



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

SPECIAL TOWN COUNCIL MEETING

September 5, 2008

1:00 PM

-
- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE**
 - III. CONTINUATION OF SPECIAL MEETING**

Mayor Kiker called to order the special meeting of the Town Council at 1:00 PM 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.

Mayor Kiker indicated that the special meeting was noticed 24 hours prior in the event of the need to declare a state of local emergency as a result of Hurricane Ike. Mayor Kiker further explained that once the Town declares a state of local emergency, normal business is suspended, and the Town stands up the Incident Command System. Therefore, the meeting to declare the state of local emergency will be continued to later in the afternoon.

MOTION: Vice Mayor Acken moved to continue the special meeting until after the scheduled worksession. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

FORT MYERS BEACH TOWN COUNCIL WORKSESSION

- I. CALL TO ORDER**

Mayor Kiker indicated item 3, Policies and Procedures Manual will be taken off of the agenda. Councilmember Babcock indicated his desire to be sure this item is placed on a future worksession agenda. Councilmember Raymond indicated his item on the advisory committees would take fifteen minutes. Mayor Kiker would like to hear that item first.

II. PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

- Pat Smith spoke to the issue of the need to maintain a proper amount of reserves in the Budget at any point in time.

Closed Public Comment

Advisory Committees

Councilmember Raymond mentioned the need to get the vacancies filled on the various committees. With the exception of the LPA all seats on all advisory committees are up for reappointment in 2008. He encouraged anyone interested in re-appointment should send a letter to the Clerk stating such.

Councilmember Raymond stated he wanted to review what he understands the advisory committees' roles to be: The TMA deals with items that have a direct effect on traffic; PSTF deals with items that have a direct effect on health and safety of the general public; also, the Council should bring to the committees items they want them to take up.

Mayor Kiker indicated last year, Council implemented a process of receiving the minutes, or a summary from each committee, and every meeting have one of the committees present to the Council what they are doing. Also set up a meeting with the chairs of all the committees in a worksession.

Council clarified that if the committee has a budget, approval for expenditures is through the Town Manager.

Councilmember Raymond referenced the proposed Mayor's Committee, that he will no longer pursue.

Town Clerk Michelle Mayher sought Council policy with regard to the Town's appointments to the Bay Oaks Advisory Committee. Councilmember Babcock suggested that the two appointees in January 2008 should continue appointed, however the other two seats need to reapply. Consensus of Council with regard to residency requirements was to allow appointments from County-wide applicants.

III. COUNCILMEMBERS ITEMS:

1. Public Works Services Inc.

Mayor Kiker wanted to identify the reason specific for this discussion; it is his impression that it was a bit of a surprises the state of events with the utility.

Town Manager Janke indicated that when the Council adopts the budget on September 15, 2008, that budget adoption cannot include a rate increase. Rate increases need to go through at least two public hearings and notice to the public.

Discussion continued regarding passing the budget as is, and then come up with finance options, whether the general fund would lend to the utility. Mayor Kiker indicated his desire to review the North Estero Project; what it is, where to get the money.

Councilmember Babcock wanted to discuss whether the Council would be willing to borrow money, do the North Estero project, and/or the all of Estero Boulevard.

Town Manager Scott Janke indicated that the North Estero engineering is completed 90%, and the engineering of the utility component is over 50% completed. The Money for North Estero funding sources are in place. Pending the receipt of the FEMA money – the Town should have an obligation letter in two to three weeks.

Councilmember List indicated she felt it would be a waste of time and money to put the ~~breaks~~ ^{brakes} on North Estero now. This is an area we can control.

Councilmember Babcock added he felt the Town should be going out for long term financing to allow for future planning. This should go to the voters.

Mayor Kiker indicated that the North Estero project doesn't make sense. Original estimates were two million, then three. How can a project go forward when we don't know how to fund it.

Public Works Director Jack Green indicated that the gas tax is funding physical improvements of North Estero.

Finance Director Evelyn Wicks explained that the utility is antiquated and in need of repairs. There is 1.7 million in reserves, however there is also a three million dollar debt. If the Agency chose to use the reserves to pay down the debt, there would be no funds for the maintenance and repairs sorely needed. Staff advocates a rate study, because if you do a 15 or 20 year study, you accumulate enough funds to fund what needs to be done without big spikes in the rate.

Councilmember Babcock opined that the money was being accumulated to pay off that debt. Since then, there were choices on how that money was spent.

Public Works Director Jack Green indicated that when the Town considered purchasing the water system, the study done then indicated that the system was in pretty good shape. The idea was correct to salt away money toward paying down the debt. However, \$90,000. was spent in repairs in the first year. The utility is now up to a quarter million dollars a year in emergency repairs.

Town Manager Scott Janke said that it'll be eight months before we start spending money. He suggested that within the next few months, conduct worksessions focusing on this subject, and bring in financial help with options.

Councilmember Babcock summarized that he sees three questions:

- 1) Do we do the North Estero project?
- 2) Do we want to do the water line before or after we fix the road.
- 3) Are we going to be willing to borrow money on a long term debt. Is there an agreement for long term debt?

Mayor Kiker summarized that all are in agreement that the North Estero Blvd project is a go. Money is coming in from different places, and with a creative approach we should be able to get rid of \$300,000. debt. Think of something other than raising taxes, or fees.

2. Estero Boulevard Rehabilitation

Mayor Kiker referenced the partnership with Lee County for the thirty million dollar project, then the Town would continue the study and focus one mile per million dollars, during meetings with Lee County, there is not going to be an Estero Boulevard project any time soon. There are resources available in Lee County that are waiting for the big project to happen, i.e., storm water improvement.

Mayor Kiker indicated that Lee County Manager suggested that the County would be willing to fund some projects on Fort Myers Beach if we could be specific of the Town's immediate needs.

Council discussed various options of projects for the Town to present to the Board of County Commissioners to get funded, for example trolley pull-offs and bike paths, as well as storm water management.

IV. ADJOURNMENT

The meeting adjourned at 3:20 PM.

V. RECONVENE SPECIAL MEETING

Mayor Kiker reconvened the special meeting of the Town Council at 3:20 PM.

Town Manager Scott Janke indicated that the Town is within the 5-day cone, and are looking to have a state of local emergency declared today.

VI. DECLARATION OF STATE OF LOCAL EMERGENCY

Attorney Dalton referenced the Town of Fort Myers Beach Resolution 08-40, a Declaration of a State of Local Emergency, which does reference the proclamation of executive order signed by Governor Crist, Order 08-187, in response to the threat of a major disaster that

Hurricane Ike poses to the State of Florida and has declared a state of emergency for the entire state.

Attorney Dalton referenced section 5 whereby the draft resolution says you are waiving the mandatory curfew, and section 6 where the Council is waiving the prohibition of fresh water supplied by the County for any use other than bathing cooking or drinking.

MOTION: Councilmember List moved adoption of the Resolution 08-40. Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

VII. ADJOURNMENT

The meeting adjourned at 3:40 PM.

Adopted 10-20-08 (Date) With Without Changes. Motion by Babeck/Raymond
pg 3

Vote: 5-0


Michelle D. Mayher
Town Clerk

- End of Document