



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

**April 7, 2008**

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**I. CALL TO ORDER**

Mayor Boback called to order the meeting of the Fort Myers Beach Town Council. Present with Mayor Boback was Vice Mayor Kiker, Councilmember Acken, Councilmember Shenko, Councilmember Meador, Town Manager Scott Janke, Town Attorney Anne Dalton, and Town Clerk Michelle Mayher.

**II. PUBLIC COMMENT**

**Opened Public Comment:**

**None**

**Closed Public Comment**

**III. CONSENT AGENDA: -**

- A. Approval of Minutes: March 3, 2008
- B. Approval of Minutes: March 10, 2008
- C. Performance Evaluation Criteria
- D. Job Description Revision

Vice Mayor Kiker pulled Consent Item C, Performance Evaluation Criteria.

**MOTION:** Vice Mayor Kiker moved to adopt the balance of the consent agenda. Councilmember Acken seconded the motion.

**VOTE:** Motion passed 5-0.

Vice Mayor Kiker questioned the intent of the performance evaluation criteria. Town Manager Scott Janke responded that this is the process by which senior staff will be evaluated, and he is asking that the council approve the system.

**MOTION:** Vice Mayor Kiker moved to adopt the performance evaluation criteria. Councilmember Shenko seconded the motion.

**VOTE:** Motion passed 5-0.

**IV. PROCLAMATIONS:**

A. Proclamation: Water Conservation Month

B. Proclamation: Safe Boating Week

Town Clerk Michelle Mayher read the proclamations.

Town Manager Scott Janke requested a change to the agenda, and that being to move the approval of the Concurrency Interlocal with the School District.

Approval of Concurrency Interlocal with School District

Consultant Bill Spikowski spoke to the requirement by the Town to adopt an amendment to the Town Comprehensive Plan to add a Public School element. Attorney Heather Hawkins, legal counsel for the Lee County School District, responded to questions from the Council.

**MOTION:** Councilmember Meador moved the adoption of the interlocal agreement as presented. Vice Mayor Kiker seconded the motion.

**VOTE:** Motion passed 5-0.

**V. ADVISORY COMMITTEES ITEMS AND REPORTS:**

No Items.

**VI. PUBLIC HEARINGS:**

A. First Public Hearing - Ordinance 08-02, Town-wide speed limits

Attorney Anne Dalton read the title:

**ORDINANCE 08-02,**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH TOWN-WIDE MUNICIPAL SPEED LIMIT ORDINANCE; REPEAL OF ORDINANCE 08-01 KNOWN AS THE TOWN OF FORT MYERS BEACH MUNICIPAL SPEED LIMIT ORDINANCE; PROVIDING AUTHORITY; DEFINITIONS; SEVERABILITY; CONFLICTS, EFFECTIVE DATE.**

**MOTION:** Councilmember Meador moved to adopt ordinance 08-02, Town-wide speed limits. Councilmember Shenko seconded the motion.

**VOTE:** Town Clerk Michelle Mayher called the roll:

Councilmember Meador	aye
Councilmember Shenko	aye
Mayor Boback	aye
Vice Mayor Kiker	aye
Councilmember Acken	nay

Motion passed 4-1 with Councilmember Acken dissenting.

B. Second Public Hearing – Ordinance 08-03, Open House Signs

Attorney Anne Dalton read the title:

**ORDINANCE 08-03**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 30, SECTION 30-5 PROHIBITED SIGNS OF THE**

Regular Town Council

April 7, 2008

**LAND DEVELOPMENT CODE; AMENDING CHAPTER 30, SECTION 30-93 REGARDING LOCATION OF OPEN HOUSE SIGNS IN THE RIGHT-OF-WAY; AMENDING CHAPTER 30, SECTION 30-151 REGARDING REAL ESTATE SIGNS; PROVIDING FOR A SUNSET DATE; PROVIDING FOR REVIEW BY THE TOWN LOCAL PLANNING AGENCY; PROVIDING AUTHORITY; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**Opened Public Comment:**

**Public Comment was heard:**

- Dennis Weimer and Rochelle Kay were present as representatives of the Town Local Planning Agency.

**Closed Public Comment**

**MOTION:** Councilmember Meador moved the adoption of Ordinance 08-03, with the following amendments: in the title, delete the language “PROVIDING FOR A SUNSET DATE; PROVIDING FOR REVIEW BY THE TOWN LOCAL PLANNING AGENCY;”; deleting Section 5: deleting Section 6; deleting Section 8; in section 4 sub para (d), to change “with said sign not exceeding one (1) foot” to read, “with said sign not exceeding two (2) foot”. Councilmember Shenko seconded the motion.

**VOTE:** Town Clerk Michelle Mayher called the roll:

Councilmember Meador	aye
Councilmember Shenko	aye
Mayor Boback	nay
Vice Mayor Kiker	aye
Councilmember Acken	aye

Motion passed 4-1 with Mayor Boback dissenting.

**MOTION:** Vice Mayor Kiker moved to instruct Town staff to seek an exception with the Board of County Commission for control of the Right of Way on Estero Boulevard. Councilmember Meador seconded the motion.

**VOTE: Motion passed 5-0.**

Recess: 7:50 PM

Reconvene: 8:05 PM

**VIII. TOWN MANAGER’S ITEMS:**

A. Classification Study

Town Manager Scott Janke indicated that this item is for Council’s information only, and that he will be bringing this back at the next meeting.

B. Discussion regarding Newton Beach Park Management Plan

Town Manager Scott Janke indicated the materials are not before the council at this time, as there was an issue with the 20-foot drive on the south side of the property as to any title or deed. This item will come back before Council on April 21, 2008.

C. Local Mitigation Strategy

Town Manager Scott Janke explained that this is a plan to promote mitigation from hazards posing a threat to communities within Lee County.

**IX. TOWN ATTORNEY'S ITEMS:**

No items.

**X. COUNCILMEMBERS ITEMS AND REPORTS**

Councilmember Acken spoke regarding his attendance at the MPO. Councilmember Acken also attended the Charlotte Harbor National Estuary Program. Councilmember Acken expressed his appreciation to the out-going Councilmembers.

Vice Mayor Kiker asked when there would be an update to the monumental signs. Community Development Director Jerry Murphy stated he would bring an update at the next council meeting. Vice Mayor Kiker encouraged all to vote. Vice Mayor Kiker expressed his appreciation to the out-going Councilmembers.

Councilmember Shenko had no items.

Councilmember Meador reiterated the encouragement to vote.

Mayor Boback had no items.

**XI. PUBLIC COMMENT**

**Opened Public Comment:**

None

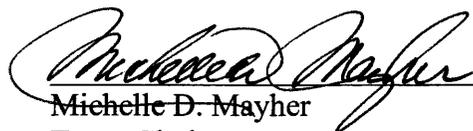
**Closed Public Comment**

**XII. ADJOURNMENT**

The meeting adjourned at 8:22 PM.

Adopted 4-21-08 With/~~Without~~ Changes. Motion by List/Acken  
(Date)

Vote: 5-0

  
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Michelle D. Mayher  
Town Clerk

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