



## MINUTES

**FORT MYERS BEACH TOWN COUNCIL  
TOWN HALL – COUNCIL CHAMBERS  
2523 ESTERO BOULEVARD  
FORT MYERS BEACH, FLORIDA 33931**

**AGENDA**

**September 21, 2009**

**5:30 PM**

**I. CALL TO ORDER**

Mayor Kiker called the meeting to order at 7:55 PM. Present with Mayor Kiker was Vice Mayor Acken, Council members Babcock and List with Councilmember Raymond participating via conference phone. Also present was Interim Town Manager Jack Green, Town Attorney Anne Dalton and Town Clerk Michelle Mayher.

**MOTION:** Councilmember Babcock made a motion to allow Councilmember Raymond to participate in the meeting by conference phone due to health reasons with a second by Councilmember List.

**VOTE:** Motion passed 4 to 0

**II. PUBLIC COMMENT**

**Public Comment Opened  
No Public Comment  
Public Comment Closed**

**III. CONSENT AGENDA**

- A. Adoption of Minutes: July 21, 2009
- B. Adoption of Minutes: July 22, 2009
- C. Adoption of Minutes: August 17<sup>th</sup>, 2009
- D. Adoption of Minutes: August 19<sup>th</sup>, 2009
- E. Setting of Hearing Date for PWSI Rate Adjustment
- F. Request for Waiver of Open Alcohol Container in Designated Areas for Pirate Festival and Sandsculpting Festival

**Public Comment Opened**  
**No Public Comment**  
**Public Comment Closed**

**MOTION:** Councilmember List moved to approve the Consent Agenda with some corrections and specific dates set for the hearing. Attorney Dalton indicated the hearing date set for November 16, 2009 at 6:30PM. Corrections were noted for meeting of July 22, 2009. Councilmember Babcock seconded the motion.

**VOTE:** Motion passed 5 to 0

**IV. PUBLIC HEARINGS**

A. Resolution 09-27, Final Public Hearing to Adopt Millage for FY 2010

**Hearing Opened at 7:58 PM**

Attorney Dalton read the resolution title:

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RESOLUTION NUMBER 09-27. A RESOLUTION TO ADOPT AND LEVY AD VALOREM TAXES WITHIN THE CORPORATE LIMITS OF THE TOWN OF FORT MYERS BEACH, FLORIDA FOR TAX YEAR 2009-2010 IN THE AMOUNT OF \_\_\_\_\_ MILLS (\_\_\_\_\_ PER \$1,000.00) BASED ON THE ASSESSED VALUE OF NON-EXEMPT REAL AND PERSONAL PROPERTY LOCATED WITHIN THE TOWN LIMITS; PROVIDING AUTHORITY; LEVY OF AD VALOREM TAXES; PROVIDING MANNER OF ASSESSMENT AND COLLECTION; PROVIDING AN EFFECTIVE DATE.**

Interim Town Manager Jack Green provided an overview for Council and stated the Hearing was to finalize the mill rate.

**Public Comment Opened**

- **Evelyn May** came to speak regarding the mill rate of the Fire Department. Ms. May was advised the Fire Department was its own entity and the Town had no control over their decisions.
- **Mark Ludvigsen** gave his opinion on the actions of the Town over the past several years. He noted the simple needs of the island verses the numerous agenda items, the importance of a working water system over the Mound House or a Building Department.

**Public Comment Closed**

Councilmember Babcock asked for a breakdown of the \$490,000.00 the Town

would receive from the County for Bay Oaks. Mr. Green indicated the County would retain \$90,000.00 to go toward the roof repairs, \$100,000.00 would be allocated to the General Fund and \$300,000.00 would be set aside as special reserves for Bay Oaks.

Councilmember Babcock felt the mill rate would set the Town up for serious problems next year.

**MOTION:** Councilmember List made a motion to approve Resolution 09-27, Adopting levying ad valorem taxes for the Town of Fort Myers Beach for the tax year of 2010 in the amount of .8187 mills, that is 0.8187 dollars per \$1,000.00 and in Section 1. the amount of .8187 mills which is .8187 dollars per \$1,000.00 with a second by Councilmember Raymond.

**VOTE:** Motion passed 4 to 1 with Councilmember Babcock dissenting.

**Hearing Closed at 8:20 PM**

B. Resolution 09-28, Final Public Hearing to Adopt Budget for FY 2010

**Hearing Opened at 8:20 PM**

Resolution title read by Attorney Dalton:

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA. RESOLUTION NUMBER 09-28  
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING THE FINAL TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2009-2010, PROVIDING THE AUTHORITY; TOWN MANAGER'S RESPONSIBILITY; FINAL BUDGET; PUBLIC HEARING; CONSISTENCY WITH THE TOWN COMPREHENSIVE PLAN; ADOPTION; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.**

Interim Town Manager Green stated the total budget was \$23,899,489.00 taking into account all revenues and expenditures.

**Public Comment Opened**

**No Public Comment**

**Public Comment Closed**

**MOTION:** Councilmember List made a motion to approve Resolution of the Town Council of Fort Myers Beach, Florida, Resolution Number 09-28 adopting The Town Capital Operating Budget for Fiscal Year 2010 finding it was consistent with the Town's Comprehensive Plan in the amount of \$23,899,489.00 for Fiscal Year 2009-2010; Section 3. sets forth the revenue estimates in the amount of \$23,899,489.00 with a second by Councilmember Raymond.

VOTE: Motion passed 5 to 0

**Closed Hearing at 8:28 PM**

**V. ADMINISTRATIVE AGENDA**

A. Resolution 09-29, Emergency Reserves

Resolution title read by Attorney Dalton:

**RESOLUTION NUMBER 09-29, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA IMPLEMENTING THE PROVISIONS OF ORDINANCE 08-13, KNOWN AS THE TOWN OF FORT MYERS BEACH EMERGENCY PREPAREDNESS FUND ACCESS ORDINANCE, FOR FISCAL YEAR 2010 AND PROVIDING AN EFFECTIVE DATE.**

Interim Town Manager indicated the Emergency Preparedness Reserve is \$520,750.00 and the resolution sets out the conditions on which the money could be used.

**Public Comment Opened**

**No Public Comment**

**Public Comment Closed**

**MOTION:** Councilmember Babcock made a motion to approve resolution 09-29 adopting the Town of Fort Myers Beach Emergency Reserves Fund with the the amount in Section 2. being \$520,750.00 and in Section 3. \$250,000.00, with a second by Councilmember List.

VOTE: Motion passed 5 to 0

**VI. TOWN MANAGER'S ITEMS**

A. Update on Beach Renourishment

Jack Green indicated there was continued contact being made with property owners. Mr. Green also told Council he walked the beach on the north end of the island between Pink Shell and Bowditch and noted it was in serious condition.

B. Update on North Estero Project

Mr. Green indicated the road had been staked and a public meeting was set for the evening of September 24, 2009 to inform residents of current and future development and noted the project would start at the north end and work south.

Interim Public Works Director Cathie Lewis addressed Council informing them that the installation of the water lines would begin first on the Gulf side from north to south and then begin on the bay side from north to south with completion near early December.

C. Update on Bay Oaks Recreation Campus

Mr. Green reported great progress at the pool and encouraged Council to visit the area and see the changes. Training on ball field maintenance had begun and an open house was planned for Saturday October 3<sup>rd</sup>, 2009. Mr. Green also noted the ad hoc committee led by Dennis Weimer would begin working on the 5 year plan.

D. Update on Estero Boulevard Pavement Project

Mr. Green credited the Mayor and Council with getting the attention of the County Commissioners regarding the condition of Estero Boulevard and reported the County had \$370,000.00 left in their paving budget which would be spent on Estero Boulevard.

Mr. Green also advised Council that Bill Peebles would be at Town Hall November 2, 2009, also with the future opening of Mound House, Newton Park and Bay Oaks the staff would begin looking at fund raising possibilities.

Mr. Green reported he had received a request from Sharon Harrington regarding early voting and whether the Town wanted to be a part of early voting. Mr. Green advised that this expense was not budgeted and Council unanimously opposed early voting.

Mayor Kiker asked Mr. Green to comment on work at the Newton property. Mr. Green stated Maddox Construction was on site, the property was fenced in for safety purposes and the Town was still waiting for the State to respond regarding the Cottage.

**VII. TOWN ATTORNEY'S ITEMS**

Attorney Dalton stated the petition was complete and ready for Council to review.

**VIII. COUNCIL MEMBERS ITEMS AND REPORTS**

Councilmember Raymond thanked Council for allowing him to participate via conference phone and noted that whether the members agreed or disagreed the conversations made him think.

Councilmember List reported that she was teaching a Civics class at the beach school and invited all members of Council to join her for a class on Tuesday mornings through October.

Vice Mayor Acken reminded Council about the wounded soldiers coming to the island soon and stated donations of goods and services were welcome.

**IX. PUBLIC COMMENT**

**Public Comment Opened**

- **Mark Ludvigsen** voiced his opinion on the Town putting in a bike path and doing it right and completing the project.

**Public Comment Closed**

**X. AGENDA MANAGEMENT**

Mayor Kiker discussed a meeting with LPA noting communication between LPA and Council was a big topic as well as the suggestion of opening up a new system to all committees ensuring better communication between all committees and Council.

Mr. Green reported a new document would be designed for agenda management providing a better work flow for Council and committees.

A decision was made to cancel the M & P Meeting for Wednesday, September 23.

**XI. RECAP OF AGENDA ACTION ITEMS**

- Extend offer to Fire Department and Library to hold their meetings for broadcast in Council Chambers.
- Check on trolley shelters
- Talk with Mr. Peebles about Bob Ronig
- Update on agenda management
- File Petition with Town Clerk on Hearing for Water Utilities

**XII. ADJOURNMENT**

**MOTION:** Councilmember List made a motion to adjourn with a second by Vice Mayor Acken.

**VOTE:** Motion passed 5 to 0

**Meeting adjourned at 9:21 PM**

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

\_\_\_\_\_  
Michelle D. Mayher, Town Clerk

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