

**1. Requested Motion:**

Determine whether to move consideration of Ordinance 09-08 forward to the LPA for hearing or take other action.

**Meeting Date:**

November 16, 2009

**Why the action is necessary:**

This action follows Town Council direction regarding amendment of LPA membership provisions

**What the action accomplishes:**

Gives Council a forum within which to amend LPA membership requirements if Council so chooses.

**2. Agenda:**

- Consent
- Administrative
- Appeal

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other:

**4. Submitter of Information:**

- Council
- Department:
- Town Attorney

**5. Background:**

Town Council has discussed amending the Town's LPA membership requirements to allow members of the LPA to also have membership in other Town advisory committees, in the Town Council's discretion. Ordinance 09-06, which created the Bay Oaks Recreational Campus Advisory Board, provides that members of the Board may also be members of other Town committees, and this Ordinance is a companion ordinance to that one. The Town Council can (1) move this forward as-is; (2) take no action, in which case LPA members cannot be members of any other Town advisory committee; or (3) direct that this ordinance be modified to provide that LPA members may not be members of committees created by Town Ordinance but can be members of non-ordinance committees (i.e., ad hoc committees).

**6. Alternative Action:**

Take no action.

**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

ORDINANCE 09-08

AN ORDINANCE AMENDING CHAPTER 34 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY, AMENDMENTS TO SECTIONS 34.113 AND 34.114, DIVISION 3 LOCAL PLANNING AGENCY, ARTICLE II ZONING PROCEDURES, WHICH ARE TITLED, RESPECTIVELY, "COMPOSITION, APPOINTMENT AND COMPENSATION OF MEMBERS", AND "MEMBERS TERMS AND VACANCIES", PROVIDING FOR CHANGE IN DATE OF APPLICATION FOR LPA MEMBERSHIP, CHANGE IN THE DATE OF APPOINTMENT TO THE LPA AND CHANGE IN THE TERMS OF LPA MEMBERS; SEVERABILITY; EFFECT OF ORDINANCE AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. Authority. This Ordinance is enacted pursuant to Chapter 95-494, Laws of Florida, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. Composition, Appointment and Compensation of Members of Local Planning Agency. Composition, Appointment and Compensation of Members of the Local Planning Agency as set forth in Section 34-113(a) is amended to read as set forth below. Language being repealed from the existing code is indicated with ~~strikethroughs~~ and entirely language being added is indicated with underlining, as follows:

SECTION 34-113(a). The local planning agency shall consist of up to seven members appointed by the town council. No members of the local planning agency shall be salaried officials of the town. Membership on the local planning agency shall not affect ~~render~~ a person's eligibility ~~ineligible~~ for membership on any other advisory committee for the Town of Fort Myers Beach during his/her term of office. One spouse per household will be eligible for membership on the local planning agency during any given term of office. No current member of Town Council shall be eligible to serve on the local planning agency. Except for inclusion of members required under Florida law, all members must be residents of, or owners of real property located within, the territorial limits of the Town of Fort Myers Beach at the time of application for membership on the local planning agency and during the period of service on the local planning agency. All applicants must apply on or before September 1 of the appointment year. Each application must be submitted on one 8½" by 11" paper, and must include a short biography and short explanation as to why the applicant wishes to serve on the local planning agency.

SECTION 3. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or 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 ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 4. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect upon the ordinances of the Town of Fort Myers Beach, except as expressly provided.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor  
Jo List, Councilmember  
Tom Babcock, Councilmember

Herb Acken, Vice Mayor  
Bob Raymond, Councilmember

DULY PASSED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_

Attest: Town of Fort Myers Beach, Florida

BY: \_\_\_\_\_  
Michelle Mayher, Town Clerk

BY: \_\_\_\_\_  
Larry Kiker, Mayor

Approved as to Legal Form:

\_\_\_\_\_  
Anne Dalton, Esquire, Town Attorney