



MINUTES

**THE TOWN OF FORT MYERS BEACH
PUBLIC WORKS SERVICES INC.
BOARD OF DIRECTORS MEETING**
Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

April 20, 2009

6:30 PM

I. CALL TO ORDER

President Kiker called to order The Town of Fort Myers Beach Public Works Services Inc. Board of Directors Meeting at 6:30 PM.

II. INVOCATION

Reverend Jeanne Davis, Beach United Methodist Church, led the invocation.

III. PLEDGE OF ALLEGIANCE

The Pledge was recited by all in attendance.

IV. PUBLIC COMMENT

Opened Public Comment

Public Comment was heard:

- Steven Roberts of FMB asked the Board of Directors questions regarding the water system; how it was originally built, what is it made of, what it will take to replace it and the mitigation of the old materials. He would like the information to get out to the public and allow everyone to start talking about it, possibly in the form of a resolution.

- Jeff Werner of FMB begins to speak on Beach Nourishment and decides to wait until regular Town Council meeting.

Closed Public Comment

Chairman Kiker explained the 3 different meetings, Board of Directors for Public Works, Town of FMB Public Works Agency and FMB Town Council Meeting, all of which
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require a meeting even though all will cover the same subjects. With consent of the Board, Chairman Kiker split the agenda into two portions, first being the utility ownership and structure, the second being the referendum and election.

V. UTILITY FINANCING AND REFERENDUM ISSUES

A. Utility Ownership and Structure

General Manager Janke indicated that he and staff request ownership remains as is. Legal expenses and confusion in changing ownership could create problems with obtaining monies to rebuild water system. Remain as is being owned by Public Works Services, Inc. Chairman Kiker recapped the question before the Board: to maintain the current ownership level of the water utility, and that the agency remains an oversight to the Board of Directors requiring eight meetings a year.

MOTION: Board Member Raymond motioned to keep the utility ownership structure as is; Board Member Acken seconded the motion.

VOTE: Motion passed 5-0

Attorney Dalton reviewed the recommendations regarding the number of meetings needed per year for the Public Works Agency and how to go about scheduling, and also raised the question regarding storm water issues.

Manager Janke indicated staff is looking for direction to draft ordinance amendments to both remove the requirements for 8 meetings to just 1 required meeting and to take responsibility of Storm Water and give it to Town Council.

Chairman Kiker stated that they are just removing the redundancy of the three organizations yet it still remains an oversight committee over the Board of Directors.

MOTION: Board Member Jo List moved to direct staff and town attorney to prepare Amendments to **Ordinance 00-01** to reduce the number of annual meetings to one, and to move all responsibilities of storm water systems to the Town Council. Board Member Babcock seconded the motion.

VOTE: Motion passed 4 to 1 with Vice President Acken dissenting

President Kiker referenced the water main break and stated things went as well as could be expected based upon the situation and felt Manager Janke and his team did very well. Mr. Janke thanked Jack Green and all his crew for all the hours of work they put in as well as the community who pitched in to get through a dire situation.

B. Referendum Language and Current Rates

Manager Janke voiced the desire for more time to do some additional financing work and bring to council a real package. Mgr. Janke said the Town has an estimate of the repairs

needed and that there was an evaluation in February of 2008 of the current water distribution system.

Chairman Kiker stated during the water main break Commissioner Judah offered Lee County assistance. Mr. Bill Peebles, lobbyist for the Town, would be collecting any and all articles and information and would be meeting with Senator Richter and contacting the DEP to see if there would be any form of relief.

Referendum. An election needs to be scheduled to see if the citizens want to go into long term debt, along with rate increases, compliance issues, the term of the debt and size of the debt, etc.

Board Member Babcock stated that one thing they can all agree to is that we have to replace the system. That it's really a question of how you're going to finance it. And that we need to do this quickly, one thing that we can do is borrow money for 3 years. While we're working through the process can we make a change to our Charter to be able to borrow money for longer than 36 months.

Vice President Acken opined that the shortest route is to do the validation hearing for long term financing.

President Kiker stated we have to have money by July 2010 to stay in operation. Funding it up front would disqualify the Town for State assistance or any other grants. Manager Janke concurred, stating the Town would have to have a rate increase to show the revenue sources to pay for the debt. The financial health of this utility is no better than its physical health.

Board Member Raymond stated he does not agree with the validation hearing, favored a referendum with everything spelled out so people know what the financing is for.

MOTION: Vice President Acken moved to pursue a Validation Hearing on the '07 referendum for long term utility financing.

Motion failed for lack of a second.

MOTION: Vice President Acken moved we seek long term financing for our water utility based on the results of our '07 Referendum

Motion failed for lack of a second.

MOTION: Board Member Raymond moved to direct staff to come back to Council with a more complete package no later than the May 2009 M & P meeting. Board Member List seconded the motion.

AMENDED MOTION: Motion and second amended to include spending money on Attorney Dalton's assistance, quantity unknown.

VOTE: Motion passed 5 – 0

Opened Public Comment

None

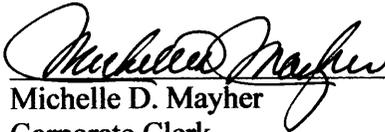
Closed Public Comment

XII. ADJOURNMENT

The meeting adjourned at 7:24 PM

Adopted 6-15-09 With/ ~~Without Changes~~ Motion by List / Raymond
(Date)

Vote: 5:0



Michelle D. Mayher
Corporate Clerk

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