



MINUTES

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

**CONTINUATION OF TOWN COUNCIL MEETING
Of August 17, 2009**

AGENDA

August 19, 2009

8:00 AM

I. RECONVENE / CALL TO ORDER

Mayor Kiker called meeting to order at 8:10AM.

II. PLEDGE OF ALLEGIANCE

Pledge of Allegiance recited by all.

III. ADMINISTRATIVE AGENDA

A. Bay Oaks BOCC Interlocal Agreement

Interim Town Manager Jack Green spoke regarding his conversation with the Interim County Manager and Attorney Dalton's conversation with the County Attorney. Mr. Green directed Council to the agreement marked DRAFT 081809 Section Three.

Section A. remained the same in regards to inventory.

Section B. The survey had been done.

Section C. Regarding the warranty deed, there are no restrictions, it is a clean deed.

Section D. Staffing support to be provided to the Town between October 1, 2009 and October 31, 2009 at no cost to the Town. In addition upon the Town's request, the County will provide staffing support to the Town for this facility between November 1, 2009 and December 31, 2009 at a cost to be negotiated between the parties.

Section E. Total of \$490,000.00 with no restrictions.

Section F. If structural report agrees with roof repairs, County would hold in

escrow \$90,000.00 to pay contractor for roof repairs to main facility and two out buildings with any remaining monies to be released to the Town.

Section G. County will perform and complete structural repairs.

Mr. Green felt the Town was better served with the facility under the Town's control and recommended the Town move forward with the interlocal.

Vice Mayor Acken stated his continued concern with taking on Bay Oaks, his concerns with the roof, with building reserves for the facility and the financial liability.

Councilmember Babcock complimented Mr.Green on his handling of the interlocal and then shared his concerns with the inventory list and discussed his thoughts on the \$490,000.00 in unrestricted funds.

Mayor Kiker requested a breakdown on paper of the funds to be received and where they will be allocated, as well as the need for a five year projection for the facility.

Councilmember List asked how many years Council felt the County was responsible for in reimbursing the Town for Bay Oaks and voiced her opinion and desire to complete this transaction with the County to provide for those who use the facility.

Councilmember Raymond credited staff with negotiating on the interlocal and felt Council needed to move forward on what they have now and definitely work on a five year plan.

Council discussed the options, pro and con about approving the interlocal and what the options were if there were issues with the structural engineers decision on the roof.

Councilmember Babcock queried Attorney Dalton about any pertinent information regarding the school district's interlocal. Attorney Dalton indicated the main issue was the responsibility of maintaining the playground equipment and she was awaiting word from the school district on this matter.

Attorney Dalton stated the Interim County Manager would put the Bay Oaks Interlocal on the BOCC calendar for two weeks from this meetings date if the Town approved the interlocal and returned it to the County.

Councilman Babcock spoke regarding the tennis courts and ball fields and the responsibility of maintaining those properties. He was interested in acquiring a 99 year lease from the school district similar to Sanibel's contract.

Mayor Kiker felt the Council was not ready to move forward and Vice Mayor Acken felt there was no desire for obtaining funds for running the facility.

Discussion continued regarding funding, a five year plan, the Town's responsibilities and the usage of the facility. Councilman Babcock wanted to see a joint meeting between the Town and the BOCC, with staff indicating the difficulties in scheduling such a meeting.

Recess 9:43 AM

Reconvene 10:00 AM

Interim Town Manager Jack Green stated his desire for additional information from Council if this interlocal was not what the Council wanted. Discussion continued on the Town's options.

Mayor Kiker stated he was willing to support the document and move forward. Vice Mayor Acken requested putting wording back into the document about the usage of the property.

Councilmember Raymond was happy with the document and was willing to move forward.

Councilmember Babcock would support the interlocal however was eager to hear additional information on the structural engineer, and have the issues worked out with the school district.

MOTION: Councilmember Babcock made a motion to delay until September 9, 2009 the final decision. Motion failed for lack of a second.

MOTION: Mayor Kiker made a motion to move the document forward contingent upon the Town acceptance of the final inspection report, with a second by Councilmember List.

Public Comment Opened

No Public Comment

Public Comment Closed

Councilmember Babcock stated he would like to see the issue go forward unanimously. Councilmember List wanted to see the Council and Town to forward in a positive fashion.

VOTE: Motion passed 4 to 1 with Vice Mayor Acken dissenting.

Council in the next two weeks would like to see the results of the engineer's findings, have the Ad Hoc Committee work on a five year plan and continue to gain information regarding the inventory of the facility.

Attorney Dalton requested a mission statement from the Council with Councilmember List taking on that issue.

B. Bay Oaks School District Interlocal Agreement

Attorney Dalton read through the document, looking to the Council for direction.

Councilmember Babcock stated his desire for a 99 year lease with the school district for the tennis courts and the remainder of the ball fields

the Town does not currently own, similar to the City of Sanibel's contract.

A discussion of the playground and ball fields, liability insurance and property inspections in sued along with whether there was a need for a title report.

IV. MANAGER'S ITEMS

A. Update on Lee County Utilities Matanzas Pass Crossing
Interim Town Manager Green indicated the subsurface work was being done across the channel with the water line by Kraft Construction and the top of First Street would be closed during the tie in.

Interim Public Works Direction Cathie Lewis presented Council with the progress and the need for closing First Street as well as the tie in being done at night. Kraft Construction would be notifying people in the area of the evening work to be done.

Mayor Kiker asked about the valve replacement progress, with Miss Lewis indicating the first phase had just been completed.

V. ADJOURNMENT

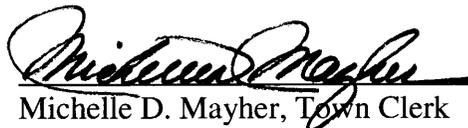
MOTION: Councilmember List moved to adjourn with a second by Councilmember Babcock.

VOTE: Motion passed 5 to 0

Meeting adjourned at 10:58 AM

Adopted 9-21-09 With/~~Without~~ changes. Motion by List/Babcock

Vote: 5-0


Michelle D. Mayher, Town Clerk

- End of document.