

**FORT MYERS BEACH
TOWN COUNCIL**

**Town Hall- Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931
February 5, 2007**

THE TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICE INC 6:00 PM

I. CALL TO ORDER

Members Present: Mayor Dennis Boback, Vice Mayor Don Massucco, Councilman Garr Reynolds, Councilman Charles Meador, Jr., Councilman Bill Shenko, Jr.

Absent: None.

Town Staff Present: Town Attorney Anne Dalton, Outgoing Town Manager David Sallee, The New Town Manager Gary Parker, Community Development Director Jerry Murphy, Public Works Director Jack Green, Finance Director Evelyn Wicks, Mound House Director Theresa Schober.

II. PUBLIC COMMENT: Please note that public comment will be heard at the time the agenda item is discussed.

III. DIRECTION REGARDING ADVERTISING

IV. DISCUSSION REGARDING REIMBURSEMENT RELATIVE TO FIRE LINE CHARGES

V. STATUS OF ACQUISITION OF PROFESSIONAL SERVICES

VI. OTHER BUSINESS

VII. PUBLIC COMMENT:

VIII. ADJOURNMENT

F. Coastal Engineering Construction 2007 Work Order for Matanzas Harbor Mooring Fields

Jack Green, Public Works Director, explained that this was a bid contract, and a contract that was in place since the initial stages of planning of the Mooring Field, pointing out that the task order was only for the mooring field, and the dinghy dock activities. The Snug Harbor activity was a different issue. He also reported that he did not have the fee schedule attached to the documentation. Mr. Green noted that he had last year's fee schedule.

Councilman Shenko expressed that he was satisfied to proceed as it is presented.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Shenko made a motion to accept the Coastal Engineering Consultants Work Order for the Mooring Field project. Vice Mayor Massucco 2nd the motion.

Discussion:

Councilman Meador expressed that he is not in favor of voting due to the lack of documentation.

VOTE: The motion passes 4-1: Councilman Meador dissenting.

V. TOWN MANAGER'S REPORT

A. CN-06-01, Beach Renourishment, Ranking of Professional Engineers

Mr. Green reported that the selection committee was made up of three members of the Marine Resource Task Force and two staff members. Ms. Dalton requested Council to do a ranking as it is in the statute that the consultants be negotiated in the order they are ranked.

Mr. Mike Jenkins, team leader for Applied Technology & Management made his presentation to Council. Mayor Boback pointed out that they were looking for an independent analysis separate from the plan.

Mr. Jenkins pointed out that there were two entities that were responsible for the project which were the core of engineers and Lee County, stating that was their plan and their project. Mr. Jenkins further added that he was able to provide full critique of that point, stating that he understand the plan better than others.

Mr. Jenkins responded that he was familiar with all the physical data associated with the shore line, as well as storm history with previous history of reports of the coastal process of the island.

Mr. Green pointed out that the scope of services was written as it is because they needed to look at more than one section of the plan and more than one location on the island in order to understand the dynamics of the sand transport.

Mr. Jim Marino with Halcrow also made his presentations. Mr. Marino indicated that he has over 20-years of expertise in the state of Florida with coastal engineering matters. Mr. Marino reported that this is an opportunity to be an independent advisor; he mentioned that the proposal may be great the way it stands, but notes it may have some holes where they can review it and provide an honest answer.

Michael Poff, Coastal Engineering Consultant pointed out that they have preformed a shoreline and erosion analysis for the Town. Mr. Poff elaborated further.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Vice Mayor Massucco made a motion to rank CEC as 1st, ATM ranked as 2nd. Councilman Shenko 2nd for purposes of discussion.

Discussion:

Mr. Green explained in detail the ranking criteria and ranking; First, was experience with similar projects completed to date. Second, was based on experience with projects utilizing various funding and grant sources. Third, team experience and the Fourth was team approach towards the project.

Councilman Meador pointed out that he would prefer to defer to their selection committee who put a considerable amount of time.

Councilman Shenko agreed with Councilman Meador, and would tend to rank them as the committee did.

Mayor Boback responded that all three companies were well qualified, but leaned towards ranking them as the selection committee did.

VOTE: The motion fails 4-1; with Vice Mayor Massucco voting in favor.

MOTION: Councilman Shenko made a motion to rank the engineering firms in the same manner the committee ranked them;

1.) Applied Technology & Management.

2.) Halcrow.

3.) Coastal Engineering Consultants, Inc. Councilman Reynolds 2nd the motion.

Discussion:

Councilman Reynolds expressed that he had no problems going along with the recommendations of ranking made by the selection committee.

Councilman Meador pointed out that Halcrow and Applied Technology were closely rated in background.

VOTE: The motion passes 4-1; Vice Mayor Massucco dissenting.

VI. INTRODUCTION OF THE FOLLOWING ORDINANCE

A. Ordinance 07-02, Amending Town Hall Search Committee

Ms. Dalton read Ordinance 07-02, Amending Town Hall Search Committee and noted that this is an introduction not the actual hearing.

MOTION: Councilman Shenko made a motion to move forward with Ordinance 07-02. Councilman Meador 2nd the motion.

Discussion:

Councilman Shenko pointed out that they have previously discussed this Ordinance which would disqualify any member of that committee from being paid a commission or a fee for their services, and expressed being in favor of the Ordinance.

AMENDED MOTION: Councilman Shenko amended his motion to exclude the word Town Advisory Committee Members in Section 8; line five. Vice Mayor Massucco will not amend his 2nd.

Councilman Shenko withdrew his motion.

MOTION: Councilman Meador made a motion to move Amendment forward with one change, the deletion in Section- 8; removing the term Town Advisory Committee Members, and removing the same language in the 5th line in Section 8-. Councilman Shenko 2nd the motion.

Discussion:

Mayor Boback opens public comment:

- Lee Melsek made comments regarding the deletion of Section-8.

Mayor Boback closes public comment:

VOTE: The motion passes 4-1; With Vice Mayor Massucco dissenting.

VII. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS

A. Recognition of the new Town Manager, Mr. Gary Parker

Mayor Boback announced Mr. Gary Parker as the new Town Manager and welcomed him aboard.

Councilman Meador referred to the meeting with the Sheriff's Department regarding a neighborhood watch. Councilman Meador announced an apology to Mr. Babcock.

(Councilman Shenko spoke about the MPO, and commented that they ~~will~~^{may} be merging.

Vice Mayor Massucco requested to have the Sheriff's Substation put on the next agenda for discussion.

Councilman Reynolds thanked the audience for their perseverance.

Mayor Boback referred to the March 21st meeting with County Commissioners, and suggested to Vice Mayor Massucco putting the Beach Substation item for that meeting.

VIII. TOWN ATTORNEY'S REPORT

A. Curfew Status

Ms. Dalton referred to a memorandum dated January 7th regarding the status of a meeting held with Councilman Shenko, herself, and the Sheriff's Department pertaining to the upcoming Spring Break. Ms. Dalton announced that the Sheriff's Department offered to do the Curfew Enforcement in Spring Break at no expense.

Councilman Shenko recommended that Council move forward with the complaint based system where they charge by the hour. Councilman Shenko added the Sheriff's Department to enter into an inter-local agreement.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Shenko made a motion to move forward with the core service as outlined in paragraph I., from the memorandum dated January 7, 2007 and enter into an inter-local agreement with the Sheriff's Department as necessary to implement the core service. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 5-0.

B. Wilker Foreclosure

Ms. Dalton announced that she has sent a letter to Mr. Meran regarding the Wilker Foreclosure, and responds that she has not received any response and the matter is back to Town Council for review and consideration.

MOTION: Vice Mayor Massucco made a motion to move forward with Wilker foreclosure. Councilmember Meador seconded.

Discussion:

Councilman Meador pointed out that they need to enforce their codes.

Councilman Shenko also agreed with Councilman Meador and points out that they enforce the matter or they will be neglecting their codes.

Mayor Boback also agreed that they have given them plenty of opportunities, and states that they have to move forward.

VOTE: The motion passes 5-0.

Ms. Dalton requested an Executive Session in the matter of Shenko vs. Werner for February 20, 2007 at 4:00 PM.
Council members gave consensus.

IX. TOWN MANAGER'S REPORT

A. Resolution 07-12, Personnel Manual; Adoption of Personnel Manual

Mr. Sallee requested for approval of Resolution 07-12, Personnel Manual for operations.

Ms. Dalton read the captions for Resolution 07-12; Personnel Manual.

MOTION: Councilman Shenko made a motion to approve Resolution 07-11. Councilman Meador 2nd the motion.

AMENDED MOTION: Councilman Shenko amended his motion to approve Resolution 07-12. Councilman Meador amended his 2nd.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

VOTE: The motion passes 4-1; with Councilman Reynolds dissenting.

B. Mound House Landscape Plan

Ms. Schober referred to the Council packets, and made her presentation regarding the Mound House Landscape Plan.

Mayor Boback opens public comment:

- Sylvia La Chappelle made comments regarding approving the plan.
- Michael May also spoke in favor of the Mound House Landscape Plan, and requested Council for their consideration.
- David Smith asked questions regarding the parking situation.
- Ceel Spuhler spoke on behalf of the Mound House.

Mayor Boback closes public comment:

Discussion:

Councilman Meador pointed out that it is an attractive plan but that they need to build the house first before they start putting in landscaping.

Councilman Shenko shared Councilman Meador's concerns and added that they needed to be considerate of the use of high-rise trees.

Vice Mayor Massucco commented on the parking issue.

Councilman Reynolds referred to the parking spaces.

MOTION: Councilman Reynolds made a motion to accept the conceptual Landscape Plans as presented by Ms. Schober. Vice Mayor Massucco 2nd the motion.

Discussion:

Councilman Shenko requested the motion maker to amend his motion to include the conceptual drawings to have 18 to 24 parking spaces, with alternative plans for lower shrubbery at the ends if it adversely affects the view of neighbors on the canal or on Connecticut Street.

Councilman Reynolds responded he would accept 20 spaces, and would amend his motion.

AMENDED MOTION: Councilman Reynolds amended his motion to include the conceptual drawings to have 20 spaces with alternate plans for lower shrubbery. Vice Mayor Massucco amended his 2nd.

VOTE: The motion passes 5-0.

C. Beach Raking

Mr. Green announced that the Drift Algae is back. Mr. Green pointed out that they sought a permit from DEP, which will allow them to rake during any two week period in the month of February. He noted this is only good for 14 days.

MOTION: Councilman Meador made a motion to give the Town Manager the authority as requested by Mr. Green. Councilman Reynolds 2nd the motion.

Discussion:

Vice Mayor Massucco questioned about the 14 days.

Mr. Green reported the clock beings once they begin raking.

Councilman Reynolds was in favor of the Town Manager having the authority to make that decision.

Councilman Meador referred to this matter when they voted on this back in June and asked how they will document it.

Ms. Dalton responded that Council will give instruction to the Town Manager only under the circumstances of life or safety/health issue, and

the authority Council has given this evening be exercised, and it will be documented by the Public Works Director accordingly.

Councilman Shenko pointed out that they have not changed the Land Development Code, and they should follow the procedure they have in place.

VOTE: The motion passes 5-0.

X. FINAL PUBLIC COMMENT: Public comment at this time is heard on any item and/or issue of concern.

Mayor Boback opens public comment:

- Doris Kovach resident shared concerns regarding the parking for Ms. Schober.
- Herb Acken announced that he is running for Town Council seat one in the upcoming March Election, the seat being vacated by the honorable Vice Mayor Massucco.

Mayor Boback closes public comment:

XI. ADJOURNMENT

MOTION: Vice Mayor Massucco made motion to adjourn. Councilman Shenko 2nd the motion.

VOTE: The motion passes 5-0.

Mayor Boback adjourned the meeting at 10:42 PM

NEXT MEETING: February 12, 2007 at 4:00PM

NOTE: This meeting is televised live on Comcast Channel 11.

If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based. Please note: Agendas will be available on the Friday prior to this meeting at www.fmbeach.org.

Respectfully submitted,

Michelle Meyer 3-5-07

*Approved: Shenko/Meador
VOTE 5-0*