



## MINUTES

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

**June 7, 2010**

**I. CALL TO ORDER**

Mayor Kiker called the meeting to order a 9:30 a.m. Present with Mayor Kiker were Vice Mayor Raymond, Council Members Babcock, List and Mandel along with Town Manager Stewart, Town Attorney Dalton and Town Clerk Michelle Mayher.

**II. INVOCATION** – Deacon Scoop Kiesel, Church of the Ascension gave the invocation.

**III. PLEDGE OF ALLEGIANCE**

All stood for the Pledge of Allegiance.

**IV. APPROVAL OF FINAL AGENDA**

- Removal of item E. on the Administrative Agenda
- Place item F. before item D.

Consensus of Council for changes

**V. PUBLIC COMMENT**

**Public Comment Opened**

Mayor Kiker asked for Town Manager Stewart to introduce the special guests. Town Manager Stewart introduced Diana McGee, the Regional Director for Senator Bill Nelson's office as well as Attorney Jim Humphrey and Ms Marilyn Miller from the Fowler White Law Firm,.

- **Carleton Ryfel** thanked County Commissioners for purchasing Seafarer's

Village and Council for their willingness to participate in the review and possible uses of the property. Mr. Ryfel offered his services to the town, since he had been a planner all his life, stating he would be willing to participate in any way possible.

**Public Comment Closed**

**VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS**

A. Presentation of Plaque to Council Member Mandel for his Donation to Bay Oaks Recreational Campus

Mayor Kiker presented a plaque to Councilmember Mandel with Mr. Mandel thanking the town for the recognition and acknowledging all those who had contributed to his campaign since they were the actual contributors.

B. Presentation of Plaque to Yucatan Beach Stand for their Donation to Bay Oaks Recreational Campus

Mayor Kiker acknowledged Yucatan Beach Stand for their contribution.

C. Acceptance of Pilot Club Donation to Bay Oaks Recreational Campus

Mayor Kiker and Town Manager Stewart accepted donations from the Pilot Club to Bay Oaks in the amount of \$2,500.

D. Florida Trust for Historic Preservation Recognition of Mound House Staff and CELCAB for Meritorious Achievements in Preservation Education and Adaptive Use

Councilmember Mandel presented the members of CELCAB with plaques for Historic Preservation.

**VII. ADVISORY COMMITTEES ITEMS AND REPORTS**

Councilmember Babcock thanked all those contributing to Bay Oaks and to the Council for continuing to contribute to the conferences and all volunteers of the conferences.

**VIII. APPROVAL OF MINUTES**

A. April 21, 2010 M & P Work Session

**MOTION:** Councilmember Babcock moved to approve with a second by Councilmember List.

**VOTE:** Motion passed 5 to 0

**IX. CONSENT AGENDA**

A. Consent for Lee County Sheriffs Office Federal Grant Application for Multiple Municipalities (FDLE Edward Byrne Memorial JAG Program)

B. Request for Evening Work on North Estero Blvd. Project

Councilmember List pulled item B. for a question regarding he request for evening work on North Estero Boulevard. Cathie Lewis, Public Works Director stated they had not approached the businesses as yet as they were awaiting

direction from Council and then notification would go out to everyone regarding the situation including the residents.

**MOTION:** Councilmember Babcock moved approval of item B. with a second by Councilmember List.

**VOTE:** Motion passed 5 to 0

**MOTION:** Councilmember Babcock moved for approval of item A. with a second by Councilmember List.

**VOTE:** Motion passed 5 to 0

## **X. ADMINISTRATIVE AGENDA**

### **A. Beach Nourishment**

Town Manager Stewart reviewed the latest communications between the town and the county and asked the Council to make a decision to move forward on the interlocal agreement. Mr. Stewart went on to state that the Army Corp. of Engineers had thoroughly reviewed the design and the county believes that the design falls within the accepted standards of design.

Mr. Stewart continued with his review of the documents before Council indicating the town's share would be \$110,224 stating per Mr. Boutelle, it was an estimate and bids needed to be sought and a change could be less or more.

Attorney Dalton indicated she had sent two memos to Council; one regarding the interlocal and the other addressed Beach Renourishment Requirement of Financial Security by County. Attorney Dalton continued by discussing the issues of a permit, cancellation provisions, easements, bonding and vegetation issues along with many more items.

### **Public Comment**

#### **Public Comment Opened**

- **Carleton Ryfel** encouraged Council to get the interlocal agreement signed and move forward, relying on faith with the county, noting the erosion of the north end beachfront.

- **Frank Schilling** addressed Council and Councilmember Mandel's previous motion as well as past year's beach dimensions, groins, needed design improvements and directing a beach life extension plan and the need to do something today.

- **Steve Boutelle** stated he felt the Town Attorney did a thorough evaluation indicating the county would like to be supportive of clarifying everything they

could within the context of the document.

### **Public Comment Closed**

**MOTION:** Councilmember Mandel made a motion that:

- the town would cooperate with the county on the navigational project and issue a permit to that end
- the town would pay, not to exceed, \$110,224
- the county would absorb the expense and effort associated with the cancellation of the easements
- the funding of new technology that would provide incite as to how to be good stewards of the beach going forward
- the county would be held responsible for the project
- any cancellations would not be at a cost to the town
- the town would be responsible for the vegetation plan under its existing codes and ordinances
- as the project terminates in 7 years the county would be responsible for any remediation up and until the end of the 7 years

Councilmember Babcock seconded the motion for discussion purposes.

Councilmember Mandel indicated after many years it was an effort on the part of the town to aid all those who feel that their beach is disappearing, to protect the town and provide education as to how best to do it again in the future.

Councilmember Babcock wanted to go through the interlocal agreement in detail, indicating he wanted to get it done within the time line of June 22<sup>nd</sup>.

Vice Mayor Raymond indicated he too had a lot of questions he wanted to bring forth as did Councilmember List and Mayor Kiker.

Mayor Kiker asked what the difference was between the current agreement and the previous one. Attorney Dalton indicated there were differences as well as additions. Mayor Kiker was looking for language in the motion that would indicate the county would be responsible for maintenance and repair of the project including the groin.

Mayor Kiker stated he did not want to go through the interlocal all over again noting he trusted the staff and Attorney Dalton that they would sufficiently represent the needs of the town, to incorporate the updates by Attorney Dalton into a motion and go to work on it bringing back a document for Council to discuss. Councilmember Mandel agreed with the Mayor but questioned the time line of the next date for Council to review it on June 21<sup>st</sup> only allowing 1 day before the deadline.

Vice Mayor Raymond indicated he would go along with the agreement for the north end of the island since it needs attention immediately but would not agree with it for the remainder of the island. Vice Mayor Raymond also questioned whether this agreement would include the new beachfront property the county recently purchased with Councilmember Mandel indicating that the issue should be included in the motion that the property would be included with county doing so at their expense.

**AMENDED MOTION:** Councilmember Mandel amended his motion to include the right of the county to include the gulf front sites just purchased at their expense as well as the Town Manager and Town Attorney work with the county to alter the language of the ILA to include the points of the motion and report back on the 21<sup>st</sup>.

Discussion continued regarding policy decisions along with Town Manager Stewart noting 4 items of consideration one of which was the town permit and possible fees, second was cost and what Council wanted to do policy wise in regard to cost, third was the policy on easements and making sure the county would be responsible for the rescinding of easements and fourth a written form that indicates an acknowledgement from the county that they remediate any negative actions from the groin.

Attorney Dalton indicated the matter could be split into two issues one being the permit, which was addressed in the motion, stating it was a different issue from the interlocal agreement as well as suggesting reviewing the other items of the motion with Mr. Boutelle to expedite the matter.

Council continued discussion on the policy issues, whether they had been addressed in the motion and whether there were additional policy issues to be addressed.

Mayor Kiker asked Council to postpone the remainder of the discussion to later in the meeting if it were going into a workshop mode since there were others in attendance that needed to be addressed. There was a consensus to move the discussion to later in the meeting.

**B. Town Attorney Search Update**

Town Attorney Dalton stated Council had requested she do a contract analysis

on the proposed agreement with Fowler White Boggs also noting she had provided her comments on the proposed agreement with the town and LPA services with Fowler White Boggs.

Councilmember Mandel indicated the firm had submitted a proposal to the town including some of the previous concerns of Council.

**MOTION:** Councilmember Mandel made a motion to accept the proposal of Fowler White Boggs and have them as both attorney to the Council, the LPA and to the committees and to Public Works effective immediately and an arrangement be made appropriate to Attorney Dalton for a period time of turning over items that would be needed in that regard with a second by Vice Mayor Raymond for discussion.

Councilmember Mandel reviewed direction from Council regarding his search for new Counsel.

Jim Humphrey of Fowler White and Boggs addressed Council thanking them for showing interest in the firm indicating they were very interested in serving as town counsel. Mr. Humphrey indicated they had submitted a proposal on May 14<sup>th</sup> followed up with an agreement saying he was prepared to discuss the details of the agreement, especially items that were or were not part of the agreement. Mr. Humphrey stated he was aware that with a vote of 3 Council could terminate the relationship however noted the agreement ran until September 30, 2011 and the rates would be consistent through that time.

Mr. Humphrey stated he anticipated no more than 40 hours a month of billable time which is where the \$8,200 came from, also indicating his government reduced rate was \$225 an hour. It was indicated by Mr. Humphrey through June and July they would allow up to 50 hours for those two months but beginning in August if their time exceeded 40 hours of billable time they would then bill at \$225 an hour.

Vice Mayor Raymond wanted to get away from per hour especially due to the length of some of the Council meetings as well as additional meetings scheduled during the month also M & P meetings and workshops. Vice Mayor Raymond also asked the percentage of time Mr. Humphrey would be present as opposed to additional counsel.

Mr. Humphrey addressed the monthly hours and how they arrived at the figure as well as travel costs and the fact that he would be the principle partner involved and would be available when he could be; however, a new member of the firm Marilyn Miller could be present in his place due to his involvement with another of his government clients. Due to a question from Vice Mayor Raymond, code enforcement would not be part of the retainer.

Councilmember List had no questions but noted she felt a lot of the costs could be controlled by the Council.

Councilmember Babcock addressed time issues as well as hourly rates.

Mayor Kiker was ready to move forward expressing his trust of the firm and the agreement.

Attorney Dalton addressed Councilmember Mandel and his motion that since there was an LPA meeting the following day that the contract would have an effective date of Wednesday June 9, 2010, so the firm would not have LPA duties on Jun 8.

Councilmember Mandel agreed to the change in the motion that the contract date be changed effective Wednesday, June 9<sup>th</sup>, 2010 with a second by Vice Mayor Raymond.

**Public Comment Opened**

▪ **Lee Melsek** indicated his happiness that Mr. Humphrey and his firm were going to be representing the town.

**Public Comment Closed**

**VOTE:** Motion passed 5 to 0

Mayor Kiker asked Councilmember Babcock to assist in a proclamation for Attorney Dalton at the next Council meeting.

There was a consensus for the increase to \$250 dollars for Attorney Dalton until Wednesday at which time legal services would be turned over to Mr. Humphrey.

**MOTION:** Councilmember Mandel made a motion to authorize Mayor Kiker to accept the resignation of Attorney Dalton as town attorney as of Tuesday, June 8<sup>th</sup>, 2010 at midnight and at that point Attorney Dalton would become special counsel to work at the direction of Fowler White and Boggs at the rate of \$250 an hour with a second by Councilmember Babcock.

**VOTE:** Motion passed 5 to 0

***Recess: 11:55 AM      Reconvene: 12:05 PM***

C. Resolution 10-14, Acceptance of Annual Audit

Representatives from the town auditing firm addressed Council reviewing the financial statements, pointing out the inclusion of Bay Oaks Recreational Center and the \$400,000 given to the town by the county for Bay Oaks which was

treated as a \$6.8 million contribution to the town which distorted the financial statements. Also a distribution from the county of gas taxes was also over \$1 million so the gas tax fund shows additional revenues which also would not be consistent with the trends of the town.

**MOTION:** Councilmember Babcock moved to adopt Resolution 10-14 accepting the Basic Financial Statements and Audit for Fiscal Year 2008-2009 as presented by the Town Manager and further move that the Manager be authorized to fulfill any administrative functions in filing these documents with the State of Florida as required by Florida Statute Second by Councilmember List.

**VOTE:** Motion passed 5 to 0

F. Request for Outdoor Seating – Harbor House

Town Manager Stewart indicated the item had previously been before in preliminary stages with Council deciding the town would utilize current parking requirements as the standard for application if the Council decided to make the approval. Mr. Stewart stated one of the decisions needed to be made as to the charge, indicating there was an amount charged to the Times Square merchants; however, there had been questions raised that the amount for Times Square may not be appropriate for the Old San Carlos location. Mr. Stewart also noted there was a concern that the contracts come about the end of September.

Dr. Shockey indicated in previous meetings there was discussion of how outdoor seating in use of the public sidewalk might fit in with the Comprehensive Plan. Dr. Shockey stated he had provided a memorandum with several policies in the Comp Plan that related to the pedestrian activities in the downtown area particularly in the Old San Carlos area as well as a brief discussion of the relationship between the downtown zoning district and its rules for outdoor seating areas on public property and the downtown zoning district and the Comprehensive Plan.

Attorney Dalton indicated the right of way agreement had been updated conforming to Council's prior direction as well as advising Council they should approve two agreements, one for the umbrellas, tables and chairs which would be an annual agreement as well as the structural agreement which was not an annual renewal.

**Public Comment Opened**

- **John Richard** addressed the outdoor seating on Old San Carlos indicating it was nice to see the town's vision going forward.
  
- **Doug Speirn-Smith** indicated he had read the staff report and was in agreement

with it, stating it was a great opportunity to enhance the pedestrian ambiance of the entire street and encouraged Council's approval noting they in no way wanted to impair any public access within the right of way but only to balance the commercial use with the pedestrian use in the right of way. Mr. Spirin-Smith did note that in some applications it might be better to move the seating outward asking for some flexibility.

Town Manager Stewart felt there was a need to select one or the other.

- **John Pohland** indicated he hoped there would be no impediment to pedestrians in the right of way and if the area near the curb was selected that it did not prevent cars from opening their doors.
- **Sandy Campofreduro** encouraged Council to accept the outside seating along Old San Carlos. *Campofredano*
- **Carleton Ryfel** indicated he strongly supported the concept providing the outdoor feeling noting that Old San Carlos Boulevard was just a continuation of Times Square which was the whole purpose from the Gulf to the Bay.

#### **Public Comment Closed**

Councilmember Babcock questioned the number of required parking spaces. Dr. Shockey stated the requirement for restaurant seating areas was 8 spaces for each 1,000 square feet however in the downtown zoning district it was reduced 50%. Dr. Shockey noted that Mr. Speirn-Smith did own additional property containing parking spaces and it would be up to him to indicate which spaces would be used. Town Manager Stewart stated before staff would issue a permit the applicant would have to provide documentation of the required parking spaces.

A discussion ensued regarding whether the application also included 1<sup>st</sup> Street and that it pertained to a restaurant only. Councilmember Babcock liked the concept but had issues with the width of the sidewalk and restricting pedestrian walk space, noting he would prefer the tables to be located near the road.

Councilmember List stated she loved the idea of outdoor seating and did not feel that putting tables in the area would be an inconvenience to pedestrians. Councilmember List expressed a desire for to maintain the current charges to Times Square now and then discuss any changes that would be made for cost per square foot in budget discussions.

Councilmember Mandel agreed with Councilmember List and felt it was a good idea adding to the ambiance of the area. Councilmember Mandel asked for verification as to the location near the building or closer to the curb and if each application could be different. Town Manager Stewart stated he didn't have an

issue with either one but felt it should be one location only.

Vice Mayor Raymond indicated he was for the tables and chairs and had a preference for the location to be near the building. Vice Mayor Raymond asked Dr. Shockey if Times Square was required to have parking with Dr. Shockey stating they were not required to have any parking. Vice Mayor Raymond went on to state he did not feel the Old San Carlos area should be required to have any parking for outdoor seating and the tables and chairs should be under the overhang.

Discussion continued regarding the parking for outdoor seating and/or restaurants with Dr. Shockey reviewing verbiage in the LDC.

**MOTION:** Councilmember List moved to approve contract for use of the public sidewalk for restaurant outdoor seating along Old San Carlos Boulevard, as indicated on the drawings against the wall provided by the representative of the Harbor House at the Inn property, at a rate of \$2.98 per square foot. Second by Vice Mayor Raymond.

**MOTION AMENDED** by Councilmember List to read based on the current rate charged for use of right away with approval for a second by Vice Mayor Raymond.

**MOTION AMENDED** by Mayor Kiker to include the location for seating to be either near the building or near the street but not both and it must meet the standards of the right of way distance. Councilmember List as well as Vice Mayor agreed.

Councilmember Babcock indicated there was a problem as there was not that much space. Dr. Shockey once again provided language from the LDC while Councilmember Babcock requested consistency.

**SECONDARY MOTION:** Councilmember Babcock made a motion to say it meets all the criteria set by the staff that in fact the area be marked off on the pedestrian walk side by a bollard system that would not allow the tables and chairs to be transported into what's remaining of the pedestrian walkway.

The motion failed for lack of second.

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

*Recess: 1:05 PM*

*Reconvene: 1:45 PM.*

### **Continuation of Beach Nourishment**

Councilmember Babcock asked for a discussion of scope.

Attorney Dalton reviewed items of the interlocal with Mr. Boutelle addressing easements and the compromise on costs and savings for both the town and county. Regarding scope, Mr. Boutelle felt the time element needed to be captured as part of the scope that the county would be maintaining the structure as designed for the duration of the DEP permit, noting the likely negative impact, should there be one, would be to county owned property.

A discussion brought forth by Councilmember Babcock over easements ensued continuing into scope, liability and formulas to calculate the town's share. A difference of opinion arose with Mayor Kiker asking to move forward and not revisit past discussions.

Councilmember List addressed gaps if there were those not choosing to sign easements with the sand and waves eventually filling in those areas.

Councilmember Mandel discussed liability and the scope of the project.

Councilmember Babcock questioned the rights of the property owners and the Erosion Control Line.

Mr. Boutelle addressed the reference of funding for new technology as it was not something that the county conceded to if there was an intended obligation to the county then it would be a problem. Mr. Stewart indicated it was a town acknowledged initiative to continue to move forward with for additional projects.

Town Manager Stewart indicated the county would be asking for a temporary construction easement which could encourage those who have not signed.

Attorney Dalton addressed the permit and the possibility of a catastrophic event with the groin failing and parts of it coming onto private property or other property. In discussions with Mr. Boutelle and Mr. Laakkonen, it could be the town permit would state that the county would be obligated to not make any changes to the DEP permit without the town's permission, which would address the unilateral ability to modify requests for the termination of the 7 year repair issues and if the county should request a future change in the DEP permit the town permit would require the county at their own cost to obtain an independent modeling assessment which would help to assess future impacts. Attorney Dalton stated it might also be necessary to obtain permits from other municipalities to see how they address them but the statements might address the bulk of the questions.

Town Manager Stewart suggested in the event that there were no other permits available from other municipalities for comparison, the town might consider

other criteria to use such as requiring as a part of the town's permit the county to have received all the appropriate state and federal permits and licenses that are required to do projects of that nature and have that form a significant portion of the foundation and any other issues that the town attorney might feel are appropriate to ensure that the town's interest be covered.

**MOTION:** Attorney Dalton read the prior motion proposed by Councilmember Mandel with a second by Vice Mayor Raymond.

- Town will cooperate with the county navigational project
- Town would issue a permit
- Town will pay not to exceed \$110,224 and if it exceeds that amount Town would have the ability to terminate the agreement
- The cost of the cancellation of the easements will be a project cost with the Town's proportionate share included in the \$110,224
- The Town will contemplate funding a new technology to provide insights into being good beach stewards
- The Town will be responsible for working out vegetation plan with the property owners with the understanding that the mandatory language will be modified to not make the town a mandatory entity
- The County would be responsible for mitigation.
- The County will be responsible up to and including the 7 years
- The County should they so chose can include the sites they are now purchasing at the County's sole cost.
- The Town Attorney and Town Manager will work with the county and report on June 21<sup>st</sup>, 2010.
- The permit will address issues of liability and include but not limited to a requirement that the DEP permit cannot be changed by the county without prior Town permission, with the Town's permission being conditioned on the Town having the right to have the county do an independent modeling assessment at the county's own cost with other issues of liability being addressed by the Town Manager and Town Attorney

**VOTE:** Motion passed 5 to 0

D. County Purchase of Seafarer's Mall

Town Manager Stewart and Mayor Kiker reviewed the communications they had with the county regarding their purchase of the Seafarer's Mall property, including the county's initial thoughts on the use for the property, whether TDC funds could be used, and what input the town would have in the property's future uses.

Council then discussed their opinions on the purchase and what each Council member would like to see happen on the property. Councilmember Babcock raised a question as to the ethics of Council being involved in a public/private process regarding the property. Councilmember Mandel felt the county needed to participate as if they were a taxpayer to the town.

Attorney Dalton recommended that staff put together a memo listing the allowable uses of the property as well as a second list for how it could be used under conditional use and then what could be done under variance.

**Public Comment Opened**

**No Public Comment**

**Public Comment Closed**

**MOTION:** Councilmember List made a motion for Council to sanction Town Manager Stewart and Mayor Kiker to continue to stay involved with the county in discussions for the Seafarer's Mall property. Second by Vice Mayor Raymond.

Town Manager Stewart stated there were very strong opinions at the last meeting, feeling the county had made assumptions of what the town's opinions were without validating that the assumptions were correct; however, noted that by the end of the meeting the county was aware that the town did indeed have very solid interests making it clear that the town needed the opportunity to present those interests in the future.

**VOTE:** Motion passed 5 to 0

Town Manager Stewart advised Council there were vacancies on the Anchorage Advisory Committee as well as CELCAB, asking whether staff should advertise for the positions with a decision by Council to move forward and advertise.

**XI. TOWN MANAGER'S ITEMS**

**A. Sign Ordinance Guidance**

Town Manager Stewart indicated Dr. Shockey had provided a memorandum to Council, then asked if Council wanted to hold a public workshop, or a joint meeting with the LPA indicating there had to be some significant revisions to the ordinance in order to pass freedom of speech which had been completed by Attorney Dalton. Mr. Stewart stated there were other policy questions that

needed to be completed based on changes of the language.

Dr. Shockey as well as Attorney Dalton provided Council with information explaining the need for revisions to the sign ordinance.

Councilmember Babcock agreed with the need to allow public comment on the issue during Council workshops and LPA workshops.

**MOTION:** Councilmember Babcock made a motion to send the draft ordinance to the LPA and allow the LPA to hold public workshops and eventually a hearing that will address the policy decisions and make a recommendation to Town Council. Second by Councilmember List.

Conversation ensued regarding the necessary changes, the reason it had become an issue, the suggestion that a previous Town Manager had halted progress, and results of that decision.

Mayor Kiker called for consensus of Council whether to continue discussion or go straight to vote.

Councilmember Mandel - continue discussion  
Councilmember List - continue discussion  
Vice Mayor Raymond - continue discussion  
Councilmember Babcock - vote  
Mayor Kiker - continue discussion

Councilmember Mandel asked if an attorney and staff could clean up the language and bring it back to Council. Attorney Dalton outlined the necessary steps for Council indicating whichever direction they chose it would still need to go before the LPA for review.

Town Manager Stewart suggested Council send the matter to the LPA with guidelines the Council would like to see addressed to keep the LPA from inventing new policy matters that would not be necessary.

Mayor Kiker voiced his disapproval over the entire issue of the sign ordinance with the entire Council showing their frustration over the time needed to complete the needed changes. Discussion continued as to how to amend the motion.

**VOTE:** Motion failed 2 to 3 with Mayor Kiker, Vice Mayor Raymond and Councilmember Mandel dissenting.

***Recess: 4:30 PM***

***Reconvene: 4:40 PM***

## **XII. TOWN ATTORNEY'S ITEMS**

A. SWF Beach Management v. Town of Fort Myers Beach  
Attorney Dalton indicated she had no update on this matter.

B. Case #10-CA-001727, Peter and Susan Lisich v. Town of Fort Myers Beach  
Attorney Dalton requested Council consider and appoint outside litigation  
Counsel to defend the Town in the matter.

**MOTION:** Councilmember Babcock made a motion to contract attorney  
Richard Uvonovich to defend the town on Case #10-CA-001727, Peter and  
Susan Lisich v. Town of Fort Myers Beach with a second by Councilmember  
List.

**VOTE:** Motion passed 5 to 0

Attorney Dalton expressed her enjoyment in working with Council during her  
time with the Town.

## **XIII. PUBLIC COMMENT**

### **Public Comment Opened**

▪ **Frank Schilling** indicated he was pleased to see what was happening with  
the properties purchased by the county and the direction the town was moving  
with the property as well as the security Councilmember Mandel requested  
regarding beach nourishment.

▪ **Lee Melsek** thanked Council for insisting that the sign ordinance be enforced  
as well as informing Council he was able to acquire funds from Hawaii for \$500  
for one of the children to go to summer camp at Bay Oaks.

### **Public Comment Closed**

## **XIV. COUNCILMEMBERS ITEMS AND REPORTS**

Councilmember List advised on Monday June 14<sup>th</sup> at 8:15 a.m. there would be a  
music presentation at the Beach School pavilion.

Mayor Kiker thanked staff for taking care of the fountain. Also noting that  
in his next meeting with county commissioners he would advise them the town  
was interested in acquiring contiguous properties with Seafarer's Mall with the  
goal of addressing Estero Boulevard traffic patterns. Mayor Kiker voiced  
his concern with the oil spill information and the possibility of the town fending  
for itself along with Bonita and Sanibel and that they should be looking at  
some challenges and goals and being as creative as possible.

Discussion continued with Mr. Stewart suggesting staff provide Council

with the dynamics of the plan that is in place as well as a possible trip to towns further north to see how they have handled the situation and what issues they encountered. Councilmember Babcock questioned if the town had looked at their hurricane plan coupled with the oil spill.

Town Manager Stewart indicated Commissioner Judah was pursuing low level aerial photography of the Lee County shorelines to document its condition prior to any oil spill occurrence.

Councilmember Mandel volunteered to be the point person for Council regarding the oil spill.

**XV. AGENDA MANAGEMENT**

A. Schedule Date for Storm Water Master Plan Workshop

Mr. Stewart indicated the Storm Water Master Plan should be to staff within a week asking Council to schedule a workshop.

B. Schedule Date for Legislative Platform Discussion

Council set the meeting for July 12<sup>th</sup>

Mr. Stewart indicated the Estero Boulevard Right of Way report was just delivered and would be copied and distributed to Council the next day.

**XVI. RECAP OF ACTION ITEMS**

It was decided Mr. Stewart would provide the recap of action items to Council via e-mail.

**XV. ADJOURNMENT**

**MOTION:** Councilmember Mandel moved to adjourn with a second by Councilmember List.

*Meeting adjourned at 5:25 PM*

Adopted 7-12-10 With/Without changes. Motion by List/Mandel

Vote: 4-0 Babcock absent 90817

  
Michelle D. Mayher, Town Clerk

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