



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

June 16, 2008

I. CALL TO ORDER

Mayor Larry Kiker called to order the meeting of the Town Council at 6:30 PM. Present with Mayor Kiker was Vice Mayor Herb Acken, Councilmember Tom Babcock, Councilmember Jo List, Councilmember Bob Raymond, Town Manager Scott Janke, Town Attorney Anne Dalton and Town Clerk Michelle Mayher.

II. PLEDGE OF ALLEGIANCE

All stood and recited the pledge to the flag.

III. PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

Tom Merrill wanted to pick up from where he left off (from a prior meeting) regarding beach renourishment – specifically the impact this project has on tourism and businesses.

Closed Public Comment

IV. CONSENT AGENDA:

- A. Approval of Minutes: June 2, 2008
- B. Special Event Permit Application – 4th of July Parade

Vice Mayor Acken pulled item B, Special Event Permit Application – 4th of July Parade

MOTION: Councilmember List moved to approve the consent agenda. Councilmember Babcock seconded the motion.

Councilmember Babcock referenced page 6 of 10, adding the language “ until we saw LPA recommendations.”

VOTE: Motion passed 5-0.

As to item B., Vice Mayor Acken had a few questions, and asked whether a representative of the Civic Association were present.

Dennis Boback, president of the Fort Myers Beach Civic Association addressed the council. Discussion ensued regarding the time that the bridge would be closed the parade route, the community participation, businesses along the parade route, and whether adequate notification had been made regarding the bridge closure.

** Correction*

MOTION: Vice Mayor Acken moved to approve Consent item B. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

V. ADVISORY COMMITTEES ITEMS AND REPORTS:

No items.

VI. PUBLIC HEARINGS:

**A. ORDINANCE 08-07, Capital Project and Related Service
Assessment Ordinance**

Mayor Kiker opened the public hearing.

Attorney Dalton read the title.

ORDINANCE 08-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RELATING TO CAPITAL IMPROVEMENTS AND RELATED SERVICES PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE TOWN PROVIDING DEFINITIONS AND FINDINGS; PROVIDING FOR TITLE AND CITATION; PROVIDING FOR THE CREATION OF ASSESSMENT AREAS; AUTHORIZING THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CAPITAL IMPROVEMENTS AND RELATED SERVICES PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE TOWN; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHOD OF COLLECTION OF ASSESSMENTS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVING AN EFFECTIVE DATE.

** correction*

Vice Mayor Acken moved to approve Consent item B, with the understanding that this is a nonrecurring event, meaning that future parades will require approval.

Theresa Prince, representative of Nabors Giblin Nickerson was present to answer questions from the Council. Ms. Prince outlined the changes as a result of the introduction to this ordinance previously held on June 2, 2008. Ms. Prince identified the changes, referencing changes to 2.01 and 2.03, that this is a framework for future assessments. Section 2.03 is to adopt the initial resolution, and section 2.04 is a preliminary assessment roll for the final resolution. Section 2.07 outlines that after the initial resolution, will be the notice and the mailing to property owners. Section 3.01 allows for the collection of the assessment on the tax rolls. The assessment needs to provide for a benefit to property owners as a fair and reasonable allocation.

Vice Mayor Acken had concerns regarding whether this ordinance demonstrates a benefit to property owners and is a fair and reasonable allocation. Discussion ensued identifying that this is the process for applying for funding, that the legislative findings would be needed in the resolution, that this is case law, without specific benefit to property owners, and is fair and reasonable allocation.

Opened Public Comment

None

Closed Public Comment

MOTION: Councilmember Babcock moved to approve Ordinance 08-07, as amended, as presented. Councilmember List seconded the motion.

VOTE: Town Clerk Michelle Mayher called the roll:

Councilmember Babcock	aye
Councilmeber Raymond	aye
Councilmember List	aye
Mayor Kiker	aye
Vice Mayor Acken	aye

Motion passed 5-0.

Mayor Kiker closed the public hearing at 7:00 PM

VII. ADMINISTRATIVE AGENDA:

A. Professional Consulting Services for Special Assessment Program Management

Attorney Dalton indicated that this item is a contract that will enable the Town to outsource special assessment program management for the Laguna Shores Canal Dredging Special Assessment Projects. The Town has received very good recommendations for Government Services Group, Inc., in Tallahassee, and the services of this organization are available by piggybacking the Request for Proposals/Response to Request by Martin County.

MOTION: Councilmember Raymond moved to approve the contract with Government Services Group, Inc., for Professional Consulting Services for Special Assessment Program Management. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

B. Resolution 08-28, Laguna Shores Special Assessment

Attorney Dalton read the title.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 08-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO DREDGING ACTIVITIES; DESCRIBING THE REAL PROPERTY TO BE LOCATED WITHIN THE PROPOSED LAGUNA SHORES DREDGING ASSESSMENT AREA; DETERMINING THAT SUCH REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE DREDGING ACTIVITIES; ESTABLISHING THE METHOD OF ASSESSING THE CAPITAL COSTS OF THE DREDGING ACTIVITIES AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Theresa Prince, with Nabors Giblin Nickerson indicated that this is an initial assessment resolution, tailored from the original workshop to exclude multi-year financing component. This resolution points out all the special elements of the project; definitions that provide for the dredging activities, the internal loan and the water access unit which is how the assessment will be calculated. One of the main legislative findings is that it will improve access to buccaneer lagoon and Big Carlos Pass which will benefit the real property owners that abut that area. Islands End has no water access unit, and therefore will not be assessed. The whereas clauses discusses how the assessments will be collected.

Town Manager Scott Janke indicated a clarification he would like to have in the record, that it is important to note that this project is very different from dredging a canal. There is a public benefit hence the forty percent share from the community to the project because the benefit to the public is based on opening a channel that establishes access to and from Buccaneer Lagoon. When we dredge a canal, for example, the benefit is really only to the surrounding land owners of that canal.

Council indicated they prefer to have the same 60-40 split on the non-construction capital costs as on the construction capital costs. Also noted was that the attorney

fees outlined in the capital cost breakdown contain a portion of fees which are attributable to ordinance-related work.

Opened Public Comment

None

Closed Public Comment

MOTION: Vice Mayor Acken moved to the initial assessment resolution for the Laguna Shores Dredging Assessment Area. Councilmember Raymond seconded the motion.

VOTE: Motion carried 5-0.

Town Manager Scott Janke referenced a project timeline put together by Public Works Director Jack Green, whose estimate is 150 days from notice to proceed.

Attorney Dalton indicated that this resolution has a public hearing component, which public hearing will be held by Town Council on July 14, 2008 at 6:30 PM in Council Chambers.

Attorney Dalton also referenced a line item in the just-adopted resolution, which discusses specific services to be rendered by GSG, and is reflected in the work order which is before the Council for consideration.

Opened Public Comment

Public Comment was heard:

- Louis Marrone stated that this project historically started in 2001 as he and others noticed what was happening to the inlet. He offered his congratulations to the Board for being astute.

Closed Public Comment

MOTION: Councilmember Babcock moved to approve the work order for GSG Inc. Councilmember List seconded the motion.

VOTE: Motion passed 5-0

C. Funding Request, 4th of July Fireworks Committee

Town Manager Scott Janke referenced the breakdown of the request which represents costs shared in total, at 50% to the Town and then 100% for some upgrades the Town has for trolley service, portable toilets and clean up. This is a budgeted item.

Opened Public Comment

Public Comment was heard:

- Joanne Semmer and Bill Semmer, of the 4th of July Fireworks Committee are present to answer any questions. Bill Semmer indicated they have been happily doing this since 1988, it will be the 20th year.

Closed Public Comment

MOTION: Vice Mayor Acken moved approval of the requested amount of \$17,000.00 for the 4th of July Fireworks display. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

Recess: 7:25 PM Reconvene: 7:30 PM

D. Estero Boulevard First Segment Selection

Town Manager Scott Janke began by stating that he would like to amend the staff's recommendation based on recent phone calls he has received. The consultant, McMahon & Associates, recommends the pilot section for rehabilitation of Estero Boulevard be the segment that extends from Mango Street to Carolina Avenue. However he would like the Town to request the consultant bring back an overlay of that segment that they have recommended for selection that includes an accurate right of way depiction on the properties so the affected property owners can come before town council and express their concerns. Many affected property owners may not have had an opportunity to see what kind of impact this project will have.

Opened Public Comment

None

Closed Public Comment

Council discussion was considerable, in particular to what segment of the boulevard should be the pilot section. Each councilmember had various ideas as to which segment would be the preferred, including the need to provide to the community information regarding effects on property owners as to the rights of way. Councilmembers felt strongly toward receiving feedback from the community with regard to the ROW impact, before committing to this project. Discussion ensued with regard to consideration of trolley pull offs that can accommodate riders, to get a financial commitment from the County and on the part of the Town. Suggestions included a possible workshop to narrow down considerations, however the need to respond to the Board of County Commissioners with regard to the Town's position is necessary.

Town Manager Scott Janke added his preference to continue the project forward, but move the ROW section to the front, so that prior to final approval of the project, the Council will have a chance to see those impacts and ask for input from the affected property owners. Mr. Janke suggested perhaps a vote as to the council's preference for a specific segment, and then put a caveat that the first identification be that the ROW data be made aware to the property owners for consideration and comment.

Town Manager, Scott Janke suggested the council hear from the County's consultant for the project, Michael Spitz of McMahon & Associates.

Michael Spitz, McMahon & Associates explained that there is no clear defining line on paper as to ROW lines/ widths. Cost estimate for six mile corridor was a million dollars. That breaks down to a cost of about one, to two hundred thousand dollars per mile just to identify the right of way. This raises some serious cost challenges. Mr. Spitz added that their signed contract ends once there is a defined pilot section. They will then negotiate a new contract with Lee County for the design.

Council sought a consensus whether to do one section, two sections or the entire boulevard for a right of way study. Three Councilmembers chose all, one member chose one section, and the fifth did not express an opinion.

Town Manager Scott Janke suggested that Council schedule a worksession, invite Lee County and their engineers and discuss this issue.

MOTION: Vice Mayor Acken moved to support the consultant's recommendation that the pilot section for the rehabilitation for Estero Boulevard be the section that extends from Andre Mar Drive to Carolina Street and includes the extension of gulf-side sidewalks to connect to the existing sidewalks in the vicinity of Carolina Avenue contingent upon meeting ADA requirements. Councilmember Babcock seconded the motion.

MOTION: (SECONDARY) Councilmember Babcock moved to pick the section as suggested by the initial motion, but that it include a right of way study, and that it be completed before going forward and Council have the opportunity to assess it. Vice Mayor Acken seconded the motion.

Upon request, Councilmember Babcock restated his motion to be to pick the section recommended by the consultant, but that it would proceed with only the right of way information, and then stop and be assessed. Vice Mayor stated his second stands.

Mayor Kiker asked if there are any other motions. Attorney Dalton indicated that her thoughts were that the Vice Mayor wanted to make one motion, encapsulating the two motions, thereby eliminating any parliamentary confusion.

WITHDRAWN: Vice Mayor Acken withdrew his second to the secondary motion. Councilmember Babcock withdrew his secondary motion.

AMENDED MOTION: Vice Mayor Acken amended his motion, as suggested, to pick the section that is outlined, to include, at the point that the right of way information has been ascertained, it will be presented to Council, for further recommendation, and to include the original requested motion which included the

extension of gulf-side sidewalks to connect with the existing sidewalks from the Lani Kai moving southward to the.

Councilmember Raymond interjected, that that is not what they recommended.

Vice Mayor Acken continued his motion: ..they said the vicinity of Carolina Avenue.

Councilmember Raymond responded, that Vice Mayor Acken said he was moving what the consultants recommended which goes "right up front over here"

Vice Mayor Acken continued: The original requested motion and the discussion held last time was to make sure which ever section was picked, that we had continuous sidewalks on both sides of the street, so that people could use alternative transportation, such as bicycles to get to and from that congested area.

Mayor Kiker asked that the motion be stated.

Councilmember Babcock sought clarification.

Town Manager Scott Janke suggested a two minute "thinking" recess at this point, to allow clarity.

Mayor Kiker called a five minute recess.

Recess: 8:55 PM

Reconvene: 9:10 PM

Mayor Kiker asked Attorney Dalton to recap the previous events. Ms. Dalton stated she understood that the secondary motion was withdrawn, the primary motion was on the table, and the vice mayor was contemplating an amendment, and that he would be requesting the seconder, which is Mr. Babcock to second that amendment.

Vice Mayor Acken indicated he would like to have the original motion stand, and if it is to be modified, have it done by secondary motion. Vice Mayor understood Council was looking for a secondary motion to be with the caveat that the first deliverables be the right of way identification at that point it come back to council for further discussion.

Attorney Dalton understood the Vice Mayor to be amending the primary motion, not making a secondary motion.

Vice Mayor Acken stated that the secondary motion would amend the primary motion to incorporate that suggestion.

WITHDRAWN: Vice Mayor Acken removed the primary motion. Councilmember Babcock removed his second.

MOTION: Vice Mayor Acken moved that Council support the consultant's recommendation that the pilot section for rehabilitation of Estero Boulevard be the segment that extends from Andre Mar Drive to Mango Street and includes the extension of the gulf-side sidewalk to connect with the existing sidewalk in the vicinity of Carolina Ave., contingent upon meeting ADA requirements; additionally that the first deliverables to the Council will be the right of way identification for this project, and at that point, the Council will be presented with this information for further progress as authorized. Councilmember Babcock seconded the motion.

MOTION: (SECONDARY) Councilmember Babcock moved to extend it from Mango to the Lani Kai. Vice Mayor Acken seconded the motion.

Attorney Dalton and Mayor Kiker requested that the primary motion be amended, as opposed to submitting a secondary motion.

Councilmember Babcock wanted to be very clear that the right of way study only would be from the Lani Kai to Andre Mar, and then stop.

VOTE: (on the Secondary Motion): Motion passed 4-1, with Mayor Kiker dissenting.

VOTE: (on the Primary Motion): (Blue Sheet motion from Lani Kai to Andre Mar with the caveat regarding the Right of Way) Motion passed 4-1, with Mayor Kiker dissenting,

E. Introduction of Ordinance 08-08, Animal Control Ordinance Short Term Changes

Mayor Kiker indicated there were two sections to be considered: One was specific to short term enforcement such as leash law, and the other was long term, such as discussion of the County's ordinance and what position this Council wants to take.

ORDINANCE 08-08

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH ORDINANCE NUMBER 00-08, ALSO KNOWN AS THE TOWN ANIMAL CONTROL ORDINANCE, PROVIDING FOR ENFORCEMENT BY TOWN AND TOWN DESIGNEES; MODIFYING LEASH PROVISIONS FOR DOGS ON THE BEACH AND OTHER PUBLIC AREAS AS DEFINED IN THE ANIMAL CONTROL ORDINANCE; EFFECT OF ORDINANCE; AND EFFECTIVE DATE

Attorney Dalton indicated this was a request to move the ordinance forward to a hearing, and Council could discuss it or move it forward to public hearing. Ms. Dalton added that according to Town Council and Local Planning Agency practice, Mr. Joe Yerkes, member of the LPA was present to assist in moving this process forward.

Mr. Joe Yerkes, member of the Town of Fort Myers Beach Local Planning Agency, discussed both aspects of the proposed ordinance. The LPA seeks direction from

Council regarding the degree of undertaking the Town is willing to commit to animal control enforcement, as amending the ordinance may require. This may entail giving up the County's Interlocal. The LPA as a whole needs five to six months to come to Council with an acceptable recommendation regarding these issues. Mr. Yerkes identified a principle consideration, and that being the Town of Fort Myers Beach policy regarding enforcement of an animal control ordinance and cut loose from the County.

MOTION: Councilmember List motioned to move Ordinance 08-08 which amends the Animal Control Ordinance on a short-term basis, forward to a public hearing on July 14, 2008 at 6:30 PM. Councilmember Raymond seconded the motion.

MOTION: (SECONDARY) Vice Mayor Acken moved to strike the underlying paragraph, the word restrain(t) (ed) on the second page of Ordinance 08-08, beginning with the word "any dog" and ending with the word "ordinance."

MOTION DIES FOR LACK OF SECOND.

VOTE: (ON THE PRIMARY MOTION) Motion passes 4-1, with Vice Mayor Acken dissenting.

Mayor Kiker then discusses the second part of this item, and that is to give the Local Planning Agency direction regarding long term review of this proposed ordinance.

Mr. Yerkes represented the LPA's work and position at length. After much discussion, Attorney Dalton suggest that the LPA come back before the Council following the LPA's next meeting on this matter.

MOTION: Councilmember Raymond moved to allow the LPA to continue to look at this, and ordinance for a recommendation. Councilmember Babcock seconded the motion.

VOTE: Motion carried 4-1, with Vice Mayor Acken dissenting.

Mayor Kiker sought consensus of Council to take an agenda item out of order, to hear Item B on Section VIII.

VIII. TOWN MANAGER'S ITEMS:

B. Update on the Metropolitan Planning Organization Interlocal Agreement

Town Manager Scott Janke indicated that Town Council requested a redrafting of the interlocal agreement between the Town and the MPO.

Attorney Dalton confirmed that this is a proposal for the Council to consider; nothing has gone forward; counsel and staff seek an understanding in Council's position on this matter.

MOTION: Councilmember Raymond moved to forward the draft Interlocal Agreement, as presented, to the County. Councilmember Babcock seconded the motion.

Opened Public Comment:

Public Comment was heard:

- Don Scott, with Lee County MPO was available for any questions.

Closed Public Comment

Councilmember Babcock indicated that the title language be changed, so that after TRANSIT AUTHORITY add the language, OVERSIGHT COMMITTEE.

Attorney Dalton sought the acceptance of the motion maker of Councilmember Babcock's comment regarding the title.

Councilmember Raymond accepted Mr. Babcock's comments in his motion, as did the seconder.

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

**F. Introduction of Ordinance 08-09, Amendment to the LDC, new FEMA
NFIP FIRMS**

Mayor Kiker began this item by expressing his appreciation to Community Development, Spikowski Associates and Attorney Dalton for the hard work involved in taking on FEMA.

Attorney Dalton indicated the urgency to move this forward to hearing in July in order to have this adopted timely.

**ORDINANCE 08-09,
AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH AMENDING
THE FLOODPLAIN REGULATIONS AND REFERENCES TO THE
FEDERAL FLOOD INSURANCE STUDY (FIS) AND FLOOD INSURANCE
RATE MAPS (FIRM) IN THE LAND DEVELOPMENT CODE (LDC);
ADOPTING AMENDMENTS TO ARTICLE IV (FLOODPLAIN
REGULATIONS) OF CHAPTER 6 OF THE LDC, TITLED "MAINTENANCE
CODES, BUILDING CODES, AND COASTAL REGULATIONS," AND
WHICH PROVIDES ARTICLE IV FLOODPLAIN REGULATIONS,
DIVISION 1 GENERALLY; PROVIDING AUTHORITY; PROVIDING FOR
CONFLICTS; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE.**

MOTION: Councilmember Babcock motioned to move Ordinance 08-09 forward to public hearing on July 14, 2008 at 6:30 PM in Council Chambers. Councilmember List seconded the motion.

VOTE: Motion passed 5-0.

VIII. TOWN MANAGER'S ITEMS:

A. Alternative Revenue Sources

Town Manager Scott Janke requested the Town Council to authorize the Town Attorney to draft an ordinance that would formulate an electric utility franchise fee. Mr. Janke is not asking for action at this time, only direction to have an ordinance available should the Town decide to implement this.

MOTION: Councilmember List moved to direct the Town Attorney to draft an ordinance for a utility franchise fee. Councilmember Raymond seconded the motion.

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

San Carlos Island Comp Plan Amendment

Town Manager Scott Janke indicated having a third item for consideration, that being the San Carlos development. Community Development Director Jerry Murphy requested direction in terms of the Town's attendance, input or other interest when this hearing goes before the County LPA. Council consensus was to allow Mr. Murphy to represent the Town's interests, and any councilmember interested in attending could do so as citizens of the Beach.

Town Manager Scott Janke asked Council to consider item B. under Councilmembers Items.

B. Letter to Lee County Board of County Commissioners Urging Maintenance of Trolley Service

Council concurred with the Mayor signing a letter to the Lee County Board of County Commissioners asking their consideration of trolley service.

IX. TOWN ATTORNEY'S ITEMS:

Attorney Dalton requested authorization to review the Town's disaster ordinance to bring it into conformity with the Emergency Operations Plan which is coming forward. Ms. Dalton is also requesting permission to review the post-disaster related matters that the LPA had reviewed several years ago and bring that forward for Council's consideration at a future meeting.

MOTION: Councilmember List moved to direct the Town Attorney to draft the ordinances as requested. Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

Newton Park Interlocal Update:

Attorney Dalton referenced a meeting she, Town Manager Scott Janke and Cultural Resources Director, Theresa Schober attended with Lee County representatives regarding removal of the requirement of the \$969,230.00 Reimbursement component plus interest to the County under certain circumstances. Ms. Dalton indicated that negotiations were at a standstill without Council direction. Mr. Janke requested allowing the negotiations to proceed along Option 2 as outlined on the referenced memo. Item 2 being leave the agreement as-is except for going back to our original request to delete the 12% interest requirement.

ADVISORY COMMITTEE ITEMS AND REPORTS

Councilmember Raymond referenced committee appointments in October, and he would like to take out term limits of LPA ordinance 07-09; and change the wording to be first available town council meeting for appointments.

MOTION: Councilmember Raymond moved to bring forward an ordinance as to the LPA, that takes out the term limits; modify the language as to appointments so it is “the first available” Town Council meeting in October rather than the first meeting in October; and thirdly remove the 8 1/2 x 11 sheet of paper requirement. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

Councilmember Raymond requested having the advisory committee appointments on October 20, 2008 versus October 06, 2008.

X. COUNCILMEMBERS ITEMS AND REPORTS

Councilmember List expressed her appreciation of the information and experiences she had during the Institute for Elected Municipal Officials. Ms. List has been exploring the formation of a youth council in the Town.

Vice Mayor Acken would like to begin the legislative process to allow golf carts or electric vehicles on Town streets.

MOTION: Vice Mayor Acken moved to authorize the Town Attorney to draft an ordinance allowing golf carts and electric vehicles on Town streets. Councilmember List seconded the motion.

VOTE: Motion failed 4-1, with Vice Mayor Acken voting in favor, all others dissenting.

Councilmember Babcock referenced Policies and Procedures, requesting it be placed earlier on a future agenda. Mr. Babcock praised the Institute for Elected Municipal Officials, and the Agency on Bay Management. Mr. Babcock referenced a request to support the request to sign a resolution to the SFWMD. Town Manager Janke will schedule this matter for Council.

Mayor Kiker mentioned an upcoming County/ City Mayors / Managers meeting.

Mayor Kiker referenced a community situation which involved several other Councilmembers, and suggested using the Town Manager to filter these items through Council. Mayor Kiker referenced an islander with concerns about the flight patterns out of Regional Southwest. Mr. Kiker requested Council permission to send a letter on behalf of Council.

Councilmember Babcock requested public comment from Mr. Tom Merrill.

Mr. Merrill came before Council, referring to a meeting between the FAA and the head of the airport, suggesting the Town bring our concerns to the FAA and the airport.

Community Development Jerry Murphy advised that the Lee County LPA meeting regarding the San Carlos Comp Plan is scheduled for July 28, 2008, and Council will have an opportunity to discuss this item at the July 14, 2008

XI. PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

- Tom Merrill intended to speak regarding beach renourishment, but due to the late hour, he will address this at another time.

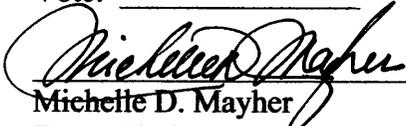
Closed Public Comment

XII. ADJOURNMENT

The meeting adjourned at 1:30 PM.

Adopted 7-14-2008 With/ Without Changes. Motion by Babcock/Kiker
(Date)

Vote: 5-0


Michelle D. Mayher
Town Clerk

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