



MINUTES

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

AGENDA

September 9, 2009

6:30 PM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 8:05 PM. Present with Mayor Kiker was Vice Mayor Acken and Councilmember List, Town Manager Jack Green, Town Attorney Anne Dalton, and Town Clerk Michelle Mayher. Council members Babcock and Raymond requested to participate by phone.

II. PUBLIC COMMENT
Public Comment Opened
No Public Comment
Public Comment Closed

MOTION: Motion made by Vice Mayor Acken to allow Council members Babcock and Raymond to participate by phone with a second by Councilmember List.

VOTE: Motion passed 3 to 0

III. CONSENT AGENDA

- A. Adoption of Minutes: August 10th, 2009
- B. Letter of Support: Lee County Climate Showcase Communities Grant Application

MOTION: Motion was made by Councilmember List to approve the Consent Agenda with one correction to the minutes, page 7 of 12, spelling correction of aesthetics and that the County's Climate Showcase Grant does not come with any financial obligation with a second by Vice Mayor Acken.

VOTE: Motion passed 5 to 0

IV. PUBLIC HEARING

A. Resolution 09-25, First Public Hearing to Adopt Millage for FY 2010
Interim Town Manager Green gave overview of the Resolution 09-25 with adoption of .8670 mills recommended.

Public Comment Opened

No Public Comment

Public Comment Closed

Attorney Dalton read the resolution:

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION 09-25.

A RESOLUTION TO ADOPT AND LEVY AD VALOREM TAXES WITHIN THE CORPORATE LIMITS OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA FOR THE TAX YEAR 2010, IN THE TENTATIVE AMOUNT OF .8670 MILLS (\$0.8670 PER \$1,000) BASED UPON 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.

Councilmember Raymond did not want to go any higher than the rollback rate.

Councilmember List stated she had been talking with residents up and down the beach regarding the issue but noted she was not convinced to raise the millage rate.

Councilmember Babcock sought to set the millage rate at .8670.

Vice Mayor Acken questioned council on going lower than .8670 and how they intended on building up reserves.

Mayor Kiker asked for the difference of .8670 and .8187 with Mr. Green indicating it was \$180,000.00. \$140,000.00 to be used for Bay Oaks and the remaining funds to be allocated to a solid waste transfer station on Oak Street.

Mayor Kiker felt the millage rate should be left at .8187.

Vice Mayor Acken discussed his concerns with future revenue sources, property values and reserves.

Discussion continued by all council members with their thoughts on the appropriate millage rate, revenue, reserves, future economic developments and property values.

Public Comment Opened

No Public Comment

Public Comment Closed

MOTION: Councilmember Raymond made a motion to set the millage rate at .8187. Interim Town Manager Green read from Section 2. Adoption of Tentative Ad Valorem Millage Rate. The Town Council does hereby adopt the tentative ad valorem operating millage rate for tax year 2010 at .8187 Mills, which is \$0.8187 for each \$1,000 of assessed valuation, less exemptions. The levy of an annual tax for said year is tentatively made. This tentative operating millage rate is equal to the rolled-back rate. A second was made by Councilmember List.

The motion was amended to include the next hearing date to September 21, 2009 at 6:30 PM, with approval from Councilmember List.

Vice Mayor Acken and Councilmember Babcock voiced their disapproval with this motion.

VOTE: Motion passed 3 to 2 with Vice Mayor Acken and Councilmember Babcock dissenting.

Hearing Closed at 9:28 PM

- B. Resolution 09-26, First Public Hearing to Adopt Budget for FY2010
Mayor Kiker opened First Public Hearing to Adopt Budget for the Town of Fort Myers Beach at 9:29 PM.

Attorney Dalton read the resolution: **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 09-26**

A RESOLUTION ADOPTING THE TENTATIVE TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2010, PROVIDING AUTHORITY; TOWN MANAGER'S RESPONSIBILITY; TENTATIVE BUDGET, PUBLIC HEARING; CONSISTENCY WITH TOWN COMPREHENSIVE PLAN; ADOPTION; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

Public Comment Opened

No Public Comment

Public Comment Closed

- Rochelle Kay spoke as a representative of the LPA and noted concern regarding the public bathrooms at the beach accesses regarding the cost, maintenance and safety.

Interim Town Manager Jack Green presented Council with the total budget (\$24,080,099.00) breakdown, Capital Project Funds \$7,782,126.00, Special Revenue Fund \$7,836,772.00 and General Fund \$8,461,201.00. With changes due to the Ad Valorem .8187, the new budget would be \$23,899.489.

Public Comment Opened

No Public Comment

Public Comment Closed

Councilmember Raymond stated he would like to see the budget left the way it was.

Vice Mayor Acken voiced his concerns for staff being able to implement the budget.

Councilmember Babcock again noted his frustrations with the millage rate and budget.

MOTION: Councilmember Raymond made a motion to approve the budget at \$23,899.489, page 2 revenue estimates in the amount of \$23,899.489 and setting the final budget hearing for September 21, 2009 at 6:30 PM with a second by Councilmember List.

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

MOTION: A motion was made by Councilmember List to close the hearing with a second by Councilmember Raymond.

VOTE: Motion passed 5 to 0

Hearing closed at 9:45 PM

V. ADMINISTRATIVE AGENDA

A. Bay Oaks – Lee County School District Interlocal Agreement

Interim Town Manager Jack Green requested this item be pulled from the Agenda as there had been more communication with the school district which had not been included in the packet. Mr. Green had a meeting with the School District’s attorney to come and walk the grounds to give her a better understanding of the property.

Public Comment Opened
No Public Comment
Public Comment Closed

B. Bay Oaks – BOCC Interlocal Agreement

Interim Town Manager Green stated the BOCC had approved the Interlocal with a 5 to 0 vote, and that this was the same Interlocal the Council had approved contingent upon the report regarding the roof repairs, which came back favorable. Staff was looking for the approval from Council to approve the Interlocal Agreement with Lee County for transfer of the Bay Oaks Recreational Center to the Town of Fort Myers Beach.

Public Comment Opened
No Public Comment
Public Comment Closed

Councilmember List stated she felt if the Town had not taken over Bay Oaks she was sure that it would have closed. Councilmember List thanked staff for all their hard work, as did Council members Raymond and Babcock.

Vice Mayor Acken voiced his support for Bay Oaks but continued to feel that the Town would have been better off if the County would have continued to run Bay Oaks.

MOTION: Councilmember List made a motion to approve the Interlocal Agreement with Lee County for transfer of the Bay Oaks Recreation Center to the Town of Fort Myers Beach with a second by Councilmember Babcock.

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

C. Approval of Lee County Animal Service Interlocal

Interim Town Manager stated the Interlocal needed to be passed to continue to supply animal control services to the Town of Fort Myers Beach. Mr. Green noted that the Town did not have the facilities to provide those services and the Town had traditionally purchased the services from Lee County. Services would cost the Town \$66,000.00 for the year, up from \$48,000.00 however, less than the \$116,000.00 the County had planned charging.

VOTE: Approval 5 to 0

VI. TOWN MANAGER'S ITEMS

A. Update on Beach Nourishment

Interim Town Manager Green brought Council up to date and noted 52.13% had now signed easements.

B. Update on North Estero Project

Mr. Green stated a meeting had been held with the contractor and all utilities that would be affected by the project.

C. Adoption of FY 2010 Town Council Meeting Schedule

Mr. Green presented Council with the proposed Council Schedule

D. Discussion regarding Bay Oaks Advisory Committee

Mr. Green stated the County would be sun setting the advisory committee ordinance so the Town would need to enlist their own committee, utilizing the present committee as an ad hoc committee for the time being.

VII. TOWN ATTORNEY'S ITEMS

Attorney Dalton had no items.

VIII. COUNCIL MEMBERS ITEMS AND REPORTS

Councilmember Raymond asked if there was a volunteer appreciation dinner planned, with Town Clerk Michelle Mayher noting it was October 22nd at Diamondhead.

Councilmember List stated she had been working with Principal Wood on ideas to get children more involved with local government. Using materials from the Florida League of Cities she is now teaching a Civics class at Beach Elementary.

Vice Mayor Acken noted the Art Under the Stars would be happening Saturday, September 19th at the Mango Street Inn from 7 to 10 PM, as well Oct. 10th and 11th Pink Shell will be providing rooms for wounded soldiers and were looking for other businesses to provide goods and services for the soldiers as well as monetary donations.

Mayor Kiker reported on the meetings he and Jack Green had with BOCC.

IX. PUBLIC COMMENT

Opened Public Comment

No Public Comment

Closed Public Comment

X. AGENDA MANAGEMENT

XI. RECAP OF ACTION ITEMS

- A review of Q-3
- Look into DRA and place on Agenda Management

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 10:40 PM

Adopted 10-5-09 With/Without changes. Motion by List / Babcock

Vote: 5-0


Michelle D. Mayher, Town Clerk

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