



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

February 4, 2008

REGULAR TOWN COUNCIL MEETING

I. CALL TO ORDER

Mayor Boback called the meeting to order at 6:33 PM. With Mayor Boback, in attendance was 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.

II. PLEDGE OF ALLEGIANCE

All stood and saluted the flag.

III. PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

- Eddie Foster spoke regarding safety and security on the Beach.

Closed Public Comment

IV. CONSENT AGENDA:

- A. Approval of Minutes: January 14, 2008
- B. Approval of Minutes: January 23, 2008

MOTION: Councilmember Shenko moved approval of the consent agenda. Vice Mayor Kiker seconded this motion.

VOTE: Motion passed 5-0.

V. PRESENTATIONS:

- A. Estero Boulevard Rehabilitation – Presentation by McMahon & Associates

Public Works Director Jack Green introduced Michael Spitz, McMahon & Associates. Mr. Spitz gave a power point presentation by which he introduced the consultant team members, pilot section design and construction, timeline, a master plan, the six segments of the island, the construction challenges and the next steps. Mr. Spitz took questions from the council.

VI. ADVISORY COMMITTEES ITEMS AND REPORTS:

VII. RESOLUTIONS:

A. Resolution 08-04, Certifying Referendum – Terms

Attorney Dalton requested postponing these two items until later in the evening, based on the requirement to wait ten days from the election to allow for overseas absentee ballots to come in. Council consented.

VIII. PUBLIC HEARINGS:

A. Introduction to Ordinance 08-02, Municipal Speed Limit Ordinance

Attorney Dalton read the title:

ORDINANCE 08-02

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

MOTION: Councilmember Acken moved to table the item pending public input from McMahan & Associates. Vice Mayor Kiker seconded the motion.

VOTE: Motion failed 4-1, with Mayor Boback, Vice Mayor Kiker, Councilmember Shenko and Councilmember Meador dissenting.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Meador moved to have ordinance 08-02 moved forward to public hearing. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0

MOTION: Councilmember Meador moved to direct the town manager to cause the studies needed to support the speed limit change. Councilmember Shenko seconded the motion.

VOTE: Motion passed 5-0.

IX. ADMINISTRATIVE AGENDA:

A. Beach Renourishment White Paper Adoption

Public Works Director Jack Green spoke to this item. Since the paper was presented, staff learned that eliminating the federal participation was not an option. Discussion ensued regarding the facts for the project, a desire to bundle in the Newton Park property debt, a NTE funding cap, and the consideration of duning and vegetation being negotiated. There was further discussion regarding disposition of existing seawalls, allocation of funds, and the acquiring of easements and federal funding.

Opened Public Comment

Public Comment was heard:

- Dennis Kovach spoke in favor of the project.

Closed Public Comment

Council directed staff to proceed to get a position asap, the town manager will get clarification from the feds on the easements, to pursue and comeback with a revision in a month.

VII. RESOLUTIONS:

Attorney Dalton indicated that federal law requires the elections office to wait ten days from the election before certifying results, to allow for overseas absentee ballots. This is because the election was a presidential preference primary, and would not be the case for the April 8, 2008 election. Attorney Dalton asked that these items be postponed to a later date, after Friday February 8, 2008 and the certification of the results.

Recess: 8:05 PM

Reconvene 8: 25 PM

X. TOWN MANAGER'S ITEMS:

A. Department of Community Development Transition Update

Community Development Director Jerry Murphy spoke to this matter, expressing the opinion that the volatility of the market may make it unwise to bring in-house. Staff asked council for direction to go out for a CCNA, and to secure a temporary employee on a consulting basis. Director Murphy will bring a report back in late February.

MOTION: Councilmember Shenko moved to to proceed with transition of Community Development services for Florida Building Code compliance review and inspections through (1) employment of a building code services transition coordinator and (2) advertisement for respondents to a competitive negotiation for a continuing contract (under the Consultants' Competitive Negotiation Act—"CCNA," Florida Statutes Chapter 287) for providing Florida Building Code compliance review and inspections, as stated in blue sheet 2008-020. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0

B. Procedure for Acceptance of Written Testimony

Town Manager David Sallee expressed ways to provide for letters and public input coming to council in written form. He Recommended that the chair ask if there have been any letters submitted, if yes how many submitted, how many yes, how many no, etcetera.

MOTION: Councilmember Meador moved to revise the council policies and procedures manual to provide for this policy of written public comment. Councilmember Shenko seconded the motion.

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

C. Town Manager Interview Schedule

Town Manager Sallee updated the council on the schedule for the town manager interview process.

B. TOWN ATTORNEY'S ITEMS:

Attorney Dalton requested the adoption of resolutions 08-04 and 08-05 be placed on the agenda for the February 9, 2008 council meeting.

C. COUNCILMEMBERS ITEMS AND REPORTS

Councilmember Shenko had no items.

Vice Mayor Kiker stated he will not be in attendance for March 17, 2008 meeting.

Vice Mayor Kiker questioned the benefit of a meeting on April 7, 2008.

MOTION: Councilmember Acken spoke to the benefit of some special events on the island, and moved to task the Anchorage Advisory Committee to develop a sailing regatta. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0.

Mayor Boback asked when the times square assessments information would be available. Staff responded that it would come back to council on the 19th of February.

D. PUBLIC COMMENT

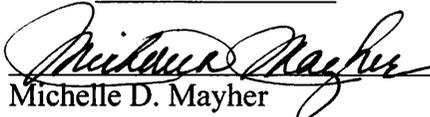
None

ADJOURNMENT

The meeting adjourned at 9:38 PM

Adopted 2-19-08 With/ Without Changes. Motion by Meador/Acken
(Date)

Vote: 5-0


Michelle D. Mayher

Town Clerk

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