



MINUTES

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

SPECIAL MEETING

December 29, 2008

6:30 PM

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- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE**
 - III. PUBLIC COMMENT**

Opened Public Comment **Public Comment was heard**

- Dennis Boback commented that the Town Council has a golden opportunity to hold the BOCC's feet to the fire. The BOCC committed money for Estero Boulevard and never put it in the five year plan. He suggested using beach renourishment to do Estero.
- John Albion, President, Fort Myers Beach Chamber of Commerce, expressed concern regarding the quality of our beaches and quality of life, and urged Council to protect our economic engines.
- Josephine Kaestner spoke of her husband's longevity on the island, and that he saw many things – fires when sea oats dried out and people threw cigarettes. She commented that the beach in front of Sandarac and Holiday Inn is combed every day and well cared for.

Closed Public Comment

MOTION: Councilmember List moved to recess into worksession. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

Recess: 6:45 PM

Mayor Larry Kiker opened the worksession, indicating the purpose was to conduct the Town's presentation of each of the four items up for discussion with the BOCC. Mayor Kiker asked for a consensus of Council as to who would be presenting which of the items, and decided to discuss the issues and then determine which member would represent which item.

IV. BEACH NOURISHMENT

A. Interlocal Agreement

With regard to the Interlocal Agreement, Council discussed the County / Federal Easements, suggesting that they would like to give islanders who had previously signed easements prior to the County's Comp Plan change, to have the option to rescind the easement. With regard to dunes and vegetation, after much discussion it was the consensus of Council to allow private residents to control what is planted where, provided it falls within the parameters of the Comprehensive Plan. As to the dredge spoils, the Council asked staff to look into the possibility of using the spoils from the Matanzas Pass dredging, whereby saving funds which could be applied to new technology for large scale projects, or all excess funds be applied for future technologies. There was discussion regarding the possible move of the ECL, and council asked staff to look into that possibility.

Recess: 8:45 PM

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Reconvene: 8:55 PM

ESTERO BOULEVARD

A. Gas Tax Interlocal Agreement

Mayor Kiker mentioned items for discussion: Gas Tax ILA short term improvement projects.

Cathie Lewis, Deputy Director, Public Works, was asked to look at alternative short term projects. Using McMahon & Assoc., identified projects for council to consider: Trolley pull-offs, connectivity of sidewalks; drainage improvements, undergrounding some overhead crossing from the gulf side to bay side. These are very preliminary drawings and cost estimates starting in the downtown core area. Ms. Lewis suggested scheduling a workshop at the end of January, beginning of February for council to sit down and identify what parts of the island should be considered in these improvements, keeping in mind these do not include utility improvements.

Ms. Lewis indicated that staff is looking for input from Council; the memorandum before Council was done to give something to take to BOCC, to address BOCC

looking for a funding commitment into their budget preparation cycle, and/or fund within current cycle. The very first thing that has to happen is the ROW survey. After considerable discussion, it was the consensus of Council to ask the BOCC to put \$1.5 M in their budget for three years for short term improvements that the Town would bring forward.

Gas Tax Interlocal Agreement

In discussion of the settlement agreement, it was the consensus of the council to leave alone the past, and look in to the future, that they were not disputing the dollar amount due the Town. The big issue is to get some money allocated for Estero Boulevard, to build \$1.5M in the capital budget; gas tax numbers are going down, get a commitment in writing in the CIP for the next five years.

V. BUILDING SERVICES WITH LEE COUNTY

Town staff indicated having issued 97 permits in October for \$869,000., that the Town is paying a significant amount to Lee County. It was suggested to work something with the County where fees cover inspections and plan review, that County staff is waiting for direction from the BOCC to say it is OK to work with the Beach on this issue.

Town Council discussed the order of the items for the agenda and which councilmember would present which item.

Building Services would be last, presented by Vice Mayor Acken. Estero Boulevard would have two components: short term projects presented by Councilmember List, and long term projects by Councilmember Raymond. Beach Nourishment would be presented by Councilmember Babcock.

Mayor Kiker called the meeting back to order at 11:00 PM

Opened Public Comment

Public Comment was heard:

- John Albion, Fort Myers Beach Chamber of Commerce, spoke regarding a letter from WCIND to ACoE regarding permitting on the dredging project – WCIND has chosen to take the position that if they don't get permits from the ACoE and DEP in the next week and half, they intend to pull the project. Mr. Albion requested a letter signed by all five councilmembers in a show of support to expedite this project.

Closed Public Comment

MOTION: Councilmember List moved to approve the Interlocal Agreement for Beach Nourishment as amended with changes. Councilmember Raymond seconded the motion.

MOTION: Councilmember List moved to table. Mayor Kiker seconded the motion.

VOTE: Motion to table failed 3-2, with Councilmember Raymond, Councilmember Babcock and Vice Mayor Acken dissenting.

PRIMARY MOTION: Motion passed 3-2 with Councilmember Babcock and Mayor Kiker dissenting.

VI. COUNCILMEMBERS ITEMS AND REPORTS

No Items.

VII. PUBLIC COMMENT

Opened Public Comment

▪ **Public Comment was heard**

Annie Babcock expressed her hope that the vote to renourish the beach is the right decision for this Town.

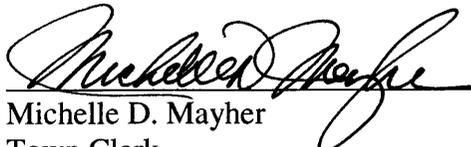
Closed Public Comment

VI. ADJOURNMENT

Meeting adjourned at 11: 25 PM.

Adopted 1-19-09 With Without Changes. Motion by Babcock/Liot
(Date)

Vote: 5-0



Michelle D. Mayher
Town Clerk

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