



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

March 18, 2009

9:00 AM

Continuation of Council meeting of March 16, 2009

I. RECONVENE

Mayor Kiker reconvened the meeting of the town council at 9:05 AM . 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.

II. PLEDGE OF ALLEGIANCE

All stood and recited the pledge to the flag.

Mayor Kiker outlined the format for the upcoming Town Hall Meeting, explaining the line up of speakers and topics. Council discussed plans for foul weather and available parking. Mayor Kiker exclaimed that this event could not have happened without the help of Lois Poff, Community Development Administrative Assistant.

III. ADMINISTRATIVE AGENDA

A. Community Development Fee Schedule

Town Manager Scott Janke referenced resolution 07-04 with the fee schedule as attachment. Staff has provided a draft resolution 09-04, to adopt the former fee schedule in response to Council's direction to reduce fees during the current economic downturn. Section 6 of the resolution allows for this matter to be re-addressed within six months.

Frank Shockey identified some fees that were exclusive to the Town, for example parasail licensing, which are in the LDC.

Discussion ensued regarding the intent of fees in resolution 07-04, anticipation of a full building department and targeting achieving revenue neutral.

MOTION: Vice Mayor Herb Acken moved approval of resolution 09-04 with an effective date of one year, with the caveat that agenda management permitting, to have a discussion on this matter in eight months. Councilmember List seconded the motion.

VOTE: Motion passed 4-1, with Councilmember Babcock dissenting.

B. Discussion regarding Administrative Remedies for the Hippo Slide

Town Manager Scott Janke indicated that should it be the will of Council, he issue a special event permit for the hippo slide operation for sixty days.

Attorney Dalton indicated she has not reviewed this process for legal sufficiency.

It was the consensus of Council to put this item on hold until the last order of business, and if time allowed, the Town Attorney would at this process if or when there is an opportunity.

C. Selection of Council Representative for Seven Seas, for Special Certificate of Appropriateness – HPB hearing, March 24, 2009

Town Manager Scott Janke indicated that the HPB will meet on March 24, 2009 to consider the request for a special certificate of appropriateness for the reconstruction of the structure known as seven seas. Mr. Janke will be unable to attend and requested a member of Council be in attendance to represent the Town. Councilmember Raymond volunteered to attend the HPB meeting as Town representative.

Vice Mayor Herb Acken mentioned the Town's noise ordinance, and expressed a need to have compliance without heavy handed enforcement. He would like a workshop with business owners to bring suggestions to Council.

Councilmember Babcock indicated that the LPA has been asked to review this ordinance. Councilmember List expressed her displeasure with the process for review, that it is too cumbersome, and that she would like this council to address the noise ordinance.

MOTION: Vice Mayor Acken moved to introduce an ordinance at the next available council meeting to modify the current noise ordinance to revise the commercial noise standards with an eye toward relaxing those standards. Councilmember List seconded the motion with the caveat that those with a quieter life style are not thrown under the bus.

Vice Mayor was unwilling to amend his motion. Councilmember List withdrew the caveat (amended motion).

Mayor Kiker directed Town Manager Scott Janke to work with the Sheriff's office regarding enforcement and let the public know that the Town is working on solutions.

Town Manager Scott Janke opined that the more urgent matter is the Times Square area in season, and offered to bring a report on findings from the Sheriff for the Times Square area.

Councilmember List withdrew her second.

Motion failed for lack of a second.

Town Manager Scott Janke will report back to Council on his findings at the next Town Council meeting.

MOTION: Councilmember List moved to continue this meeting until 1:30 PM. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

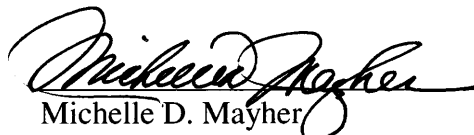
Mayor Kiker brought the meeting back to order at 1:30 PM.

Town Attorney Anne Dalton indicated that she had an opportunity to review the special events ordinances 98-01 and 00-16, and stated that there is no restriction on a time frame. Vice Mayor Acken indicated that he now has an avenue for the operators of the hippo slide.

IV. ADJOURNMENT

Adopted 4-20-09 (Date) With/ Without Changes Motion by List/Babcock

Vote: 5-0


Michelle D. Mayher
Town Clerk

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