Fort Myers Beach Town Council

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

Minutes | **Monday, June 1, 2026** | **9:00 AM**

ORDER OF BUSINESS

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 as presented, seconded by Council Member McLean.
The motion carried unanimously.

V. PUBLIC COMMENT

None

VI. PRESENTATION

A. 2025 Consumer Confidence Report (Water)

2025 Consumer Confidence Report (Water)

Utilities Compliance Coordinator, Vanessa Kraft, presented the 2025 Consumer Confidence Report. She explained the water source and treatment process. She provided a general overview and background of the report. Ms. Kraft listed the potential contaminants that may be present in source water and reported the test results, which included radioactive and inorganic contaminants, stage 1 and stage 2 disinfectants and disinfection by-products, and lead and copper. There was a request for more recent results for radioactive contaminants. Ms. Kraft stated that the town may have been eligible for a waiver for six years, which would mean that the next test would be conducted sometime later in 2026. Council Member King commended the Utilities Compliance Coordinator on her work and asked if residents' homes were used for copper and lead testing. Ms. Kraft replied that the data was collected from the Mound House and a house that was built in or before 1969. Lead solder was not banned at that time. She confirmed that all sampling was done inside the house and that the results do not represent the distribution as a whole. She explained the Unregulated Contaminant Monitoring Rule (UCMR 4). She then presented additional health information on lead and other water contaminants.

Council Member McLean expressed his appreciation for the information provided today, stating that the explanation of the presence of lead in older homes was particularly helpful in alleviating concerns about water contamination. Council Member Link and Vice Mayor Safford confirmed that fluoride is no longer an issue for the town and has been removed from the water. Ms. Kraft added that this was removed in 2025 and that the latest results should reflect that change. Council Member King and Mayor Allers thanked the Utilities Compliance Coordinator for her presentation.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member King recognized Dawn and Mike Miller and their investment in the island.

Vice Mayor Safford congratulated the Millers on the JobuFest. He thanked them for all their contributions to the community.

Council Member Link acknowledged the town staff, Turtle Time volunteers, contractors, and residents who continue to work together as the island balances its restoration and environmental protection. While timing is not always perfect, and there are still concerns to be addressed, she wished to express her appreciation for their work and collaboration.

Council Member McLean thanked the Millers for their contributions. He is looking forward to the fireworks event and noted that he had a great experience at JobuFest.

Mayor Allers echoed previous remarks on Dawn and Mike Miller and JobuFest. He also thanked Representative Botana, Tom and Mari Torgerson, Brian and Dawn Thomas, and TPI Group for hosting a legislative information session on the property tax reform. He recognized Representative Botana and his support and work for the community.

A. Proclamation: Code Enforcement Officers' Week

Mayor Allers read the proclamation recognizing June 1-June 7, 2026, as Code Enforcement Officers' Week. Town Attorney Stuparich commended these staff members on their dedication and recognized the phenomenal improvements that have occurred due to their work. Town Manager McKannay also expressed his appreciation and emphasized their role in public safety. He noted that their work is far more than just enforcing the town's code. He acknowledged the benefits that these staff members bring to the town.

Code Enforcement Manager, Michael Hauserman, thanked the Town Council for recognizing their work. He also acknowledged his staff and the management team. He stated that they go above and beyond every day to protect the town's residents and visitors and to maintain the safety of the community. He thanked the Council again for their appreciation and this proclamation.

VIII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

IX. APPROVAL OF MINUTES

None

X. CONSENT AGENDA

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

A. Resolutions 26-107 through 26-111; 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.

Council Member King moved to approve the resolution, seconded by Council Member Link.
The motion carried unanimously.

B. Resolutions 26-112 through 26-116; Extension of Local Emergency - Hurricane 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.

Council Member King moved to approve the resolution, seconded by Council Member Link.
The motion carried unanimously.

C. Resolutions 26-117 through 26-121; Extension of Local Emergency - Hurricane 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.

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

The motion carried unanimously.

XI. ITEMS REMOVED FROM CONSENT AGENDA

XII. PUBLIC HEARINGS

A. Resolution 26-094, VAR20260011, 1161/1165 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE 20260011, REQUESTING FOR A VARIANCE FROM LDC SECTION 34-676(A), TO MULTIPLY THE PARKING REQUIREMENTS BY 0% AND ALLOW A 100% REDUCTION IN PARKING REQUIREMENTS WHERE A MAXIMUM PERCENTAGE OF 67% IS MULTIPLIED WITH PARKING REQUIREMENTS TO ALLOW A 33% PARKING REDUCTION BY RIGHT FOR PROPERTIES IN THE DOWNTOWN ZONING, FOR THE PROPERTY LOCATED AT 1161/1165 ESTERO BLVD, GENERALLY REFERRED TO AS STRAP NUMBER: 19-46-24-W4-0150E.0010 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. Town Attorney Stuparich provided a procedural overview of quasi-judicial proceedings and confirmed with Town Clerk Baker that the item was properly noticed. She then asked members of the Town Council for any conflicts of interest that would preclude them from voting. Vice Mayor Safford disclosed that he has a conflict and noted that he filled out Form 8B. He stated that he manages the rental properties at 1165 Estero Boulevard and that the decision would affect his business in one form or another. He intends to recuse himself from this vote. No other disclosures were made. Town Clerk Baker swore in all those who wished to testify. Town Attorney Stuparich asked for disclosures for any ex parte communications. Council Member Link pointed to a potential discrepancy for the property addresses on Google Maps. Senior Planner Jason Smalley provided that the data was from the Lee County Property Appraiser's Office. He said that the properties on 1161 and 1165 Estero Boulevard should be associated with the corner lot. Mayor Allers disclosed that he had a brief conversation with Mr. Richard, who had let him know that this variance request is based on a concern for public safety. No other disclosures were made. Mayor Allers noted that Senior Planner Jason Smalley has already been qualified as an expert in the field of land use planning and development in Fort Myers Beach, based on his education and expertise. He also confirmed that Ms. Stewart is a qualified expert.

Senior Planner Jason Smalley provided a summary of the request as outlined in the blue sheet. He reported that the Local Planning Agency had voted unanimously to recommend denial. He also mentioned the concerns about vehicle back-up on Estero Boulevard, which were expressed during discussions at that Local Planning Agency meeting. He presented staff's recommendation for denial, based on the fact that the property is able to work with what currently exists. Council Member McLean inquired about any substantial changes in the application between the Local Planning Agency meeting and its current presentation at Council. Mr. Smalley responded that he had not seen any additional applications and is not aware of any modifications. He would like to defer to the applicant to confirm. Council Member King asked for additional information on the safety concerns. Mr. Smalley provided that, if this property is redeveloped, staff will push for a redesign of the parking spaces. This would eliminate the need for vehicles to directly back out onto Estero Boulevard. He asserted that he is not aware of any incidents that have been caused by this current layout but expressed his personal observations of lack of visibility and heavy traffic. It is the staff's belief that the current design is working and that they cannot determine whether this request is the minimum necessary to relieve the applicant of an unreasonable burden. He defers to the applicant for additional context on any issues with running the business. Mayor Allers confirmed with the Senior Planner that the current safety concern does not outweigh the requirements outlined in the town's Land Development Code.

Kara Stewart, on behalf of the applicant, provided the historical background of the use and the construction of and around the property in question. She stated that, due to the lack of parking, the applicant had to obtain a joint use parking agreement with another parking lot that he owned. She asserts that this created encumbrances for both properties. She apologized for her inability to attend the Local Planning Agency meeting and believed that she would have been able to resolve some questions that may have come up during discussions. She provided that the property will now be in the Time Square District in the town's comprehensive plan. She summarized the policies that are under this document. Responding to Mayor Allers' request for clarification, she noted that the Land Development Code still applies and delineates the multiplier. The lower area of the property had a contractor's office. She stated that this business did not operate well at this location. She emphasized the difficulty of parking and remarked that the area would better support a retail or restaurant business. Ms. Stewart commented that removing the parking requirement would enable the applicant to have an outdoor display or outside seating. It would also eliminate the need to provide an accessible parking space. The parking location under the current agreement has its own ADA requirements. Ms. Stewart noted the changes to the intersection in question, which began as one defined cross-hatch walkway. There are now three defined walkways and a traffic light. The applicant currently predicts retail or restaurant use, and there currently are no tenants in the upper area. She commented that there is sufficient overnight and limited-hours parking in the nearby area. Mayor Allers asked why the adjacent parking lot did not offer overnight parking. Ms. Stewart responded that there had been some public concerns about headlights shining across the canal. She quoted a tenant's online review and stressed that there is no need for a vehicle when staying at this location. She said that the applicant is able to, by right, have outdoor seating and retail. She explained that alcohol service would require a special exception, which would be decided by the Town Council. Mayor Allers inquired about the current directions provided to property guests who wish to park. Town Attorney Stuparich noted that members with conflicts of interest would be able to speak. Vice Mayor Safford stated that the guests were directed to an alternative parking location and that he does not allow his cleaning staff to park at the property, due to traffic safety concerns. Ms. Stewart concluded her remarks by referring members of Town Council to the adaptive reuse policy in the comprehensive plan. She likened the current request to the incentives mentioned in the document.

Council Member McLean inquired about shifting parking spaces to the additional lots. Ms. Stewart responded that this would create an encumbrance for both properties. She asserted that no other parking lots have these burdens. She summarized the applicant's intentions to use the front area of the property and be more compliant with the comprehensive plan. She emphasized that there would not be an expansion to the building. Council Member McLean requested additional information on future uses for the property. Ms. Stewart noted that a retail business would be able to have an outdoor display. A restaurant would need to come before the Town Council to be able to serve alcohol on the property. The property does not currently have a tenant, but she provided these predictions based on the feedback that she has received. Mayor Allers asked if the applicant would approve of a condition brought forward that would prevent any changes to the footprint of the building. Ms. Stewart confirmed that there will be no changes to the structure. Council Member Link verified that the applicant also owned the parking lot on Crescent Street. There was a follow-up question on how the elimination of the agreement would impact overnight parking. Ms. Stewart responded that there were multiple opportunities that would still exist on Old San Carlos. Council Member Link commented that such options would require renters to pay additional fees. Responding to an inquiry about the front parking space, Mr. Richard stated that this area was reserved for the downstairs tenant. The residents are not allowed to park in that space.

Council Member King asked the applicant if there were any concerns with the conditions presented by the staff or posed by the Mayor. Ms. Stewart noted that there were no issues with the elimination of on-site parking with backing movements. She believed that the enhanced landscaping in the third condition may not be entirely applicable. Senior Planner Jason Smalley explained that this would provide a visual delineation for a pedestrian-oriented area. The current language is meant to be a starting point for discussion, and staff encouraged the Town Council to create additional guardrails as needed. Council Member King brought up a possible concern: drivers may see the open spot and park in that space. Ms. Stewart answered that the applicant would be willing to create a buffer and to encourage pedestrian use. She sought additional clarification on the staff's fifth condition. She suggested that the language be amended to reflect the uses allowed in the downtown district within the comprehensive plan zoning.

Council Member Link voiced her stance against removal of parking. She also expressed concerns about alcohol service in an area with heavy traffic and activity. She noted the potential benefit of parking for certain types of restaurants. Ms. Stewart emphasized that alcohol service would need to be presented before the Council as a separate request. Mayor Allers asked if the applicant would be willing to open parking spots in his other location for restaurant guests, should this type of business open on the property. Ms.

Stewart responded affirmatively and acknowledged the uncertainty due to the lack of a current tenant. Mr. Smalley asked Town Attorney Stuparich if limited uses can be legally set in the conditions for approval. She responded that the condition would apply to the variance, which would no longer be applicable if there is a deviation. Mayor Allers recommended that the condition refer to the existing uses within the zoning district. Mr. Smalley expressed his agreement. He explained that intensity can refer to the building and to the use. Council Member McLean asked Town Attorney Stuparich if Council could make determinations to better align with the newly adopted comprehensive plan.

She answered that the Council may do so. A variance would be in the form of a development order. This would need to be consistent with the comprehensive plan. Council Member McLean voiced his concerns about safety in the area and the potential encumbrances created by the staff's third and fifth conditions. He suggested that the condition simply refer to the uses permitted in the Times Square District under the comprehensive plan. Mr.

Smalley reminded members that the fifth condition would need to be reworded. It is of his understanding that there are two forms of intensity provided. He suggested that the Town Council use more specific language for the condition on delineation of space. The site visibility triangle would also need to be addressed. Town Attorney Stuparich agreed with this recommendation. She offered an option to include examples within the condition to set an expectation. Town Manager McKannay acknowledged the public safety issue. Should a restaurant open at this property, he does not believes that there would any concerns that would be different from those already existing in the area. Ms. Stewart offered that a vertical delineation be installed that would comply with the site visibility triangle.

No public comment.

Council Member King viewed this request as a public safety issue. He acknowledged the concerns related to backing out onto Estero Boulevard. Council Member Link asked Senior Planner Smalley if he had any additional recommendations that would make him more comfortable to move forward, should this item be approved. The Senior Planner voiced his concern about ADA access between parking and the property. He noted that staff is flexible with landscaping, so long as proposals be limited to two feet in height. This would allow for clear vision in the site visibility triangle. Council Member McLean stated that the Council should embrace the changes made in the comprehensive plan. He provided that there were no increases in use, density, or intensity. He does not have issues with the owner or company instructing individuals to use alternative parking or modes of transport. He voiced his support of removal of the parking requirements and pointed to the intent to increase walkability in the Times Square District. He suggested that the third condition be modified to read, "a physical barrier to block off the parking, no more than 24 inches high." He proposed to either remove the fifth condition or amend it to reflect all uses within the Times Square District.

Mayor Allers expressed agreement to some of Council Member McLean's remarks. He mentioned the safety concerns related to exiting the parking area. He believed that it would be in the best interest of the community to eliminate this parking. He stated that this removal would be consistent with the criteria of the new downtown district. Any restaurant business would also need to come before Council to seek approval for alcohol service. He voiced his support for the variance and Council Member McLean's proposal for modification of the third condition. He believes that the fifth condition should require consistency with the Times Square Zoning District. Mr. Smalley proposed that the language simply prohibit increases in building footprint and height increases for the primary structure. Town Attorney Stuparich noted that additional work could be done after this meeting. She believed that there is adequate testimony from both experts that would enable them to develop a sufficient requirement. She reminded the applicant that he would need to go through the approval process and permitting as needed. Mayor Allers asked about the timing for implementation of the parking barrier, as non-compliance would immediately begin upon approval. Mr. Richard responded that it would depend on the weather and external factors. He noted that the tenant will be moving out. The lease will expire in October. Council Member McLean expressed his preference for concrete planters. He believes that orange cones should not be used. The applicant confirmed that he can place planters on the property immediately after approval. There were discussions on placing a deadline within the condition. A proposal was made to require the applicant to comply within thirty days. The applicant agreed to this timeframe and will have the tenant use one of his other lots. Council Member King confirmed with Ms. Stewart that cones will not be used. Council Member Link asked about the steps required to restore parking, should this be desired in the future. Mayor Allers and Town Attorney Stuparich stated that this would need to be presented before the Council for approval.

Council Member McLean moved to approve Resolution 26-094, Variance 20260011, for 1161 and 1165 Estero Boulevard, with the conditions as modified in today's discussions, including putting up a physical barrier within the next 30 days that would include planters and not physical cones, and removal of the fifth condition, noting that it would be moot to allow all uses available in the Times Square District, seconded by Council Member King.

Town Attorney Stuparich referred members of the Council to the staff conditions, providing that the timeline of 30 days would be added to Condition C. She reminded the body that this motion would remove Condition E in its entirety.

Council Member McLean modified his motion to add an amended fifth condition that would include no increases in either the footprint or the height of the building. The seconder of the motion agreed to the amendment.

The motion carried 4-0, with Vice Mayor Safford abstaining.

B. Ordinance 26-09; FP&L Meter Installation Above FEMA Required Flood Elevation

This legislative agenda item is a First Reading and Public Hearing on proposed Ordinance 26-09. If approved at First Reading, a Second Reading and Final Adoption Hearing will be scheduled for June 15, 2026 at 9:00 AM or at another time identified by Town Council.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE III DIVISION 3 SECTION 34-638 OF THE LAND DEVELOPMENT CODE CREATING A NEW EXCEPTION TO MINIMUM SETBACK REQUIREMENTS REDUCING MINIMUM SETBACKS TO ACCOMMODATE NEW FLORIDA POWER AND LIGHT REQUIREMENTS FOR PLATFORMS TO LOCATE AND PROVIDE SERVICE TO ELEVATED ELECTRIC METERS; PROVIDING CRITERIA AND CONDITIONS FOR THE PERMITTED ELECTRIC METER EQUIPMENT AND ASSOCIATED PLATFORM, ACCESS STAIRWAYS AND RELATED STRUCTURES; PROVIDING FOR 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. Senior Planner Jason Smalley provided a summary of the request as outlined in the blue sheet. Town Attorney Stuparich added that many coastal communities have adopted a similar ordinance. Mayor Allers noted a discrepancy in the minimum clearance and asked if the language could simply refer to compliance with the safety requirements and not provide a specific amount. Mr. Smalley agreed to this change. Mayor Allers and Council Member McLean raised concerns about individuals finding loopholes and building steps that would allow for uses in addition to utility access. Both would like to see more restrictive language. Council Member Link expressed her appreciation to the staff for their ongoing work on identifying updates to the Land Development Code. There were discussions on whether this ordinance should also address elevated air conditioning units. Council Member McLean and Council Member Link believe that this issue should be considered separately.

No public comment.

Vice Mayor Safford identified a few scrivener's errors on page 118.

Mayor Allers made a motion to move Ordinance 26-09 forward to the second reading on June 15, 2026, at 9:00 a.m., seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

C. Ordinance 26-08; Charter Changes

This legislative agenda item is a Second Reading and Final Public Hearing on proposed Ordinance 26-08.

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PROPOSING AMENDMENTS THE FORT MYERS BEACH TOWN CHARTER; PROPOSING CHARTER AMENDMENTS 1) MANDATING ORDINANCES REQUIRING DISCLOSURE IN QUASI-JUDICIAL HEARINGS, AND PROHIBITING UNLAWFUL GIFTS; 2) REVISING THE TOWN COUNCIL COMPENSATION PROCESS; 3) REVISING THE TERM OF TOWN COUNCIL SEATS FILLED BY APPOINTMENT; 4) CLARIFYING THE SERVICE OF THE INTERIM MAYOR; 5) CLARIFYING THE QUALIFYING PERIOD FOR TOWN COUNCIL CANDIDATES; AND 6) PROVIDING FOR THE USE OF THE LEE COUNTY CANVASSING BOARD; PROVIDING FOR REFERENDA ON THE PROPOSED CHARTER AMENDMENTS; PROVIDING FOR BALLOT TITLES AND BALLOT SUMMARIES FOR SUCH REFERENDA; PROVIDING FOR DIRECTION TO THE TOWN CLERK AND COORDINATION WITH THE LEE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR FILING THE REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE; AND PROVIDING FOR FINDINGS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Allers read the title of the ordinance. Town Attorney Stuparich provided that the only change made to the draft was the inclusion of the Spanish translation of the ballot title. Following up on a previous question, she reported that the language that would appear in the charter would not be included on the ballot. There will be a yes/no question, followed by a summary of the change.

Council Member Link stated that she would like the voters to decide on these items. Mayor Allers noted some concerns he has heard about the proposed charter amendment on appointments. He said that there was some discomfort with allowing the Town Council to fill the vacancy for a period of time that may be longer than what the electorate would like to see. Council Member Link expressed her agreement. There were discussions on vacancies and the staggering of open positions. Vice Mayor Safford thanked Mr. Dunlap and the Charter Review Commission for their work.

No public comment.

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

The motion carried unanimously by roll call vote.

Mayor Allers and Town Attorney Stuparich also expressed their appreciation for Mr. Dunlap and the Charter Review Commission.

The Council took a ten-minute recess.

XIII. ADMINISTRATIVE AGENDA

A. FY26/27 Budget Hearing Dates

Continued from May 18, 2026

Asking Town Council to set a date and time for the September 2026 budget hearing dates.

Town Manager McKannay recommended that the first budget hearing be held on Monday, September 14, 2026, and that the second budget hearing be held on Monday, September 28, 2026. He provided that this schedule would allow for a 14-day interval. Both sessions would begin at 5:01 p.m. Mayor Allers stated that he would not be able to attend on September 28, 2026. There were further discussions on availability and potential dates.

Mayor Allers moved to approve the dates and times as previously outlined by the Town Clerk, September 4, 2026, for the first budget hearing, starting at 5:01 p.m. or later, and September 23, 2026, for the second budget hearing, starting at 5:01 p.m., or later, seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

B. Special Event: Fort Myers Beach Festival of the Arts

Approval of a Special Event for the Fort Myers Beach Festival of the Arts to be held on January 23 and January 24, 2027, at Times Square, Fort Myers Beach, from 6:00 AM to 8:00 PM, as requested by Danielle Lynch of Blue Ribbon Events, including setup, event operations, and breakdown, approximately 40 to 60 artist and vendor booths featuring fine art, handmade goods, artisan crafts, boutique merchandise, artist demonstrations, possible bottled alcohol sales, and community art activities, along with portable restroom facilities and event support amenities, subject to further approval by the Fort Myers Beach Fire Control District and the Lee County Sheriff's Office.

Mayor Allers read the item into the record. Special Events Coordinator Nora Skipper introduced the applicant, Danielle Lynch, who was attending the meeting via Zoom. Ms. Lynch summarized her request and asserted that these events would be an added benefit to Fort Myers Beach, especially given the struggles local businesses have been facing. Council Member Link asked if there were any lessons learned from previous events that would warrant modifications. She also inquired if there would be food and beverage options. Ms. Lynch stated that she traditionally does not bring in food and drink to the events. She mentioned the restaurants and businesses available in the Times Square area. Generally, two additional portable bathrooms are provided. The applicant is also willing to provide daily garbage removal services, if needed. She discussed with Special Events Coordinator Nora Skipper about concerns regarding ongoing improvements in the area. She will review the situation in October and address and discuss any needed changes then. The applicant does not intend to have closed bottle sales at the event. The one exception would be if a not-for-profit organization requests such in their fundraising efforts. She clarified that she does work with three craft distilleries that are allowed to sell closed bottles for consumption outside the location. Town Manager McKannay asked the applicant to work with the nearby businesses to ensure that the layout is in compliance, so as not to restrict their ingress or egress. He thanked her for her flexibility. He announced that there is potentially some construction during or before the events. Ms. Lynch asked that no conflicting events be held within two weeks of her events. She stated that this would be for her and the participating businesses' benefit. She clarified that she is referring to the weekly holiday events in December and January. Mayor Allers described potential direct competition and parking concerns. He asked if a plan was in place for parking. Ms. Lynch responded that she will speak with owners of the private parking lots and work out an agreement for a set flat rate. Council Member Link also suggested that she advertise the off-island parking options. There were additional discussions on alcohol sales and the impacts on the businesses located in the area. Ms. Lynch informed the Council that she has an agreement with Lee County and that a uniformed officer and vehicle will be present at the event during the peak hours of 11:00 a.m. to 3:00 p.m. on Saturday and Sunday. Council Member King expressed his concerns about blocking out other events a week before and a week after the proposed Fort Myers Beach Festival of the Arts. Public Information Officer Abigail Eberhart reported that applications and permits are processed in the order in which they are received. She noted that there currently is not a conflict and that staff will be processing other permits in the order of fairness. The town is required to give everyone the opportunity to hold an event, so long as processes are being followed. She provided that the farmers market would be moving forward contingent on approval from LCSO, Fort Myers Beach Fire Control District, and the Town Council. Council Member Link confirmed with the applicant that she does not have any concerns with the farmers market.

Special Events Coordinator Nora Skipper stated that there is an additional application that will come forward to the Town Council on June 15, 2026. The applicant is Linda Miller. The events will be presented as a package, and she noted that there may be some overlap. Public Information Officer Abigail Eberhart added that the current request contains an open container waiver.

There were further conversations on the issue of open containers and removing the language "possible bottled alcohol sales" and inserting "the timeframes allowing open container in the Times Square area." The applicant agreed to no closed bottled sales of any type. Council Member Link inquired about the sale of food. Ms. Lynch explained that, traditionally, there are two food vendors at most. Their products would generally be "grab and go" snacks.

Mayor Allers moved to approve the Special Event "Fort Myers Beach Festival of the Art," to include open container during the hours of the event in the Times Square area, containment to the area that is within the map, and no bottled alcohol sales, seconded by Council Member McLean.

The motion carried unanimously by roll call vote.

C. Special Event: Holly Jolly Market

Approval of a Special Event for the Holly Jolly Market to be held on December 19 and December 20, 2026, at Times Square, Fort Myers

Beach, from 6:00 AM to 8:00 PM, as requested by Danielle Lynch of Blue Ribbon Events, including approximately 40 to 60 artist and vendor booths featuring handmade goods, holiday gifts, art, fine crafts, boutique merchandise, and bottled alcohol sales, along with portable restroom facilities and event support amenities, subject to further approval by the Fort Myers Beach Fire Control District and the Lee County Sheriff's Office.

Mayor Allers read the item into the record. The applicant summarized her request.

Mayor Allers moved to approve the Special Event "Holly Jolly Market," to include open container, as discussed in the previous special event, confinement to the Times Square area, and no bottled alcohol sales, seconded by Council Member McLean.

The motion carried unanimously by roll call vote.

D. Special Event: Mermaid Fest

Approval of a Special Event for Mermaid Fest to be held on April 17 and April 18, 2027, at Times Square, Fort Myers Beach, from 6:00 AM to 8:00 PM, as requested by Danielle Lynch of Blue Ribbon Events, including setup, event operations, and breakdown, approximately 40 to 60 artist and vendor booths featuring nature and Florida-themed art, handmade goods, educational nonprofit participation, environmental awareness activities, wellness demonstrations, the Mermaid Contest with cash awards, and related event support amenities, along with portable restroom facilities, subject to further approval by the Fort Myers Beach Fire Control District and the Lee County Sheriff's Office.

Mayor Allers read the item into the record. The applicant summarized her request.

Council Member Link, Council Member McLean, and Vice Mayor Safford voiced their support.

Council Member Link moved to approve the Special Event "Mermaid Fest" on April 17 and 18, 2026, in Times Square from 6:00 a.m. to 8:00 p.m., seconded by Vice Mayor Safford.

The motion carried unanimously by roll call vote.

E. Resolution 26-106; Quitclaim Deed to the Johnsons

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY BY QUITCLAIM DEED TO CHRISTOPHER LEE JOHNSON AND MARY SUSAN JOHNSON; 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. Town Attorney Stuparich provided a summary of the request as outlined in the blue sheet and verified that the address is 369 Madison Court. Town Manager McKannay provided that Community Development Director Frankie Kropacek and his team have worked with the owners of similar properties that had town property or seawall issues.

Mayor Allers mentioned that there were a few scrivener errors. There was a misspelling of his name and a few names had been mistakenly omitted.

Council Member Link also noted that there was a typo in her last name. Town Manager McKannay confirmed that there will be corrections on pages 204-205.

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

The motion carried unanimously by roll call vote.

F. Resolution 26-124; Mayor Execute Mod#2 of FDEM Contract D1502

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE MAYOR TO EXECUTE MODIFICATION #2 TO SUBGRANT AGREEMENT CONTRACT NUMBER 1502 BETWEEN THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND TOWN OF FORT MYERS BEACH TO EXTEND CONTRACT NUMBER 1502 TO DECEMBER 31, 2026; AND PROVIDING AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Projects Manager Chadd Chustz gave a summary of the request as outlined in the blue sheet. Council Member Link asked if the contract can be extended retroactively, noting the potential gap between the two agreements. Mr. Chustz responded affirmatively.

Council Member King moved to approve Resolution 26-124; Mayor Execute Mod#2 of FDEM Contract D1502, seconded by Council Member McLean.

The motion carried unanimously by roll call vote.

G. Resolution 26-125; Florida Forest Service Technical Assistance Grant

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING THE PROPOSAL FROM NATURAL RESOURCE PLANNING SERVICES, INC. DBA LEGACY ARBORIST SERVICES TO CREATE A TREE CANOPY ANALYSIS, TREE INVENTORY AND URBAN FORESTRY MANAGEMENT PLAN TO BE PAID FOR BY FLORIDA FORESTRY SERVICE WITH A IN-KIND MATCH FROM THE TOWN USING GRANT FUNDS FROM THE FDEM LAP D1502; AUTHORIZING THE MAYOR TO SIGN THE ACCEPTANCE OF THE PROPOSAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Projects Manager Chadd Chustz provided a summary of the request as outlined in the blue sheet. Council Member McLean asked for additional information on the dune and shade plantings. Mr. Chustz clarified that Earth Balance will plant salt-tolerant trees at the town's beach accesses. This would resemble a more traditional tree-to-tree match. In speaking with FDACS, he noted that they would have accepted the dune plantings in and of themselves as a match.

Council Member Link asked about the survey and the benefits for the town.

Manager Chustz responded that there will be a before-and-after canopy analysis of Hurricane Ian. This information will provide the town with guidance on how to better manage the canopy in future plantings. They will also be examining opportunities for tree plantings. He described some of the current work that is being done with a previous FDACS grant. Council Member Link expressed her concerns about the open-ended cost, given the fee structure of $8 per tree. She inquired about potential limitations to the cost. Mr. Chustz explained that FDACS would cover this cost.
Council Member King moved to approve Resolution 26-125; Florida Forest Service Technical Assistance Grant, seconded by Council Member Link.
The motion carried unanimously by roll call vote.

H. Resolution 26-122, STA#12, Carlos Circle Drainage, Tetra Tech

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER OR HIS DESIGNEE TO APPROVE SUPPLEMENTAL TASK AUTHORITY (STA) NO. 12 IN THE AMOUNT OF $92,840 WITH TETRA TECH UNDER RFQ-22-25-AD FOR CARLOS CIRCLE DRAINAGE IMPROVEMENTS FOR UTILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Manager McKannay provided a summary of the request as outlined in the blue sheet. Council Member King inquired about the funding source. Community Services Director Jeff Hauge provided that this would be coming from the storm water fund. Vice Mayor Safford asked if there will be similar projects coming in the future. Mr. Hauge answered that he did not foresee any similar items but did note that there will be other drainage projects arising from the vulnerability assessment. The town will need to identify additional funds through appropriations and other means. Council Member Link requested additional information on the location of the Carlos Circle drainage. Mr. Hauge stated that this project would be at the north end of town, near the 7-11 and North Tower. Mayor Allers provided that this was the only road that goes into and comes back onto Estero Boulevard.
Council Member McLean moved to approve Resolution 26-122, STA#12, Carlos Circle Drainage, Tetra Tech, seconded by Mayor Allers.
The motion carried unanimously by roll call vote.

I. Resolution 26-098; Lien Reduction Request CE Case No. 20240994

Rescheduled to June 1, 2026 (from 5/18) at the request of Himmelstein Associates, LLC.

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH REDUCING / NOT REDUCING THE AMOUNT OF THE LIEN DUE AND OWING THE TOWN FROM TO $16,250.00 PLUS $250.00 IN ADMINISTRATIVE COSTS FOR A TOTAL OF $16,500.00 TO ZERO AS REQUESTED BY HIMMELSTEIN ASSOCIATES, LLC, FOR A VIOLATION OF KEEPING OR MAINTAINING A NON-COMPLIANT STRUCTURE(S) AND/OR SHIPPING CONTAINER ON THE PROPERTY, WHICH WAS NOT BUILT TO

CURRENT FLOOD DESIGN CODES IN A SPECIAL HAZARD AREA IN SECTION 6-494 OF THE FMB CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Town Manager McKannay provided a brief summary. Code Enforcement Officer Michael Hauserman reported that a Special Magistrate Order was entered on September 2, 2025, and imposed $16,500.00 in liens against the property owner. The original notice was issued on October 17, 2024, providing a compliance date of November 16, 2024. The Special Magistrate found a violation on January 7, 2025 for the unpermitted storage of shipping containers on the property. The property owner failed to come into compliance with that order by March 1, 2025. A status hearing was held on March 4, 2025, certifying that the fines would accrue. A status fine and position hearing was held, and a fine of $16,500.00 was imposed. Town Attorney Stuparich directed members of Council to the Special Magistrate Order on page 285 and the lien amount on page 287. She stated that, after the Special Magistrate rendered his order, it was recorded. The town's code provides a process to allow a property owner to come forward to the Council and request a reduction on any recorded liens. The request first goes to the Town Manager, who reviews it and, in certain circumstances, provide satisfaction. If there is full payment, there would be satisfaction and release of the lien. If there is a mere reduction, there is criteria that the Town Manager needs to evaluate. He would then render a decision, either approving or denying this request. She referred to the Town Manager's letter, dated May 5, 2026, on page 290.

Robert Hartsell, on behalf of Himmelstein Associations, LLC, requested to approach the Town Clerk with a copy of the timeline. Mayor Allers asked if this document was also presented to the Special Magistrate. Mr. Hartsell stated that it was not and that this timeline was prepared for the purposes of the lien reduction. He wished to use this diagram to explain the special circumstances of this case. Town Attorney Stuparich added that this argument was not made during that meeting. She recalled that there was a representative present then. She said that the property owner has the right to come before the Council to ask for a reduction. The Special Magistrate reviewed the facts that were presented by the Code Enforcement Officer and rendered his decision based on the written certification of lien. Once this lien is imposed, the code does allow for a process to show mitigating factors that the Special Magistrate would not take into consideration. Mr. Hartsell noted that his firm understood that this is under the discretion of the board. He asked for some relief from the fine. He stated that the owner had obtained a temporary permit for the shipping containers. He asserted that they did everything that they were asked to do. Mayor Allers asked if there was a copy of this permit and the site layout. Jeff Walker, a representative of the owner, stated that he managed the properties and applied for the temporary permit in 2023 for the shipping containers. He had originally put in the wrong location on the plan. Realizing his mistake, he contacted Associate Planner Kendra Rosa, e-mailing her the correction and reaching out multiple times to follow up on the status. He finally received a communication providing for approval. He had assumed that they were then allowed to put the containers in that new location. He never received a response that denied or rejected the updated place. Mayor Allers asked if he met with Community Development Director Frankie Kropacek. Mr. Walker responded that he had not. There was a follow-up question on communications with staff following the notice of violation. Mr. Hartsell replied that the violation came after the permitting process. FEMA had stated that these shipping containers had to be removed, as they were not secured to the ground. There was a second round of permitting. He asserted that this held up the hearings. After the last Special Magistrate Hearing, the permit was denied. The owner had paid around $600 in permit fees. He pointed out the need to move items and recover from the hurricane. The owner had a CO before Hurricane Ian.

Council Member Link requested that the representatives review the timeline in chronological order, beginning with the earliest event.

Mr. Hartsell provided that Surfside Casual was a yard furniture company. It was a small business, and the owners lived in Fort Myers Beach. The location is on Estero Boulevard. The owners applied for permits and restored the building. They obtained a CO, and five days later, the storm hit. They were out of business, due to the damage and destruction caused by the hurricane. On February 13, 2023, the temporary permit for the shipping containers was issued. In December 2023, they received a permit application for remodeling the store. Council Member Link asked what the owner had expected to do with the shipping containers. Mr. Hartsell replied that they had wished to secure inventory, as well as any supplies and materials that may be needed to rebuild the property. On March 26, the town issued a permit for the remodeling. Mr. Hartsell noted that there had been a request to place the containers on a platform. This particular permit was never issued. He believed that the setback was the main issue related to that denial. Mr.

Walker added that the design originally had the containers placed on helical piers. They would be above base flood elevation. The containers would be behind the building, as storage for inventory. They had intended to relocate them on the property. There was a permit application to move the shipping containers, as an attempt to obtain compliance, which is dated January 2025. There had been plans to decorate and cover them so that they would not be visually obstructive. This permit had been denied. The owners received an objection letter, which asked for more details about the setback from Lover's Lane. This information was then provided. After the hearing held on March 4, Senior Planner Jason Smalley sent the owner a letter stating that the containers would not be allowed. There was then a rushed effort to sell the containers and relocate the stored materials. He noted that this was done as quickly as possible. It took about two months to complete these tasks.

Council Member Link confirmed with Mr. Walker that he did not have an alternative location for these containers. Council Member McLean inquired about the notice of violation. Mr. Hartsell stated that some of the notices were not sent to the correct address, which caused a delay. Mr. Walker noted that this issue was not brought up in the Special Magistrate Hearing. Mr. Hartsell added that, during this session, the town had told the Special Magistrate that the applicant was working on the permit and that they are currently in review of the application. He asserted that the fees began to accrue after the denial of the permit. The applicant had to sell as quickly as possible, and Mr. Hartsell provided that the owner had lost around $11,000.00 from these sales. Council Member King requested additional information from staff on the mailed notice. Code Enforcement Officer Michael Hauserman reported that it was sent by certified mail in October. He does not currently have the recipient address. Town Attorney Stuparich recounted that town staff had been conducting an analysis on all temporary placement permits at that time. The notice of violation, which was sent in October, would provide the owner with 30 days to come into compliance and discuss with staff. After receiving no response, the revocation letter and notice of hearing went out. She explained that the Special Magistrate had imposed a deadline of March 1 for compliance. There was then another hearing in March. Council discussed the time period between the initial notice and the deadline for compliance. Code Enforcement Officer Hauserman provided that there were multiple continuances, from March to June and from June to August. The lien was finally assessed in September. Mayor Allers asked why the applicant did not move the containers after they were emptied. Mr. Walker stated that they were attempting to get rid of them. Mr. Hartsell added that they had also been going through the permitting process. Mayor Allers inquired if the applicant had attempted to find a second location, in case the application was denied. Mr. Walker provided that he had tried to find another area to store the containers but was unable to do so. Council Member Link asked if he had any evidence of these attempts. She requested additional information on the individuals or businesses he had contacted. Mr. Walker responded that he did not have physical evidence but stated that he did contact contractors and landscapers. Code Enforcement Officer Hauserman reminded members of the Town Council that this is not an appeal or rehearing. He recommended that they focus on the 65-day period between March 1, 2025, to May 5, 2025. Mr. Hartsell noted that his client is seeking any type of relief and emphasized that he is a small-business owner who is investing in the community. Town Attorney Stuparich referred Council to the criteria for lien reduction, which was also provided in the Town Manager's letter. Town Manager McKannay reviewed the elements and provided rationale for his decision. He noted that there were other code violations for this property, including one that has since come into compliance. Council Member King confirmed that there were two that are still outstanding. Mr. Hartsell added that they were not aware of any citations for those open cases. Mr. Walker provided that the issue around the mangroves has been investigated and that there had been a determination of no violation. Town Manager McKannay explained that they were still under investigation. Mayor Allers confirmed that there were no rulings by the Special Magistrate. He also inquired about any outstanding bills. Town Manager McKannay replied that there were some unpaid water bills for this property and another property that the applicant also owned. Mr. Hartsell notified the Council that the payments had been made this morning. He said that there had been a credit card issue, as automatic charges should have been made for these accounts. Mayor Allers asked who had requested the continuances. Code Enforcement Officer Michael Hauserman noted that the requests for extensions were given following discussions on work towards compliance. Mr. Walker recounted his attempts to come into compliance.

There was a question about when the containers were placed on the property. The estimated date was around March to April 2023. Council Member King asked if there were any other ongoing legal actions against the property owner. The only item that is currently pending is an administrative appeal that was issued to a neighbor. There was nothing specific to this property. Vice Mayor Safford asked if other properties were also receiving fines. Town Attorney Stuparich noted that there may be some similar cases and clarified that some properties may have received liens even when they timely obtained compliance, as a lien could be imposed for the administrative fee of $250.00. Code Enforcement Officer Michael Hauserman said that this was the standard fine amount for this type of violation.

Mayor Allers noted his involvement in this case since the beginning and recalled the conversations he had with staff for this property. He recounted that the staff had told him that they met with the applicant on two separate occasions. They had told him that they had focused on an educational approach. Mr. Hartsell said that he and the applicant spoke with Community Development Director Frankie Kropacek once. He does not recall the specifics of the conversation. Mayor Allers expressed his concerns about the amount of time that the applicant had to come into compliance, especially since other properties with similar violations had been able to timely do so.

Mr. Walker highlighted the fact that he did not receive the letters in a timely fashion, due to a mailing error. He acknowledged the miscommunication, which provided an incorrect location. He had assumed that the approval was based on the updated location, which he had e-mailed to staff. Mayor Allers stated that he understood these circumstances but added that the town had worked with the applicant for around two years on this issue. Mr. Hartsell asserted that they did not receive any communication on non-compliance.

The sole exception was a message that stated that FEMA would not allow these containers, unless they were attached to a platform. Mayor Allers stressed that the town had provided a permit based on a specific location. There were further conversations on the e-mail chain and the site plans provided. Mayor Allers voiced his inability to support any reductions, based on the opportunities that had existed in the timeline. Council Member Link voiced her agreement. Mr. Hartsell emphasized the continuances. Town Manager McKannay and Council Member Link stressed that an application for a permit does not guarantee an issued permit. Mr. Hartsell mentioned the difficulty in coming into compliance, as a demolition permit would also be needed. Council Member McLean provided that relocation of the containers would not require demolition. He also echoed the Town Manager's and

Council Member Link's remarks. Mr. Hartsell referred to a Supreme Court precedent that a permit cannot be revoked if a permit is issued and the owner makes concrete steps towards furtherance. Town Attorney Stuparich clarified that there also needed to be a showing that the reliance was done in good faith. She stated that the facts are disputed in this case. She noted that she could not agree with the particular concept that was presented. She reported that she and Town Clerk Baker have been examining the permit records and are in the process of finding documentation that may provide more information on the disputed facts. She requested additional time to complete this work. The Council recessed until 1:15 p.m.

Town Attorney Stuparich recommended that questions be restated, allowing Mr. Hartsell and the representative for Hamilton to respond. The town staff will also have the opportunity to respond. Mayor Allers asked if they had a copy of the original permit that shows the layout that was approved. Mr. Hartsell responded that the layout was not included in the permit but said that they had a copy of the plan from the e-mail thread. Mayor Allers stated that these types of permits generally would contain such information. Senior Planner Smalley explained that there were two site plans. The approval allowed for the placement of the containers in front of Sea Grape Plaza.

However, the property had to meet the provided requirements. The application for the permanent location referred to the layout with an assignment behind the building. The front area was only mentioned again in the most recent process, which was never completed. Town Manager McKannay clarified that there were no ETPs, only temporary use permits.

Council Member McLean asked if the applicant had believed that the new permit application meant that they would not need to come into compliance. Code Enforcement Manager, Michael Hauserman, provided that permit approval would be considered as progress. The applicants also could have removed the shipping containers. Mayor Allers remarked that they did not take steps towards what was outlined in the application for the permanent location. Mr. Walker responded that construction needed to take place before the containers could be moved. Senior Planner Smalley stated that he had provided a note explaining that the containers were not allowed, per the town's code, and outlined the next steps. He never received a response to this communication. Mr. Walker believed that he did not receive a clear explanation of the requirements. Mr. Smalley explained that the original contractor was notified. Mr. Walker asserted that he never received the message from the previous contractor. The Senior Planner reported that the job site copy, which contains a collection of documents that have been submitted and details the plans, was issued on February 28, 2023. The location specified that the shipping containers were to be placed in the rear of the building. Sometime between revocation and the initial permit, the containers were moved. There was a revocation letter sent in January 2025, and he pointed out that this violation was not based on the location. He cited Permit #231578. The scope of work listed two 40-foot storage trailers. Town Attorney Stuparich verified that these records came from the town's IWorQ system. Mr. Smalley explained that this was a permit for temporary use. Mayor Allers asked if the description provided for trailers or containers, noting that there was a difference. Mr. Smalley confirmed that it was the former and reminded Council that there may be language deviations, as individuals with non-technical backgrounds may be putting information into the system. Town Attorney Stuparich provided that it is the burden of the owner to notify the town that the property has come into compliance. The town would then review the property and issue an affidavit of compliance or an affidavit of non-compliance. She clarified that the non-compliance period fell between March 1 and May 5, even though the final hearing was in September. Mayor Allers highlighted these 65 days and the lack of compliance within this period. Mr. Hartsell reiterated the applicant's efforts during that time. There were further conversations about the work done during and before this period. Mayor Allers expressed his disagreement with the applicant's statements that the town staff did not work with them, noting his inability to support reduction.

Vice Mayor Safford inquired about the notice of the daily fine. Code Enforcement Officer Hauserman responded that the applicant would have known about these fines at the January hearing and again at the March hearing. Mr. Hartsell acknowledged that there were mistakes that occurred on both sides and sought relief from an equity perspective. Vice Mayor Safford said that he understood the frustrations of shipping containers placed in that area of the island. Council Member King expressed his concerns about applying the justification of Hurricane Ian to a period of non-compliance in 2025. Council Member McLean commented that he did not see any real activity to come into compliance during the time in question. He provided that other property owners knew that these containers were not allowed and had acted accordingly.

Mayor Allers moved to deny the request to relieve any of the $16,500.00 fine to $0.00, as requested by the applicant, Himmelstein Associations, LLC., and counsel, seconded by Council Member King.

The motion carried unanimously by roll call vote.

XIV. FINAL PUBLIC COMMENT

None

XV. TOWN MANAGER'S ITEMS

Town Manager McKannay announced the upcoming Recovery and Resilience Plan Town Hall on June 18, 2026. He emphasized its importance for community members, property owners, and business owners. Town Attorney Stuparich asked for an update to the report deadline. Town Manager McKannay responded that he would reach out and get a new date. He reported that he, Deputy Town Manager Traci Kohler, and a few directors had attended the FCCMA (Florida City and County Managers Association) Conference. He stated that this was a tremendous opportunity for them to network and discuss with peers, learn about recent statutes and successes from other towns, and receive information briefings. He highlighted the update on property tax relief. The Florida League of Cities and FFCMA will both speak on behalf of the towns and ensure that their concerns are presented at the state level. He predicted that there would be an impact if the legislation is passed in full, as proposed by the Governor. He expects around a $300,000.00 reduction in revenue. He stated that this would impact the services the town provides on a daily basis. If this process does move forward, the issue will be placed on the ballot in November. He encouraged all to pay attention to this ongoing process and to carefully review the legislation. He pointed to the possible impacts on Lee County. Council Member Link inquired how the town might make up for the lost revenue. Town Manager McKannay provided that these plans will be determined at a future time. He and Mayor Allers noted that the effective date, as the legislation is currently written, would be in 2027. There will also be a progressive increase. Town Manager McKannay reminded the Town Council that the language could be changed in the meantime.

Town Manager McKannay stated that the beach school planning process has moved forward. He is continuing work with the Town Attorney on the draft ILA that was sent to them. He reported that the Education Freedom Foundation has graciously offered to donate their services to the town. The estimated value is about $18,000.00. He is requesting consensus from the Council to accept this donation. Town Attorney Stuparich informed the body of the newly adopted donations policy, which would require them to act on any donations above $10,000.00. She noted that there were criteria for consideration and verified with the Town Manager that there was no adverse impact on the town of Fort Myers Beach. He added that this organization has assisted many other communities and that this support would be helpful for the island. All members of Council voiced their consent. Town Manager McKannay presented that he and Deputy Town Manager, Traci Kohler, will meet with the leaders of the Bokeh Grand Charter School.

He thanked Lee County's Sheriff's Office for their work on the previous holiday and throughout this week for the last day of school. He recognized their support and their ability to go above and beyond what is typically asked of them. He also expressed his appreciation to Lee County and their contractors for their progress on Crescent Park.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Stuparich reminded members of the notice provided by the Florida Commission on Ethics, which was sent out today. The Form 1 deadline is July 1, 2026. Mayor Allers thanked the Town Attorney for the reminder.

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Council Member McLean reported that he will be meeting with Town Attorney Stuparich and Town Clerk Baker regarding the Advisory Committees handbook. He hopes to bring this item forward to the Council soon.

Council Member Link announced that she will be seeking re-election and has filled out Form 1.

Vice Mayor Safford requested permission to virtually attend the Town Council meeting on June 15, 2026. There were no objections.

Council Member King thanked and recognized Representative Botana, highlighting his lobbying work on behalf of the town at the state level. He also expressed his gratitude to TPI, Mari and Tom Torgerson, and Dawn and Brian Thomas for their coordination. He announced the continuing vacancy on the Lee County Metropolitan Planning Organization's Citizen Advisory Committee. He provided a brief description of the role. He invited those interested to send an application to Town Clerk Baker.

Mayor Allers inquired about upcoming recycling events. Town Manager McKannay believes that one event has been scheduled during August. Council Member Link asked if medications could be disposed of then. The Town Manager noted that he would follow up. He mentioned that pharmacies typically provide ways to safely discard these types of waste. Mayor Allers requested that staff report on the allocated funding from the parking fee increase. He noted its potential use to offset costs related to the charter school. Council Member King recalled that around $100,000.00 was held in that fund. He provided that there were discussions at that time about reallocation to the school. Council Member Link offered that such funds could also be used to assist with the application itself.

Council Member King announced that, following the Management & Planning Session, he will be participating in some work with the Florida League of Cities Board of Directors.

XVIII. ADJOURNMENT

Council Member King moved to adjourn. The meeting was adjourned at 2:03 p.m.

Minutes adopted as presented August 3, 2026. Motion by Council Member King and seconded by Council Member Link.

Passed 5-0

Amy Baker (Aug 4, 2026 13:17:11 EDT)

Amy Baker, Town Clerk

Town Council - June 1, 2026 Minutes - Final for Signature

Final Audit Report 2026-08-04

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