



MINUTES
FORT MYERS BEACH TOWN COUNCIL

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

DECEMBER 10, 2007

TOWN COUNCIL MEETING

AGENDA

3:00 PM

CALL TO ORDER

Mayor Boback called to order the meeting of the Town Council at 3:17 PM. Present is Mayor Boback, Vice Mayor Kiker, Councilmember Acken, Councilmember Shenko, Councilmember Meador, Town Attorney Anne Dalton, Town Manager David Sallee, Town Clerk Michelle Mayher, Community Development Director Jerry Murphy and Public Works Director Jack Green.

Opened Public Comment

None

Closed Public Comment

RESOLUTIONS:

Attorney Dalton read the title:

RESOLUTION 07-50, A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SETTING A HEARING ON THE PETITION FOR RATE ADJUSTMENT FILED BY THE TOWN OF FORT MEYRS BEACH PUBLIC WORKS SERVICES, INC. FOR JANUARY 14, 20P08 AT 5 P.M., APPROVING LEGAL NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Opened Public Comment

None

Closed Public Comment

Councilmember Meador requested that the rate increase be included in the notice, for the benefit of the consumers.

MOTION: Councilmember Meador moved to approve resolution 07-50 with modification in attachment “A” to state what the rate increase would be, in the fifth line down of the paragraph beginning with “Notice is Hereby Given..” at the end of

the sentence which reads "...Town utility customers those certain bulk water tariff increases.." and add, "in the amount of..." however that is being determined. Councilmember Shenko seconded the motion.

VOTE: Motion passed 5-0.

ADMINISTRATIVE AGENDA

A. Old San Carlos Seawall Repair

Public Works Director Jack Green recapped the past year and one half since the seawall collapsed. The County attorney's office has taken the position that the Town should either seek repair through Danella Companies, Inc. or to take action against the County itself to force Danella to make the repairs. The County's position is that public monies should not be spent on private property. The Town's seawall, and that of Snug Harbor are essentially one in the same; one continuous seawall. Lee County Utilities empathizes with the Town's position and would like to resolve the issue. The Director of Lee County Utilities has offered, that if the Town were to take on the cost of the seawall repair, LCU would authorize the delay in the increase in the bulk water rate. A second option is to go after the insurance company for Danella and see how that fares. A third option is to accept the County's offer, which would include canceling the \$65,000.00 change order, provide us full engineering plans for the repair of the seawall, and provides for the delay in the bulk water rate increase.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Meador moved to authorize the Town Manager to pursue option number three as outlined in staff's memo, and to move forward once we have firm numbers as to cost, and make a final decision at that time. Councilmember Acken seconded the motion.

Town Manager David Sallee asked Council if they could provide to staff a not-to-exceed number, and then staff will bring back to Council a contract for the repair.

Town Attorney asked for specificity on the forgiveness of the bulk water rate increase, so that at the time of the hearing the Town has all the agreements signed.

Council discussed waiting for Public Works to come back with an estimate of cost before establishing a not-to-exceed contract amount.

VOTE: Motion passed 5-0.

B. Scope of Services for Planning Consultant

Town Manager David Sallee explained that this is the contract with Spikowski Associates, who has been the consultant for the Town since incorporation. Mr. Sallee recommended that the Town maintain the services of Mr. Spikowski.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Acken moved to approve the contract as written. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0.

C. Special Event Permit Application – New Year’s Eve Celebration

Town Manager David Sallee mentioned this is an item that was discussed at the last Council meeting, and stated that Nicole Olsen, Special Events coordinator was present to speak to this item.

Nicole Olsen indicated that Bruce Cermak, from the Surf Club was taking over this event. Ms. Olsen indicated that the applicant is requesting funding NTE \$15,000.00 which will be used primarily toward trolleys and port-a-lets and clean up in the Square.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Acken moved to approve Town funding an amount not-to-exceed \$15,000.00 for the New Years Celebration as outlined in the application, and waive the special event permit application and waive the Town’s ban on open alcohol within the Times Square area. Councilmember Shenko seconded the motion.

VOTE: Motion passed 5-0.

D. Special Event Permit Application – FMB Civic Association Annual Town Birthday Party

Nicole Olsen spoke to the annual civic association Town birthday party, and that a representative is here should there be questions.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Shenko moved approval of the application as submitted, up to \$1500.00. Vice Mayor Kiker seconded the motion.

VOTE: Motion passed 5-0.

TOWN MANAGER’S ITEMS

A. Advertising for Rate Increase

Town Manager David Sallee spoke to this item, indicating his desire to advertise the rate increase beyond the legal requirement, which is in the News-Press on three dates specific, two of which are Christmas Eve and New Year's Eve.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Acken moved to approve advertising in the beach papers in addition to the News-Press. Vice Mayor Kiker seconded the motion.

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

Mr. Sallee mentioned the upcoming election on January 29, 2008 for the presidential preference primary and the Town's referenda. The Lee County Supervisor of Elections indicated the need for a member to serve on the canvassing board along with the Supervisor and a county judge. Vice Mayor Kiker volunteered to serve and was so noted.

Mr. Sallee spoke to the upcoming Town Hall meeting on January 14, 2008 and suggested having Senator Burt Saunders address the community regarding the upcoming tax reform issues. The Town Council expressed their appreciation and desire to have Senator Saunders speak to the community, however prefer that it be at another time, and not at the Town Hall meeting scheduled for January 14, 2008.

TOWN ATTORNEY'S ITEMS

None

COUNCILMEMBERS ITEMS

Councilmember Meador inquired as to when the speed limit ordinance would be coming forward. Attorney Dalton responded that it is on the agenda for the January 7, 2008 meeting.

Councilmember Meador requested that the parcelization ordinance be on the next available agenda. Staff responded that it is scheduled for the land use meeting of February 11, 2008 at 5:00 PM.

Mayor Boback inquired as to the letter received from Mr. George Ganim. Town Manager David Sallee responded that he will address those concerns and copy Council on his reply.

PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

- Pat Smith commented and complimented Council and staff on the great financials.

Closed Public Comment

ADJOURNMENT

The meeting adjourned at 5:02 PM.

Adopted 1-07-08 With Without Changes Motion by Meador/Shenk
(Date)

Vote: 5-0



Michelle D. Mayher
Town Clerk

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