



MINUTES
FORT MYERS BEACH TOWN COUNCIL
Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

TOWN COUNCIL MEETING
6:30 PM

January 23, 2008

CALL TO ORDER

Mayor Boback called to order the meeting of the Town Council at 6:35 PM. Present was Mayor Boback, Vice Mayor Kiker, Council Member Acken, Councilmember Shenko, Councilmember Meador, Town Manager David Sallee, Town Attorney Anne Dalton, Town Clerk Michelle Mayher, Community Development Director Jerry Murphy and Public Works Director Jack Green.

PLEDGE OF ALLEGIANCE

All stood and recited the pledge of allegiance.

PUBLIC COMMENT:

Opened Public Comment:

Public Comment was heard:

- Mark Himelick said he would like the speed limit reduced, and commented on seeing trolleys empty.
- Sharon Eldred said that crosswalks can be dangerous.

Closed Public Comment

CONSENT AGENDA:

Approval of Minutes: December 20, 2007; January 7, 2008; January 9, 2008

MOTION: Councilmember Shenko moved to approve the consent agenda with the request that the date be added. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0.

ADVISORY COMMITTEE ITEMS AND REPORTS

A. Bay Oaks Advisory Committee Nominee – Rick Loughrey

MOTION: Vice Mayor Kiker moved to accept the nomination. Councilmember Shenko seconded the motion.

VOTE: Motion passed 5-0.

B. Bay Oaks Advisory Committee Nominee – Willis C. Beared

MOTION: Vice Mayor Kiker moved to accept the nomination. Councilmember Shenko seconded the motion.

VOTE: Motion passed 5-0.

C. Traffic Mitigation Agency Nominee – Laura Jibben

MOTION: Vice Mayor Kiker moved to accept the nomination. Councilmember Shenko seconded the motion.

VOTE: Motion passed 5-0.

Council consented to Mayor Boback's request to take a matter out of order, and next hear the Public Hearing on the municipal speed limit.

PUBLIC HEARINGS:

C. Public Hearing, Ordinance 08-01A, 08-01B, Municipal Speed Limit

Attorney Dalton read the title:

ORDINANCE 08-01

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH MUNICIPAL SPEED LIMIT ORDINANCE; PROVIDING AUTHORITY; DEFINITIONS; SEVERABILITY; CONFLICTS, EFFECTIVE DATE.

Opened Public Comment

Public Comment was heard:

- Henry Turgeon asked the Council to enact and enforce a lower speed limit.
- Don Rollins said it is important to cut back the speed limit.
- Gary Young spoke to the dangerous conditions of narrow and poorly lit streets.
- James Houser stated that awareness is important and encouraged stop signs.
- Carol Loffreno said the stop sign is obscured by shrubbery.
- Dan Santomero spoke to the need for a more visible stop sign, and reduced speed.
- Isabelle Wells spoke to the need for 20 mph speed limit and stop signs at Lagoon & Buccaneer.
- Town Clerk Michelle Mayher read a letter submitted by Linda Sue Chrisien, encouraging lower speed limit.

Closed Public Comment

Mayor Boback requested an agenda item to establish a policy regarding reading letters as public comment.

Captain Matt Powell, Lee County Sheriff's Office, indicated that he was at the meeting to provide the opinion of the LCSO, and introduced Lieutenant Jim Dryzmalla, who is the commander of the traffic unit. Lt. Dryzmalla encouraged proper installation of traffic control devices to better aid enforcement, and referenced Florida statutes that govern municipal speed limits and the guidelines required. Public Works Director Jack Green stated that he had worked with Lee County Traffic Engineer, Harry Campbell and is confident that what has been done regarding a traffic study is adequate for enforceability.

Fort Myers Beach Fire Control District Chief Mike Becker indicated his support of the proposed measure.

MOTION: Councilmember Shenko made a motion for all streets in Laguna Shores be at a speed limit of 20 miles per hour in accordance with Jack Green's report, and a three way stop sign be placed at Buccaneer and Lagoon. Vice Mayor Kiker seconded the motion.

AMEND: Motion was amended to remove reference to the placement of a stop sign, and to add that the ordinance will take effect in fifteen days.

Discussion included reference to the focus should be for island-wide, not specifically Laguna Shores. Public Works Director Jack Green indicated that the request is that the ordinance only be applicable to Laguna Shores at this time.

VOTE: Motion passed 5-0.

MOTION: Councilmember Shenko made a motion to install a stop sign on the 3-way intersection of Buccaneer north and south, and Lagoon Road west. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 4-1, with Councilmember Acken dissenting.

MOTION: Councilmember Meador moved to have a proposal for a 20 mph speed limit island-wide at the next regularly scheduled town council meeting, and a report from public works and DOT as to a sampling study in support of the lower speed limit. Vice Mayor Kiker seconded the motion.

Town Manager David Sallee said he could bring this to council at the February 19, 2008 meeting.

VOTE: Motion passed 3-2, with Councilmember Acken and Vice Mayor Kiker dissenting.

A. Continuation of Public Hearing, Ordinance 07-08, Advisory Committee Membership

Attorney Dalton read the title.

ORDINANCE 07-08

AN ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS OF THE ANCHORAGE ADVISORY COMMITTEE, CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD, COMMUNITY RESOURCE ADVISORY BOARD, MARINE RESOURCE TASK FORCE, TIMES SQUARE ADVISORY BOARD, AND TRAFFIC MITIGATION AGENCY, PROVIDING AUTHORITY; SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE

Opened Public Comment

None

Closed Public Comment

MOTION: Vice Mayor Kiker moved to table 07-08 indefinitely. Councilmember Acken seconded the motion.

VOTE: Motion failed, 3-2, with Mayor Boback, Councilmember Shenko and Councilmember Meador dissenting.

MOTION: Councilmember Meador moved to adopt ordinance 07-08. Councilmember Shenko seconded the motion.

VOTE: Motion passed 4-1, with Vice Mayor Kiker dissenting.

B. Second Public Hearing, Ordinance 07-09, Amendment to LDC, LPA Membership and Appointment

Attorney Dalton read the title:

ORDINANCE 07-09

AN ORDINANCE AMENDING CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY, AMENDMENTS TO SECTIONS 34.113 AND 34.114, DIVISION 3 LOCAL PLANNING AGENCY, ARTICLE II ZONING PROCEDURES, WHICH ARE TITLED, RESPECTIVELY, "COMPOSITION, AND VACANCIES", PROVIDING FOR CHANGE IN DATE OF APPLICATION FOR LPA MEMBERSHIP, CHANGE IN THE DATE OF APPOINTMENT TO THE LPA AND CHANGE IN THE TERMS OF LPA MEMBERS; SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE.

Opened Public Comment

None

Closed Public Comment

Local Planning Agency member Evie Barnes was present in lieu of the Chair, Tom Babcock. Ms. Barnes stated there is a large learning curve, proposes terms of three years each and appointments in October.

MOTION: Councilmember Meador moved to adopt ordinance 07-09, and for clarification indicated the version marked DRAFT 01.23.08. Councilmember Shenko seconded the motion.

VOTE: Motion passed 4-1, with Councilmember Acken dissenting.

Mayor Boback indicated that members of the Fire Department and the Sheriff's office were in the audience to speak to administrative agenda item C., Emergency Communications Trailer. Council agreed to take the item out of order, and hear it next.

ADMINISTRATIVE AGENDA

C. Emergency Communications Trailer

Opened Public Comment

None

Closed Public Comment

Public Works Director Jack Green spoke to this item, stating that the issue is the purpose of the trailer, not its ancillary use, that one cannot put a price on communication in an emergency.

Fort Myers Beach Fire District Chief Mike Becker stated that station thirty-two is an operational command post for response and recovery, has limited parking and operational components and would not serve Council business or fire department business; its purpose is emergency, and the infrastructure cannot support residents.

Fort Myers Beach Fire District Battalion Chief Pete Miceli spoke in support of the Town's acquisition of the emergency communications trailer.

MOTION: Councilmember Meador moved to proceed with the acquisition of the trailer. Councilmember Shenko seconded the motion.

Vice Mayor Kiker stated his opinion that the purchase is a bad idea, Councilmember Meador commented that he feels we owe it to our citizens. Councilmember Acken stated his support of the motion, and Councilmember Shenko and Mayor Boback concurred with Councilmembers Meador and Acken.

VOTE: Motion passed 4-1 with Vice Mayor Kiker dissenting.

Recess: 8:30 PM

Reconvene 8:50 PM

A. Presentation by Colin Baenziger for Selection of Town Manager Candidates

Opened Public Comment

None

Closed Public Comment

Colin Baenziger, Colin Baenziger & Associates, updated the council on the status of the town manager recruitment process. Currently, there are twelve candidates. Mr. Baenziger was not comfortable with Mr. Gandy, as he has been difficult to contact, and cannot speak to Mr. (Jack) Green, as the council knows him better than he and cannot recommend nor NOT recommend. Reference checks, background, credit, education and the internet searches have been done on all twelve candidates, and anticipate reducing the number to a possible eight for phone interviews the following night.

Vice Mayor Kiker inquired whether Mr. Baenziger would stand by the one year guarantee as is stated in the contract. Mr. Baenziger said he would with the caveat that the town council select someone that he recommends.

Discussion ensued regarding the process, whether to vote by way of the ballot provided to them from Mr. Baenziger, or whether to discuss the individual candidates. Council agreed to forego the telephone interviews, and go directly to personal interviews.

MOTION: Councilmember Meador moved to hold personal interviews with candidates receiving three or more votes from the council. Councilmember Shenko seconded the motion.

MOTION: Councilmember Acken made a secondary motion to suspend the rules to allow candidate discussion. Vice Mayor Kiker seconded the motion.

VOTE: (as to the secondary motion) Motion failed 3-2, with Mayor Boback, Councilmember Shenko and Councilmember Meador dissenting.

VOTE: (as to the main motion) Motion passed 3-2, with Vice Mayor Kiker and Councilmember Acken dissenting.

MOTION: Vice Mayor Kiker moved to have Mr. Janke removed from the list. Councilmember Meador seconded the motion.

Council discussed Mr. Janke's resume, with comments that some had read him differently, and that the (Florida) keys are a different political environment than most other areas.

WITHDRAWN: Vice Mayor Kiker withdrew his motion; Councilmember Meador withdrew the second.

Mr. Baenziger announced the six final candidates: Daly, Fields, Gestrich, Green, Janke and Sadler. Personal interviews will be held on February 9, 2008.

The next agenda item is to be presented by Public Works Director, Jack Green. However Mr. Green left the chambers during the discussion of the Town Manager selection and had not yet returned, so Town Manager David Sallee requested hearing the Citizen Recognition Award. Council consented.

D. Citizen Recognition Award Nominee – Rolfe Schell

Town Manager David Sallee stated that some citizens had come before the council a year ago seeking recognition of a resident considered by some to be a citizen of distinction. Mr. Sallee stated that staff then put together, and council approved, a citizen recognition program. Mr. Rolfe Schell is the initial citizen of distinction.

Opened Public Comment:

Public Comment was heard:

- Pat DeVincent, spoke of having the honor to know and be a neighbor to Mr. Schell.

Closed Public Comment

Councilmember Meador stated that many knew Mr. Schell by his nickname, “Bunny” and suggested that be included in the award.

MOTION: Councilmember Acken moved to award the Citizen of Distinction Award to Rolfe “Bunny” Schell. Councilmember Meador seconded the motion.

VOTE: Motion passed 5-0.

B. Update on Pedestrian By-Way

Public Works Director Jack Green stated that the project has taken on a larger scope and is more of an overall streetscape project.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Meador moved to approve option #1 (as presented by McMahon & Associates) provided number one is constructed or designed so it can be added to at a later time. Councilmember Shenko seconded the motion.

Discussion ensued regarding the merits of the project, the blight currently existing in the project area, to look more in line with a master plan and incorporate this project with other projects. Mr. Green commented that McMahon & Associates will produce a concept plan for the entire development, more in-depth, and tie in Fifth Street and First Street. Mayor Boback stated liking option two, and Councilmember Acken suggested a budget amendment to increase funding.

WITHDRAWN: Councilmember Meador withdrew his motion, stating he sees more public safety benefits with option two.

Town Manager David Sallee stated that staff would come back to council with funding options on February 11, 2008.

TOWN MANAGER'S ITEMS

Town Manager David Sallee stated that the revised FEMA maps were in, and that Community Development Director Jerry Murphy would speak to this issue.

Jerry Murphy stated that the Town has thirty days starting January 10, 2008 to appeal these revisions, that there are some technical changes he would recommend, and that staff is seeking direction from Council.

MOTION: Councilmember Meador moved to direct the town manager to proceed with the appeal as outlined by Jerry Murphy. Councilmember Shenko seconded the motion.

VOTE: Motion passed 5-0.

Town Manager David Sallee indicated that the City of Sanibel had come back with a date and time for a joint meeting: February 13, 2008 at 1:00 PM Councilmembers indicated that was not a good date and time, and Mr. Sallee will go back to the City of Sanibel for further consideration.

TOWN ATTORNEY'S ITEMS

A. FLUEDRA/ Bella Beach Villas
Attorney Dalton withdrew this item.

COUNCILMEMBERS ITEMS AND REPORTS

Councilmember Meador had no items.

Councilmember Shenko expressed his pleasure with the progress of the dinghy dock.

Vice Mayor Kiker asked when the council would be reviewing the department of community development. Town Manager Sallee responded that the building component would be coming forward on a next agenda. Vice Mayor Kiker referenced a pamphlet put out by the Town's Marine Resources Task Force, commending them and saying that we should all be proud. Vice Mayor Kiker encouraged all to vote.

Councilmember Acken asked if any councilmembers had any comments or items they wish for him to take to the Coastal Advisory Committee. Council responded that beach renourishment should come before council as an agenda item, for council to establish their position and not be discussed with the CAC before hand.

Mayor Boback asked the status of a letter from Mr. George Ganim. Town Manager Sallee responded that there had been a meeting scheduled, Mr. Ganim cancelled, and it has not yet been rescheduled. Mayor Boback asked the status of the Laguna Shores special assessment. Attorney Dalton responded a master ordinance is in the works, has not asked that the item be expedited but is in the works.

PUBLIC COMMENT:

Opened Public Comment:

Public Comment was heard:

- Eddie Foster spoke of dogs on the beach and getting beach patrol stepped up.

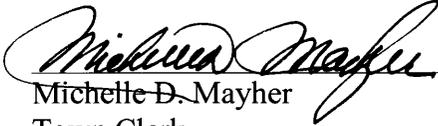
Closed Public Comment

ADJOURNMENT

The meeting adjourned at 10:53 PM

Adopted 2.4.08 With/Without Changes Motion by Shenk/Kiker
(Date)

Vote: 5-0


Michelle D. Mayher
Town Clerk

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