



**MINUTES
FORT MYERS BEACH TOWN COUNCIL**

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

April 14, 2008

3:00 PM

I. CALL TO ORDER

Mayor Boback called the meeting to order. Present is Mayor Boback, Vice Mayor Kiker, Councilmember Acken, Councilmember Shenko, Councilmember Meador, Town Manager Scott Janke, Town Attorney Anne Dalton and Town Clerk Michelle Mayher.

II. PLEDGE OF ALLEGIANCE

All stood and saluted the flag.

III. INVOCATION:

Reverend Jeanne Davis of Beach United Methodist Church delivered the invocation.

IV. CONSENT AGENDA:

A. Resolution 08-18, Certification of Election Results

**A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA,
CERTIFYING THE RESULTS OF THE TOWN ELECTION FOR SEATS
THREE, FOUR AND FIVE; DETERMINATION OF SEAT ASSIGNMENTS;
DECLARATION; PROVIDING AN EFFECTIVE DATE.**

MOTION: Councilmember Shenko moved to adopt resolution 08-18.
Councilmember Meador seconded the motion.

VOTE: Motion passed 5-0.

Recess: 3:10 PM

Reconvene 3:20 PM

V. ADMINISTRATIVE AGENDA:

A. Oath of Office in-coming Council Members

Judge Josephine Gagliardi delivered the oath of office to Councilmembers Tom Babcock, Jo List and Bob Raymond.

B. Recognition of out-going Council Members

Vice Mayor Kiker recognized the outgoing councilmembers Dennis Boback, Bill Shenko and Charles Meador, presenting them with recognition plaques and keys to the city.

C. Reorganization of Council:

1) Selection of Mayor, Vice Mayor

Attorney Dalton assisted in the nominations, and opened the floor. Councilmember List nominated Larry Kiker for Mayor. Councilmember Raymond nominated Larry Kiker, Councilmember Acken nominated Councilmember Babcock.

MOTION: Councilmember Babcock moved to close the nominations. Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

Attorney Dalton called the vote of the nomination of Larry Kiker for Mayor.

VOTE: The vote passed unanimously, 5-0.

Attorney Dalton opened the floor for nominations for Vice Mayor. Mayor Kiker nominated Herb Acken for Vice Mayor.

MOTION: Councilmember List moved to close the nominations. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

Attorney Dalton called the vote of the nomination of Herb Acken for Vice Mayor.

VOTE: The vote passed unanimously, 5-0.

Opened Public Comment:

Public Comment was heard:

- John Albion, president of the Greater Fort Myers Beach Chamber of Commerce, offered his congratulations.
- Marie Humphrey offered congratulations and hoped for a long and fruitful term.

Closed Public Comment

D. State Financial Projections/ Municipal Options: Ken Small,
Florida League of Cities

This item was pulled from the agenda prior to the start of the meeting.

E. Selection of Council Representative and alternate to Outside Committees:

Mayor Kiker began by asking the council their interests in the various outside committees, and the council decided on the following:

- 1) Charlotte Harbor National Estuary Program Vice Mayor Acken as delegate, Councilmember Babcock as alternate.
- 2) Coastal Advisory Committee: Councilmember List as delegate, Vice Mayor Acken as alternate
- 3) Horizon Council: Councilmember List as delegate, Councilmember Raymond as alternate
- 4) Human Services Council: Mayor Kiker as delegate, Councilmember Babcock as alternate
- 5) Metropolitan Planning Organization: Councilmember Raymond as delegate, Vice Mayor Acken as alternate
- 6) Southwest Regional Planning Council: Councilmember Babcock as delegate, Mayor Kiker as alternate

F. Selection of Council Representative to Town Advisory Committees:
Mayor Kiker began by asking the council their interests in the various advisory committees, and the council decided on the following:

- 1) Anchorage Advisory Committee; Mayor Kiker as liaison
- 2) Bay Oaks Advisory Committee; Councilmember List as liaison
- 3) Cultural and Environmental Learning Center Advisory Board; Vice Mayor Acken as liaison
- 4) Marine Resources Task Force; Councilmember Babcock as liaison
- 5) Public Safety Task Force; Councilmember Raymond as liaison
- 6) Traffic Mitigation Agency; Councilmember Raymond as liaison

MOTION: Councilmember Babcock moved to approve the above referenced appointments. Vice Mayor Acken seconded the motion.

VOTE: Motion passed 5-0.

G. Selection of Council Representative/ Bella Beach – FLUEDRA
Attorney Dalton led this item, and identified her request is to have the council appoint a representative to participate in this proceeding.

Councilmember Babcock volunteered to act as representative.

MOTION: Councilmember Raymond moved to have Councilmember Babcock as representative. Councilmember List seconded the motion.

VOTE: Motion passed 5-0.

H. Adoption of a Budget Calendar
Town Manager Scott Janke indicated that this is the first step in the budget process, and would like the Council to consider the proposed dates and adopt it at the April 21, 2008 council meeting.

Opened Public Comment

None

Closed Public Comment

I. Schedule Goals Workshop

Town Manager Scott Janke suggested using May 5, 2008 as a workshop for goals and objectives.

Opened Public Comment

None

Closed Public Comment

MOTION: Vice Mayor Acken moved to schedule an informal workshop for the town council on May 5, 2008 from 8:30 am to 2:00 pm. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

J. Request for Approval to Bid Town Hall Remodeling

Town Manager Scott Janke indicated that staff is seeking approval to bid a remodel of offices for town hall.

Opened Public Comment

Public Comment was heard:

Dan Parker spoke about having heard that the current Town Hall building had sold at a low price.

Closed Public Comment

MOTION: Councilmember List moved to authorize staff to bid the remodel of town hall. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

VI. RESOLUTIONS:

A. Adoption of Resolution 08-19, FI Municipal Investment Trust

Attorney Dalton read the title:

RESOLUTION NUMBER 08-19

A RESOLUTION OF THE TOWN COUNCIL OF TH TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING TOWN PERSONNEL TO HAVE SIGNATORY AUTHORITY REGARDING TOWN INVESTMENT OF SURPLUS FUNDS, AND PROVIDING AN EFFECTIVE DATE

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Babcock moved to adopt resolution 08-19. Vice Mayor Acken seconded the motion.

VOTE: Motion passed 5-0.

B. Adoption of Resolution 08-20, SunTrust Credit Card

Attorney Dalton read the title:

RESOLUTION NUMBER 08-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AUTHORIZING TOWN MAYOR, VICE MAYOR, AND MANAGER TO HAVE SIGNATORY AUTHORITY ON THE TOWN COMMERCIAL CREDIT CARD ACCOUNT; AND PROVIDING AN EFFECTIVE DATE

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Raymond moved to adopt resolution 08-20. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

C. Adoption of Resolution 08-21, Banking Signatory, SunTrust

Attorney Dalton read the title:

RESOLUTION NUMBER 08-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OFRT MYERS BEACH, FLORIDA, AUTHORIZING TOWN MAYOR, VICE MAYOR, AND MANAGER TO HAVE SIGNATORY AUTHORITY ON TOWN BANK ACCCOUNTS, AND PROVIDING AN EFFECTIVE DATE

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Babcock moved to adopt resolution 08-21. Councilmember List seconded the motion.

VOTE: Motion passed 5-0.

VII. TOWN MANAGER'S ITEMS:

A. Beach Renourishment

This item was pulled until after the May 5, 2008 workshop.

VIII. TOWN ATTORNEY'S ITEMS:

A. Tezak Family Trust vs. Town of Fort Myers Beach

Attorney Dalton requested an executive session for 12:00 PM on April 21, 2008.

MOTION: Councilmember List moved to authorize an executive session on April 21, 2008 as requested. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

Town Manager Scott Janke mentioned that the Town is hoping to form a not for profit organization in order to apply for grant funds for the Mound House, and is looking for direction to form a 501-C corporation, or follow other direction.

MOTION: Councilmember list to authorize staff and the town attorney to come back on May 5, 2008 with proposed by-laws for the corporation, or an entity to be known as the Mound House Corporation, and that staff and the attorney be given direction to reserve that name with the division of corporations with the state. Councilmember Babcock seconded the motion.

AMENDED: Vice Mayor Acken amended the motion to allow for consideration of other names.

VOTE: Motion passed 5-0

IX. COUNCILMEMBERS ITEMS AND REPORTS

Councilmember Babcock referenced the beach nourishment topic, asking if there will be feedback and discussion. Town Manager Scott Janke indicated he will have a notebook of current information available. Mr. Babcock inquired as to the Manager's Succession, and Mr. Janke replied that the succession plan has been filed with the Town Clerk. Councilmember Babcock asked about filling the vacancies that exist on the LPA, whether it will be specifically advertised. Town Clerk Michelle Mayher replied that applications are being accepted, and appointments will be on the agenda for April 21, 2008. Mr. Babcock asked whether it is the Council's intention to continue to hire a Lee County Sheriff's Office deputy in attendance at Council meetings.

MOTION : Councilmember Babcock moved to discontinue the permanent presence of a LCSO deputy, and hire on an as-needed basis. Vice Mayor Acken seconded the motion.

VOTE: Motion passed 5-0.

Vice Mayor Acken spoke of the LPA appointments and encouraged the community to apply. Vice Mayor extended his congratulations to the new councilmembers. Vice Mayor mentioned an MPO meeting on April 18, 2008, and a CAC meeting on April 21, 2008 at 9:00 AM, and a CHNP meeting on May 19, 2008 in Arcadia.

Councilmember List had no items.

Councilmember Raymond recommended forming a mayor's advisory council to the town council. It was suggested that this be an item for the upcoming workshop discussion. Councilmember Raymond would like to review this year's budget. Mayor Kiker indicated that this can be a discussion during the goals and objectives workshop.

Mayor Kiker asked about the library remodel, and was told it was to before the LPA on April 15, 2008. Mayor Kiker asked about a vendor pre-qualification. Mr. Kiker would like to take a look at this set a policy for vendor selection, and have it as an agenda item.

X. PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

- Al Van Horn asked for clarification as to whether the Town was looking for a 501-C3 and 501-C4 organization, feeling a 501-C3 would be preferred.
- Lou Marrone offered a round of applause for the new manager and new board.
- Bill Van Duzer spoke of his pride in this new "team" the town has.

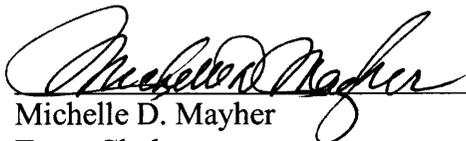
Closed Public Comment

XI. ADJOURNMENT

The meeting adjourned at 5:35 PM

Adopted 5-5-08 With Without Changes Motion by Bubrick / List
(Date)

Vote: 5-0



Michelle D. Mayher
Town Clerk

- End of Document