



Fort Myers Beach Town Council

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

Minutes

Tuesday, February 17, 2026

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

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

II. INVOCATION

Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPOINTMENT TO FILL VACANT TOWN COUNCIL SEAT #4 (TERM ENDING NOVEMBER 2026)

Town Attorney Nancy Stuparich noted that a council member had disclosed a conflict of interest in voting on one of the candidates. According to Section 4.13 of the Charter, at least three council members must vote affirmatively except in the case of an emergency.

A. Interview and Appointment of One Applicant to Town Council Seat #4
Town Council members will interview and appoint one of three applicants to the Town Council vacant seat #4

- B. Public Comment Related to the Appointment of Town Council Seat #4 Terri Kaine, resident, supported Tom Brady because he was supported by the recent vote and the community knew what they were doing.
Bill Veach, resident, supported Tom Brady because he felt the call to serve the people.
Mark Ludviggsen, resident, supported Tom Brady because the town voted for him earlier.

C. Candidate Interviews

1. James S. Boan

1. Opening Statement (5 minutes)
2. Town Council Question Period
3. Response/Clarifying Question Period

Jim Boan noted that his application and resume were in the agenda packet. He summarized his experience, education and background. He felt that he was uniquely qualified based on his background.

Council Member Rebecca Link asked what specific factors carry the most weight in evaluating a major redevelopment proposal. How do you prioritize fiscal impact, infrastructure capacity, property rights and community character?

Mr. Boan thought that any proposed project was a balancing act. They are faced with a recently updated comprehensive plan that sets the parameters for the blank canvas they are working with. There were several tools that were aspects of the plan and they all had to be weighed. There were also public comments and the neighbors' viewpoints. What might be right for the south end may not fit the north side. He felt that once SB180 expires, they need to address getting a feasibility study on impact fees.

Council Member King asked whether he anticipated having to recuse himself from any votes in the coming months.

Mr. Boan did not expect to have to recuse himself from any vote.

Vice Mayor Safford asked him to go into detail about how they can develop smaller boutique lots.

Mr. Boan replied that the development agreement process needed to be tweaked to target those lots. Incentives could help move those lots, but market forces could not be controlled.

Mayor Allers asked what the town has done effectively since the hurricane and what improvements would he suggest.

Mr. Boan responded that stabilizing the damage was the first priority, and the town did so adequately but it did not communicate well with the public. He hoped an emergency operations manual was up to date to guide them on what to do. Permitting and inspections could have been handled more effectively with outside vendors and a portal to inform residents. He felt there were many opportunities to improve the beach.

Council Member Link asked how he determined when additional development intensity becomes a long-term risk rather than a benefit.

Mr. Boan noted that infrastructure has always been a problem, with one-way on and one-way off. He hoped there was a plan to stage leaving the island. Water, sewer and traffic also had an impact and had to be evaluated.

Council Member King asked him what it meant to act in a quasi-judicial role. Mr. Boan explained that the judiciary was a decision-maker, and quasi-judicial meant you were also a fact-finder.

Vice Mayor Safford asked how he felt the town's current budget and reserves were currently and how would he improve the long-term and short-term financial stability.

Mr. Boan said the biggest red flag he saw was the \$70 million worth of long-term debt that needs to be addressed. They needed to get the state and FDEM (Florida Department of Emergency Management) to forgive almost \$20 million in loans they made to us. The long-term finances need to be reviewed to develop a long-term capital improvement plan and overlay it into the debt service and future needs. Real estate taxes account for almost 39% of the general fund's revenue, which seems high. They should look at other options to reduce reliance on property taxes. He hoped that they would have two years' worth of operating revenue in reserves.

Mayor Allers asked how he would approach his policy decision-making powers to balance economic vitality, environmental stewardship and quality of life for residents as they try to balance recovery, redevelopment and long-term resiliency.

Mr. Boan indicated all three had to be balanced for every decision based on circumstances. He did not think a single approach would work for projects in different areas.

Mayor Allers asked how he would rank economic vitality, environmental stewardship and the quality of life for residents.

Mr. Boan replied that they would be ranked based on a special question or a specific site. They don't rank the same for all development.

2. Thomas Brady

1. Opening Statement (5 minutes)
2. Town Council Question Period
3. Response/Clarifying Question Period

Tom Brady noted that he had conversations with people all over the island and those talks changed some of his views on development, taxes, the school and wave mitigation. He felt the budget and taxes needed to be built and maintain resources and reserves strong enough to carry them through another catastrophic event. He thought code compliance was underfunded regarding abandoned houses, and that traffic needed to be managed with stop lights until pedestrian crossings are debugged. Residents were mostly here for the long term.

He has watched almost all town council and LPA meetings since Ian. He felt the toughest decisions were about budgets, the school, business development, grants, taxes, strategic planning and communications with residents. He commented that the island did not grow through a grand master plan, but piece by piece. The comprehensive plan laid out a plan, but parts of that plan were ignored to set aside to accommodate large development proposals. They needed human-scale development, not massive projects. He was not anti-development.

He wanted to see the school return, adopt AI systems to allow staff to focus on high-level work, overhaul financial reporting, ensure transparency across all levels of government and introduce incentives for businesses. He will always stand up for the residents and is committed to thoughtful growth, fiscal responsibility, modernization and representing the people.

Council Member Rebecca Link asked what specific factors carry the most weight in evaluating a major redevelopment proposal. How do you prioritize fiscal impact, infrastructure capacity, property rights and community character?

Mr. Brady would prioritize community character and adherence to the comprehensive plan first. The other items affected his decision too, but you had to walk into the projects with an open mind, ask questions and listen to the residents.

Council Member King asked whether he anticipated having to recuse himself from any votes in the coming months.

Mr. Brady did not think he would have to recuse himself from any vote. Vice Mayor Safford asked him to go into detail about how they can develop smaller boutique lots.

Mr. Brady would provide incentives. Community redevelopment is a way to use future tax revenue to fund those projects. He felt they should continue negotiating with property owners to rent out their properties. He also felt that new businesses helped attract other businesses. He would like to entice businesses with CRA or other incentives to help them redevelop.

Mayor Allers asked what the town has done effectively since the hurricane and what improvements would he suggest.

Mr. Brady thought the town did a fantastic job of recovering from the hurricane. Improvements would be to get small businesses on the island, solve the traffic problem, and get metadata to determine where people were coming from. He was concerned about code compliance and short-term rentals. He thought code compliance should focus on the small problems, like broken glass and uncut lawns. He wanted to see their budget increased to address the problems. He would increase reserves for the LCSO. Council Member Link asked how he determined when additional development intensity becomes a long-term risk rather than a benefit.

Mr. Brady replied that any additional intensity was a long-term risk because they were governed by the traffic problem that constrained how many people the island could hold. He did not think a ferry service would run after all.

Council Member King asked him what it meant to act in a quasi-judicial role.

Mr. Brady replied that a subset of rules applied to quasi-judicial hearings.

Council members should base their decisions on the facts presented during the hearing.

Vice Mayor Safford asked how he felt the town's current budget and reserves were currently and how would he improve the long-term and short-term financial stability.

Mr. Brady replied that the reserves worried him because the town could not be self-insured, but they also needed a cash flow or matching funds to get over the hump with weather events. He supported boosting the reserves. He did not know which budget levers to pull to get more money because he was not used to government accounting.

Mayor Allers asked how he would approach his policy decision-making powers to balance economic vitality, environmental stewardship and quality of life for

residents as they try to balance recovery, redevelopment and long-term resiliency. Mr. Brady said that was the magic sauce and it took a critical thinking mind. You had to have an open mind and listen to the people, the builders and the town staff to determine what made sense.

Council Member King asked for clarification on the contradictions. He talked about listening to constituents and doing what they asked, but during the budget process, a large majority opposed any tax increase. He also said he would not support what the neighbors wanted if it were in their area.

Mr. Brady did not understand the question and did not answer it.

Council Member King asked about Protect FMB and noted they were engaged in legal action against the town. He asked how it was not a conflict for a possible London Bay vote.

Mr. Brady stated that Protect FMB was a nonprofit organization that served to protect the interests of residents. They asked for judicial review, not a lawsuit against the town.

Mayor Allers asked how he would rank economic vitality, environmental stewardship and the quality of life for residents.

Mr. Brady responded that residents are first, the environment second and financial third.

3. John McLean

1. Opening Statement (5 minutes)
2. Town Council Question Period
3. Response/Clarifying Question Period

John McLean became a full-time resident in 2019 and witnessed the island's challenges and resilience. The devastation of Hurricane Ian tested the community, but it also revealed its strength and resilience.

He has dedicated himself to understanding the issues facing the town, participating in its recovery and contributing to a future that honors its history while preparing for long-term sustainability. He was inspired by businesses coming back, bringing renewed energy to the island. After Hurricane Ian, he attended town council meetings and LPA meetings to understand and contribute to recovery efforts. The consistent engagement has given him a deep understanding of the comprehensive plan, the land development code and the complex policy decisions and questions that influence recovery. He has been involved in several community efforts, such as Let's Go FMB, to ensure that residents' voices were heard during the early stages of rebuilding. His participation in the LPA has strengthened his commitment to supporting responsible redevelopment. He has no commercial development interests beyond owning and operating a single vacation home rental.

Mr. McLean summarized his professional experience, which is included in the agenda packet.

He commented that if they stifle redevelopment efforts, they risk stalling the town's rebirth.

His desire to serve on the town council was rooted in the belief that the beach needed leaders who are committed, informed and invested in the well-being of the community. He wanted to contribute to a future where they would build stronger and smarter, protect the environment, support responsible development and preserve the unique character and vibe that makes this island so special.

Council Member Rebecca Link asked what specific factors carry the most weight in evaluating a major redevelopment proposal. How do you prioritize fiscal impact, infrastructure capacity, property rights and community character?

Mr. McLean replied that property rights were extremely important and the bedrock of residents' investment in the island. When he looks at projects, he researches them to be prepared and informed. He likes a variety of inputs and different perspectives. He tries to balance them between what is acceptable and allowable and what the process enables them to do. They need to be consistent with the comprehensive plan and land development code, and compatible with the island.

Council Member King asked whether he anticipated having to recuse himself from any votes in the coming months.

Mr. McLean replied none.

Vice Mayor Safford asked him to go into detail about how they can develop smaller boutique lots.

Mr. McLean responded that it was a challenge, but he thought creating incentives could help. He was willing to step outside the envelope to help businesses come back and flourish. He thought they could be more proactive in developing smartly and encourage investment. He noted that it was due to financing and regulatory issues, and they needed to look at other mechanisms. Mayor Allers asked what the town has done effectively since the hurricane and what improvements would he suggest.

Mr. McLean thought the town was operating more professionally and had evolved. The town managers were a layer of professionalism, and he felt they demonstrated resilience and growth in the way the town is operating. He felt they could use technology much more than they were to modernize the town. He commented that customer service for the residents was a priority.

He also felt that they could do better with commercial development. Council Member Link asked how he determined when additional development intensity becomes a long-term risk rather than a benefit.

Mr. McLean thought that was the biggest question or vote he wrestled with. Projects that increase density have been the hardest to approve. Density was not only about traffic; it was also about the infrastructure supporting the island. He understood that most people were concerned about height, but he personally believed that density was a greater threat.

Council Member King asked him what it meant to act in a quasi-judicial role. Mr. McLean replied that meeting with developers and residents helped him understand different viewpoints. Quasi-judicial means they can consider only what was said on the record at a public meeting.

If they discuss anything outside a public meeting with a developer, a resident, or anyone else, they must disclose it at the hearing.

Vice Mayor Safford asked how he felt the town's current budget and reserves were currently and how would he improve the long-term and short-term financial stability.

Mr. McLean was disappointed that they did not contribute more to the reserves. He felt they had more transparency with the finances than they did before Ian. They have seen the challenges and it was important to have what it takes to weather another storm.

Mayor Allers asked how he would approach his policy decision-making powers to balance economic vitality, environmental stewardship and quality of life for residents as they try to balance recovery, redevelopment and long-term resiliency.

Mr. McLean responded that all three were of the utmost importance. They needed a vibrant community and the environment was extremely important. It is not only the basis of their way of life but the lifeblood of their economy as well as their quality of life. He believed that a vibrant, growing community required investment.

Mayor Allers asked how he would rank economic vitality, environmental stewardship and the quality of life for residents.

Mr. McLean responded environment first, quality of life second and economic viability third. It was not their job to make projects profitable, but it was their job to ensure that they had an environment where people felt comfortable investing in their future.

D. Town Council Deliberation and Announcement of Vote

Mayor Allers asked whether anyone had any discussion. Mayor Allers, Vice Mayor Safford and Council Member Link thanked the candidates for applying for the position.

Council Member King had a conflict because Mr. Veach proposed dropping his appeal of the recall in exchange for a vote for Tom Brady. It also created a conflict because of the potential financial gain. It would also keep him in the seat, which was another gain and a source of conflict.

Mayor Allers voted for Jim ~~Bowen~~ Boan, Vice Mayor Safford voted for John McLean, Council Member King voted for John McLean and Council Member Link voted for John McLean. All members verified their vote. Council Member Link revealed that she voted for Tom Brady.

After a short break, another vote was taken since there were not three votes for any candidate.

Council Member King voted for John McLean, Vice Mayor Safford voted for John McLean, Mayor Allers voted for John McLean and Council Member Link voted for Tom Brady. All members verified their votes.

Mayor Allers moved to formally appoint John McLean to seat number four, filling the vacated seat left by Jim Atterholt, seconded by Vice Mayor Safford. The motion carried unanimously by roll call vote.

V. OATH OF OFFICEA. Oath of Office**Administration of Oath of Office to Appointee for Town Council Seat #4**

Town Clerk Baker administered the oath of office to John McLean.

VI. RECESS (15 MINUTES)**VII. APPROVAL OF FINAL AGENDA**

The applicant for Item A. under Public Hearing is not present, so the hearing will be opened and closed to a date certain. The town council consented to direct staff to publish the LPA vacancy.

Council Member King moved to prove the final agenda, seconded by Vice Mayor Safford.

The motion carried unanimously.

VIII. PUBLIC COMMENT

Mark Ludviggsen, resident, had a hard time understanding the building policies. One issue is a silt fence that has not been put up on a new build by a neighbor. He asked whether they would be fined \$250.00 per day. He mentioned an issue with his roof, but he did not have a permit because there was no building department at the time. He ended up paying double for the permit.

Robin Gornto, resident, was concerned about the proposal to build a huge deck at 173 Gulf Island. She did not think it was appropriate for the neighbor because it was a rental.

IX. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King congratulated Point Estero Beach Resort on their renovations and for letting the town council be a part of their opening.

Vice Mayor Safford recognized the town staff for the transparent process and for addressing issues. He received a lot of great comments about the town staff.

Council Member Link thanked the town staff for the process of filling the seat. They did a great job.

Council Member McLean recognized all the events on the beach over the weekend.

Mayor Allers recognized Point Ester Beach Resort and he thanked the staff for their help. He apologized for making permitting comments to staff and clarified that it was not about them, but everything in general.

X. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

MERTF (Marine & Environmental Resources Task Force) Chair Dave Nusbaum reported that Kathy Turner from the Garden Club and FWC (Florida Fish & Wildlife Conservation Commission) personnel received MERTF awards in February. Dr. Davies presented a discussion about the improved resiliency of dune restoration. Rebecca Schneider from FWC gave a presentation on the 2025 shorebird nesting season. The herbicide was successful in killing the sand spurs without harming the shorebirds. MERTF agreed with FWC about expanding the area.

XI. APPROVAL OF MINUTES

- A. Town Council - February 2, 2026
Council Member Link moved to approve the minutes, seconded by Vice Mayor Safford.
The motion carried unanimously.

XII. CONSENT AGENDA

No agenda.

XIII. ITEMS REMOVED FROM CONSENT AGENDA**XIV. 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 26-020, VAR20250220- 173 Gulf Island Drive

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20250220, REQUESTING A VARIANCE FROM SECTION 34-638(d)(6)b.3 OF THE LAND DEVELOPMENT CODE TO REDUCE THE REQUIRED 20-FOOT SIDE STREET SETBACK BY 11.9 FEET TO ALLOW A 232-SQUARE-FOOT DECK FOR THE EXISTING SINGLE-FAMILY RESIDENCE IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 173 GULF ISLAND DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0050C.0120 IN FORT MYERS BEACH; 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. Ex parte communications: Council Member King received an email against it, Vice Mayor Safford might have received an email a few weeks ago, Council Member Link received an email against it and drove by the property and Mayor Allers received an email against it. No disclosure from Council Member McLean.

Town Attorney Stuparich required that the prior comments under public comments be incorporated into the record.

Council Member King moved to incorporate the comments under public comments into the record, seconded by Council Member McLean.

The motion carried unanimously by roll call vote. Public comment:

Anita Turner, resident, opposed the deck because they had a nice deck by the bay and that should be enough. They wanted to keep the neighborhood quiet.

Susan Crawford, resident, felt the deck would be disastrous because it would be eight feet from the road. It was a rental and it would accommodate a lot of people. The whole character of the older neighborhood will change and become crowded. The neighbors did not want it.
Public comment closed.

Council Member King moved to continue the resolution to a date certain of March 16, 2026, at 9:00 a.m., seconded by Council Member McLean.
The motion carried unanimously by roll call vote.

B. Resolution 26-015, SEZ20250271, 166/168 Coconut Drive

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING/ APPROVING WITH CONDITIONS/DENYING SPECIAL EXCEPTION SEZ20250271, A REQUEST TO INCREASE THE NUMBER OF BEDROOMS IN A TWO-FAMILY RESIDENCE WHILE UTILIZING THE POST-DISASTER BUILDBACK CODE OF THE LDC SECTION 34-3238(2)(E)(4)(A), FOR THE PROPERTY LOCATED AT 166/168 COCONUT DRIVE, GENERALLY REFERRED TO AS STRAP NUMBER: 29-46-24-W2-0070A.0160 IN FORT MYERS BEACH; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the Resolution. Ex parte communications: Council Member Link drove by, Vice Mayor Safford is familiar with the property and one neighbor voiced their concern. No disclosures from other members. The applicant was not present at the meeting. No public comment.

Council Member King moved to continue the resolution to a date certain of March 16, 2026, at 9:00 a.m., seconded by Council Member McLean.
The motion carried unanimously by roll call vote.

C. Ordinance 25-20; CPD2025-0203, 175 Sterling Ave. (FMB Woman's Club)
This quasi-judicial agenda item is a Second Reading and Final Public Hearing on proposed Ordinance 25-20.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING/APPROVING WITH CONDITIONS/ DENYING A REZONING TO A COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTY LOCATED AT 175 STERLING AVENUE, A PARCEL GENERALLY IDENTIFIED AS STRAP NUMBER 33-46-24-W2-00004.0000 TOWN OF FORT MYERS BEACH FROM INSTITUTIONAL TO ALLOW FOR THE REDEVELOPMENT OF THE PROPERTY FOR THE FORT MYERS BEACH WOMAN'S CLUB; PROVIDING FOR CONFLICT OF LAW, SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Ex parte communications: Council Member McLean had a meeting with representatives from ~~Studio A~~ Studio AD while he was a member of the LPA, Vice Mayor Safford thought he had one meal about the size of the parking lot and some private

conversations with neighbors, Council Member King received an email against the project and had a conversation with Mr. Vanasse and Mayor Allers received an email against it, conversations with his wife, who is on the board and he has been to the site many times. No disclosures from Council Member Link.

The applicant confirmed receipt of the backup materials.

Community Development Senior Planner Jason Smalley reviewed the background of the request as stated on the blue sheet. He noted that the applicant brought back an updated site plan for an expanded on-premises consumption (COP). The use will include temporary use in the parking area. The COP is also being extended to the grass areas, to the building and the elevated deck on the building. He pointed out that the architectural package included what would be built.

James Ink, representative, distributed copies of the new master concept plans, which included the expanded COP.

Regarding whether the town could add a condition of approval that would limit the sale of the property to a nonprofit organization, Mr. Ink discovered that there were many types of nonprofits. He noted that the nonprofit had to meet IRS qualifications. Adding something that was not really defined became a private property issue that could have serious unintended consequences.

Public comment:

Ron Benak, a resident, noted that the sign at the Woman's Club said this meeting was supposed to be yesterday. Town Clerk Baker confirmed that the date was advertised correctly. Mr. Benak sent a letter supporting the Woman's Club, but he was concerned about the shift from institutional to commercial. He did not want a commercial venue across the street from him. He wanted to make sure that if they sold it, the property would revert to institutional.

Patrick Vanasse, resident, supported the Woman's Club. He explained that the CPD contained a list of uses, and if sold, a new owner could build a private club. He proposed defining the uses rather than limiting the sale to nonprofits only.

Public comment closed.

Mr. Ink clarified that the date on the sign was Monday, February 16, 2026, and the sign was put up on the LPA hearing date. In his opinion, they met the criteria for advertising. Mayor Allers wanted to avoid a challenge due to a sign. Town Attorney Stuparich preferred not to have to defend a frivolous claim. All council members and the applicant agreed to continue the hearing.

Council Member King moved to continue the hearing to March 16, 2026, seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

- D. Ordinance 26-01; Town Council Compensation Salary Waiver Clarification
This legislative agenda item is a Second Reading and Final Public Hearing on proposed Ordinance 26-01.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 2-19 "COMPENSATION," OF CHAPTER 2, "ADMINISTRATION," OF THE CODE OF ORDINANCES OF FORT MYERS BEACH, FLORIDA TO: 1) ALLOW TOWN COUNCIL MEMBERS AND THE MAYOR TO BE PAID AS PROVIDED IN THE TOWN CHARTER AND TO VOLUNTARILY WAIVE RECEIPT OF A SALARY AS AUTHORIZED BY THE CHARTER OR BENEFITS ASSOCIATED WITH THEIR SERVICE ON THE TOWN COUNCIL; AND 2) REAFFIRM THAT TOWN COUNCIL MEMBERS AND THE MAYOR MAY BE REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL TOWN DUTIES, SUBJECT TO APPLICABLE LAW, THE TOWN CHARTER, AND ADOPTED TOWN AND TOWN COUNCIL POLICIES AND PROCEDURES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS OF LAW, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich reviewed the proposed changes on page 179 of the packet.

No public comment.

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

The motion carried unanimously by roll call vote.

XV. ADMINISTRATIVE AGENDA

- A. Resolution 26-040, 2026 TDC Grant Applications Authorization

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO APPLY FOR GRANT FUNDING THROUGH THE LEE COUNTY'S VISITOR AND CONVENTION BUREAU'S TOURIST DEVELOPMENT COUNCIL FOR BEACH AND SHORELINE FUNDING IN THE AMOUNTS OF \$1,151,416 FOR BEACH AND SHORELINE MAINTENANCE, \$26,267.00 FOR AN ACCESSIBILITY CAPITAL PROJECT AT ALBATROSS STREET, AND \$150,000 FOR A CAPITAL PROJECT TO REPAIR THREE KAYAK LAUNCHES; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE ALL RELATED AND NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Community Services Director Jeff Hauge indicated that a description of the projects is in the agenda packet.

Mayor Allers suggested that staff challenge the TDC (Tourist Development Council) to fund more items.

Council Member King moved to approve the resolution, seconded by Vice Mayor Safford. The motion carried unanimously by roll call vote.

- B. Resolution 26-039; Authorizing Contract with Mauldin and Jenkins for Auditing Services

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, AUTHORIZING THE TOWN MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH MAULDIN AND JENKINS FOR FINANCIAL AUDITING SERVICES IN THE AMOUNTS OF \$59,300 FOR THE FIRST YEAR, \$60,950 FOR THE SECOND YEAR AND \$62,600 FOR THE THIRD YEAR, PLUS \$5,500 FOR EACH ADDITIONAL MAJOR PROGRAM TO BE AUDITED; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AUDIT AND EXAMINATION ENGAGEMENT LETTERS FOR FISCAL YEAR 2025 ATTACHED TO THE CONTRACT AS EXHIBITS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Finance Director Joe Onzick reviewed the title. He confirmed that there was a larger audit that encompassed all the financial statements.

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

The motion carried unanimously by roll call vote.

- C. Resolution 26-018, Tidal Basin First Amendment for 1-Year Renewal

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, APPROVING A FIRST AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF FORT MYERS BEACH AND TIDAL BASIN GOVERNMENT CONSULTING LLC, TO EXTEND THE TERM OF THE SERVICE PROVIDER AGREEMENT FOR DISASTER RECOVERY AND MITIGATION CONSULTING SERVICES TO FEBRUARY 23, 2027 BY THE EXERCISE OF THE FIRST OF THREE ONE-YEAR RENEWAL OPTIONS; INCORPORATING THE TOWN'S UPDATED STANDARD CONTRACT ADDENDUM PROVISIONS INTO THE AGREEMENT; INCREASING THE TOTAL NOT TO EXCEED BY \$700,000; AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Director Onzick indicated that the contract was set to expire. They were asking for \$700,000.00 in case of another storm and any expenses incurred are reimbursable by FEMA. All updated reports will be continued.

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

Jeremy Speaks and Mark Boone from Tidal Basin thanked the town council for allowing them to help in recovery efforts. Mr. Boone commended the staff for their hard work in serving the community.

The motion carried unanimously by roll call vote.

- D. Special Event: 4th Annual Red Grouper Bash
Off Duty Fishing Series is requesting to hold the 4th Annual Red Grouper Bash.
The event will be held February 27-28, 2026, at Moss Marine. Council Member McLean moved to approve the special event permit, seconded by Vice Mayor Safford.
The motion carried unanimously by roll call vote.
- E. Special Event: St. Patrick's Day Parade
The Fort Myers Beach Woman's Club is requesting to hold a St. Patrick's Day Parade, contingent on approval from FMB Fire and LCSO including a request for Estero Blvd to be shut down from 7:30 am until 11:30 am during the parade, and to waive the noise and open container ordinances.
Deb Nelson from the Woman's Club clarified that the request to shut down Estero should be 8:30 a.m., not 7:30.
Council Member King moved to approve the special event permit, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

XVI. FINAL PUBLIC COMMENT

Tim Shadle said that Estero Blvd. was not constructed correctly and he warned the county on many occasions. He suggested that they change some of the engineering for the upcoming project.

XVII. TOWN MANAGER'S ITEMS

Town Manager McKannay and Deputy Mayor Kohler attended a school board meeting and were briefed on the Castaldi report recommending demolition of the school. The Deputy Superintendent and Superintendent did not recommend demolishing the school. Town Manager McKannay asked that the school district turn the property over to Fort Myers Beach for \$9 million from its disaster relief funding. He informed them that the town wished to keep the school. He has not received a response.

He thanked What's Up FMB for their \$25,000.00 donation to the July 4th fireworks. All council members consented to accept the donation.

Shorebird nesting season started a couple of days ago. The speed limit for those who are authorized to drive on the beach is under six miles per hour. He emphasized that dogs must be on a leash.

He congratulated Shelby Arment, who is SHERM (Society for Human Resource Management) licensed.

XVIII. TOWN ATTORNEY'S ITEMS

No items.

XIX. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King said it was interesting to hear that basically the recall was about Seagate. He urged Mr. Veach to drop his appeal and save the town some money.

Vice Mayor Safford congratulated Council Member McLean and wished everyone a happy Mardi Gras.

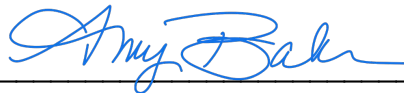
Council Member McLean looked forward to working with the staff and council.

XX. ADJOURNMENT

Council Member King moved to adjourn. The meeting was adjourned at 12:46 p.m.

Minutes adopted as amended March 2, 2026. Motion by Council Member King and seconded by Vice Mayor Safford.

Passed 5-0



Amy Baker, Town Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME KING JOAN RAYMOND	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN COUNCIL FORT MYERS BEACH
MAILING ADDRESS 8402 ESTERO BLVD APT 202	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY FORT MYERS BEACH LEE	NAME OF POLITICAL SUBDIVISION: FORT MYERS BEACH
DATE ON WHICH VOTE OCCURRED 2/17/26	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> 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, John Raymond King, hereby disclose that on 2/17, 2022:

(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, _____;
- 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:

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.

2/17/22
Date Filed

John Raymond King
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.