

MINUTES

TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES INC.

2523 Estero Boulevard
Fort Myers Beach, FL 33931

June 4, 2007
6:30 PM

Director Boback called the meeting to order at 6:00 PM of the Board of Directors of The Public Works Services Inc. Present in addition to Director Boback, was Director Kiker, Director Acken, Director Meador, Corporate Attorney Anne Dalton, and Manager Gary Parker.

Absent: Secretary Shenko.

MOTION: By Director Acken to pass Resolution 07-04U, Professional Services for Utility Restructuring and related matters. Seconded by Director Meador.

VOTE: 4-0

MOTION: to adjourn by Director Meador, seconded by Director Kiker.

VOTE: 4-0

ADJOURNMENT at 6:18 PM.

REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

Mayor Boback called to order the meeting of the Town Council at 6:30 PM.
All stood and recited the pledge of allegiance.

Present: Mayor Boback, Vice Mayor Kiker, Councilmember Acken, Councilmember Meador, Councilmember Shenko, Town Attorney Anne Dalton, Town Manager Gary Parker, Public Works Director Jack Green

CONSENT AGENDA:

Approval of Minutes: May 1, 2007; May 7, 2007; May 14, 2007; May 21, 2007
Councilmember Meador inquired as to a point of order, that his understanding was that this meeting was to be a work session meeting only, and not a business meeting. Town Manager Gary Parker indicated that the 4th of July special event permit needed to be done in a timely fashion, and it was staff's wish to introduce the amendments to the LDC

Chapter 34, however it was not time sensitive. Mayor Boback agrees with Councilmember Meador that the concept of a work session was unsuccessful, and would prefer to return to business meetings. Vice Mayor Kiker expressed concerns as to the legal repercussions of advertising this meeting as a work session, and then turning it into a business meeting. Councilmember Shenko would prefer that the Council take as little action tonight as possible, as it was not advertised to be a business/action meeting.

MOTION: By Councilmember Shenko to approve the 4th of July Special Event Permit Application, as presented, and table all other items to a regularly scheduled Town Council meeting.

Seconded by Councilmember Meador.

Councilmember Acken asked if the motion-maker would be willing to amend the motion to include the agenda item of an appointment to the Marine Resources Task Force be an item for action at this meeting. Councilmember Shenko stated that he was not willing to amend his motion.

VOTE: 3-2 with Councilmember Acken and Vice Mayor Kiker dissenting.

MOTION: To adjourn the regular meeting and go into the workshop.

VOTE: 4-1 with Councilmember Acken dissenting.

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| AGENDA | TOWN COUNCIL WORKSESSION | 6:30 PM |
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NOTE: This meeting is scheduled as a work session, therefore no action will be taken at this time. Action on the following items will be taken at the June 11, 2007 and June 18, 2007 Town Council meetings, along with some other items that may be placed on those agendas.

PUBLIC COMMENT:

None

North Estero Boulevard Rehabilitation

Engineer for Environmental Consulting & Technology, Ron Edenfield addressed the Council and presented plans for the North Estero Boulevard Stormwater Drainage and Reconstruction Project. ~~Mr. Edenfield provided "typical section" drawings of the project. Public Works Director Jack Green indicated that the purpose of this presentation at this time is to bring Council up to speed on the project, and give staff the assurance that the project is headed in a direction that is agreeable to the Council.~~

Estero Boulevard Rehabilitation

Public Works Director Jack Green informed Council that he had participated in the short listing of the firms that had responded to Lee County's advertisement for firms to participate in the rehabilitation of Estero Boulevard. ~~Mr. Green indicated that the three short-listed firms were McMahon and Associates, Post Buckley America and TY Lin. Then shortly after, Mr. Green and other Town staff participated in the ranking and were unanimous. Although this is a County project, the Town's participation was fully equal, and staff was in full agreement that the ranking should be McMahon Associates ranked first, then TY Lin. Unless there is some concern on the part of the Council, staff recommends that this project move forward.~~

Jaywalking Ordinance – TMA Presentation

Dave Tezak, a member of the Traffic Mitigation Agency presented the committee's proposed ordinance. ~~Mr. Tezak indicated that the TMA had concerns about pedestrian safety as well as the impact on the flow of traffic with pedestrians crossing the boulevard "at will" and he is bringing this proposed ordinance forward in the hope that it could positively affect these two issues. Vice Mayor Kiker expressed his understanding from the Lee County Sheriff's Office that jaywalking could only be enforced if the pedestrian crossed at an angle other than a ninety degree. Councilmember Aeken inquired whether the TMA had statistics regarding casualties/fatalities, whether there are "hot spots". He is in favor of reducing speed limits. Councilmember Meador feels that the proposal for a jaywalking ordinance could be counter productive in speeding up traffic flow. Councilmember Shenko expressed his concern about the lack of crosswalks on the north end of Estero. Mayor Boback spoke that it's the consensus of council not to move forward with this proposal.~~

Recess: (time not noted)

Prioritization of Council Goals

Town Manager Gary Parker spoke to the need to refocus on the originally established Council goals. ~~Councilmember Meador indicated that if the intention was that the Council not address any other goals until these were addressed, that he could not buy into it. Councilmember Shenko would like to move up the meeting lengths as he feels that the more the Council meets, the less that seems to be getting done. Vice Mayor Kiker feels that we are not getting anything done, that there are no timelines or completion on projects. He suggests that perhaps the new Council should revisit these top ten goals from when they were established. Councilmember Aeken can appreciate the burden that frequent and lengthy meetings can have on staff's ability to get any other work done. He expressed his willingness to work with the Council to achieve their goals. Mayor Boback expressed his displeasure with the work session format, and agrees with Councilmember Meador that it is the Town Manager's responsibility to manage the work flow. Town Manager Parker responded his desire to escalate communication between himself and the Town Council to assist him in the better management of the work flow. Vice Mayor Kiker asked to get a consensus from Council as to revisiting the Town's goals and priorities, perhaps after the right of way issue at the workshop.~~

Contracts

Public Works Director, Jack Green spoke to this item that it is in response to the Council's request to be kept abreast of contracts that may be coming before Council for renewal, or to be rebid. ~~Public Works Projects Manager Cathie Lewis was very effective in compiling this information, updating it and bringing it to the Council.~~

Beach Renourishment

Public Works Director Jack Green spoke to this item, that the first preliminary review from ATM indicated that the beach was more stable than what had been originally reported, and that ATM had identified two erosion hotspots. ~~The project, as designed right now, will give the Town a bigger beach.~~ Mr. Green indicated that now the engineers are looking for direction. Staff's recommendation is to ask the consultant to put together and prepare the recommended changes that they see that would renourish the beach according to the plan.

~~Councilmember Meador stated that he reads the report differently from Public Works Director's interpretation. He feels the report validates what the beach citizens have been saying and refutes what the Corps. of Engineers has indicated.~~

~~Vice Mayor Kiker questioned whether this current plan was inclusive or exclusive of dunes and vegetation, and mentioned that the past agreement was exclusive.~~

~~Councilmember Acken opined that it can be very easy to structure a study to make the case that one would want to make.~~ Public Works Director Jack Green asked for clarification as the directive for the consultant and the directive was that he was to ask how it complied with the present plan, and can this plan be changed.

Proposed Land Development Code Amendments

This item had come before Council for discussion but was tabled until a time when Councilmember Meador would be in attendance. Mayor Boback recognized Councilmember Meador. Councilmember Meador indicated ~~that in an effort to expedite the amendments that Mr. Spikowski would normally do, he has brought forth these proposals for consideration. He doesn't agree with the perception that an amendment coming from a Councilmember would be viewed in awe, and therefore be treated preferentially.~~ and would like them to be on the June 11, 2007 agenda for discussion and possibly send these on to the LPA.

Newton Beach Park – Responses to Lee County and FCT

Ms. Schober advised the Council that the letters had been sent to Lee County and to FCT and to date no response had been received. The Council discussed the condition of the property and reiterated their desire to have the Park cleaned up and made useful to the community, and options concerning transfer of ownership back to FCT with potential financial obligations to Lee County.

Introduction of Contract AD-07-02 T-1 Lines and Telephones (6.18.07)

Nicole Olsen, IT Assistant Advised the Council as to the unreliability of the Town's internet access, the frustration with lack of service and the inability to hold the provider responsible. ~~The Town is looking at other options and at this time the intention is to inform the Council of our intention to look at other options. Councilmember Meador~~

~~inquired as to who compiled the bids. Ms. Olsen replied that she had consulted with the Town's current IT Contractor as well as other municipalities throughout the State. Jack Green added that a T-1 line provides a guarantee of service which has not happened with the DSL provided by Embarq. The Town does have a responsibility to the public, and the T-1 provides that ability, and at a cheaper cost.~~ Staff is not seeking any direction at this time, and will be bringing this item forward at the June 18, 2007 Town Council meeting with a recommendation.

Advisory Committees Items

Town Manager Gary Parker spoke to this item that staff is working on getting a minutes clerk, advising the advisory committees as to budget preparations and determining an appropriate number for membership for each committee. ~~There was some discussion as to quorum, and Attorney Dalton advised that the ordinances that govern the committees determine a minimum number of members, which is a separate issue from a quorum.~~

Setting Date for Budget Seminar

Mr. Parker sees the merit of setting budget workshops prior to the two public hearings in September for adoption. Workshops were scheduled for July 19, 2007 at 6:30 PM and July 26, 2007 at 6:30 PM.

Town Hall Search Committee

It was the consensus of the Council to couple our needs analysis with the prioritizing our goals. ~~Council needs to decide how aggressive they want to be. There's vehicles out there; it's part of the budget process and priority process, it's just how aggressive we want to be.~~

Temporary Parking Lots

Mayor Boback brought this item to the table for discussion in an attempt to put some organization to the parking lots situation as this issues comes up in the summer months. ~~Councilmember Aeken feels that parking is a premium and scarce commodity, and would like to see this explored further. Councilmember Shenko has a problem with Council making recommendations to changes in the Land Development Code. Councilmember Meador sees no point in bringing folks in for conversation if we are not going to be recommending changes.~~

I. TOWN MANAGER'S ITEMS

None.

II. TOWN ATTORNEY'S ITEMS

None.

III. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Kiker would like the website to advertise an opening for someone to sit on the Human Services Council. He would also like MRTF to

have copies of the algae booklet, and to address seawalls. Also, Vice Mayor questioned whether the Town would consider aligning our elections with the State in order to save taxpayers money. He would also like consideration of the process of plurality for future discussion.

Councilmember Acken is seeking an endorsement of a letter to the Charlotte Harbor National Estuary Program regarding requiring the water quality permitting application.

IV. PUBLIC COMMENT

None.

V. ADJOURNMENT



Michelle Mayher
Town Clerk

7-9-07 approved as corrected

Motion Councilmember Meator

Passed 4-1 with Councilmember

Acken dissenting.