



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

Monday August 18, 2008

CALL TO ORDER:

Mayor Kiker called to order the meeting of the Fort Myers Beach Town Council at 9:10 AM on Monday August 18, 2008. Present with Mayor Kiker was Vice Mayor Acken, Councilmember Babcock, Councilmember List, Councilmember Raymond, Town Manager Scott Janke, Town Attorney Anne Dalton and Town Clerk Michelle Mayher.

Reverend Alice Marcrum delivered the invocation.

All stood and recited the pledge of allegiance.

MOTION: As a result of the threat of Tropical Storm Fay and the Governor's declaration of a state of emergency, Vice Mayor Acken moved to revise the agenda to hear only the following items: Consent Agenda B. Resolution 08-35, In Support of Matanzas Pass Dredging; Administrative Agenda Item D., Basin-Based Drainage Improvement Grant, FEMA HMPG 1609-48; and Public Hearing D. Ordinance 08-09, Amendment to the LDC, new FEMA NFIP FIRMS. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

CONSENT AGENDA:

B. Resolution 08-35, In Support of Matanzas Pass Dredging

Resolution of the Town Council of the Town of Fort Myers Beach Requesting Emergency Consideration from the Southwest Florida Congressional Delegation and the U.S. Army Corps of Engineers Relative to the Severely Deteriorated and Dangerous Federal Entrance Channel at Matanzas Pass/Fort Myers Beach.

MOTION: Councilmember Babcock moved to adopt Resolution 08-35. Vice Mayor Acken seconded the motion.

VOTE: Motion passed 5-0.

PUBLIC COMMENT

None

CLOSED PUBLIC COMMENT

VII. ADMINISTRATIVE AGENDA:

D. Basin-Based Drainage Improvement Grant, FEMA HMPG 1609-48

Town Manager Scott Janke introduced this item, indicating the drainage basin is to be from Carolina to Mango, and that the Town fronts the payment, and then gets reimbursement.

MOTION: Councilmember Babcock moved to approve the Federally Funded Sub Grant Agreement with the State of Florida Division of Emergency Management for the Hazard Mitigation Grant Program (HMGP) with the Federal Emergency Management Agency (FEMA) Project 1609-48R, Basin-Based Drainage Improvements project. Councilmember List seconded the motion.

VOTE: Motion passed 5-0.

XII. PUBLIC HEARINGS:

D. Ordinance 08-09, Amendment to the LDC, new FEMA NFIP FIRMS-Second Public Hearing

Attorney Dalton read the Title:

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 9LDC0; 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.

Attorney Dalton indicated this item is being requested to be heard at this time because Governor Crist has declared a State of Emergency.

MOTION: Councilmember List moved the adoption of Ordinance 08-09, with the acknowledgement that the hearing has been moved to this time as a result of Tropical Storm Fay. Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

Mayor Kiker closed the public hearing at 9:25 AM

Recess: 9:25 AM

Reconvene: 9:40 AM

Mayor Kiker indicated that it is the intention of the Town that, should an evacuation be ordered, residents will be allowed back on the beach as soon as possible. The Town has already issued 2500 passes. The Town Hall phone will be updated with each advisory we receive from the EOC. Currently, the Town is at alert level 5. The Public Information Officer is the Town Manager, and may be the Clerk at his designation.

Mr. Janke added that currently there is no mandatory evacuation, it is voluntary at this time. Should there be an evacuation, the re-entry decision will be joint: the Sheriff's office, the Fire Department and the Town.

Opened Public Comment

Public Comment was heard:

- Nancy Lynn Van Oyen urged an immediate return to the island for the residents in the event of an evacuation, as water damage requires and immediate clean up.
- Lee Melsek opined that it is a shame on the previous Council for not second guessin the beaurocrats after Hurricane Charley.

Closed Public Comment

Resolution 08-37

RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA PROCLAMATION OF STATE OF LOCAL EMERGENCY

Attorney Dalton advised the Council that Section 7 A. contains language regarding the unlawful use of fresh water and B. a Curfew, and that if the Council may choose to waive those two sections in the adoption of the resolution. Ms. Dalton read Resolution 08-37, Sections 2, 3,4,5,6 & 7.

MOTION: Councilmember Raymond moved to accept Resolution 08-37 with the blanks being filled in as Tropical Storm instead of Hurricane Fay and waiving the language in Section 7 A. and B. as discussed. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

Council continued the balance of the August 18, 2008 agenda to Tuesday August 26, 2008 at 6:30 PM and Wednesday, August 27, 2008 at 9:00 AM.

Councilmember Babcock formally requested being able to attend by conference telephone.

MOTION: Councilmember Raymond moved to allow Councilmember Babcock to attend by phone. Councilmember List seconded the motion.

VOTE: Motion passed 5-0.

ADJOURNMENT

The meeting adjourned at 10:15 AM

Adopted 9-3-08 With/ Without Changes. Motion by Buback / List
(Date)

Vote: 5-0



Michelle D. Mayher
Town Clerk

- End of Document