



Fort Myers Beach Charter Review Commission

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

Minutes

Tuesday, March 3, 2026

2:00 PM

ORDER OF BUSINESS

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: Chair Jim Dunlap, Anita Cereceda, Michele Cherney (virtually), Beverly Milligan, Bryan Thomas, Ed Schoonover and Hank Zuba.

Staff: Town Clerk Amy Baker and Town Attorney Nancy Stuparich.

Vice Chair Thomas moved to allow Ms. Cherney to participate via Zoom, seconded by Ms. Milligan.

The motion carried unanimously.

IV. PUBLIC COMMENT

No public comment.

V. APPROVAL OF MINUTES

A. Charter Review Commission - February 3, 2026

Mr. Zuba moved to approve the minutes, seconded by Vice Chair Thomas.

The motion carried unanimously.

VI. MEMBER ITEMS

No items.

VII. OLD BUSINESS**A. Articled VII. TOWN CLERK**

Recap of Article VII TOWN CLERK from the February 3, 2026 meeting.

B. Article IX. ADMINISTRATIVE DEPARTMENTS

Recap of Article IX ADMINISTRATIVE DEPARTMENTS from the February 3, 2026 meeting.

C. ARTICLE X. ORDINANCES AND RESOLUTIONS

Recap of Article X. ORDINANCES AND RESOLUTIONS from the February 3, 2026 meeting.

D. ARTICLE XI. FINANCIAL PROCEDURES

Recap of Article XI. FINANCIAL PROCEDURES from the February 3, 2026 meeting.

E. Discussion/Suggestions/Notes from meeting to date from members to date**VIII. NEW BUSINESS****A. ARTICLE XII. INITIATIVE AND REFERENDUM**

Review of Article XII of the Town Charter

Town Attorney Stuparich added that a Florida statute exists that prohibits placing decisions on land use on the ballot. No change.

B. ARTICLE XIII. CHARTER AMENDMENTS

Review of Article XIII of the Town Charter

Town Attorney Stuparich noted that there was general law related to Section 13.02.

Town Clerk Baker brought up the six-month deadline under Section 13.03. She also noted the six-month deadline under Section 13.03. She stated that the Lee County Supervisor of Election dictates the timeline. She believed that the current six-month timeframe is not enough, especially given the July deadline for items on the November ballot. Ms. Cereceda asked if candidates also need to be provided before July. Town Clerk Baker stated that they would need to be qualified in early June. Chair Dunlap asked if an additional two months would be sufficient. Town Clerk Baker responded that she is requesting a year. Mr. Schoonover noted that the current language allows for an earlier timeframe, so long as there is at least six months before the next scheduled election. Town Attorney Stuparich also acknowledged that technicality. Chair Dunlap confirmed with the Town Attorney and the Town Clerk that the language can be amended to allow for a one-year timeframe.

Ms. Cherney also agreed with the twelve-month timeline. Chair Dunlap passed the message along to the Charter Review Commission liaison.

C. ARTICLE XIV. SEVERABILITY

Review of Article XIV of the Town Charter

Chair Dunlap asked if this current language was sufficient for Town Attorney Stuparich, who responded affirmatively. She also identified a potential misspelling that should be “charter” instead of “character.” The Town Attorney stated that she has worked with Town Clerk Baker to compile a list of scrivener’s errors to be cleaned up through an ordinance. Chair Dunlap, after confirmation with Ms. Cereceda that there was most likely no intentional mentioning of character, acknowledged the scrivener’s error in this section.

D. Discussion/Analysis of Possible Changes to Town Charter

Town Seal

Town Clerk Baker provided that the charter document that the Charter Review Commission is currently viewing contains the new, circular seal. However, there is also a version of the document that uses the older seal with the green and white colors. There was general consensus that the new seal should be used.

Ex Parte/Gifts, Sec. 3.01 - All powers possible.

Town Attorney Stuparich provided that there is state law and a town-adopted ordinance that already delineate these procedures. She noted that there is no legal impediment to adding this language to the charter. Such an addition would serve to represent the Town’s commitment to ethics. She also noted that there is an abundance of case law that details whether a gift would be considered lawful or unlawful. Mr. Zuba proposed that a reference to the statute and ordinance be provided in the language. The Town Attorney took note of the request and recommended that general references, rather than specific citations, be used in the case of future changes.

Ms. Cereceda questioned whether language should be added to include more restrictive rules. Town Attorney Stuparich recommended that this should be brought forward in an ordinance, as the charter should resemble a more general overview.

Terms in the Event of a Vacancy, Sec 4.05. - Compensation.

Town Attorney Stuparich notified the Commission that she changed the name from “Blue Ribbon Committee” to “compensation committee.” Mr. Schoonover raised the issue of timing within this provision. Chair Dunlap explained the rationale for the yearly adjustments for staff. The Town Attorney offered a potential change to remove the two to four year time interval and allow consideration at the Council’s discretion. Mr. Schoonover and Committee Liaison and Vice Mayor Safford stated their preferences for a process to be firmly set in place that would not rely on decisions by the Council. Chair Dunlap noted the importance of competitive compensation to widen the talent pool and cited a similar scenario in Naples as an example.

He believed that this provision would hold the Council accountable for looking at the open market value for such positions and making a decision based on that information. Town Clerk Baker suggested that, every set number of years, the Council be offered the opportunity to decide whether to add the issue on the agenda. Chair Dunlap noted his concern about providing discretion to the Council on consideration and preferred that Council must review in a specified year. Ms. Milligan agreed with the Chair and believed the provision should remove the Council from decision-making as much as possible. Mr. Schoonover stated that he would like to have a concrete number set in place. Ms. Milligan noted that two years aligns with the election cycle. Ms. Cereceda believed that the referendum would fail. She also stated that the largest impact on increasing the talent pool was establishing benefits for officials. Mr. Zuba agreed with her remarks. Committee Liaison Safford noted that officials do have health insurance and acknowledged the importance of these benefits. He also mentioned that there was only a lack of pension or retirement benefits. Chair Dunlap offered to bring this to the staff and have them present a well-researched, concrete number to the Charter Review Commission on March 7, 2026.

Terms in the Event of a Vacancy, Sec. 4.08 - Filling of vacancies.

Chair Dunlap provided clarification to Mr. Schoonover's question on timing of terms for replacements and noted the significant change. Town Attorney Stuparich noted that the proposed language also intends to clean up confusion on the appointment of Mayor and Vice-Mayor, should vacancies appear. Ms. Cherney asked whether a deadline exists for filling a vacancy. Town Attorney Stuparich stated that there was not and noted that in cases where those remaining on Council would not meet quorum, the Governor would appoint an interim Council. Committee Chair Dunlap noted potential issues with meeting quorum but that no set deadline was established to fill a vacancy. Mr. Schoonover brought up a possibility on reviewing the election term length. Chair Dunlap noted that there was a consensus to not make any changes on the term length. Ms. Cereceda recalled the prior discussion and did note there were many factors in play, including term length and manner of selection. Chair Dunlap noted that the proposal was designed to be as clear as possible and that the ultimate decision would be by the residents.

Sec. 5.01 - Elections.

Town Attorney Stuparich noted that this proposal would cover situations where an election on the 50th day prior to the election to noon on the 46th day. There were no objections to this change.

Sec. 5.09 - Town Canvassing Board.

Town Clerk Baker explained that the proposed language would update the process, as the town no longer conducts its own canvassing. Such activities are currently done through the Lee County Supervisor of Election's office.

IX. NEXT MEETING DATE - APRIL 7, 2026

Chair Dunlap announced that the Commission has gone through the formal changes and noted there will be time at the meeting of April 7, 2026, to go over any remaining items. He asked if any members had items that were not provided in the matrix. There were no additional requests. Town Attorney Stuparich provided a summary of all the charter sections and the changes that would be recommended to Council. She also identified the scrivener's errors and other non-substantive proposed changes. She noted that these would be compiled into a document for Council, titled "Exhibit A." The general process would then be to have Council consider the proposed amendments by ordinance. If the ordinance is approved on first and second reading, it would then be referred to Supervisor of Elections.

X. ADJOURNMENT

The meeting was adjourned at 3:02 PM.

Minutes adopted as presented, April 7, 2026. Motion by CRC Member Zuba and seconded by CRC Member Schoonover.
Passed 6-0.



Amy Baker, Town Clerk