



Fort Myers Beach Town Council

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

Minutes**Monday, May 4, 2026****9:00 AM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

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

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 Council Member McLean.

The motion carried unanimously.

V. PUBLIC COMMENT

None

VI. PRESENTATION

A. Presentation: Tidal Basin

An update on the current Elevation Grant and other HMGP projects in the Town.

Mark Boone of Tidal Basin Group thanked Council for their patience and announced that the elevation grants were approved by FEMA to move forward. There will be a meeting with the homeowners to discuss the next steps. He recognized Community Development Director Kropacek and his team, as well as Town Clerk Baker, Deputy Town Manager Kohler and Town Manager McKannay, for all of their contributions. He updated Council on the various grants still in pending status. He hopes to receive additional information on the reconstruction grants by the end of the summer. Upon the request of Mayor Allers, Mr. Boone gave a brief summary of the Hazard Mitigation Grant Program and stated that he would provide a list of the grants to the staff for distribution.

Mr. Boone introduced and acknowledged the contributions of his colleague Robert Lucht. Following Hurricane Ian, the town applied for federal hazard mitigation assistance for its residential property owners. He identified the eligibility requirements for the grants. Mayor Allers inquired about the timing of the process. Mr. Boone responded that the estimated time between submission and reimbursement would be around 60 days for a verified expense, with 15 days for consultants' review, 30 days for the town's review and decision, and 15 days for the state's review. Town Manager McKannay requested more information on the steps that the town and its staff would follow during the review and approval stage. Mr. Boone asserted that the consultant team would ensure that the homeowner only submits eligible expenses. The town would review under its normal invoice process and confirm that the property follows the proper procurement process. There was a follow-up question on whether there would be funding within the grant for the town's program management. The presenter answered affirmatively. Council Member Link asked if there was an eligible services list for the homeowner. She also remarked on the potential challenges for owners during the procurement process. Mr. Boone noted that the list would be distributed in the afternoon. Responding to Vice Mayor Safford's inquiry, he provided that stairs would be covered. Any ADA assistance would be allowed, and elevators may be eligible. He stated that the grant would reimburse up to 75% of the elevating costs and is based on estimates, with some contingencies, submitted from around three years ago. He acknowledged the increase in costs since that time. The non-federal match usually comes from the homeowner, but relief options are available. These include Increased Cost of Compliance (ICC) funds, if the owners had flood insurance through NFIP. Council Member Link asked if this could be applied to the non-federal match or to the overall increase in costs. Mr. Boone responded that the full amount could be used toward the ICC. Council Member McLean noted that there was a monetary cap and emphasized the differences between the federal and state programs. Mr. Boone reported that, following the elevation of the property, nothing could be built underneath. This would be recorded in the deed and would let future owners know that they would need to maintain the free space beneath the home and obtain flood insurance for the property. There is an expectation that the homeowner would hire the contractor, follow the procurement rules, and work closely with the consulting team and the town to make sure that the expenses are eligible. The town would take a traditional role and allow the homeowner to be a subgrantee and manage their grant. Mr. Lucht provided an overview of the steps during the pre-construction and closeout phases. He also summarized the rules and processes for reimbursement. He noted that there was a 90-day closeout period. Mayor Allers asked what measures the town could use to flag these properties within their system. Mr. Kropacek replied that all addresses would be documented and placed into a folder so that these properties would be flagged when needed. The Mayor commented on potential challenges with future flood zone changes. Council Member Link

confirmed that all work must comply with the current Florida Building Code. Town Attorney Stuparich inquired if the signed acknowledgment would be recorded immediately or only after a property transfer. Mr. Boone stated that it would be the former. He reported that the 50% rule applies for substantial improvement. Elevation costs would count towards this amount. Council Member McLean remarked that this would be an important decision that homeowners would need to make, as the cost to come into compliance can be significant. Council Member Link asked how changes in property value would be considered. Mr. Kropacek stated that the current value would be used. Mayor Allers explained that improvement costs higher than 50% would mean that the property would need to come into compliance. Property owners would not automatically become ineligible. Mr. Lucht outlined the next steps, which would include ongoing technical assistance, one-on-one communications with homeowners, and property walkthroughs.

Vice Mayor Safford asked for the number of properties that would be involved in the program. Mr. Lucht responded that there were about 25 approved so far. There may be one or two owners that may drop out due to eligibility concerns. There was a follow-up question on the impact on funds when individuals choose to no longer participate. Mr. Boone replied that the money could be used for Lee County or at the state level. Vice Mayor Safford inquired about the operational costs. Town Manager McKannay stated that most of the permitting costs would be absorbed by the town but that there would be additional expenses related to procurement and program management. Council Member Link raised a question about the group's role in reviewing invoices before town review. Mr. Boone noted that the town would ultimately be responsible in the case of a mistake and is the fiscal agent for this grant. His team will do everything possible to ensure that the right recommendations are provided. Both the team and the town would be auditing the invoices. Council Member McLean confirmed that the team would support homeowners and ensure that everything is done correctly from the beginning of the process. Council Member Link added that, to the extent possible, money should not be spent until everything is verified. Mr. Boone stressed that one of the requirements is that the properties must have flood insurance for perpetuity. He concluded by highlighting the program's benefits. Mayor Allers commented that the town should ensure that measures are set in place so that oversight does not occur in the future.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Safford recognized Tamara Pigott, who will be retiring from the Visitor and Convention Bureau (VCB). Pamela Johnson will serve as the new Executive Director.

Council Member Link expressed her thanks to Kiwanis, who funded supplies for the beach cleanup organized by the Fort Myers Beach Elementary PTO. She also noted that the most commonly picked up items were cigarette butts, plastic bags, and soda cans.

Council Member McLean showed his appreciation to the Friends of The Mound House for their past event. He mentioned the great deal of support for this unique cultural and historical site.

Mayor Allers acknowledged Dawn Miller and the What's Up FMB team for their work on the fireworks for the 250th anniversary of the country.

A. Proclamation - Professional Municipal Clerks Week

Mayor Allers read the proclamation recognizing the week of May 3-9, 2026 as Professional Municipal Clerks Week. Town Clerk Baker expressed her thanks. Jason Freeman and Lizzette Roman were also acknowledged for their work.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

Jennifer Rusk from the Marine and Environmental Resources Task Force (MERTF) distributed photographs to the members of Council. Mayor Allers requested that she reserve any comments not related to the MERTF report for the public comment portion of this meeting or for the task force's next meeting.

Vice Mayor Safford asked about the current number of turtle nests. Ms. Rusk responded that there is one loggerhead nest at the south end of the island. It appeared well before the start of the nesting season. She reminded everyone to close their drapes, to use wildlife-friendly lighting, and to otherwise take care of the island.

IX. APPROVAL OF MINUTES

A. Town Council - April 6, 2026

Council Member King provided the following corrections under the "Public Comment" heading: 1) "Chris Rydell King" should be "Chris Riedel King;" 2) "Sam Lurri" should be "Sam Lurie;" and 3) "San Carlos Bay Sale and Power Squadron" should be "San Carlos Bay Sail and Power Squadron." He also requested that, under "Ordinance 26-07; Smoking and Vaping," "Seagate Plaza" be revised to "Sea Grape Plaza." Under the Special Event Permit Request item, he noted that "Daniel Ren" should be "Danielle Rambur." Council Member King moved to approve the minutes as corrected, along with the Town Council Management & Planning Session minutes of April 8, 2026, and the Town Council minutes of April 20, 2026 (both as corrected), seconded by Council Member McLean.

The motion carried unanimously.

B. Management & Planning Session - April 8, 2026

Council Member King requested that the sentence "Council Member King asked if the team is considering a 500-year event or a 100-year event" be corrected to "Council Member King asked if Ian is considered a 500-year event or a 100-year event."

Council Member King moved to approve the minutes as corrected, along with

the Town Council minutes of April 6, 2026, and of April 20, 2026 (both as corrected), seconded by Council Member McLean.

The motion carried unanimously.

C. Town Council - April 20, 2026

Council Member King made the following correction: under "Friends of the Mound House Check Presentation," "Katherine Clark" should be "Kathryn Klar." Council Member Link also noted that the minutes for this meeting were not marked as a draft.

Council Member King moved to approve the minutes as corrected, along with the Town Council minutes of April 6, 2026, and the Town Council Management & Planning Session minutes of April 8, 2026 (both as corrected), seconded by Council Member McLean.

The motion carried unanimously.

X. CONSENT AGENDA

Vice Mayor Safford moved to approve the consent agenda, seconded by Council Member Link.

The motion carried unanimously.

A. Resolutions 26-082 through 26-085; 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.

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

The motion carried unanimously.

B. Resolutions 26-086 through 26-089; Extension of Local Emergency - Tropical Storm 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.

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

The motion carried unanimously.

- C. Resolutions 26-090 through 26-093; Extension of Local Emergency - Tropical Storm 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.

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

The motion carried unanimously.

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

- A. Ordinance 26-07; Smoking and Vaping

This legislative agenda item is a Second Reading and Final Public Hearing on proposed Ordinance 26-07.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING SECTION 18-30 OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH, FLORIDA TO PROHIBIT SMOKING AND VAPING IN THE TOWN'S PUBLIC PARKS, AND IN COUNTY PARKS AND BEACHES LOCATED IN THE TERRITORIAL BOUNDARIES OF THE TOWN; DEFINING THE TERMS "SMOKE" AND "VAPE;" EXCLUDING FROM REGULATION UNFILTERED CIGARS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich noted that this ordinance is on second reading and provided an overview of state law preemption and Lee County's ordinance. She confirmed that the draft presented on the first reading is not in conflict with what the county had proposed. It was her opinion that the document would be compliant with the town's ability to regulate as provided for by the state legislature.

Town Attorney Stuparich followed up on the questions revolving around unfiltered and herbal cigarettes. These exemptions would not be possible, as the state only allows for exceptions for unfiltered cigars. She mentioned that she had previously stated "Newton Park" when she meant to say "Crescent Beach Park." The corrected language is on page 106. The subsection was drafted to identify the county parks and includes, but does not list by name, the parks owned by the town. She referred to sample signage from Pinellas County for smoke-free beaches on pages 122-124.

Council Member McLean thanked Town Attorney Stuparich for her research and acknowledged the educational aspect in the signage. Council Member Link echoed his remarks and commented that fees should also be included.

She expressed her opinion that the town should follow the county's approach in escalating fines. Mayor Allers asked if a fee schedule would need to be placed within the ordinance. Town Attorney Stuparich responded that it would depend on enforcement, which would be evaluated following the adoption of the ordinance. Mayor Allers suggested that the town look into the current fining system for general littering. Council Member Link commented that they may be able to seek guidance from the county on the signage and enforcement. Vice Mayor Safford expressed his preference for placing cigarettes butt disposals below the signs. He suggested that another container be available for vaping products. Mayor Allers noted the general approval of the signage.

No public comment.

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

The motion carried unanimously by roll call vote.

XIII. ADMINISTRATIVE AGENDA

A. Special Event: 4th of July Fireworks Show & Parade

Approval of a Special Event for the Town of Fort Myers Beach Fourth of July Parade and Fireworks on July 4, 2026, including a parade on Estero Blvd. beginning at Bay Road to Old San Carlos Blvd. from 9:30 AM to 12:00 PM and a fireworks display from approximately 9:15 PM to 11:30 PM, including use of the Town's right-of-way, associated road closures, and waiver of the Town's noise ordinance, as requested by the Town of Fort Myers Beach, and subject to approval by the Fort Myers Beach Fire Control District, Lee County Sheriff's Office, and all required agencies.

Mayor Allers read the item into the record. Town Manager McKannay stated that there were no substantive changes to how the events have occurred in the past. He recognized the support from What's Up FMB and the partnerships with other agencies. He, in response to Mayor Allers' request, said that Manager Neill Mathes and Special Event Coordinator Nora Skipper would be handling the event and that individuals should contact them about how to participate in the event.

Council Member McLean moved to approve the Special Event Permit "4th of July Fireworks Show & Parade," seconded by Council Member King.

The motion carried unanimously by roll call vote.

B. Resolution 26-095; Quit Claim Deed to Vidalin

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE CONVEYANCE OF CERTAIN SURPLUS REAL PROPERTY BY QUITCLAIM DEED TO JOHN S. VIDALIN AND CAROL T. VIDALIN; AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID QUITCLAIM DEED; AUTHORIZING ALL APPROPRIATE TOWN OFFICIALS TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE THE CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Community Development Director Frankie Kropacek reviewed the background of the request as stated on the blue sheet. Mayor Allers asked if there were any objections from staff. Mr. Kropacek responded negatively. Town Attorney Stuparich provided that this was considered "surplus" property to the town and that there is no immediate need for the sliver of land that is identified. She also highlighted that this conveyance would be by a quitclaim deed. This would mean that there are no representations or warranty that the town actually has any interest in that specified area. Determining the actual degree of the town's interest would involve extensive litigation. If the state or federal government claims ownership, this type of deed would help prevent the town from becoming involved as a party.

Council Member Link asked if the plat would be redrawn. Mr. Kropacek answered that, with further developments in technology, there will be a more precise view of the properties but that the areas in question are small. She confirmed with him that this process would not be cumbersome or costly. Any owners with similar situations should contact Mr. Kropacek, who will walk them through the process.

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

The motion carried unanimously by roll call vote.

C. Resolution 26-076, Approve Agreement with Opulent Outlines, LLC RFQ-26-02-AD

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE TOWN AND OPULENT OUTLINES, LLC UNDER RFQ-26-02-AD FOR THE FORT MYERS BEACH ENGINEERING & ARCHITECTURAL SERVICES BAY OAKS COMMUNITY POOL REHABILITATION PROJECT IN A NOT-TO-EXCEED AMOUNT OF \$135,000.00; AUTHORIZING THE EXECUTION OF THE AGREEMENT BY THE TOWN MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. He noted a scrivener's error and stated that it should be "the Mayor" instead of "the Town Manager." Town Attorney Stuparich confirmed this correction and also provided that there would be a similar change in Section 2. Town Manager McKannay reviewed the background of the request as stated in the blue sheet. Council Member King inquired about the funding sources for this item. Mayor Allers responded that it would come from the CDBG. There was a question about the post-contract timeline. Town Manager McKannay responded that they should be able to present work products to Council and the community in about four to six months.

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

The motion carried unanimously by roll call vote.

D. Resolution 26-093; Award of ITB-26-10-EN for Estero Island Canopy Restoration

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA TO AWARD ITB-26-10-EN TO TIDEWATER LANDSCAPE OF FLORIDA, LLC AS THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER, TO COMPLETE THE ESTERO ISLAND CANOPY RESTORATION PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND TIDEWATER LANDSCAPE OF FLORIDA, LLC SUBJECT TO LEGAL REVIEW AND EXPEND BUDGETED FUNDS ON BEHALF OF THE TOWN; 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 in the blue sheet. Council Member King asked for clarification on the acronym FDACS. Mr. Chustz replied that it stood for "Florida Department of Agriculture and Consumer Services."

Council Member McLean raised a question about the fruit trees not included in the list on page 289. Mr. Chustz responded that they will be negotiating with the company and that, if needed, staff would look into other opportunities to put fruit trees there.

Council Member Link inquired about the various locations of the trees. Mr. Chustz stated that the project would be on North Estero, which previously had Royal Palms. He provided that they have identified 18 spots for these trees. Vice Mayor Safford posed a follow-up question on the size of a 25-gallon Royal Palm. Mr. Chustz responded that the tree would be around 5–6 feet and that he would follow up with a more specific and certain value.

Council Member King commented that all prices for the listed plants were \$575.

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

The motion carried unanimously by roll call vote.

XIV. FINAL PUBLIC COMMENT

None

XV. TOWN MANAGER'S ITEMS

Town Manager McKannay noted that the next Management & Planning Session would focus on strategic planning. He recognized staff for their hard work. He invited guidance and feedback from Council.

With regard to the negotiations with Fort Myers Beach Elementary, he reported that he has met with the Deputy Superintendent and that there was an agreement in principle for the workshop on May 12, 2026. He hopes that the items will then be forwarded to their agenda on the same day. He encouraged members of the public to attend these events and speak on behalf of the town.

Town Manager McKannay announced the upcoming Chamber of Commerce Garden Party and commented on the success of the State of the Town last week. He stated that interviews are currently being conducted for the Emergency Services Director position. He noted the high quantity and quality of applications for this role. The Town Manager also provided follow-up information on littering fines, which start at \$50 for first-time violations and increase based on the amount of time taken to remedy the action. At this time, Notices of Violation that are issued for smoking and vaping will go to the Special Magistrate. There is no current fee schedule, but he is open to discussions.

Lastly, he mentioned that pre-construction work has begun for the traffic light at North Estero and Old San Carlos. There will be nighttime construction to ensure that the light will be running by the end of summer.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich reported that she is working on several items that will be brought forward to Council around the last meeting in June.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member McLean commended the town on its State of the Town event. Council Member Link requested that the Council focus on public benefit at a future Management & Planning Session. She also asked that the Local Planning Agency be included in that discussion.

Vice Mayor Safford attended the TDC Workshop and reported that all items were approved except for the Mound House. Further discussions will be held in June. He will be attending that meeting, as well as the FLC Leadership Program. He recommended the IEMO program for new members. Town Clerk Baker will send out additional information as needed.

Council Member King believed that it was ironic that the school district that is complaining about losing students is also willing to give up beach enrollment. He also announced the continuing vacancy on the Lee County Metropolitan Planning Organization's Citizen Advisory Committee. He provided a brief description of the role and said that anyone interested in the position should contact the town. He suggested that the town's Public Information Officer put forth information via social media. He wished his wife, Chris Riedel King, a happy anniversary.

Mayor Allers requested to extend the period for the Citizens of Distinction Award to June 30, 2026. There was general agreement from Council. He emphasized the importance of preparation for the homestead tax issue. He proposed that a framework be brought forward in a future Management & Planning Session. Town Manager McKannay noted that there has been discussions and progress, both internally and externally. He hopes to present the impacts of the proposals and provide recommendations in the future. He expressed his agreement in scheduling this issue at an upcoming Management & Planning Session. Upon the request of Council Member Link, Mayor Allers provided a brief update on the current status of this item in the state legislature.

XVIII. ADJOURNMENT

Council Member King moved to adjourn. There were no objections. The meeting was adjourned at 10:47 a.m.

Minutes adopted as presented, May 18, 2026. Motion by Council Member King and seconded by Council Member Link.

Passed 5-0



Amy Baker, Town Clerk