

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 09-26

A RESOLUTION ADOPTING THE TENTATIVE TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2010, PROVIDING AUTHORITY; TOWN MANAGER'S RESPONSIBILITY; TENTATIVE BUDGET; PUBLIC HEARING; CONSISTENCY WITH TOWN COMPREHENSIVE PLAN; ADOPTION; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Article VII, Section 9(a) of the Constitution of the State of Florida and Section 166.211, Florida Statutes authorize municipalities to levy ad valorem taxes on non-exempt real and tangible personal property within their corporate limits; and

WHEREAS, Sections 166.241 and 200.065(2), Florida Statutes, authorize and directs the adoption of a budget for all municipalities within the State of Florida; and

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

WHEREAS, the Town of Fort Myers Beach, Lee County, Florida, by and through its Town Council, hereby determines it is in the best interest of the Town and orderly governmental process to hold public hearings as required by Florida Statutes 200.065; and

WHEREAS, following due notice, on September 9, 2009, the Town Council held the required public hearing and, following public input, review and consideration of LPA Resolution 2009-17 regarding the proposed 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 \$23,899,489.00 for fiscal year 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 tentative operating and capital budget covering the revenues and expenditures as estimated to be required for the fiscal year 2010.

SECTION THREE: Tentative Operating and Capital Budget.

The Town Council, in duly called sessions, has reviewed the budget and, having made any necessary amendments thereto, has adopted a tentative operating and capital budget which sets forth the appropriations and revenue estimates in the amount of \$23,899,489.00 for Fiscal Year 2010. A copy of the budget as amended as necessary 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 Town Local Planning Agency (LPA) as contained in LPA Resolution 2009-17 the Town Council hereby finds that the proposed 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).

SECTION FIVE: Adoption.

The Town of Fort Myers Beach, Florida, tentative operating budget, with revenue and expenditures, and capital budget for the fiscal year 2010, which is attached hereto as Exhibit "A", is hereby adopted.

SECTION SIX: Public Hearing.

A second public meeting and hearing will be held on September 21, 2009 at 6:30 pm at the Fort Myers Beach Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida, to consider and adopt the final budget for fiscal year 2010. Notice thereof is to be published in a newspaper of general circulation in the Town of Fort Myers Beach according to law.

SECTION SEVEN: 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 EIGHT: Effective Date.

This resolution shall become effective immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember Raymond and seconded by Councilmember List, and upon being put to a vote, the result was as follows:

DULY PASSED AND ADOPTED ON THIS 9TH DAY OF SEPTEMBER, 2009.

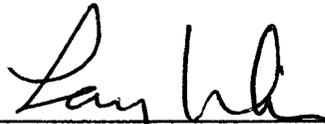
Larry Kiker, Mayor aye
Tom Babcock, Councilmember nay
Bob Raymond, Councilmember aye

Herb Acken, Vice Mayor aye
Jo List, Councilmember aye

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle Mayher, Town Clerk

By: 
Larry Kiker, Mayor

Approved as to legal sufficiency by:

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

EXHIBIT A

**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
	\$ 163,642

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
	\$ 171,500

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
	\$ 204,296

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

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:

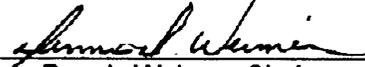
The LPA hereby recommends that the Town Council find that all of the items on attached proposed 2009-2010 CIP are consistent with the Town of Fort Myers Beach Comprehensive Plan.

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 Shamp	<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 2011-17
EXHIBIT (A)

Town of Fort Myers Beach
 Capital Improvement Plan
 FY 2010 through FY 2015

Basin Based Project HMPG 1609	\$	650,000	\$	-
Stormwater Master Plan Implementation		125,000		-
North Estero Improvements		4,159,566		-
Solid Waste Transfer Station		42,900		-
Transportation/Canals		-		-
Estero Blvd., Safety Project		-		-
Congestion mitigation initiatives		-		-
Side street resurfacing		-		-
Trolley stop improvements		-		-
Alarmazing lights		-		-
Pending meter improvements		-		-
Total of proposed annual expenditures		2,767,870		-
Transportation reserves carried forward from prior years:		2,209,586		-
Anticipated annual transportation & related revenue:		-		-
Anticipated year-end transportation reserve:		-		-

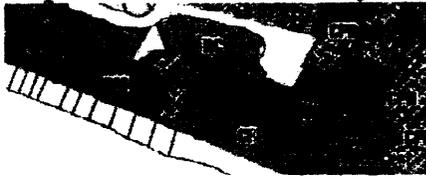
*Total of proposed annual expenditures
 Reserves carried forward from prior years:
 Anticipated annual transportation & related revenue:
 Anticipated year-end transportation reserve:*

Beach Nourishment	\$	1,000,000		-
Newton Park		500,297		-
Round House Improvements		1,163,398		-
Neighborhood Landscaping (matching funds for Street trees)		12,500		-
Neighborhood Landscape		-		-
Office remodeling/Town Hall		-		-
Truck and maintenance crew equipment		-		-
Public dock below Sky Bridge		-		-
Impact fee study		-		-
Beach access improvements (restrooms)		128,475		-
Beach restoration		-		-
Emergency Operations/Communications Trailer		-		-
Land Acquisition		-		-
Capital repairs to Water Utility system		-	3,000,000	-
Total of proposed annual expenditures		1,804,670		-
Reserves carried forward from prior years:		-		3,000,000
Anticipated annual other revenue:		-		-
Anticipated year-end transportation reserve:		-		-

*Total of proposed annual expenditures
 Reserves carried forward from prior years:
 Anticipated annual other revenue:
 Anticipated year-end transportation reserve:*

Total Annual projects	\$	7,782,126		-
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**Town of Fort Myers Beach
Department of Community Development**



LPA 2009-17
EXHIBIT (A-1)

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-II-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**.