



MINUTES

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

Monday March 21, 2011

6:30 PM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 6:33 p.m. Present with Mayor Kiker was Vice Mayor Raymond, Council members Babcock, List and Mandel along with Town Manager Stewart, Town Attorney Humphrey and Town Clerk Michelle Mayher.

II. INVOCATION – Deacon “Scoop” Kiesel, Church of the Ascension

III. YOUTH COUNCIL – Fort Myers Beach Elementary School
Students Megan Caldwell and Gabriel Lincoln were acknowledged for being two of the three children receiving scholarships from the Dr. Ben Carson Scholarship fund, with Gabriel reading his essay that won him the \$1,000.00 scholarship.

IV. PLEDGE OF ALLEGIANCE – Students from Beach Elementary
led all in attendance in the Pledge of Allegiance.

V. APPROVAL OF FINAL AGENDA

Agenda stood.

VI. RESOLUTIONS

A. Resolution 11-01, Certification of Election Results

Town Clerk Michelle Mayher read the resolution title.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 11-01
A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA CERTIFYING THE RESULTS OF THE TOWN ELECTION FOR SEATS THREE, FOUR AND FIVE; DETERMINATION OF SEAT ASSIGNMENTS; DECLARATION; PROVIDING AN EFFECTIVE DATE.**

MOTION: Council Member Babcock moved approval of Resolution Number 11-01 Certification of Election Results with a second by Vice Mayor Raymond.

VOTE: Motion passed 5 to 0

VII. INAUGURATION

A. Recognition of out-going Council Member

Council Member Babcock shared his parting thoughts. Mayor Kiker and Council presented Councilmember Babcock with a plaque in honor of his service to the town.

B. Oath of Office in-coming Council Member

Town Attorney Jim Humphrey performed the oath of office beginning with Joe Kosinski followed by Jo List and Bob Raymond.

C. Reorganization of Council

1.) Selection of Mayor and Vice Mayor

Attorney Humphrey presided over the reorganization of Council to choose Mayor and Vice Mayor.

Councilmember Raymond nominated Larry Kiker for Mayor and Mr. Kiker was elected Mayor by acclamation.

Councilmember Mandel nominated Bob Raymond as Vice Mayor and Mr. Raymond was elected Vice Mayor by acclamation.

Council recessed 7:10 p.m.

Council reconvened 7:25 p.m.

VIII. PUBLIC COMMENT

Public Comment Opened

▪ **Roy Hinkleman Pres. Laguna Shores Assoc.** indicated he continues to receive calls from residents and noted lack of information he has been receiving regarding the dredging, asking for the town to put some pressure on someone to move the issue along.

▪ **Bob Miller** publicly thanked Tom Babcock for his service on the Council, pointing out Mr. Babcock's stand on air traffic noise and the continued problems with the issue. Mr. Miller asked the mayor to continue to work on that problem.

Public Comment Closed

Town Manager Stewart assured Mr. Hinkleman that they were working on the issue with the state attempting to move the dredging issue forward.

XI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Councilmember Mandel congratulated Charlie Whitehead on the 56th year for Little League Baseball on the island. Councilmember Mandel thanked Public Works on installing the pedestrian crosswalk signs, and for all those on staff that worked on the pedestrian survey. It was also noted that there were people willing to make donations toward purchasing additional pedestrian crosswalk signs.

Councilmember List congratulated the town on the Shrimp Festival as well as the St. Patrick's Day Parade.

Vice Mayor Raymond commented on the Relay for Life on the island, thanking all who participated.

Councilmember Kosinski commented on the pedestrian crosswalk signs.

Mayor Kiker congratulated all four candidates for running for Council as well as noting the great production of Snow White at the Beach Elementary.

X. ADVISORY COMMITTEES ITEMS AND REPORTS

▪ **Betty Simpson, BORCAB**, thanked Council for the opportunity for a joint meeting with Council indicating the committee has since realigned their focus and priorities in order to better advise and assist Council. Items the committee was working on included fees, long term planning and vision, capital improvements, multi-use for cultural and physical activities, a marketing plan and fund raising.

▪ **Jim Rodwell, CRAB**, presented information on their Leadership Conference noting dates, flyers, and news releases. Mr. Rodwell also stated the committee had been working on the recognition programs, along with having a meeting with Public Works Director Cathie Lewis regarding the beach accesses. Regarding the bay accesses the committee agreed to ask the town to do title searches on those areas to determine the ownership of those properties before continuing with that issue.

Council provided Town Manager Stewart direction to begin moving forward with the bay access issues.

No other committees present.

XI. CONSENT AGENDA

A. Approval of Contract with Wright Construction – Connecticut St. Paving

MOTION: Councilmember List moved to approve with a second by Councilmember Mandel.

VOTE: Motion passed 5 to 0

XII. APPROVAL OF MINUTES

- A. February 7, 2011 Council Meeting
- B. February 7, 2011 Council Work Session
- C. February 26, 2011 Joint Council/MRTF Work Session
- D. February 26, 2011 Joint Council/CRAB Work Session

MOTION: Councilmember List moved to approved with a second by Councilmember Mandel.

VOTE: Motion passed 5 to 0

XIII. ADMINISTRATIVE AGENDA

- A. Approval of Settlement Agreement, Case #10-CA-001727, Peter and Susan Lisich v. Town of Fort Myers Beach

Town Manager Stewart reviewed the issue for Council indicating it was settled in mediation between Mr. and Mrs. Lisich and Pink Shell with the motion for Council to agree to the town paying their own attorney's fees and not seek monies from either party.

Public Comment Opened

No Public Comment

Public Comment Closed

MOTION: Councilmember Kosinski made a motion to approve and pay the town's attorney fees with a second by Councilmember List.

VOTE: Motion passed 5 to 0

- B. Approval of Recommended Donation Use, Bay Oaks Foundation

Public Comment Opened

No Public Comment

Public Comment Closed

MOTION: Councilmember List made a motion to approve the suggested use of the donation as received from the Bay Oaks Foundation through the Times Square Alliance associated with the Put and Pub Crawl event with a second by Councilmember Kosinski.

VOTE: Motion passed 5 to 0

- C. Selection of Council Representative and Alternate to Outside Committees
 - 1) Charlotte Harbor National Estuary Program – **Kosinski/Mandel**

- 2) Coastal Advisory Committee – **Mandel/List**
- 3) Horizon Council – **List/Raymond**
- 4) Human Services Council – Attorney Humphrey to check on requirement
- 5) Metropolitan Planning Organization – **Raymond/Kiker**
- 6) Southwest Florida Regional Planning Council – **Kosinski/Kiker**

MOTION: Councilmember Mandel moved to approve the appointments with a second by Vice Mayor Raymond.

VOTE: Motion passed 5 to 0

D. Selection of Council Liaison and Alternate to Town Advisory Committees and Boards

- 1) Anchorage Advisory Committee – **Kiker/Kosinski**
- 2) Bay Oaks Recreational Campus Advisory Board – **List/Mandel**
- 3) Community Resource Advisory Board – **Raymond/Kiker**
- 4) Cultural and Environmental Learning Center Advisory Board
Mandel/List
- 5) Marine Resources Task Force – **Kosinski/Raymond**

MOTION: Councilmember Mandel moved to approve the appointments with a second by Councilmember Kosinski.

VOTE: Motion passed 5 to 0.

MOTION: Councilmember Mandel moved to approve liaisons for alternates with (unknown) as a second.

VOTE: Motion passed 5 to 0

XIV. PUBLIC COMMENT

Public Comment Opened

▪ **Ceel Spuhler** thanked Council for those responsible for the pedestrian signs for the crosswalks.

Public Comment Closed

XV. TOWN MANAGER’S ITEMS

▪ Town Manager Stewart indicated staff had found a company to install electronic card access security to town hall as well as Bay Oaks for just under \$15,000.00 asking for approval from Council to transfer funds from General Reserves.

MOTION: Councilmember Kosinski made a motion to approve with a second by Councilmember Mandel.

VOTE: Motion passed 5 to 0

▪ Town Manager Stewart requested a transfer of funds in the amount of \$17,000 from a Capital fund for Bay Oaks for the purchase of a new van. Presently there was \$8,000 available from donations.

Public Comment Opened

▪ **Roy Hinkleman** asked who was liable for the van. Mr. Stewart indicated the town had insurance.

Public Comment Closed

MOTION: Councilmember List moved to approve with a second by Councilmember Mandel.

VOTE: Motion passed 5 to 0

XVI. TOWN ATTORNEY'S ITEMS

None

XVII. COUNCILMEMBERS ITEMS AND REPORTS

Councilmember Mandel thanked Ceel Spuhler regarding the pedestrian signs and reported on his attendance at the Coastal Advisory Committee Meeting to recommend funding of certain projects to the TDC with a request of approximately \$585,000 for shoreline maintenance being approved. Councilmember Mandel indicated funding for the fountain on Old San Carlos and art work for Newton Park were denied, however, felt both those items could be approved with additional work.

Councilmember Mandel also suggested someone be present at an Alliance for the Arts Meeting on April 4th as there would be funds addressed for marketing, suggesting assistance with Bay Oaks and Mound House.

Councilmember List thanked Cathie Lewis for taking care of an issue with a local resident as well as asking Town Manager Stewart about the Safe Walk For School Funds concerning funds for sidewalks.

Vice Mayor Raymond brought up the change of dates for town open houses on March 26th as well as stating he was not happy about having open houses at all the town's properties on the same day. Vice Mayor Raymond continued by questioning the opening date for the Mound House and when bids would be available for Council to review for work on the Mound House.

Councilmember Kosinski stated he was looking forward to working with staff and Council.

Mayor Kiker asked Council to consider scheduling a meeting on policies and procedures, as well as the need for a discussion on Seafarer's Mall to be scheduled. Monday March 28th at 1 p.m. was scheduled for a

Special Meeting.

XVIII. AGENDA MANAGEMENT

Decision was made to review Agenda Management and M & P at the Special Meeting on Monday, March 28th.

XIX. RECAP OF ACTION ITEMS

- Move forward on Connecticut Street paving
- Notify parties involved in Lisich matter
- Notify BORCAB for approval of usage of funds
- Sheet of information on appointments to outside and inside committees
- Move forward on transfer of funds for the electronic entry system and van purchase for Bay Oaks
- Provide for a meeting on Monday March 28th for policies and procedures, Seafarer's and Agenda Management

XX. ADJOURNMENT

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

VOTE: Motion passed 5 to 0

Meeting Adjourned 8:50 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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