

MINUTES
FORT MYERS BEACH TOWN COUNCIL

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

August 6, 2007
6:30 PM

Mayor Boback called the meeting to order. All councilmembers were present, as well as Town Manager Gary Parker, Town Attorney Anne Dalton, Town Clerk Michelle Mayher, Community Development Director Jerry Murphy, Mound House Director Theresa Schober and IT Assistant Nicole Olsen.

All stood for the pledge to the flag, and for the invocation by Reverend Tom Snapp.

Opened Public Comment.

Public Comment was heard:

Jim Bidro referred to positive things that Mr. Parker has accomplished

Larry Yax commented that he is requesting that there be no requirement for a traffic study for his permit. He stated that there has been no response from code enforcement.

Pat Smith supported the 2009 election for Council.

Town Clerk read letters from Nancy Mulholland and Tom Babcock, not supporting the 2009 election.

Closed Public Comment

Councilmember Meador pulled Item G, Mound House Grant Agreement and Restrictive Covenants from the Consent Agenda.

Councilmember Shenko pulled Item E, Special Event Permit Application: Shinedown and Finger Eleven Live Show from the Consent Agenda.

Councilmember Acken made a motion to move the approval of minutes to the end of the evening's agenda. Seconded by Vice Mayor Kiker. Motion failed 3-2, with Councilmember Meador, Councilmember Shenko and Mayor Boback dissenting.

Councilmember Meador moved to approve the balance of the Consent Agenda. Councilmember Shenko seconded the motion. Motion passes 4-1 with Vice Mayor Kiker dissenting.

Regarding the Special Event Permit Application: Shinedown and Finger Eleven Live Show, Councilmember Meador moved to table this item until the application packet is complete. Councilmember Shenko seconded the motion.

Kathleen Smith, Blue Ice Entertainment spoke as event planner.

Opened Public Comment
Public Comment was heard
Closed Public Comment

Motion passed 4-1, with Councilmember Acken dissenting.

Regarding the Mound House Grant Agreement and Restrictive Covenants, Councilmember Acken moved to authorize the execution of the Historic Preservation Grant Award Agreement and Restrictive Covenants. Seconded by Councilmember Meador. Motion was amended to indicate that selection of Advance Disbursement as opposed to Reimbursement on page 2 of the agreement. Motion passed 5-0.

Roger Johnson, Co-chairman of the Public Safety Task Force, spoke to the Resolution PSTF 07-03, Crosswalks.

Opened Public Comment
Public Comment was heard.
Closed Public Comment

Councilmember Shenko made a motion for Resolution PSTF 07-03 Items 1a, b and c to be sent in a letter from Council to LeeDOT for their review and report back with recommendations, as well as ask the County to repaint all crosswalks. Councilmember Meador seconded the motion. Motion passed 4-1 with Councilmember Acken dissenting.

Councilmember Shenko moved for Town staff to go forward with Item 2 of PSTF 07-03. Councilmember Meador seconded the motion. Motion passed 5-0.

Roger Johnson, PSTF co-chairman, spoke to Resolution PSTF 07-02, Pavement.

Councilmember Acken moved to pursue a course of action whereby the Town contacts the South Florida Water Management District and the County to secure a temporary permit for paving or placing of substance or surface in the areas as determined in the PSTF 07-02, until proper drainage is in place along with the Estero rehabilitation project. Vice Mayor Kiker seconded the motion.

Motion passed 5-0.

Opened Public Comment
Public Comment was heard.
Closed Public Comment

Charles Hester, chairman of the Marine Resources Task Force addressed Council, bringing forward the MRTF Work in Progress Report, and the Sanibel Algae Infestation Management Report.

Attorney Dalton read Resolution 07-27, Town Council Policies and Procedures Manual:
Verbatim Minutes

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN COUNCIL POLICIES AND PROCEDURES MANUAL TO REQUIRE PRIOR TOWN COUNCIL APPROVAL FOR PRODUCTION OF VERBATIM TRANSCRIPTS OF TOWN MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

Opened Public Comment

None

Closed Public Comment

Councilmember Meador moved to adopt Resolution 07-27. Councilmember Shenko seconded the motion.

Vice Mayor Kiker moved to table the issue of resolution 07-27 to a workshop to review the Town Council's Policies and Procedures Manual.

A motion to table takes precedence over a motion to adopt.

Motion passed 3-2, with Councilmember Meador and Councilmember Shenko dissenting.

Attorney Dalton read **Ordinance 07-05,**
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH AMENDING THE CHARTER, PROVIDING AUTHORITY; AMENDMENT – PROVISION FOR ELECTION OF COUNCILMEMBERS FOR 2009 ANDE SUBSEQUENT ELECTIONS; SETTING DATE OF NEXT GENERAL ELECTION; SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE DATE.

Opened Public Comment

Public Comment was heard:

Bob Simon supported the extension of the terms to meet the 3 years for the Council.

Bob Raymond did not support the extension of the terms to meet the 3 years, but wanted to uphold the existing AGO.

Closed Public Comment

Councilmember Acken moved to amend Ordinance 07-05 to change the date of the next election of Councilmembers from the second Tuesday in March to January 29, 2008 in concurrence with the presidential preference primary in January 29, 2008. Vice Mayor Kiker seconded the motion.

Town Clerk Michelle Mayher called the roll:

Councilmember Acken aye

Councilmember Meador nay

Councilmember Shenko	nay
Mayor Boback	nay
Vice Mayor Kiker	aye

Motion failed 3-2 with Councilmember Meador, Councilmember Shenko and Mayor Boback dissenting.

Mayor Boback moved to amend the ordinance for an election in November 2008.
Motion failed for lack of a second.

Councilmember Meador shared a new 07-05 proposal that moved the election date to April 2008.

Councilmember Meador then shared a new 07-07 that extended the terms for seats 3, 4, 5 for a full 4 years and seats 1, 2 for 4 years and 8 months. All seats would then be elected on a 4 year basis on odd years. This was to be introduced to the voters in referendum for January 2008.

Councilmember Meador moved to continue the public hearing on Ordinance 07-05, Ordinance 07-07, and the Plurality referendum to August 20, 2007 at 6:30 PM.
Councilmember Shenko seconded. The motion passes 4-1 with Councilmember Acken dissenting.

Public Works Director Jack Green referenced a memo regarding speed limits on town side streets.

Opened Public Comment
Public Comment was heard.
Closed Public Comment

Vice Mayor Kiker moved to send this item to the Public Safety Task Force for their review and recommendations as to speed limits, as well as consider alternate methods of transportation on the side streets. Councilmember Shenko seconded the motion. Motion passed 5-0.

Vice Mayor Kiker requested removing from the Administrative Agenda Item B, Discussion regarding Public Hearings as they relate to Charter Amendments.

Administrative Agenda Item C., Discussion regarding the Matchbox Tattoo License was brought forward by Vice Mayor Kiker.

Vice Mayor Kiker moved to direct LPA to review this specific topic, to look at the LDC as to the applicability of the tattooing restrictions. Councilmember Acken seconded.

Opened Public Comment
None

Closed Public Comment

Motion failed 3-2, with Mayor Boback, Councilmember Shenko and Councilmember Meador dissenting.

Attorney Dalton requested withdrawing from the agenda Town Attorney Item, Czulewicz vs. Town of Fort Myers Beach.

Town Manager items:
\$120,000 was not approved for signs that stated time to the beach for 2010 and 2012.

Councilmembers Items:

Councilmember Shenko questioned whether reading letters into minutes was appropriate.

Councilmember Meador wanted to ensure that Ordinances 07-05, 07-06 and 07-07 would be on the August 20, 2007 meeting agenda.

Councilmember Acken sought to verify that the Slavich project had been submitted and got an approximate 100 day estimation on how much time it will take to go through initial approval. Community Development Director, Jerry Murphy responded that the application for the Times Square Redevelopment project had not been submitted to date.

Mayor Boback wants to schedule a Town Hall meeting. Mr. Parker will schedule such after the budget adoption.

Mayor Boback asked when the Newton project would be scheduled for Council discussion, and Mr. Parker responded that the August 20, 2007 meeting agenda will have a discussion with Mr. Bill Grace.

Mayor Boback asked for Community Development Director, Jerry Murphy to follow up on Pink Shell outside parties.

Mayor Boback requested the Town Manager evaluation be scheduled and set for an annual review.

The meeting adjourned at 10:45 PM

Adopted 8/20/07 With/ Without Changes. Motion by Shenko/Parker
(Date)

Vote: 5-0


Michelle Mayher
Town Clerk

- End of Document