



MINUTES
FORT MYERS BEACH TOWN COUNCIL
Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

DECEMBER 3, 2007

REGULAR MEETING
FORT MYERS BEACH TOWN COUNCIL

I. CALL TO ORDER

Mayor Boback called the meeting to order at 6:30 PM. All Councilmembers were present, as well as Town Manager David Sallee, Town Attorney Anne Dalton, Town Clerk Michelle Mayher, Community Development Director Jerry Murphy, Public Works Director Jack Green and Director of Finance, Evelyn Wicks.

II. PLEDGE OF ALLEGIANCE

All stood and recited the pledge of allegiance.

III. WELCOME: Mr. David Sallee, Interim Town Manager

Mayor Boback introduced Mr. Sallee, who expressed his pleasure at being back with the Town of Fort Myers Beach.

IV. PUBLIC COMMENT

Opened Public Comment:

Public Comment was heard:

- Carol Loffreno spoke against changes made in part of Laguna Shores regarding traffic.
- Rae Tabasso spoke against the speed limit changes in Laguna Shores.
- James Tabasso spoke against the necessity for the changes in the speed limits in Laguna Shores, and a 15 mph speed limit.

Closed Public Comment.

V. CONSENT AGENDA:

- A. Approval of Minutes: November 15, 2007
- B. Approval of Minutes: November 19, 2007
- C. Appointment of Captain Michael Ketchmark to the
Anchorage Advisory Committee
- D. Allocation of CDBG Funds for Work Plan to Systematically Address
Countywide Homelessness

MOTION: Councilmember Shenko moved to approve the consent agenda. Councilmember Meador seconded the motion.

VOTE: Motion passed 5-0.

VI. ADVISORY COMMITTEES ITEMS AND REPORTS

A. MRTF Mulholland Stewardship Award

Mr. Charles Hester, Chair person for the Marine Resources Task Force came forward, and indicated that he has provided to the Council the MRTF work in progress report, and was there should council have any questions. Mr. Hester further indicated that the Mayor was in possession of the award, and would be pleased to allow him to present it.

Mayor Boback read the award:

Mulholland Stewardship Award

Presented to

Dennis & Doris Kovach

In recognition of their outstanding community service in the field of environmental conservation as evidenced by their actions to form and lead a citizen's conservation group, Friends of Little Estero Island, to preserve and improve the Little Estero Island Critical Wildlife Area.

Presented this 3rd Day of December, 2007.

Dennis & Doris Kovach accepted the award.

VII. RESOLUTIONS:

A. Resolution 07-46, Council Policies and Procedures Manual

Attorney Dalton read the title.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING THE TOWN COUNCIL POLICIES AND PROCEDURES MANUAL TO PROVIDE FOR INCLUSION OF SPECIAL MEETINGS AND WORKSHOPS INTO, IMMEDIATELY PRIOR TO, OR IMMEDIATELY FOLLOWING REGULAR TOWN COUNCIL MEETINGS, PROVIDE FOR TOWN COUNCIL REVIEW OF SPECIAL EVENT APPLICATIONS UNDER CERTAIN CIRCUMSTANCES AND MAKE SCRIVINER'S CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE

Opened Public Comment:

None

Closed Public Comment

MOTION: Councilmember Meador moved to approve the resolution, and that the changes be adopted. Councilmember Shenko seconded the motion.

MOTION: Councilmember Acken made a secondary motion to delete section three, incorporation of special workshops and special meetings into regular council meetings (page 2 of 13). Councilmember Meador seconded the motion.

VOTE: (secondary motion) Motion passed 5-0.

MOTION: Councilmember Shenko made a secondary motion that any new special event application which includes a request for outdoor music and/or alcohol will be presented to Council. Councilmember Meador seconded the amendment to the motion.

VOTE: (secondary motion) Motion passed 5-0.

MOTION: Councilmember Meador moved that the sub paragraph under paragraph four, commencing with the word “residency” be deleted from the Policies and Procedures Manual. Councilmember Shenko seconded the motion.

VOTE: Motion passed 4-1, with Councilmember Acken dissenting.

VOTE: (main motion) Motion passed 5-0.

B. Resolution 07-47, Banking Resolution SunTrust
Attorney Dalton read the title.

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 TOWN BANK ACCOUNTS, AND PROVIDING AN EFFECTIVE DATE

Opened Public Comment:

None

Closed Public Comment

MOTION: Councilmember Shenko moved to adopt resolution 07-47, with the date of December 3, 2007 being filled in, in the fourth whereas clause. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0.

C. Resolution 07-48, Banking Resolution Fl Municipal Insurance Trust
Attorney Dalton read the title.

A RESOLUTION OF THE TOWN COUNCIL OF THE 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 Shenko moved to adopt resolution 07-48 as presented (with the fifth whereas clause including the date of December 3, 2007). Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0.

D. Resolution 07-49, Banking Resolution SunTrust Credit Card

Attorney Dalton read the title.

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 Shenko moved to adopt resolution 07-49 as presented . Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0.

VIII. ORDINANCES:

A. Introduction of Ordinance 07-08, Amending Membership Requirements, Advisory Committees

Attorney Dalton read the title:

ORDINANCE 07-08, AN ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS OF THE ANCHORAGE ADVISORY COMMITTEE, CULTURAL AND ENVIRONMENTAL LEARNING CENTER ADVISORY BOARD, COMMUNITY RESOURCE ADVISORY BOARD, MARINE RESOURCE TASK FORCE, PUBLIC SAFETY TASK FORCE, TIMES SQUARE ADVISORY BOARD, AND TRAFFIC MITIGATION AGENCY, PROVIDING AUTHORITY; SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE.

Opened Public Comment

Public Comment was heard

- Charles Hester spoke in favor of lifting the residency requirements for the members of the advisory committees.

Closed Public Comment

MOTION: Councilmember Acken moved to move Ordinance 07-08 forward to a public hearing. Vice Mayor Kiker seconded the motion.

Discussion ensued among the council regarding date of appointment, committees expending any Town funds, the residency requirement, both pros and cons, and the reinstatement of term limits.

VOTE: Motion passed 4-1, with Councilmember Shenko dissenting. The hearing was set for January 7, 2008 at 6:30 PM.

B. Introduction of Ordinance 07-09, Amending Membership Requirements,
Local Planning Agency

Attorney Dalton read the title:

ORDINANCE 07-09, AN ORDINANCE AMENDING CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY, AMENDMENTS TO SECTIONS 34.113 AND 34.114, DIVISION 3 LOCAL PLANNING AGENCY, ARTICLE II ZONING PROCEDURES, WHICH ARE TITLED, RESPECTIVELY, "COMPOSITION, APPOINTMENT AND COMPENSATION OF MEMBERS", AND "MEMBERS TERMS AND VACANCIES", PROVIDING FOR CHANGE IN DATE OF APPLICATION FOR LPA MEMBERSHIP, CHANGE IN THE DATE OF APPOINTMENT OF THE LPA AND CHANGE IN THE TERMS OF LPA MEMBERS; SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE.

Opened Public Comment:

None

Closed Public Comment

MOTION: Vice Mayor Kiker moved to have Ordinance 07-09 moved to a public hearing. Councilmember Acken seconded the motion.

Discussion ensued with some of the same objections and opinions regarding residency requirements and term limits.

VOTE: Motion passed 3-2, with Mayor Boback and Councilmember Shenko dissenting. The hearing was set for January 7, 2008 at 6:30 PM.

ADMINISTRATIVE AGENDA

C. Discussion Regarding Shoulder Overpavement by Lee County

Public Works Director Jack Green spoke to this item, stating that this was brought to Council by the Public Safety Task Force to place open face pavers from Red Coconut to Palermo, and that the County will bid and manage the project if the Town pays, at a projected cost of \$96,300.

MOTION: Councilmember Meador called for a point of order, that there is not a motion on the table.

MOTION: Councilmember Shenko moved to go forward with the project as presented. Councilmember Acken seconded the motion.

There was discussion regarding whether this is really a public safety issue, or an enhancement, that the Town can afford the project and should go forward, that it's an expense that has not been budgeted, and that there is a concern regarding the project underway and consideration of impeding traffic.

Opened Public Comment:

Public Comment was heard:

- Carol Loffreno expressed her preference that this project be put off until after April 1, 2008.

Closed Public Comment

MOTION: Councilmember Acken made a secondary motion that this project not commence prior to April 7, 2008. Councilmember Meador seconded the motion.

VOTE: (secondary motion) Motion passed 5-0.

VOTE: (main motion) Motion passed 4-1, with Councilmember Meador dissenting.

Town Manager David Sallee asked if the Council would like to hear the update from Mr. Colin Baenziger, Colin Baenziger & Associates regarding the executive search for the Town Manager. Council agreed to move him up on the agenda, and be heard next.

Mr. Baenziger came forward and updated the council on the search process. His firm has place a written ad on his website, and on the Town's, has e-mailed to a database of some seven thousand professionals, has listed the opening with Ken Small at Florida League of Cities with over 1700 subscribers, with GovJobs.com, and a closing date of December 17, 2007. The firm's intention is to have interviews around or about January 18 and 19, 2008 and have a selection on January 21, 2008.

Discussion ensued regarding how the Council would receive the various resumes and the selection criteria. Council agreed to a special meeting on December 20, 2007 at 6:30 PM.

Recess: 8:15 PM

Reconvene 8:30 PM

D. Beach Renourishment Update

Public Works Director, Jack Green updated the Council on the current status regarding the interlocal with Lee County, that the issues with which to be concerned were the cost shares, dunes and vegetation, the easements, that the Army Corps. dollars are authorized but not appropriated, that the State, the County and the Town will have to pay upfront and then seek reimbursement. Mr. Green indicated that the Army Corps.' share is 42%

and that the Town could look at eliminating the Corps altogether if we cannot get the monies upfront. The State will fund up to 50% of the non-federal share. The cost share is County/Town 80-20, the Town's portion is One million three, and that with the army corps. it is still one million three, and then wait for reimbursement. Without the corps, we could eliminate easements.

Council's discussion continued regarding the cost estimates being based on three to four year old numbers, the consideration of dunes and vegetation per the county's comprehensive plan, that there are not sufficient resources to make these decisions.

Town Manager David Sallee suggested that staff could do a white paper, or a position paper with some points for discussion and bring this back to staff at the end of January, so that Council can go to the Board of County Commissioners as a body with a unified position.

E. Request for Approval of Bid for Emergency Communications Center

Public Works Director Jack Green addressed this item, explaining that they had sent out thirteen requests for proposals, and received one. The communications center would be built and readied for any auxiliary equipment to be used as an emergency communications center.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Shenko moved for approval of the bid as received by Town staff and outlined. Vice Mayor Kiker seconded the motion.

MOTION: Councilmember Acken made a secondary motion that before this bid is accepted, that the Town finalize any implied commitments with the Lee County Sheriff's Office, that we have more information from the County as to the placement and the interlocal process.

Vice Mayor Kiker asked for clarification on the motion.

Public Works Director explained that the primary emphasis is for emergency communications in the event of a catastrophic event.

Councilmember Meador seconded the motion.

Councilmember Meador called for a point of order, assuming that other councilmembers would have an opportunity to discuss this item.

Discussion continued as to the need for this type of an expenditure, to have its alternative use(s) in place before going forward, and concerns for the method for developing specs for this project if the use has not been clearly defined.

MOTION: Councilmember Acken amended his secondary motion to postpone the award for 45 days from the date the bids were opened. Councilmember Meador amended his second.

VOTE: (secondary motion) Motion passed 3-2, with Councilmember Shenko and Mayor Boback dissenting.

MOTION: Councilmember Shenko withdrew the main motion; Vice Mayor Kiker withdrew his second.

Town Manager David Sallee asked Council what they would like staff to bring back. Vice Mayor Kiker responded he would like information on how its use will be implemented, how it will be staffed, other uses; what are they, where will it be located, etc. Councilmember Acken added his fear of its use as a sheriff's substation, but sees no reason for the taxpayers to give the sheriff's office this gift.

MOTION: Councilmember Acken moved that the funds currently allocated for this emergency communications trailer be reallocated for the Estero Boulevard overpavement as outlined earlier by Public Works.

Motion dies for lack of a second. Councilmember Meador mentioned that there is not a budget amendment item on the agenda.

IX. TOWN MANAGER'S ITEMS

A. Update on RFP for Pay Classification Study

Town Manager David Sallee indicated that the Town had not done a pay classification study, and that staff would do an evaluation and analysis of the various departments, comparing public and private sector, and bring this back at the end of January.

Mr. Sallee brought another status update on the seasonal traffic detail, starting on December 26, 2007 through April 20, 2008. VOICE from 10-4, and LCSO deputy from 4-8 PM.

- Mr. Sallee mentioned a recent newspaper article on a local parking lot, that inferred action on the part of a Town employee, and he clarified that it was not a Town employee.

- Mr. Sallee mentioned the Old-fashioned Town Hall Meeting scheduled for January 14, 2008 at 6:30 PM at Pink Shell. He suggested taking a couple of projects of interest to the community and start with that type of a discussion and then go into a general town hall meeting.

- Mr. Sallee indicated the desire to have council packets out a week before the scheduled meeting. He asked council's consideration of a cut off date for the agenda of two weeks before the meeting date.

- Pool rates will be raising, and Mr. Sallee will give a memo on that proposal being in place by the first of the year.

X. TOWN ATTORNEY'S ITEMS

Attorney Dalton had no items.

XI. COUNCILMEMBERS ITEMS AND REPORTS

Councilmember Meador asked for clarification from Public Works regarding the Laguna Shores speed limits and stop signs. Mr. Green explained that the placement of the signs in Laguna Shores was a test of the community temperament, and the signs are not permanent until the Council takes such action.

Councilmember Meador relayed a request from the Traffic Mitigation Agency for information on how well the round – about study worked on Fifth Street last year in season. Mr. Green responded that staff has the statistics, but that it is a matter of compiling them and putting them in place. When asked for a probable timeline, Mr. Green responded that it would be available as quickly as possible.

Councilmember Shenko expressed his appreciation to Mr. Sallee for coming back and working with the Town.

Councilmember Shenko indicated he would be out of town next Friday and there is an MPO meeting, should any other councilmember choose to attend in his stead.

Vice Mayor Kiker commended Mr. Sallee for opening up communications.

Vice Mayor Kiker mentioned a January 15, 2008 completion date for the Newton Park.

Councilmember Acken expressed his appreciation for Mr. Sallee.

Councilmember Acken expressed his appreciation to the members of the Laguna Shores community who came out today to express their opinions.

Councilmember Acken thanked Bill Wolf for his service on the Public Safety Task Force.

MOTION: Councilmember Acken moved to reopen Consent Agenda Item D, and increase the contribution to \$1,000.00. Motion died for lack of a second.

Councilmember Acken questioned whether we are on track for New Years'; whether Council will have an opportunity to see and approve the application for the special event. Mr. Sallee responded that staff has been in contact with the various parties, however we have not yet seen an application, and it can be scheduled for the December 10, 2007 agenda.

Councilmember Acken referenced a draft easement he distributed for the beach renourishment project and invited comments on such.

Mayor Boback inquired of the Town Attorney regarding the approved resolution for the Barking Shark, that the applicant commented it had not been filed. Town Clerk Michelle Mayher responded that she would look into the matter.

Mayor Boback inquired as to the status of the joint meeting with the City of Sanibel. Mr. Sallee responded that he would follow up on the status.

Mayor Boback asked for a letter of intent from the Lee County Sheriff's Office regarding the Emergency Communications Trailer.

XII. PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

- Jodi Hester spoke regarding her service on the Town's temporary Information Technology Advisory Committee, and the committee's work and recommendation for the emergency communications trailer, and her disappointment in not approving it.

Closed Public Comment

XIII. ADJOURNMENT

The meeting adjourned at 10:22 PM

Adopted 1-7-08 With/~~Without Changes~~ Motion by Mayor Shunko
(Date)

Vote: 5-0



Michelle D. Mayher
Town Clerk

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