

1. Requested Motion:

Meeting Date: Sep 21, 2009

Approve Resolution 09-28 adopting the Town operating and capital budget for FY 2010, finding that it is consistent with the requirements of the Town Comprehensive Plan.

Why the action is necessary:

Florida Statute requires the Town to have two hearings to adopt an operating and capital budget as part of the annual budget process. This is the second of the two hearings, and Council action must be manifested through passage of a Resolution.

What the action accomplishes:

This complies with state law and provides a basis for adoption of a final budget by the Town Council

2. Agenda:

Consent
 Administrative
 Appeal

3. Requirement/Purpose:

Resolution
 Ordinance
 Other:

4. Submitter of Information:

Council
 Department: Finance/Manager
 Town Attorney

5. Background:

The Town Council is required by Florida Statute and the Town Charter to pass a budget each year. The Council held various workshops and meetings prior to this hearing so as to consider budget matters for FY 2010. The budget being brought forward with this blue sheet is the result of such considerations. In addition, as required by the Town Comprehensive Plan, the Local Planning Agency considered the CIP in terms of its compliance with the Comprehensive Plan and its Resolution is included in this Agenda Item for Council review. This budget hearing was set at the Town Council meeting of July 20, 2009.

This is the second of two hearings to consider the Town operating and capital budgets.

Attachments: Resolution 09-28
LPA Resolution 2009-17

6. Alternative Action:

N/a

7. Management Recommendations:

8. Recommended Approval:

Finance Director	Public Works Director	Comm. Development Director	Town Clerk	Town Attorney	Town Manager

9. Council Action:

Approved Denied Deferred Other

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 09-28

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING THE FINAL TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2009-2010, PROVIDING AUTHORITY; TOWN MANAGER'S RESPONSIBILITY; FINAL BUDGET; PUBLIC HEARING; CONSISTENCY WITH THE TOWN COMPREHENSIVE PLAN; ADOPTION; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

WHEREAS, Florida Statute 200.065(2)(c) establishes the method for determining and levying an ad valorem millage rate and adopting a budget for all taxing authorities in the State of Florida; and

WHEREAS, Florida Statute 166.241 requires the governing body of each municipality in Florida to adopt a budget via ordinance or resolution before the start of each fiscal year; and

WHEREAS, Article XI, Section 11.03 of the Town Charter provides for adoption of the budget by resolution on or before the 30th day of September of each year; and

WHEREAS, the Town of Fort Myers Beach, by and through its Town Council, hereby determines that it is in the best interest of the Town and orderly governmental process to hold public hearings as required by the aforesaid state statutes and Town Charter provisions; and

WHEREAS, on September 9, 2009, the Town Council held the first required public hearing and, following public input on the budget, review and consideration of LPA Resolution 2009-17 regarding the proposed 2009-2010 Town capital improvement program, as required by the Town Comprehensive Plan, and review of all other pertinent matters, adopted a tentative Town operating and capital budget which sets forth appropriations and revenue estimates in the amount of \$ 23,899,489 for fiscal year 2009-2010, as set forth in Resolution 09-26; and

WHEREAS, following due notice, on September 21, 2009, the Town Council held the required public hearing and, following public input on the budget, review and consideration of LPA Resolution 2009-17 regarding the proposed 2009-2010 Town capital improvement program, as required by the Town Comprehensive Plan, and review of all other pertinent matters, adopted a final Town operating and capital budget which sets forth appropriations and revenue estimates in the amount of \$ _____ for fiscal year 2009-2010.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

SECTION ONE: Authority. This Resolution is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Town Manager's Responsibility. The Town Manager of the Town of Fort Myers Beach, Florida, has presented to the Town Council the proposed final operating and capital budget covering the revenues and expenditures as estimated to be required for the fiscal year 2009-2010 for the Town of Fort Myers Beach.

SECTION THREE: Final Budget. The Town Council, in duly called sessions, has reviewed the

budget and, having made any necessary amendments thereto, has adopted a final operating and capital budget which sets forth the appropriations and revenue estimates in the amount of \$_____ for Fiscal Year 2009-2010. A copy of the budget as amended by the Town Council during its meeting is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION FOUR. Consistency with the Town Comprehensive Plan. Following review of the report of the LPA as contained in LPA Resolution 2009-17, the Town Council hereby finds that the 2009-2010 Town capital improvement program (CIP) is consistent with the Town Comprehensive Plan as required by Plan Policy 11-A-1 and Policy 11-A-2(iii), attached hereto as Exhibit "B" and incorporated herein by reference.

SECTION FIVE: Adoption. The Town of Fort Myers Beach, Florida, final operating budget, revenue, expenditures, and capital improvement budget for the fiscal year 2009-2010, which is attached hereto as Exhibit "A", is hereby adopted.

SECTION SIX: Severability. If any one of the provisions of this resolution should be held contrary to any express provision of law of contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this resolution, and in no way affect the validity of all other provisions of this resolution.

SECTION SEVEN: Effective Date. This resolution shall become effective immediately upon adoption.

The foregoing Resolution was adopted by the Fort Myers Beach Town Council present after reasonable notice, upon motion by _____ and seconded by Council-member _____. Upon being put to a vote, the result was as follows:

Larry Kiker, Mayor _____
Herb Acken, Vice Mayor _____
Tom Babcock, Councilmember _____
Jo List, Councilmember _____
Bob Raymond, Councilmember _____

DULY PASSED AND ENACTED this 21st day of September, 2009

TOWN OF FORT MYERS BEACH

ATTEST:

By: _____
Michelle D. Mayher, Town Clerk

By: _____
Larry Kiker, Mayor

Approved as to form by:

Anne Dalton, Town Attorney

BUDGET SUMMARY
Town of Fort Myers Beach Fiscal Year 2009-2010

	GENERAL FUND	SPECIAL REVENUE FUNDS	CAPITAL PROJECTS FUNDS	TOTAL BUDGET
<u>ESTIMATED REVENUES</u>				
Taxes				
Ad Valorem-Operating Millage .8187	\$ 2,427,310	-	-	\$ 2,427,310
Sales & Franchise Taxes	1,151,159	-	-	1,151,159
Licenses & Permits	90,800	-	-	90,800
Intergovernmental Revenue	114,840	463,175	-	578,015
Charges for Services	864,206	-	-	864,206
Fines & Forfeitures	68,500	-	-	68,500
Road Impact	-	45,100	-	45,100
Park Impact	-	17,650	-	17,650
Special Assessments	-	99,988	-	99,988
Miscellaneous and Other Revenue	311,664	30,600	-	342,264
Grants	242,450	548,808	3,215,148	4,006,406
TOTAL REVENUES (SOURCES)	\$ 5,270,929	1,205,321	3,215,148	9,691,398
Transfers In	-	-	4,566,978	4,566,978
Fund Balances/Reserves/Net Assets	3,009,662	6,631,451	-	9,641,113
TOTAL REVENUES, TRANSFERS & BALANCES	\$ 8,280,591	\$ 7,836,772	\$ 7,782,126	\$23,899,489
<u>EXPENDITURES</u>				
General Government	\$ 1,778,148	\$ 530,750	-	\$ 2,308,898
Physical Environment	1,219,193	321,999	1,171,375	2,712,567
Transportation	-	709,000	4,934,556	5,643,556
Parking	321,188	-	-	321,188
Community Development	1,046,844	-	12,500	1,059,344
Culture/Recreation	1,090,456	-	1,663,695	2,754,151
TOTAL EXPENDITURES (USES)	5,455,829	1,561,749	7,782,126	14,799,704
Transfers Out	55,400	4,511,578	-	4,566,978
Fund Balances/Reserves/Net Assets	2,769,362	1,763,445	-	4,532,807
TOTAL EXPENDITURES, TRANSFERS & RESERVES	\$ 8,280,591	\$ 7,836,772	\$ 7,782,126	\$23,899,489

THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE MENTIONED
TAXING AUTHORITY AS A PUBLIC RECORD

**Town of Fort Myers Beach
FY 2010 Annual Budget
Revenues - All Sources and Funds**

Revenues	Budget 2009-10
Ad Valorem Taxes	\$ 2,427,310
Transfer In (TDC)	98,334
Solid Waste Franchise	65,000
Gas Utility Tax	9,000
Communications Service Tax	647,450
Local Business Tax	10,000
Building Permit Fees	30,800
Site Review Fees	1,000
Zoning Fees	30,000
Other Licenses/Permits	8,000
Farmers Market	4,500
Mobile Home Licenses	20,000
Alcoholic Beverage License	25,000
Code Enforcement/Comm Proj	30,000
Sign Permits	4,500
Short Term Rental Fees	2,500
Code Case Costs Recovered	3,000
Environmental Restoration	3,500
Special Event Permits	1,000
State Revenue Sharing	114,840
Sales Tax	419,709
FPAN Grant	183,350
CDBG Grant	33,500
WCIND Grant - Law Enforce	25,600
Harborage User Fees	80,300
Pump out services	1,500
Parking Facilities	529,000
Pool/Recreation Fees & Lee County	141,950
Other Fines & Forfeitures	56,000
Interest Earnings	12,500
Investment Earnings	100,000
Garbage collection- Times Square	30,860
Table Rental	18,466
Table Tax	1,630
Mooring Field Interest	830
Other Misc. Revenue	100,000
<i>Total General Fund</i>	\$ 5,270,929

Road Impact - fees and interest	\$ 45,100
Park Impact - fees and interest	17,650
Beach Nourishment - interest	20,000
Palmetto/Easy Street - assessments & interest	3,600
Beach and Shoreline - grants	548,808
Gas Tax - intergovernmental revenue & interest	463,175
Emergency preparedness - interest	2,000
Old San Carlos - assessments & interest	41,060
Laguna Shores - assessments & interest	63,928
Capital Projects - grants (net of transfers)	3,215,148
<i>Total - all other funds</i>	\$ 4,420,469

2009-10 Total Revenues - all funds all sources

\$ 9,691,398

**Town of Fort Myers Beach
FY 2010 Annual Budget
Expenditures- All Uses and Funds**

Town Council		Budget 2009-10	
Council Compensation			74,400
Social Security			5,692
Town Council Minutes			2,000
Committee Minutes			900
Travel/Training			2,150
Telephone & Communications			1,500
Legislative printing/binding			3,000
Legal advertisements			26,000
Misc Other Expense			7,500
Membership and dues			500
State Lobbyist			40,000
		\$	<u>163,642</u>

Town Manager		Budget 2009-10	
Salaries TM department		\$	106,000
Social Security			8,108
Retirement			15,900
Housing Allowance			-
Life, Health and Disability			23,952
Car Allowance			4,200
Travel/Training			1,250
Telephone & Communications			840
Memberships/Education			1,250
Contingency			10,000
		\$	<u>171,500</u>

Town Clerk		Budget 2009-10	
Salaries		\$	125,976
Social Security			9,637
Retirement			12,598
Life, Health and Disability			37,660
Records Management Software			5,000
Travel/Training/Meals			1,500
Telephone & Communications			840
Memberships/Dues			185
Municipal Code			10,000
Misc Other Expense			900
		\$	<u>204,296</u>

Legal		Budget 2009-10	
Legal consultant/Town Attorney		\$	140,000
Other legal service			61,000
		\$	<u>201,000</u>

General Services		Budget 2009-10	
State Unemployment Tax			6,000
Postage			6,000
Repairs/maint ADA			10,000
Elections			17,100
Software			15,000
Supplies			3,500
Town Memberships			14,000
IT System			110,000
Office Furniture/Equipment			1,250
Telephone & Communications			19,000
Books and periodicals			1,500
Town Hall lease			122,500
Storage			12,500
Copier			24,500

RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2009-17

WHEREAS the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174 and the specific functions, powers, and duties of the LPA are set forth in Chapter 163, Florida Statutes, the Town of Fort Myers Beach Land Development Code (LDC) Section 34-120, and the Town Comprehensive Plan; and

WHEREAS Policy 11-A-2 of the Comprehensive Plan requires the Town Manager to develop annually a proposed capital improvement program (CIP) which is based on a review of existing Town facilities, level of service standards, current and projected deficiencies, and capital needs as identified in the Comprehensive Plan; and

WHEREAS pursuant to Comprehensive Plan Policy 11-A-2 and LDC Section 34-120(5) the LPA is required to review the proposed CIP on an annual basis and make a recommendation to the Town Council as to whether it is consistent with the Comprehensive Plan; and

WHEREAS following proper notice as required by law at its regularly scheduled meeting of August 11, 2009, the LPA conducted its required review of the Town Manager's proposed 2009-2010 CIP, attached hereto as Exhibit A, and further reviewed the enumeration of the proposed Comprehensive Plan policies for consistency purposes as set forth in the memo of August 11, 2009, from Frank Shockey, Ph.D., Interim Community Development Director, attached hereto as Exhibit A-1, both of which are incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

The LPA hereby recommends that the Town Council find that all of the items on attached proposed 2009-2010 CIP are consistent with the Town of Fort Myers Beach Comprehensive Plan.

The foregoing resolution was adopted by the LPA upon a motion by LPA member Van Duzer and second by LPA member Mandel, and upon being put to a vote, the result was as follows:

Dennis Weimer, Chair	<u>aye</u>	Alan Mandel, Vice Chair	<u>aye</u>
Joanne Champ	<u>nay</u>	Rochelle Kay	<u>nay</u>
Bill Van Duzer	<u>aye</u>	Carleton Ryffel	<u>absent</u>

DULY PASSED AND ADOPTED THIS 11th day of August, 2009.

LPA of the Town of Fort Myers Beach

By: 
Dennis Weimer, Chair

Approved as to legal sufficiency:

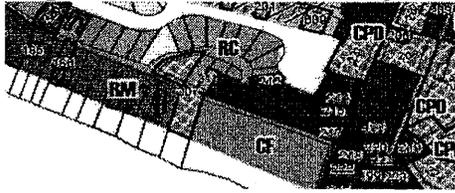
By: 
Anne Dalton, Esq., LPA Attorney

Attest:

By: 
Michelle Mayher, Town Clerk

LPA 2009-17
EXHIBIT (A-1)

**Town of Fort Myers Beach
Department of Community Development**



MEMORANDUM

To: Local Planning Agency

From: Frank Shockey, Interim Community Development Director

Date: August 11, 2009

RE: Capital Improvements Plan FY09/10 Items and Comprehensive Plan
Goals, Policies and Objectives

Although the FY09/10 Capital Improvement Plan contains items that are all noted in the schedule of capital improvements to be adopted in the amendment to the comprehensive plan's Capital Improvements Element, the policy expressing the desire for these projects is also expressed elsewhere in the existing comprehensive plan. The FY09/10 Capital Improvement Plan is consistent with the comprehensive plan because all of the items funded in the proposed FY09/10 budget are identified in the FY09/10 column of Table 11-7 in the Comprehensive Plan. However, the following policies express support for the individual projects:

North Estero Improvements

These improvements to the northern stretch of Estero Boulevard address a number of policies and objectives regarding Estero Boulevard, including **Policies 1-A-1, 7-E-4, 7-H-8, 8-B-1, and Objective 9-A.**

Implementation of Stormwater Master Plan

This item helps to maintain the stormwater LOS under **Policy 11-B-2** and carries out a specific objective in **Objective 9-F.**

Basin Based Project HMPG 1609

This drainage improvement project for older subdivisions with few or no engineered drainage works will help to maintain the stormwater LOS under **Policy 11-B-2**, and will help to address needs for stormwater planning needs identified in **Objectives 9-A through 9-F.**

Solid Waste Transfer Station

The need for this project is related to **Objective 3-A**.

Beach Renourishment

The need for beach renourishment is specifically noted in **Policy 5-D-1** and mentioned in several other locations.

Neighborhood Landscaping

This small expenditure addresses a general intention to beautify the island expressed in **Objective 2-B**.

Mound House

The Town's commitment to the Mound House is discussed throughout Chapter 13 of the Comprehensive Plan and is mentioned specifically in **Policy 11-B-3**.

Newton Park

Like the Mound House, the Newton Property is discussed in Chapter 13, and mentioned specifically in **Policy 11-B-3**.

Beach Access Comfort Stations

The desire to improve beach access amenities is expressed in **Objectives 5-E** and **6-H**, and in **Policy 6-A-2**.