



MINUTES

**FORT MYERS BEACH TOWN COUNCIL
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

SEPTEMBER 20, 2010

6:30 PM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 6:35 p.m. Present with Mayor Kiker was Vice Mayor Raymond, Council members Babcock, List and Mandel as well as Town Manager Stewart, Town Attorney Miller and Town Clerk Michelle Mayher.

II. INVOCATION – Reverend Alice Marcrum

III. PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance

IV. APPROVAL OF FINAL AGENDA

Agenda stands

V. PUBLIC COMMENT

▪ **Lou Marrone** spoke to Council indicating Laguna Shores was moving along.

▪ **Ed Scott** addressed Council regarding a tree service cutting down a 60' tree allowing the debris to fall on his roof, patio, and car as well as the neighbors house. Mr. Scott indicated he was laughed at by the tree service and requested assistance from the Town.

Town Manager Stewart requested a contact phone number from Mr. Scott stating he would see how the Town could assist him.

▪ **Rochelle Kay** voiced her displeasure with the 64 gallon recycling container which would be dropped off to each resident.

▪ **Peter Lisich** addressed Council regarding the North Estero Project, providing Council with a handout showing the landscaping. Mr. Lisich indicated he was excited about the project however did have concerns about the landscaping, asking Council not to deplete any of the plantings and to address the errors in the landscaping plan.

▪ **Roy Hinkleman** indicated Laguna Shores was in constant contact with Terry Stewart and Keith Laakkonen and although he was still receiving complaints he was very appreciative of the Town's work and assistance on the matter.

Public Comment Closed

Town Council Meeting Recessed

MOTION: Councilmember Mandel moved to recess the Town Council Meeting and reconvene as the Downtown Redevelopment Agency with a second by Councilmember List.

VOTE: Motion passed 5 to 0

TOWN OF FORT MYERS BEACH DOWNTOWN REDEVELOPMENT AGENCY AGENDA

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 6:55 p.m. Present with Mayor Kiker Vice Mayor Raymond, Council members Babcock, List and Mandel along with Town Manager Stewart, Town Attorney Miller and Town Clerk Michelle Mayher.

II. PUBLIC COMMENT

**No Public Comment
Public Comment Closed**

III. PUBLIC HEARING

A. Resolution 10-02-DRA Adoption of Final Budget FY 2011 DRA

Resolution title read by Town Clerk Michelle Mayher.

**RESOLUTION OF THE DOWNTOWN REDEVELOPMENT AGENCY OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 10-02-DRA
A RESOLUTION OF THE DOWNTOWN REDEVELOPMENT AGENCY
OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE
FINAL DOWNTOWN REDEVELOPMENT AGENCY BUDGET FOR
FISCAL YEAR 2011, PROVIDING AN EFFECTIVE DATE.**

Town Manager Stewart indicated nothing had changed since the first budget hearing and no changes were requested by Council or by staff.

There were no questions or statements made by Council or any member of the LPA.

Public Comment Opened

No Public Comment

Public Comment Closed

MOTION: Councilmember Babcock moved for approval of Resolution 10-02-DRA to adopt the final Downtown Redevelopment Agency Budget for FY 2011 with a second by Vice Mayor Raymond.

VOTE: Councilmember Babcock	Aye
Councilmember Mandel	Aye
Councilmember List	Aye
Mayor Kiker	Aye
Vice Mayor Raymond	Aye

Motion passed 5 to 0

MOTION: Motion to adjourn by Councilmember List with a second by Councilmember Mandel

VOTE: Motion passed 5 to 0

Reconvene as Town Council Meeting at 6:58 p.m.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Councilmember Mandel thanked all those who volunteered for the Bay Oaks Fundraiser.

Mayor Kiker reminded all of the Tax Day Seminar at Town Hall on Tuesday, September 21st. Mayor Kiker also noted the County had purchased Seafarer's Plaza and the Gulf front property across the street and reviewed the temporary fixes that would begin very soon.

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

None

VIII. CONSENT AGENDA

A. 10-27, Resolution SBA Banking Signature Authorization

B. WCIND FY2011 Interlocal Agreements

MOTION: Councilmember List moved to approve the Consent Agenda with a second by Councilmember Mandel

VOTE: Motion passed 5 to 0

IX. PUBLIC HEARINGS

A. Resolution 10-25, Final Public Hearing to Adopt Millage for FY2011

Mayor Kiker opened the Hearing at 7:10 p.m. for Resolution 10-25.

Resolution title read by Town Clerk Michelle Mayher.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 10-25
A RESOLUTION TO ESTABLISH AND LEVY AD VALOREM TAXES WITHIN THE CORPORATE LIMITS OF THE TOWN OF FORT MYERS BEACH, FLORIDA, FOR THE TAX YEAR 2010; PROVIDING FOR THE LEVY OF AD VALOREM TAXES IN THE AMOUNT OF .9144 MILS (\$.9144 PER \$1,000) BASED ON THE ASSESSED VALUE OF NON-EXEMPT REAL AND PERSONAL PROPERTY LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF FORT MYERS BEACH, FLORIDA; PROVIDING FOR THE MANNER OF ASSESSMENT AND COLLECTION; PROVIDING FOR AN ADJUSTED MILLAGE RATE; PROVIDING AN EFFECTIVE DATE.**

Town Manager Stewart explained the process of setting the millage rate and the budget per state statute as well as asking for any questions or concerns from Council.

No questions from Council or any one present from LPA.

Public Comment Opened

No Public Comment

Public Comment Closed

MOTION: Councilmember Babcock moved for approval of Resolution 10-25 adopting and levying ad valorem taxes within the Town of Fort Myers Beach for tax year 2010, in the amount of .9144 mills (\$0.9144 per \$1,000) and taking other action as authorized in such resolution with a second by Councilmember List.

VOTE: Councilmember Babcock	Aye
Councilmember List	Aye
Councilmember Mandel	Aye
Mayor Kiker	Aye
Vice Mayor Raymond	Aye

Motion passed 5 to 0

Mayor Kiker closed the Hearing at 7:12 p.m.

B. Resolution 10-26, Final Public Hearing to Adopt Budget for FY2011

Mayor Kiker opened the Hearing at 7:12 p.m. for Resolution 10-26.

Town Clerk Michelle Mayher read the resolution title.

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH RESOLUTION 10-26 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE TOWN OF FORT MYERS BEACH OPERATING BUDGET, REVENUES AND EXPENDITURES, AND CAPITAL BUDGET FOR THE FISCAL YEAR 2011; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Stewart indicated the work on the budget started in April with an \$800,000 reduction realized from staff and Council's hard work congratulating all involved in the process.

▪ **Joanne Shamp**, Chair LPA, thanked Mr. Stewart and Ms. Wicks in getting the CIP to the LPA early enough for the LPA to review it. Ms. Shamp stated the LPA passed Resolution 2010-09 recommending the Council find all items on the 2010-2011 CIP were consistent with the Town of Fort Myers Beach master plan and within the Resolution were findings to support the recommended capital improvements with the motion passing at their meeting 7 to 0.

Public Comment Opened

▪ **Lee Melsek** addressed Council voicing his appreciation that the budget was created in workshops and Council meetings as well as requesting funds be set aside for the children at Bay Oaks who cannot afford the after school program.

Public Comment Closed

Vice Mayor thanked the Town Manager and Director of Finance for their work.

Councilmember Babcock noted Council would be starting the budget process for 2012 in October and thanked Council for their willingness to begin again.

MOTION: Councilmember List moved to approve Resolution 10-26 adopting the Town operating and capital budget for FY 2011, finding that

it is consistent with the requirements of the Town Comprehensive Plan. Second by Councilmember Mandel.

VOTE: Councilmember List	Aye
Mayor Kiker	Aye
Vice Mayor Raymond	Aye
Councilmember Babcock	Aye
Councilmember Mandel	Aye

Motion passed 5 to 0

Mayor Kiker closed the hearing at 7:25 p.m.

C. Ordinance 10-09, Amending Chapter 34 of the LDC, Parking Regulations Final Public Hearing.

Mayor Kiker opened the hearing at 7:25 p.m. for Ordinance No. 10-09

Title of Ordinance No. 10-09 was read by Town Clerk Michelle Mayher.

**TOWN OF FORT MYERS BEACH ORDINANCE NO. 10-09
AN ORDINANCE AMENDING REGULATIONS IN CHAPTER
THIRTY-FOUR OF THE TOWN OF FORT MYERS BEACH LAND
DEVELOPMENT CODE; PROVIDING AUTHORITY, ADOPTING
AMENDMENTS TO DIVISION 26 (ENTITLED PARKING) OF
ARTICLE IV (ENTITLED SUPPLEMENTAL REGULATIONS) OF
CHAPTER 34 (ENTITLED ZONING DISTRICTS, DESIGN STANDARDS,
AND NONCONFORMITIES) PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Stewart addressed the ordinance indicating it grew from concerns regarding temporary parking lots as well as dealing with a few Scrivener's errors and changes regarding handicap spaces in unpaved lots.

No comment from LPA.

Public Comment Opened
No Public Comment
Public Comment Closed

MOTION: Councilmember Babcock moved to adopt Ordinance 10-09, Amendment to LDC Chapter 34, Parking Regulations with a second by Councilmember List.

VOTE: Councilmember Babcock	Aye
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Councilmember Mandel	Aye
Councilmember List	Aye
Mayor Kiker	Aye
Vice Mayor Raymond	Aye

Motion passed 5 to 0

Mayor Kiker closed the Hearing at 7:28 p.m.

X. ADMINISTRATIVE AGENDA

A. North Estero Project – FPL Underground/Overhead Roadway Crossing
Town Manager Stewart noted there was a desire to take some of the electric utility underground if possible with Council having been provided with memorandums from Cathie Lewis, Public Works Director as well as Town Attorney Marilyn Miller to provide them with information on issues involved.

Public Comment Opened

No Public Comment

Public Comment Closed

Councilmember Babcock asked if eminent domain would be a possibility to do what was right for the project. Town Manager Stewart felt it would not be the place to exercise that right.

Vice Mayor Raymond questioned the \$200,000 amount for change orders as well as inquiring whether the project was still on time.

Councilmember List asked who would be working with the property owners to obtain the necessary easements with Ms. Lewis stating the Town along with FPL would be working to obtain the necessary easements but it would become an FPL easement.

Councilmember Mandel questioned some of the figures provided by Cathie Lewis, Public Works Director.

Mayor Kiker stated he had received a comment regarding the condition of the roadway, due to roughness.

Councilmember Mandel asked what the benefits would be to spending the \$480,000 for the underground work with Town Manager indicating aesthetics played a big part.

MOTION: Councilmember Babcock moved to authorize staff to proceed with work necessary to bring the overhead electric crossings along North Estero Boulevard underground as part of the drainage project currently underway with a second by Councilmember List.

VOTE: Motion passed 5 to 0

B. North Estero Landscape Plan Modification

Town Manager Stewart indicated there was a projected change in cost for the landscaping from the Public Works Director relating to acquiring particular types of plantings.

Cathie Lewis noted she was looking for Council's direction in proceeding with the landscaping as it would be an additional \$89,000 for the plantings proposed due to coconut palms being affected by the past winter's cold.

Town Manager Stewart stated if the project had been complete they would probably have lost a good number of the coconut palms due to last winter's cold weather.

Public Comment Opened

▪ **Carleton Ryffel** stated it had become a complicated project, however, encouraged Council to stay with the plants that were originally called for as well as thinking about planting a native nursery on the island to use for local projects.

▪ **Ed Scott** questioned the liability if coconuts were to fall and do damage.

Public Comment Closed

Councilmember Mandel reviewed the figures with Cathie Lewis, noting they were still under budget even with providing underground electric and staying with the original landscaping plan with the increase in price for the coconut palms.

Councilmember List wanted to remain with the original landscape plan.

Vice Mayor Raymond wanted to stay with the original plan.

Councilmember Babcock questioned the telephone pole and if it would remain. Cathie Lewis said poles on the Gulf side would be gone. Councilmember Babcock went on to question plantings on private property as well as Royal Palms being used as opposed to Coconut Palms. Ms. Lewis stated the Royal Palms were not conducive to the salt environment.

Mayor Kiker voiced his concern with cutting back on the project and did not want to see the landscaping cut back and wanted to make sure the Town was not cutting back anywhere else on the project.

Town Manager Stewart stated staff would bring back to Council information as to whether Royal Palms would be viable for the area along with the cost

and any other species that would work well.

C. Discussion Regarding Beach Renourishment Construction Start Date

Town Manager Stewart indicated he and Mayor Kiker had spoken with the County Commissioners regarding the start date and noted there seemed to have been a misunderstanding with that now remedied.

Town Manager Stewart stated the issues at present were the permit and the construction contract. Councilmember Babcock requested a current project timeline from the County, Councilmember List asked if there was a project manager assigned.

Public Comment Opened

▪ **Carleton Ryffel** stated he had spoken to people in the county and found it could be 45 days for a contractor to respond with bids.

Public Comment Closed

XI. TOWN MANAGER'S ITEMS

A. Status Report on Beach Access Restrooms

Town Manager Stewart updated Council on the portable restrooms, the lettering had begun on the units and a few residents voiced their concern about the units being placed near their property.

Cathie Lewis indicated the lettering had begun and the plans were in place for the water and sewer connections as well as the electric connections with the possibility of solar power being used in a couple of the units. Ms. Lewis felt they would be in place within the next 3 weeks.

Public Comment Opened

No Public Comment

Public Comment Closed

Councilmember Babcock asked if the project met all the LDC requirements for setbacks and vegetation with no need to notify adjoining property owners. Ms. Lewis stated all adjoining property owners had been notified.

Mayor Kiker indicated he had been asked if there could be crosswalks at the accesses where the units would be located.

Mayor Kiker relayed a request from the County to use one of the Town's portable restrooms for the new park area on a temporary basis. Council made a decision to loan the unit to the County.

XII. TOWN ATTORNEY'S ITEMS

None

XIII. COUNCILMEMBERS ITEMS AND REPORTS

Councilmember Mandel addressed the following items:

- Water Utility and the new financial analysis
- Hours addressed for garbage pickup
- Pedestrian Signs at crosswalks
- Management of Beach Accesses from consistency standpoint

Councilmember List

- Car Wash Benefit for Bay Oaks
- Town Manager was finalist for Southwest Florida's Got Talent
- Encouraged a break for moving after 3 hours of meeting time

Vice Mayor Raymond

- MPO and the demise of the Lee Tran Oversight Committee
- Thursday September 23rd, SW Florida League of Cities Lunch at Veranda
- Recognized the upcoming birthday of Councilmember List
- Attempted contact with Senator Nelson and Rep. Mack

Councilmember Babcock

- September 24th approach for aircraft is suppose to be higher over FMB
- Joint meeting with MRTF
 - Council discussed how to set up the meeting with not only MRTF but the remainder of the Committees as well

Mayor Kiker

- Tax Day September 21st at 3 p.m.
- Volunteer Appreciation Day and who to invite
- Sandsculpting and Paint the Town in November, opportunity from Al Duret to utilize one of their large air conditioned tents for a Town Hall Meeting for approximately \$2,500 for the use of the tent.

XIV. AGENDA MANAGEMENT

Councilmember Babcock's additions

- Recognition policies and programs
- Crosswalk issues
- Management of Beach Accesses

XV. RECAP OF ACTION ITEMS

- Follow up with tree service issues concerning Mr. Scott's property
- Contact Rochelle Kay regarding recycling bins
- Landscaping for North Estero Project, pricing royal palms
- Move forward with underground electric North Estero Project

- Beach Renourishment construction, working with Lee County for project timeline
- Crosswalks at beach access restroom locations
- Follow up with attorney's office for no trash pickup before 6:30 a.m.
- Pilot program for beach access management consistency
- Crosswalk Signs
- Utility System
- Follow up with MRTF for joint meeting
- Town Hall Meeting at Santini Plaza

XVI. PUBLIC COMMENT
Open Public Comment
No Public Comment
Public Comment Closed

XVII. ADJOURNMENT

MOTION: Councilmember Babcock moved to adjourn with a second by Councilmember List.

VOTE: Motion passed 5 to 0

Meeting Adjourned at 9:28 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

 Michelle D. Mayher, Town Clerk

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