicial agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-12 (Salty Crab Redevelopment).

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/APPROVING WITH CONDITIONS/DENYING TO REZONE THE PROPERTY LOCATED AT 1154 ESTERO BOULEVARD, GENERALLY IDENTIFIED AS STRAP NUMBER 24-46-23-W3-00011.0000 IN FORT MYERS BEACH, FROM DOWNTOWN TO COMMERCIAL PLANNED (CPD) TO ALLOW FOR 1) AN INCREASE IN FLOOR AREA RATIO FROM 1.2 TO 1.96; 2) DECREASE STREET SETBACK FROM 10 FEET TO 0 FEET; 3) DECREASE SIDE SETBACKS FROM 20 FEET TO 0 FEET; 4) A 100% REDUCTION IN PARKING REQUIREMENTS FROM 64 SPACES TO 0 SPACES; 5) INCREASED SIGNAGE FROM 32 SF TO 115 SF AND 6) CONDITIONS; 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: Council Member Safford had a Zoom meeting with Fred from RVI and received one email, Council Members Woodson and King and Vice Mayor Atterholt received one email, and Mayor Allers had a Zoom meeting with Fred and received an email. The applicant confirmed receipt of the agenda and background materials.

Principal Planner Frankel reviewed the background of the request as stated on the blue sheet and the deviations. She noted the LPA (Local Planning Agency) unanimously recommended approval. The staff found that the request was compliant with the comp plan and recommended approval with conditions.

Fred Drovdlc from RVI Planning presented a solution for deliveries at the town-owned lot at 253 Estero Blvd. He discussed the Wave Dissipation Wall and noted they had every intention of participating, but asked that it not be included in a condition of zoning. He was comfortable adding something that codified their intent to participate.

No public comment.

Mayor Allers moved to approve the ordinance, including the conditions that an alternative delivery solution could be provided, with the town manager authorized to approve a license agreement. The applicant agrees to make a good-faith effort to cooperate and fully explore participation after the result of the study is complete, economic benefits are determined and location and design plans are solidified for a wave mitigation/dissipation wall, seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

D. Ordinance 25-13; 1836 Estero Blvd. (Estero Island Beach Club)

This quasi-judicial agenda item is a Second Reading and Public Hearing on proposed Ordinance 25-13 (Estero Island Beach Club).

AN ORDINANCE OF THE TOWN COUNCIL OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING TO REZONE THE PROPERTY LOCATED AT 1836 ESTERO BOULEVARD, GENERALLY IDENTIFIED AS STRAP NUMBER 19-46-24-W4-03200.00CE & 19-46-24-W4-03200.1010, TO REZONE FROM DOWNTOWN TO COMMERCIAL PLANNED DEVELOPMENT (CPD) AND REQUEST FOUR (4) DEVIATIONS FROM REQUIREMENTS TO PROVIDE; 1) OPERABLE DOORS ALONG ESTERO BLVD, 2) SCREENING MATERIAL ON THE GROUND FLOOR, 3) INCREASE BUILD-TO LINE SETBACKS, AND 4) INCREASE THE MAXIMUM ALLOWED HEIGHT BY 18- FEET; 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: All council members received an email from a concerned resident. In addition, Council Member Safford had a Teams meeting with Jim, Amy and Fred, Council Member Woodson had a Teams meeting and a conversation with Amy Thibaut and Mayor Allers had a Teams meeting. The applicant confirmed receipt of the agenda and background materials.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet and the deviations. He indicated that the information distributed was a broader description of the public benefits and conditions of approval.

Amy Thibaut, attorney from Roetzel & Andress, introduced the team. The presentation began with Discussions from 1st Hearing. Mayor Allers wondered about making the five parking spaces ADA only and adding mobile mats and balloon wheelchairs for a public benefit. Town Attorney Stuparich noted there was flexibility in 6A of the conditions of approval. The presentation continued with Public Benefits and Wave Dissipation Wall.

Public comment:

Julian Roland distributed a handout. He reviewed the history of his mother's house on Miramar Street and described the neighborhood as it once was.

He supported the EIBC project, but felt that the parking and turnaround would

create unintended consequences due to constant traffic. He described the photos he took of Miramar, regarding navigation and safety hazards. He proposed transforming Miramar into a green pedestrian corridor. He acknowledged that he had not considered adding ADA-compliant parking only. Council Member Safford asked whether a turnaround would help prevent people from using driveways to back up.

Public comment closed.

Fred Drovdlc noted they had concerns about the signage and did not think that EIBC should be responsible for proper wording.

Senior Planner Smalley reviewed the conditions of approval outlined in Exhibit A, which was distributed earlier. Vice Mayor Atterholt asked whether there was a need for additional ADA parking spots. Director Hauge replied that he did not think it was a bad idea because they could utilize the ADA chairs more. He added that most of the accesses do have ADA spots, but none are dedicated to ADA. Senior Planner Smalley continued reviewing the conditions. Council Member King was still mulling the options because he understood both sides. Vice Mayor Atterholt was fine with a pedestrian corridor and was also okay with a special ADA access point, provided the signage is adequate, so people do not turn down there looking for other parking spaces. He will support any compromise that would move the project forward. Council Member Woodson was in favor of the ADA portion, limiting the number of spaces with proper signage and the turnaround was a better option than backing up. Council Member Safford was with Council Member King. He could go either way and thought offering the ADA parking was a significant public benefit. He supported the project and wanted it to go through. Mayor Allers indicated that the lack of ADA parking was an issue. He added that there did not have to be five spots.

Mayor Allers moved to approve the ordinance with the conditions as laid out and the property owner will construct ADA compliant parking spaces with the number to be determined by town staff at the time of the development order, the property owner shall install a mobi mat and ADA wheelchairs at the end of the new sidewalk and item A5A will be changed to 68 feet versus 67.7 feet, seconded by Vice Mayor Atterholt.

The motion carried unanimously by roll call vote.

E. Ordinance 25-08, Noticing

This legislative agenda item is a 2nd First Reading and Public Hearing on proposed Ordinance 25-08.

ORDINANCE TITLE:

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 34-236, NOTICES ~~TO REQUIRE APPLICANTS~~ FOR REZONINGS, DEVELOPMENT AGREEMENTS, DEVELOPMENTS OF REGIONAL IMPACT, SPECIAL EXCEPTIONS, ADMINISTRATIVE APPEALS, AND VARIANCES,

INCLUSIVE OF VARIANCES OF SINGLE-FAMILY OR TWO FAMILY HOME VARIANCES TO REQUIRE THE APPLICANT TO PROVIDE PROOF OF MAILED AND POSTED PUBLIC NOTICING PRIOR TO LPA/LOCAL PLANNING AGENCY AND TOWN COUNCIL HEARINGS; AMENDING THE MANNER OF OBTAINING INFORMATION BY CONTACTING TOWN STAFF AND THE USE OF LAYMAN'S LANGUAGE IN REQUIRED NOTICES; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS; CONFLICTS OF LAW; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich indicated the underlined text was added to the title for legal and administrative purposes.

No public comment.

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

The motion carried unanimously.

XII. ADMINISTRATIVE AGENDA

- A. **Update on Impact Fees provided by Jason Green of Axis Infrastructure** **Update on Impact Fees provided by Jason Green of Axis Infrastructure** Jason Green displayed a snapshot of an Excel spreadsheet titled Proposed and Current Impact Fees. He noted they could make changes. Impact fees are collected when the building permit is picked up. Mr. Green stated that the reality with impact fees is that they do not pay for everything. The town will continue to collect on behalf of the beach school and fire department, but the town is just a pass-through. He felt there were opportunities to fund some transportation for the school and the Mound House through the mobility category. Mr. Green will work with the staff regarding details on the wave mitigation wall. He suggested that the council prioritize a list of capital projects.

- B. **Resolution 25-200, 2026 F-ROC Participation**
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE THE 2026 PARTICIPATION REQUEST AND RENEWAL FORM FOR THE FLORIDA RECOVERY OBLIGATION CALCULATION (F-ROC) PROGRAM; AUTHORIZING THE TOWN MANAGER OR THEIR DESIGNEE TO EXECUTE AND SUBMIT RELATED DOCUMENTS NEEDED TO IMPLEMENT AND ADMINISTER THE PROGRAM INCLUDING THE DISASTER READINESS ASSESSMENT, ANY POST DISASTER QUESTIONNAIRES, AND ABATEMENT ACTIVITIES; PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Deputy Clerk Freeman reviewed why the request and renewal were needed, as stated on the blue sheet.

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

The motion carried unanimously by roll call vote.

C. Resolution 25-206, 2nd Amendment to SPA-24-14-EN - Marine Debris - FMCR

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SECOND AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT DATED DECEMBER 2, 2024 WITH FLORIDA MARINE CONTRACTING & RECOVERY, LLC, WHICH WAS PREVIOUSLY RATIFIED BY THE TOWN COUNCIL ON JANUARY 8, 2025, TO FURTHER EXTEND THE TERM OF THE AGREEMENT RETROACTIVELY FROM APRIL 30, 2025 TO MAY 15, 2025 TO ALLOW FOR PAYMENT OF OUTSTANDING INVOICES FOR DEBRIS REMOVAL FROM WATERWAYS IN THE TOWN OF FORT MYERS BEACH CAUSED BY HURRICANES HELENE AND MILTON AND DISPOSAL AT AN AUTHORIZED WASTE MANAGEMENT SITE COMPLETED AFTER EXPIRATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Projects Manager Chadd Chustz reviewed the background of the request as stated on the blue sheet.

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

The motion carried unanimously by roll call vote.

D. Resolution 25-209, Award ITB-25-02-EN Estero Island Dune Planting Project
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA TO AWARD ITB-25-02-EN TO EARTHBALANCE CORPORATION AS THE ONLY RESPONSIVE AND RESPONSIBLE BIDDER, TO COMPLETE THE ESTERO ISLAND DUNE PLANTING PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND THE EARTHBALANCE CORPORATION IN THE AMOUNT OF \$509,859.50 OF WHICH THE TOWN SHALL EXPEND BUDGETED FUNDS IN THE AMOUNT OF \$76,988.78 AS ITS PORTION OF THE TOTAL COST WITH THE REMAINDER TO BE PAID BY A GRANT; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Manager Chustz reviewed the background of the request as stated on the blue sheet. He described the options provided to property owners and the majority chose low-profile plants. Details were on the town's website.

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

The motion carried unanimously by roll call vote.

E. 406 Madison Ct, Kevin and Catherine Turner Quick Claim

Approve and authorize the Mayor to sign a Quit Claim Deed to Kevin D. and Mary Catherine Turner conveying any interest the Town may or may not have, in property located adjacent to the Turners' property to allow the Turners to complete immediate repairs to a seawall, which is placing their pool at risk of damage.

Town Attorney Stuparich reviewed the reason for the action.

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

The motion carried unanimously.

F. Resolution 25-201, Purchase of Moss Marina Station Replacement Pumps

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE OF REPLACEMENT PUMPS FOR THE MOSS MARINA PUMP STATION IN A NOT-TO-EXCEED AMOUNT OF \$160,300.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Hauge noted that the pump had to be replaced immediately.

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

The motion carried unanimously.

G. Resolution 25-202, Purchase of AMI External Antenna System

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING THE TOWN MANAGER TO PURCHASE A NEPTUNE ADVANCED METERING INFRASTRUCTURE SYSTEM FROM FERGUSON WATERWORKS, INC., WHO IS A SOLE SOURCE PROVIDER OF THE SYSTEM IN THE STATE OF FLORIDA AS AUTHORIZED IN SECTION 2-480(C) OF THE CODE OF ORDINANCES IN A NOT-TO-EXCEED AMOUNT OF \$480,560.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Hauge explained why the purchase was needed, as stated on the blue sheet.

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

The motion carried unanimously by roll call vote.

H. Resolution 25-207, Earthview Third Amendment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT

MYERS BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN AND EARTHVIEW, LLC FOR STORMWATER MAINTENANCE AND REPAIRS TO INCREASE THE AMOUNT FOR THE PERFORMANCE OF GROUND PENETRATING RADAR SERVICES IN AN AMOUNT NOT-TO-EXCEED \$65,000.00; AMENDING CONTRACT TERMS TO INCLUDE A PROVISION CONCERNING FORCE MAJEURE AND COERCION; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE THIRD AMENDMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Hauge reviewed the reason for the amendment.

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

The motion carried unanimously.

I. Resolution 25-91, Authorize Purchase of Boat from Scully Aluminum Boats, LLC

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE PURCHASE OF AN ALUMINUM BOAT FROM SCULLY'S ALUMINUM BOATS, INC AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE ORDER FOR THIS BOAT FOR A NOT-TO-EXCEED AMOUNT OF \$120,778.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Community Development Director Frankie Kropacek explained why the purchase was needed.

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

The motion carried unanimously by roll call vote.

J. Resolution 25-208, Award ITB-25-04-PR Bay Oaks Recreational Campus Redevelopment Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AWARDING ITB-25-04-PR TO PERSONS SERVICE CORP AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; APPROVING AN AGREEMENT BETWEEN THE TOWN AND PERSONS SERVICE CORP TO INSTALL FIELD TURF (GRASS), PICKLEBALL COURTS AND WALKING PATH TO FINISH THE BAY OAKS RECREATIONAL CAMPUS REDEVELOPMENT PROJECT IN A NOT-TO-EXCEED AMOUNT OF \$450,615.00; AUTHORIZING THE EXECUTION OF THE AGREEMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Hauge noted they had until August 31, 2025, to complete the project.

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

The motion carried unanimously by roll call vote.

XIII. FINAL PUBLIC COMMENT

No comment.

XIV. TOWN MANAGER'S ITEMS

Town Manager McKannay noted a budget manager for the finance department had been hired. He had a good meeting with Lee County Manager Dave Harner last week. He met with the Royal Palm Coast Realtor Association regarding support for the Beach Elementary School. He noted that Bay Oaks and the third floor of the new town hall were available for individual meetings.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich indicated she would not be able to attend the joint meeting with the LPA on June 26, 2025, and another attorney will fill in for her or participate virtually. She thanked the council for their patience regarding the change in process to provide more details upfront with development agreements, which would hopefully prevent delays on the back end.

A. Resolution 25-211, Recall Defense Fees

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, MAKING FINDINGS; APPROVING THE PAYMENT OF REASONABLE ATTORNEY FEES FOR THE DEFENSE OF RECALL PETITIONS AGAINST TWO TOWN COUNCIL MEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Attorney Stuparich clarified that the Vose Law Firm would not be representing either individual; however, they were working with the Clerk's office. She reviewed the request as stated on the blue sheet and described the possible scenarios. Council Members King and Woodson indicated that they had submitted the appropriate form for conflict of interest.

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

The motion carried unanimously by roll call vote, with Council Members King and Woodson recused.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Atterholt asked about the pool. Director Hauge replied that they had to rebid the project because they had not received three bids. He noted that Bay Oaks will soon be open for pickleball and basketball. Vice Mayor Atterholt encouraged everyone to refocus on the veteran's monument. Director Hauge commented that the flags would be installed soon.

Council Member King asked the council to approve the Mulholland nominations so the Marine & Environmental Resources Task Force (MERTF) can move forward. He received support from all members.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Allers Daniel Lee</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Fort Myers Beach Town Council</i>	
MAILING ADDRESS <i>5485 Avenida Pescadorn</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Fort Myers Beach</i>	COUNTY <i>LEE</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>6/16/25</i>		NAME OF POLITICAL SUBDIVISION: <i>Town Council</i>	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Don Allers, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Tim Ryan ;
- _____ inured to the special gain or loss of my relative, _____ ;
- _____ inured to the special gain or loss of _____, by
whom I am retained; or
- _____ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

my business partner and I have a golf cart business agreement with the Applicant

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

6/16/25
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Allers Daniel LEE</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Fort Myers Beach Town Council</i>	
MAILING ADDRESS <i>5485 Avenida Pescadero</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Fort Myers Beach</i>	COUNTY <i>LEE</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>6/16/25</i>		NAME OF POLITICAL SUBDIVISION: <i>Town Council</i>	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dan Allers, hereby disclose that on 6/16, 20 25:

(a) A measure came or will come before my agency which (check one or more)

☒ inured to my special private gain or loss;

☒ inured to the special gain or loss of my business associate, Tim Regan;

☐ inured to the special gain or loss of my relative, _____;

☐ inured to the special gain or loss of _____, by whom I am retained; or

☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

my partner and I have a business agreement for golf carts with this applicant

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

6/16/25
Date Filed

[Signature]
Signature

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